



# Firearms Act 1968

## 1968 CHAPTER 27

### PART I

#### PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

##### *General restrictions on possession and handling of firearms and ammunition*

#### **1 Requirement of firearm certificate.**

- (1) Subject to any exemption under this Act, it is an offence for a person—
  - (a) to have in his possession, or to purchase or acquire, a firearm to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate;
  - (b) to have in his possession, or to purchase or acquire, any ammunition to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.
- (2) It is an offence for a person to fail to comply with a condition subject to which a firearm certificate is held by him.
- (3) This section applies to every firearm except—
  - [<sup>F1</sup>(a) a shot gun within the meaning of this Act, that is to say a smooth-bore gun (not being an air gun) which—
    - (i) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter;
    - (ii) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges; and
    - (iii) is not a revolver gun; and]
    - (b) an air weapon (that is to say, an air rifle, air gun or air pistol not of a type declared by rules made by the Secretary of State under section 53 of this Act to be specially dangerous).

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[<sup>F2</sup>(3A) A gun which has been adapted to have such a magazine as is mentioned in subsection (3)(a)(ii) above shall not be regarded as falling within that provision unless the magazine bears a mark approved by the Secretary of State for denoting that fact and that mark has been made, and the adaptation has been certified in writing as having been carried out in a manner approved by him, either by one of the two companies mentioned in section 58(1) of this Act or by such other person as may be approved by him for that purpose.]

- (4) This section applies to any ammunition for a firearm, except the following articles, namely:—
- (a) cartridges containing five or more shot, none of which exceeds .36 inch in diameter;
  - (b) ammunition for an air gun, air rifle or air pistol; and
  - (c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge.

#### Textual Amendments

- F1** S. 1(3)(a) substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 2(2)  
**F2** S. 1(3A) inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 2(3)

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

- C1** S. 1(1)(a) excluded (E. W.) (17.12.2003) by [The Anti-social Behaviour Act 2003 \(Commencement No. 1 and Transitional Provisions\) Order 2003 \(S.I. 2003/3300\)](#), art. 5(2)

## 2 Requirement of certificate for possession of shot guns.

- (1) Subject to any exemption under this Act, it is an offence for a person to have in his possession, or to purchase or acquire, a shot gun without holding a certificate under this Act authorising him to possess shot guns.
- (2) It is an offence for a person to fail to comply with a condition subject to which a shot gun certificate is held by him.

## 3 Business and other transactions with firearms and ammunition.

- (1) A person commits an offence if, by way of trade or business, he—
  - (a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition to which section 1 of this Act applies, or a shot gun; or
  - (b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, test or proof any such firearm or ammunition, or a shot gun,
 without being registered under this Act as a firearms dealer.
- (2) It is an offence for a person to sell or transfer to any other person in the United Kingdom, other than a registered firearms dealer, any firearm or ammunition to which section 1 of this Act applies, or a shot gun, unless that other produces a firearm certificate authorising him to purchase or acquire it or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Act entitled to purchase or acquire it without holding a certificate.

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- (3) It is an offence for a person to undertake the repair, test or proof of a firearm or ammunition to which section 1 of this Act applies, or of a shot gun, for any other person in the United Kingdom other than a registered firearms dealer as such, unless that other produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Act entitled to have possession of it without holding a certificate.
- (4) Subsections (1) to (3) above have effect subject to any exemption under subsequent provisions of this Part of this Act.
- (5) A person commits an offence if, with a view to purchasing or acquiring, or procuring the repair, test or proof of, any firearm or ammunition to which section 1 of this Act applies, or a shot gun, he produces a false certificate or a certificate in which any false entry has been made, or personates a person to whom a certificate has been granted, or makes any false statement.
- (6) It is an offence for a pawnbroker to take in pawn any firearm or ammunition to which section 1 of this Act applies, or a shot gun.

#### 4 Conversion of weapons.

- (1) Subject to this section, it is an offence to shorten the barrel of a shot gun to a length less than 24 inches.
- (2) It is not an offence under subsection (1) above for a registered firearms dealer to shorten the barrel of a shot 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.
- (3) It is an offence for a person other than a registered firearms dealer to convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through its barrel.
- (4) A person who commits an offence under section 1 of this Act by having in his possession, or purchasing or acquiring, a shotgun which has been shortened contrary to subsection (1) above or a firearm which has been [<sup>F3</sup>converted as mentioned in subsection (3) above] (whether by a registered firearms dealer or not), without holding a firearm certificate authorising him to have it in his possession, or to purchase or acquire it, shall be treated for the purposes of provisions of this Act relating to the punishment of offences as committing that offence in an aggravated form.

