

*Status: Point in time view as at 18/07/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

## SCHEDULE

Section 19.

### FIREARMS AND AMMUNITION IN MUSEUMS

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

- C1** Sch. (except para. 3(1)(a)): Transfer of functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1 (with art. 7)

#### *Museum firearms licences*

- 1 (1) The Secretary of State may, on an application in writing made on behalf of a museum to which this Schedule applies, grant a museum firearms licence in respect of that museum.
- (2) While a museum firearms licence (in this Schedule referred to as a “licence”) is in force in respect of a museum the persons responsible for its management and their servants—
- (a) may, without holding a firearm certificate or shot gun certificate, have in their possession, and purchase or acquire, for the purposes of the museum firearms and ammunition which are or are to be normally exhibited or kept on its premises or on such of them as are specified in the licence; and
- (b) if the licence so provides, may, without the authority of the Secretary of State [<sup>F1</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)] under section 5 of the principal Act, have in their possession, purchase or acquire for those purposes any prohibited weapons and ammunition which are or are to be normally exhibited or kept as aforesaid.
- (3) The Secretary of State [<sup>F2</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)] shall not grant a licence in respect of a museum unless, after consulting the chief officer of police for the area in which the premises to which the licence is to apply are situated, he [<sup>F2</sup>or they] is satisfied that the arrangements for exhibiting and keeping the firearms and ammunition in question are or will be such as not to endanger the public safety or the peace.
- (4) A licence shall be in writing and be subject to such conditions specified in it as the Secretary of State thinks necessary [<sup>F3</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) think necessary] for securing the safe custody of the firearms and ammunition in question.
- (5) A licence shall, unless previously revoked or cancelled, continue in force for five years from the date on which it is granted but shall be renewable for further periods of five years at a time and sub-paragraph (3) above shall apply to the renewal of a licence as it applies to a grant.
- (6) The Secretary of State may by order substitute for the periods mentioned in sub-paragraph (5) above such longer or shorter periods as are specified in the order.
- (7) The power to make an order under sub-paragraph (6) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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#### Textual Amendments

- F1** Words in Sch. para. 1(2)(b) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(a) (with art. 7)
- F2** Words in Sch. para. 1(3) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(b) (with art. 7)
- F3** Words in Sch. para. 1(4) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(c) (with art. 7)

#### Variation and revocation

- 2 (1) The Secretary of State may by notice in writing to the persons responsible for the management of a museum—
- (a) vary the conditions specified in a licence held in respect of the museum; or
  - (b) vary the licence so as to extend or restrict the premises to which it applies.
- (2) A notice under sub-paragraph (1) above may require the persons in question to deliver up the licence to the Secretary of State [<sup>F4</sup>or, in the case of a notice given by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers] within twenty-one days of the date of the notice for the purpose of having it amended in accordance with the variation.
- (3) The Secretary of State may by notice in writing to the persons responsible for the management of a museum revoke a licence held in respect of the museum if—
- (a) at any time, after consulting the chief officer of police for the area in which the premises to which it applies are situated, he is satisfied that the continuation of the exemption conferred by the licence would result in danger to the public safety or to the peace; or
  - (b) those persons or any of them or any servant of theirs has been convicted of an offence under this Schedule; or
  - (c) those persons have failed to comply with a notice under this paragraph requiring them to deliver up the licence.
- (4) Where a licence is revoked the Secretary of State [<sup>F5</sup>or, in the case of a revocation made by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers] shall by notice in writing require the persons responsible for the management of the museum in question to surrender the licence to him [<sup>F5</sup>or them].

