



Firearms Act 1968

1968 CHAPTER 27

PART III

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

[^{F1}51A Minimum sentence for certain offences under s. 5

[^{F2}(1) [^{F3}Subsections (2) to (5) apply] where—

- (a) an individual is convicted [^{F4}in Scotland] of—
 - (i) an offence under section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of this Act, ^{F5} . . .
 - (ii) an offence under section 5(1A)(a) of this Act, [^{F6}or]
 - [^{F7}(iii) an offence under any of the provisions of this Act listed in subsection (1A) in respect of a firearm or ammunition specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or section 5(1A)(a) of this Act, and]
- (b) the offence was committed after the commencement of this section and at a time when he was aged 16 or over.]

[The provisions are—

- ^{F8}[^{F2}(1A)]^{F9}(za) section 5(2A) (manufacture, sale or transfer of firearm, or possession etc for sale or transfer);
 - (a) section 16 (possession of firearm with intent to injure);
 - (b) section 16A (possession of firearm with intent to cause fear of violence);
 - (c) section 17 (use of firearm to resist arrest);
 - (d) section 18 (carrying firearm with criminal intent);
 - (e) section 19 (carrying a firearm in a public place);
 - (f) section 20(1)(trespassing in a building with firearm).]

[^{F2}(2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.]

Status: Point in time view as at 01/12/2020.

Changes to legislation: Firearms Act 1968, Section 51A is up to date with all changes known to be in force on or before 26 April 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)

- [^{F2}(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.]
- (4) [^{F10}In this section “appropriate custodial sentence (or order for detention)” means—
- ^{F11}(a)
- [^{F12}(b) in relation to Scotland—
- (i) in the case of an offender who is aged 21 or over when convicted, a sentence of imprisonment,
- (ii) in the case of an offender who is aged under 21 at that time (not being an offender mentioned in sub-paragraph (iii)), a sentence of detention under section 207 of the Criminal Procedure (Scotland) Act 1995, and
- (iii) in the case of an offender who is aged under 18 at that time and is subject to a supervision requirement, an order for detention under section 44, or sentence of detention under section 208, of that Act.]]
- [^{F13}(5) In this section “the required minimum term” means—
- ^{F14}(a)
- [^{F15}(b) in relation to Scotland—
- (i) in the case of an offender who was aged 21 or over when he committed the offence, five years, and
- (ii) in the case of an offender who was aged under 21 at that time, three years.]]]
- [^{F16}(6) For the minimum sentence for certain offences under this Act where an individual is convicted in England and Wales, see section 311 of the Sentencing Code.]

Textual Amendments

- F1** S. 51A inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 287**, 336; S.I. 2004/81, **art. 3**
- F2** S. 51A(1)-(3) repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 29** (with ss. 413(4), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** Words in s. 51A(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 16(2)(a)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Words in s. 51A(1)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 16(2)(b)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** Word in s. 51A(1)(a)(i) repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 65, 66(2), **Sch. 5**; S.I. 2007/858, **art. 2(n)(i)**
- F6** Word in s. 51A(1)(a)(ii) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 30(2)(a)(5)**, 66(2); S.I. 2007/858, **art. 2(d)**
- F7** S. 51A(1)(a)(iii) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 30(2)(b)(5)**, 66(2); S.I. 2007/858, **art. 2(d)**
- F8** S. 51A(1A) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 30(3)(5)**, 66(2); S.I. 2007/858, **art. 2(d)**
- F9** S. 51A(1A)(za) inserted (14.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 108(6)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 6(a)
- F10** Words in s. 51A(4) repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 29** (with ss. 413(4), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F11** S. 51A(4)(a) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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- F12** S. 51A(4)(b) repealed (E.W.) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 29** (with ss. 413(4), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F13** Words in s. 51A(5) repealed (E.W.) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 29** (with ss. 413(4), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F14** S. 51A(5)(a) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F15** S. 51A(5)(b) repealed (E.W.) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 29** (with ss. 413(4), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F16** S. 51A(6) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 16(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 51A applied in part (with modifications) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), **ss. 227, 383(2)** (with s. 385); S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- C2** S. 51A applied in part (with modifications) (prosp.) by Armed Forces Act 2006 (c. 52), **ss. 227, 383** (with s. 385)
- C3** S. 51A modified in part (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), **ss. 1, 5(2)(3)** (with Sch. 1 paras. 32, 33); S.I. 2012/1236, reg. 2
- C4** S. 51A(1)(b): power to modify conferred (22.1.2004) by Criminal Justice Act 2003 (c. 44), **ss. 291(1)(a), 336**; S.I. 2004/81, **art. 3**
- C5** S. 51A(4)(a) modified (E.W.) (28.5.2007) by The Firearms (Sentencing) (Transitory Provisions) Order 2007 (S.I. 2007/1324), **art. 2**

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