



Firearms Act 1968

1968 CHAPTER 27

PART I

PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

Prevention of crime and preservation of public safety

21 Possession of firearms by persons previously convicted of crime.

- (1) A person who has been sentenced [^{F1}to custody for life or] to preventive detention, or to imprisonment or to corrective training for a term of three years or more [^{F1}or to youth custody [^{F2}or detention in a young offender institution] for such a term], or who has been sentenced be detained for such a term in a young offenders institution in Scotland, shall not at any time have a firearm or ammunition in his possession.
- (2) A person who has been sentenced . . . ^{F3} to imprisonment for a term of three months or more but less than three years [^{F4}or to youth custody [^{F5}or detention in a young offender institution] for such a term], or who has been sentenced to be detained for such a term in a detention centre or in a young offenders institution in Scotland [^{F6}or who has been subject to a secure training order [^{F7} or a detention and training order]], shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.

[^{F8}(2A) For the purposes of subsection (2) above, “the date of his release” means—

- (a) in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (prison sentence partly served and partly suspended), the date on which he completes service of so much of the sentence as was by that order required to be served in prison;
- (b) in the case of a person who has been subject to a secure training order—
 - (i) the date on which he is released from detention under the order;
 - (ii) the date on which he is released from detention ordered under section 4 of the Criminal Justice and Public Order Act 1994; or

Status: Point in time view as at 01/12/2020.

Changes to legislation: Firearms Act 1968, Section 21 is up to date with all changes known to be in force on or before 06 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(iii) the date halfway through the total period specified by the court in making the order,

whichever is the later.]

[^{F9}(c) in the case of a person who has been subject to a detention and training order—

(i) the date on which he is released from detention under the order;

(ii) the date on which he is released from detention ordered under [^{F10}section 104 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F11}or paragraph 3 of Schedule 12 to the Sentencing Code]; or

(iii) the date of the half-way point of the term of the order,

whichever is the later.]

[^{F12}(d)

[^{F13}(2B)

[^{F14}(2C) Where—

(a) a person has been sentenced to imprisonment [^{F15}, or detention in a young offender institution,] for a term of three months or more, and

(b) the sentence is suspended under section 189 of the Criminal Justice Act 2003 [^{F16}or section 264 or 277 of the Sentencing Code],

the person shall not have a firearm or ammunition in his possession at any time during the period of five years beginning with the second day after the date on which the sentence is passed.]

(3) A person who—

(a) is the holder of a licence issued under section 53 of the ^{M1}Children and Young Persons Act 1933 or section 57 of the ^{M2}Children and Young Persons (Scotland) Act 1937 (which sections provide for the detention of children and young persons convicted of serious crime, but enable them to be discharged on licence by the Secretary of State); or

(b) is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm, or is subject to a [^{F17}community order] containing a requirement that he shall not possess, use or carry a firearm; or

(c) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm;

shall not, at any time during which he holds the licence or is so subject or has been so ordained, have a firearm or ammunition in his possession.

[^{F18}(3ZA) In subsection (3)(b) above, “community order” means—

(a) a community order within [^{F19}the meaning given by section 200 of the Sentencing Code][^{F20}, or a youth rehabilitation order within [^{F21}the meaning given by section 173 of that Code],] made in England and Wales, or

[^{F22}(b) a community payback order under section 227A of the Criminal Procedure (Scotland) Act 1995 (c.46).]

[^{F23}(3A) Where by section 19 of the Firearms Act (Northern Ireland) 1969, or by any other enactment for the time being in force in Northern Ireland and corresponding to this section, a person is prohibited in Northern Ireland from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any time when to have it in his possession in Northern Ireland would be a contravention of the said section 19 or corresponding enactment];

Status: Point in time view as at 01/12/2020.

Changes to legislation: Firearms Act 1968, Section 21 is up to date with all changes known to be in force on or before 06 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) It is an offence for a person to contravene any of the foregoing provisions of this section.
- (5) It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this section from having a firearm or ammunition in his possession.
- (6) A person prohibited under subsection (1), (2) ^{F24}... [^{F25}(2C),]^{F26}(3) or (3A)] of this section from having in his possession a firearm or ammunition may apply to [^{F27}the Crown Court] or, in Scotland, in accordance with Act of Sederunt to the sheriff for a removal of the prohibition; and if the application is granted that prohibition shall not then apply to him.
- (7) Schedule 3 to this Act shall have effect with respect to the courts with jurisdiction to entertain an application under this section and to the procedure appertaining thereto.]

Textual Amendments

- F1** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(a)**
- F2** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), **Sch. 8 paras. 6, 16**
- F3** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), **Sch. 8 para. 16, Sch. 16**
- F4** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(b)**
- F5** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123(6), **Sch. 8 paras. 6, 16**
- F6** Words in s. 21(2) inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(2)(a)**; S.I. 1998/277, **art. 3(2)**
- F7** Words in s. 21(2) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 14(1)**; S.I. 1999/3426, **art. 3(b)**
- F8** S. 21(2A) substituted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(2)(b)**; S.I. 1998/277, **art. 3(2)**
- F9** S. 21(2A)(c) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 14(2)**; S.I. 1999/3426, **art. 3(b)**
- F10** Words in s. 21(2A)(c)(ii) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 9 para. 31**
- F11** Words in s. 21(2A)(c)(ii) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 15(2)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F12** S. 21(2A)(d) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 3(a)**; S.I. 2012/2906, art. 2(h)
- F13** S. 21(2B) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 3(b)**; S.I. 2012/2906, art. 2(h)
- F14** S. 21(2C) inserted (14.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. **110(1)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(c)
- F15** Words in s. 21(2C)(a) inserted (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), s. 5(2)(3), **Sch. 2 para. 115**; S.I. 2012/1236, reg. 2
- F16** Words in s. 21(2C)(b) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 15(3)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F17** Words in S. 21(3)(b) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336, **Sch. 32 para. 12(4)**; S.I. 2005/950, **art. 2(1)** (subject to art. 2(2), Sch. 2)
- F18** S. 21(3ZA) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336, **Sch. 32 para. 12(5)**; S.I. 2005/950, **art. 2(1)** (subject to art. 2(2), Sch. 2)
- F19** Words in s. 21(3ZA)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 15(4)(a)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

Status: Point in time view as at 01/12/2020.

Changes to legislation: Firearms Act 1968, Section 21 is up to date with all changes known to be in force on or before 06 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F20** Words in s. 21(3ZA)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 6** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F21** Words in s. 21(3ZA)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 15(4)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F22** S. 21(3ZA)(b) substituted (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **sch. 2 para. 30(2)**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))
- F23** S. 21(3A) inserted by Criminal Justice Act 1972 (c. 71), **ss. 29**, 66(7)(a)
- F24** Word in s. 21(6) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 3(c)**; S.I. 2012/2906, art. 2(h)
- F25** Word in s. 21(6) inserted (19.9.2014) by The Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) Order 2014 (S.I. 2014/2522), arts. 1, **2(2)**
- F26** Words substituted by Criminal Justice Act 1972 (c. 71), **ss. 29**, 66(7)(a)
- F27** Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. II**

Marginal Citations

- M1** 1933 c. 12.
M2 1937 c. 37.

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

Firearms Act 1968, Section 21 is up to date with all changes known to be in force on or before 06 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.