



# Firearms (Amendment) Act 1997

## 1997 CHAPTER 5

### PART III

#### REGULATION OF FIREARMS AND AMMUNITION

##### *Miscellaneous*

#### **43 Power of search with warrant.**

- (1) For section 46 of the 1968 Act (power of search with warrant), there shall be substituted the following section—

##### **“46 Power of search with warrant.**

- (1) If a justice of the peace or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting—
- (a) that an offence relevant for the purposes of this section has been, is being, or is about to be committed; or
  - (b) that, in connection with a firearm or ammunition, there is a danger to the public safety or to the peace,
- he may grant a warrant for any of the purposes mentioned in subsection (2) below.
- (2) A warrant under this section may authorise a constable or civilian officer—
- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there;
  - (b) to seize and detain anything which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable ground for suspecting—
    - (i) that an offence relevant for the purposes of this section has been, is being or is about to be committed; or

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- (ii) that in connection with a firearm, imitation firearm or ammunition there is a danger to the public safety or to the peace.
- (3) The power of a constable or civilian officer under subsection (2)(b) above to seize and detain anything found on any premises or place shall include power to require any information which is kept by means of a computer and is accessible from the premises or place to be produced in a form in which it is visible and legible and can be taken away.
- (4) The offences relevant for the purposes of this section are all offences under this Act except an offence under section 22(3) or an offence relating specifically to air weapons.
- (5) It is an offence for any person intentionally to obstruct a constable or civilian officer in the exercise of his powers under this section.”
- (2) In section 57(4) of the 1968 Act (interpretation) after the definition of “certificate” there shall be inserted the following definition—
- ““civilian officer” means—
- (a) a person employed by a police authority or the Corporation of the City of London who is under the direction and control of a chief officer of police; or
- (b) a person employed under the Commissioner of Police for the Metropolis or the Receiver of the Metropolitan Police District who is not a constable and whose salary is paid out of the Metropolitan Police Fund.”
- (3) In Part I of Schedule 6 to the 1968 Act (prosecution and punishment of offences), after the entry for section 42A there shall be inserted the following entry—

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“Section 46.	Obstructing constable or civilian officer in exercise of search powers.	Summary.	6 months or a fine of level 5 on the standard scale; or both.”
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#### **44 Firearm certificates for certain firearms used for target shooting: special conditions.**

- (1) If a chief officer of police is satisfied, on an application for the grant or renewal of a firearm certificate in relation to any rifle or muzzle-loading pistol which is not a prohibited weapon, that the applicant’s only reason for having it in his possession is to use it for target shooting, any certificate which may be granted to the applicant or, as the case may be, renewed shall be held subject to the following conditions (in addition to any other conditions), namely—
- (a) the rifle or pistol is only to be used for target shooting; and
- (b) the holder must be a member of an approved rifle club or, as the case may be, muzzle-loading pistol club specified in the certificate.
- (2) In this section, “muzzle loading pistol” means a pistol designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).

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#### **45 Approved rifle clubs and muzzle-loading pistol clubs.**

- (1) For section 15 of the 1988 Act (rifle and pistol clubs) there shall be substituted the following section—

##### **“15 Approved rifle clubs and muzzle-loading pistol clubs.**

- (1) Subject to subsection (4) below, a member of a rifle club approved by the Secretary of State may, without holding a firearm certificate, have in his possession a rifle and ammunition when engaged as a member of the club in connection with target shooting.
- (2) Any rifle club may apply for approval, whether or not it is intended that any club members will, by virtue of subsection (1) above, have rifles or ammunition in their possession without holding firearm certificates.
- (3) The Secretary of State may publish such guidance as he considers appropriate for the purpose of informing those seeking approval for a club of criteria that must be met before any application for such approval will be considered.
- (4) The application of subsection (1) above to members of an approved rifle club may—
  - (a) be excluded in relation to the club, or
  - (b) be restricted to target shooting with specified types of rifle,by limitations contained in the approval.
- (5) An approval—
  - (a) may be granted subject to such conditions specified in it as the Secretary of State thinks fit;
  - (b) may at any time be varied or withdrawn by the Secretary of State; and
  - (c) shall (unless withdrawn) continue in force for six years from the date on which it is granted or last renewed.
- (6) There shall be payable on the grant or renewal of an approval a fee of £84 but this subsection shall be included in the provisions which may be amended by an order under section 43 of the principal Act.
- (7) A constable or civilian officer authorised in writing in that behalf may, on producing if required his authority, enter any premises occupied or used by an approved rifle club and inspect those premises, and anything on them, for the purpose of ascertaining whether the provisions of this section, and any limitations or conditions in the approval, are being complied with.
- (8) The power of a constable or civilian officer under subsection (7) above to inspect anything on club premises shall include power to require any information which is kept by means of a computer and is accessible from the premises to be made available for inspection in a visible and legible form.
- (9) It is an offence for a person intentionally to obstruct a constable or civilian officer in the exercise of his powers under subsection (7) above; and that offence shall be punishable on summary conviction with a fine not exceeding level 3 on the standard scale.
- (10) In this section and section 15A below—

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“approval”, means an approval under this section; and “approved” shall be construed accordingly;

“civilian officer” has the same meaning as in the principal Act; and “rifle club” includes a miniature rifle club.

(11) This section applies in relation to a muzzle-loading pistol club and its members as it applies to a rifle club and its members with the substitution for any reference to a rifle of a reference to a muzzle-loading pistol.

(12) In subsection (11) above—

“muzzle-loading pistol club” means a club where muzzle-loading pistols are used for target shooting; and

“muzzle-loading pistol” means a pistol designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).”

<sup>F1</sup>(2) .....

(3) Any approval of a rifle or miniature rifle club or muzzle-loading pistol club under section 15 of the 1988 Act which is in force immediately before the commencement of this section shall have effect as if it were an approval under section 15 of the 1988 Act as substituted by subsection (1) above.

**Textual Amendments**  
**F1** S. 45(2) repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

<sup>F2</sup>46 .....

**Textual Amendments**  
**F2** S. 46 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

**47 Museums eligible for a museums firearm licence.**

In the Schedule to the 1988 Act (firearms and ammunition in museums to which the Schedule applies)—

- (a) the existing provisions of paragraph 5 shall be numbered as sub-paragraph (1) of that paragraph;
- (b) after that sub-paragraph there shall be inserted the following sub-paragraphs—

“(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 and whose collection includes or is to include firearms.

(3) An order under sub-paragraph (2) above may specify any description of museum or similar institution which appears to the Secretary of State to have as its purpose, or one of its purposes, the preservation

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for the public benefit of a collection of historical, artistic or scientific interest.

(4) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument.”.

#### **48 Firearms powered by compressed carbon dioxide.**

Any reference to an air rifle, air pistol or air gun—

- (a) in the Firearms Acts 1968 to 1997; or
- (b) in the <sup>M1</sup>Firearms (Dangerous Air Weapons) Rules 1969 or the <sup>M2</sup>Firearms (Dangerous Air Weapons) (Scotland) Rules 1969,

shall include a reference to a rifle, pistol or gun powered by compressed carbon dioxide.

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#### **Marginal Citations**

**M1** S.I. 1969/47.

**M2** S.I. 1969/270.

**Changes to legislation:**

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