#### Textual Amendments

- F4** Words in Sch. para. 2(2) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(d) (with art. 7)
- F5** Words in Sch. para. 2(4) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(e) (with art. 7)

#### Fees

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#### Textual Amendments

**F6** Sch. para. 3 omitted (31.1.2017 for specified purposes, 18.7.2019 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 132(3), 183(1)(5)(e); S.I. 2019/1141, reg. 3(1) (with reg. 3(2))

- [<sup>F7</sup>3A (1) The Secretary of State may by regulations authorise the appropriate national authority to require payment of a fee before a licence is granted, varied or renewed.
- (2) Regulations under sub-paragraph (1) must specify the amount of any fee that may be charged.
- (3) The regulations may make different provision for different cases (including specifying different fees for different cases).
- (4) The regulations may include—
- (a) incidental, supplementary or consequential provision;
  - (b) transitional, transitory or saving provision.
- (5) Regulations under this paragraph are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section, “the appropriate national authority” means—
- (a) in or as regards England and Wales, the Secretary of State;
  - (b) in or as regards Scotland, the Scottish Ministers.]

#### Textual Amendments

**F7** Sch. para. 3A inserted (31.1.2017 for specified purposes, 18.7.2019 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 132(4), 183(1)(5)(e); S.I. 2019/1141, reg. 3(1)

#### *Offences and enforcement*

- 4 (1) It is an offence—
- (a) for a person [<sup>F8</sup>knowingly or recklessly to make a statement false in any material particular] for the purpose of procuring the grant, renewal or variation of a licence;
  - (b) for the persons or any of the persons responsible for the management of a museum to fail to comply or to cause or permit another person to fail to comply with any condition specified in the licence held in respect of that museum.
- (2) An offence under sub-paragraph (1) above shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.
- (3) It is an offence for a person to fail to comply with a notice under paragraph 2(4) above; and that offence shall be punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

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- (4) In proceedings against any person for an offence under sub-paragraph (1)(b) above it is a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (5) Where an offence under this paragraph committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (6) Where the affairs of a body corporate are managed by its members sub-paragraph (5) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### Textual Amendments

**F8** Words in Sch. para. 4(1) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 19**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

#### *Museums to which this Schedule applies*

- 5 <sup>[F9]</sup>(1) This Schedule applies to the following museums—
- The Armouries, H.M. Tower of London
  - The National Army Museum
  - The National Museum of Wales
  - The Royal Air Force Museum
  - The Science Museum
  - The Victoria and Albert Museum
  - The Royal Marines Museum
  - The Fleet Air Arm Museum
  - The Royal Navy Museum
  - The Royal Navy Submarine Museum
  - The British Museum
  - The Imperial War Museum
  - The National Maritime Museum
  - The National Museums of Scotland
  - The National Museums and Galleries on Merseyside
  - The Wallace Collection
- Any other museum or similar institution in Great Britain which has as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historical, artistic or scientific interest which includes or is to include firearms and which is maintained wholly or mainly out of money provided by Parliament or by a local authority.
- <sup>[F10]</sup>(2) This Schedule also applies to any museum or similar institution in Great Britain which is of a description specified in an order made for the purposes of this sub-paragraph by the Secretary of State <sup>[F11]</sup>or the Scottish Ministers (by virtue of

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provision made under section 63 of the Scotland Act 1998)] and whose collection includes or is to include firearms.

<sup>F10</sup>(3) An order under sub-paragraph (2) above may specify any description of museum or similar institution which appears to the Secretary of State [<sup>F12</sup>or, as the case may be, the Scottish Ministers] to have as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historical, artistic or scientific interest.

<sup>F10</sup>(4) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument.]

#### Textual Amendments

- F9** Sch. para. 5 renumbered as sub-para. (1) (1.7.1997) by 1997 c. 5, s. 47(a); S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F10** Sch. para. 5(2)(3)(4) inserted (1.7.1997) by 1997 c. 5, s. 47(b); S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F11** Words in Sch. para. 5(2) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), **Sch. 5 para. 7(3)(f)(i)** (with art. 7)
- F12** Words in Sch. para. 5(3) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), **Sch. 5 para. 7(3)(f)(ii)** (with art. 7)

#### Interpretation

- 6 In this Schedule references to the persons responsible for the management of a museum are to the board of trustees, governing body or other person or persons (whether or not incorporated) exercising corresponding functions.

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