



# Firearms (Amendment) Act 1988

## 1988 CHAPTER 45

### *Specially dangerous weapons*

#### **1 Prohibited weapons and ammunition.**

- (1) Section 5 of the <sup>M1</sup>Firearms Act 1968 (in this Act referred to as “the principal Act”) shall have effect with the following amendments the purpose of which is to extend the class of prohibited weapons and ammunition, that is to say weapons and ammunition the possession, purchase, acquisition, manufacture, sale or transfer of which requires the authority of the Secretary of State.
- (2) For paragraph (a) of subsection (1) there shall be substituted—
- “(a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;
  - (ab) any self-loading or pump-action rifle other than one which is chambered for .22 rim-fire cartridges;
  - (ac) any self-loading or pump-action smooth-bore gun which is not chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or (excluding any detachable, folding, retractable or other movable butt-stock) is less than 40 inches in length overall;
  - (ad) any smooth-bore revolver gun other than one which is chambered for 9mm. rim-fire cartridges or loaded at the muzzle end of each chamber;
  - (ae) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signalling apparatus;”.
- (3) For paragraph (c) of subsection (1) there shall be substituted—
- “(c) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in paragraph (b) above and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid.”

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*Changes to legislation:* There are currently no known outstanding effects for the Firearms (Amendment) Act 1988, Section 1. (See end of Document for details)

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(4) If it appears to the Secretary of State that the provisions of the principal Act relating to prohibited weapons or ammunition should apply to—

- (a) any firearm (not being an air weapon) which is not for the time being specified in subsection (1) of section 5, was not lawfully on sale in Great Britain in substantial numbers at any time before 1988 and appears to him to be—
  - (i) specially dangerous; or
  - (ii) wholly or partly composed of material making it not readily detectable by apparatus used for detecting metal objects; <sup>F1</sup>...
- (b) any ammunition which is not for the time being specified in that subsection but appears to him to be specially dangerous<sup>F2</sup>; or
- (c) any air rifle, air gun or air pistol which is not for the time being specified in that subsection but appears to him to be specially dangerous,]

he may by order add it to the weapons or ammunition specified in that subsection whether by altering the description of any weapon or ammunition for the time being there specified or otherwise.

<sup>F3</sup>(4A) An order under subsection (4)—

- (a) may provide for a provision of the principal Act to apply with or without modification or exception in relation to anything added to subsection (1) of section 5 by the order,
- (b) may impose conditions in respect of any application, modification or exception provided for by the order (which may, in particular, include provision requiring a person to obtain a certificate in accordance with an enactment referred to or applied by the order),
- [ may amend <sup>F5</sup>paragraph 1 of Schedule 20 to the Sentencing Code] (offenders <sup>F4</sup>(bb) under 18 convicted of certain serious offences: power to detain for specified period) so as to include a reference to any provision added by the order to section 5(1) of the principal Act,
- (bc) may amend section 50(5A)(a), 68(4A)(a) or 170(4A)(a) of the Customs and Excise Management Act 1979 (offences relating to improper importation or exportation) so as to include a reference to anything added by the order to section 5(1) of the principal Act,]
- (c) may make provision generally or by reference to a particular purpose or circumstance,
- (d) may confer a function on the Secretary of State or another specified person, and
- (e) may make transitional, consequential or incidental provision.]

<sup>F6</sup>(4B) An order under subsection (4) which, by virtue of subsection (4A)(bb), amends paragraph 1 of Schedule 20 to the Sentencing Code may also—

- (a) provide for section 311 to apply with modifications or exceptions, or
- (b) provide for section 249 not to apply,

in relation to any provision added by the order to section 5(1) of the principal Act.]

(5) The power to make an order under subsection (4) above shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

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*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988, Section 1. (See end of Document for details)*

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#### Textual Amendments

- F1** Word in s. 1(4)(a) repealed (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 39(6)(a), 93, [Schs. 3](#); S.I. 2003/3300, art. 2(c)(g)(ii)(iii)
- F2** S. 1(4)(c) and word inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 39\(6\)\(a\)](#), 93; S.I. 2003/3300, art. 2(c)(iii)
- F3** S. 1(4A) inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 39\(6\)\(b\)](#), 93; S.I. 2003/3300, art. 2(c)(iii)
- F4** S. 1(4A)(bb)(bc) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 49](#); S.I. 2004/81, art. 3(1)(2)(d)
- F5** Words in s. 1(4A)(bb) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 94\(2\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F6** S. 1(4B) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 94\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

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#### Marginal Citations

- M1** 1968 c. 27.

**Changes to legislation:**

There are currently no known outstanding effects for the Firearms (Amendment) Act 1988, Section 1.