



# Firearms (Amendment) Act 1988

## 1988 CHAPTER 45

### *Converted and de-activated weapons*

#### **6 Shortening of barrels.**

- (1) Subject to subsection (2) below, it is an offence to shorten to a length less than 24 inches the barrel of any smooth-bore gun to which section 1 of the principal Act applies other than one which has a barrel with a bore exceeding 2 inches in diameter; and that offence shall be punishable—
- (a) on summary conviction, with imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (b) on indictment, with imprisonment for a term not exceeding five years or a fine or both.
- (2) It is not an offence under this section for a registered firearms dealer to shorten the barrel of a gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length.

#### **7 Conversion not to affect classification.**

- (1) Any weapon which—
- [<sup>F1</sup>(a) has at any time (whether before or after the passing of the Firearms (Amendment) Act 1997) been a weapon of a kind described in section 5(1) or (1A) of the principal Act (including any amendments to section 5(1) made under section 1(4) of this Act);]
  - (b) is not a self-loading or pump-action smooth-bore gun which has at any such time been such a weapon by reason only of having had a barrel less than 24 inches in length,
- shall be treated as a prohibited weapon notwithstanding anything done for the purpose of converting it into a weapon of a different kind.
- (2) Any weapon which—
- (a) has at any time since the coming into force of section 2 above been a weapon to which section 1 of the principal Act applies; or

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(b) would at any previous time have been such a weapon if those sections had then been in force,

shall, if it has, or at any time has had, a rifled barrel less than 24 inches in length, be treated as a weapon to which section 1 of the principal Act applies notwithstanding anything done for the purpose of converting it into a shot gun or an air weapon.

(3) For the purposes of subsection (2) above there shall be disregarded the shortening of a barrel by a registered firearms dealer for the sole purpose of replacing part of it so as to produce a barrel not less than 24 inches in length.

#### Textual Amendments

**F1** S. 7(1)(a) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 16**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

## 8 De-activated weapons.

For the purposes of the principal Act and this Act it shall be presumed, unless the contrary is shown, that a firearm has been rendered incapable of discharging any shot, bullet or other missile, and has consequently ceased to be a firearm within the meaning of those Acts, if—

- (a) it bears a mark which has been approved by the Secretary of State for denoting that fact and which has been made either by one of the two companies mentioned in section 58(1) of the principal Act or by such other person as may be approved by the Secretary of State for the purposes of this section; and
- (b) that company or person has certified in writing that work has been carried out on the firearm in a manner approved by the Secretary of State for rendering it incapable of discharging any shot, bullet or other missile.

#### Modifications etc. (not altering text)

**C1** S. 8 applied (1.10.2007) by **Violent Crime Reduction Act 2006 (c. 38), ss. 38(10), 66(2)**; S.I. 2007/2180, art. 3(g)

## [<sup>F2</sup>8A Controls on defectively deactivated weapons

(1) It is an offence for a person who owns or claims to own a defectively deactivated weapon—

- (a) to make the weapon available for sale or as a gift to another person, or
- (b) to sell it or give it (as a gift) to another person.

(2) Subsection (1)(a) does not apply if—

- (a) the weapon is made available for sale or as a gift only to a person who is outside [<sup>F3</sup>the United Kingdom] (or to persons all of whom are outside [<sup>F3</sup>the United Kingdom]), and
- (b) it is made so available on the basis that, if a sale or gift were to take place, the weapon would be transferred to a place outside [<sup>F3</sup>the United Kingdom].

(3) Subsection (1)(b) does not apply if—

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- (a) the weapon is sold or given to a person who is outside [<sup>F4</sup>the United Kingdom] (or to persons all of whom are outside [<sup>F4</sup>the United Kingdom]), and
  - (b) in consequence of the sale or gift, it is (or is to be) transferred to a place outside [<sup>F4</sup>the United Kingdom].
- (4) For the purpose of this section, something is a “defectively deactivated weapon” if—
  - (a) it was at any time a firearm,
  - (b) it has been rendered incapable of discharging any shot, bullet or other missile (and, accordingly, has either ceased to be a firearm or is a firearm only by virtue of the Firearms Act 1982), but
  - (c) it has not been rendered so incapable in a way that meets the technical specifications for the deactivation of the weapon that apply at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.
- (5) The Secretary of State must publish a document setting out the technical specifications that apply for the purposes of subsection (4)(c) (“the technical specifications document”).
- (6) The technical specifications document may set out different technical specifications for different kinds of weapon.
- (7) The Secretary of State—
  - (a) may from time to time revise the technical specifications document, and
  - (b) where it is revised—
    - (i) must publish the document as revised, and
    - (ii) specify in it the date on which any changes to the technical specifications that apply for the purposes of subsection (4)(c) take effect.
- (8) In the case of a weapon rendered incapable as mentioned in subsection (4)(b) before 8 April 2016, subsection (1)(a) or (b) does not apply if the weapon is made available for sale or as a gift, or (as the case may be) sold or given, by or on behalf of a museum in respect of which a museum firearms licence is in force to another museum in respect of which such a licence is in force.
- (9) References in this section to “sale” include exchange or barter (and references to sell are to be construed accordingly).
- (10) In this section, “museum firearms licence” means a licence granted under the Schedule to the Firearms (Amendment) Act 1988.
- (11) A person guilty of an offence under this section is liable—
  - (a) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding [<sup>F5</sup>the general limit in a magistrates’ court] (or, in relation to offences committed before [<sup>F6</sup>2 May 2022], 6 months) or to a fine, or to both;
    - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.]

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### Textual Amendments

- F2** S. 8A inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 128, 183\(1\)\(5\)\(e\)](#); S.I. 2017/399, reg. 4(d)
- F3** Words in s. 8A(2) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [61\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 8A(3) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [61\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 8A(11)(a)(i) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table
- F6** Words in s. 8A(11)(a)(i) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

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