



Firearms (Amendment) Act 1988

1988 CHAPTER 45

Converted and de-activated weapons

[^{F1}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 [^{F2}the United Kingdom] (or to persons all of whom are outside [^{F2}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 [^{F2}the United Kingdom].
- (3) Subsection (1)(b) does not apply if—
 - (a) the weapon is sold or given to a person who is outside [^{F3}the United Kingdom] (or to persons all of whom are outside [^{F3}the United Kingdom]), and
 - (b) in consequence of the sale or gift, it is (or is to be) transferred to a place outside [^{F3}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.

Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988, Section 8A. (See end of Document for details)

- (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 [^{F4}the general limit in a magistrates’ court] (or, in relation to offences committed before [^{F5}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.]

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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
- F5** 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**

Changes to legislation:

There are currently no known outstanding effects for the Firearms (Amendment) Act 1988, Section 8A.