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#### Textual Amendments

**F3** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 23(1)

#### *Prohibition of certain weapons and control of arms traffic*

#### 5 Weapons subject to general prohibition.

- (1) A person commits an offence if, without the authority of the Defence Council, he has in his possession, or purchases or acquires, or manufactures, sells or transfers—

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- [<sup>F4</sup>(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;]
- (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; and
- [<sup>F5</sup>(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.]

[<sup>F6</sup>(1A) Subject to section 5A of this Act, a person commits an offence if, without the authority of the Secretary of State, he has in his possession, or purchases or acquires, or sells or transfers—

- (a) any firearm which is disguised as another object;
- (b) any rocket or ammunition not falling within paragraph (c) of subsection (1) of this section which consists in or incorporates a missile designed to explode on or immediately before impact and is for military use;
- (c) any launcher or other projecting apparatus not falling within paragraph (ae) of that subsection which is designed to be used with any rocket or ammunition falling within paragraph (b) above or with ammunition which would fall within that paragraph but for its being ammunition falling within paragraph (c) of that subsection;
- (d) any ammunition for military use which consists in or incorporates a missile designed so that a substance contained in the missile will ignite on or immediately before impact;
- (e) any ammunition for military use which consists in or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour;
- (f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;
- (g) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been, incorporated in—
  - (i) any ammunition falling within any of the preceding paragraphs; or
  - (ii) any ammunition which would fall within any of those paragraphs but for its being specified in subsection (1) of this section.]

(2) The weapons and ammunition specified in [<sup>F7</sup>subsections (1) and (1A) of this section (including, in the case of ammunition, any missiles falling within subsection (1A)(g) of this section)] are referred to in this Act as “prohibited weapons” and “prohibited ammunition” respectively.

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- (3) An authority given to a person by the Defence Council under this section shall be in writing and be subject to conditions specified therein.
  - (4) The conditions of the authority shall include such as the Defence Council, having regard to the circumstances of each particular case, think fit to impose for the purpose of securing that the prohibited weapon or ammunition to which the authority relates will not endanger the public safety or the peace.
  - (5) It is an offence for a person to whom an authority is given under this section to fail to comply with any condition of the authority.
  - (6) The Defence Council may at any time, if they think fit, revoke an authority given to a person under this section by notice in writing requiring him to deliver up the authority to such person as may be specified in the notice within twenty-one days from the date of the notice; and it is an offence for him to fail to comply with that requirement.
- [<sup>F8</sup>(7) For the purposes of this section and section 5A of this Act—
- (a) any rocket or ammunition which is designed to be capable of being used with a military weapon shall be taken to be for military use;
  - (b) references to a missile designed so that a substance contained in the missile will ignite on or immediately before impact include references to any missile containing a substance that ignites on exposure to air; and
  - (c) references to a missile's expanding on impact include references to its deforming in any predictable manner on or immediately after impact.]

#### Textual Amendments

- F4** S. 5(1)(a)–(ae) substituted for s. 5(1)(a) by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 1(2)
- F5** S. 5(1)(c) substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 1(3)
- F6** S. 5(1A) inserted (1.1.1993) by S.I. 1992/2823, reg. 3(1)
- F7** Words in s. 5(2) substituted (1.1.1993) by S.I. 1992/2823, reg. 3(2)
- F8** S. 5(7) inserted (1.1.1993) by S.I. 1992/2823, reg. 3(3)

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

- C2** S. 5: transfer of certain functions (1.11.1968) by S.I. 1968/1200, art. 2
- C3** Power to amend s. 5(1) conferred by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 1(4)
- C4** S. 5 amended (1.7.1997) by 1997 c. 5, s. 1(7); S.I. 1997/1535, art. 3, Sch. Pt. I

#### [<sup>F9</sup>5A Exemptions from requirement of authority under s.5.

- (1) Subject to subsection (2) below, the authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase, acquire, sell or transfer, any prohibited weapon or ammunition if he is authorised by a certificate under this Act to possess, purchase or acquire that weapon or ammunition subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.
- (2) No sale or transfer may be made under subsection (1) above except to a person who—
  - (a) produces the authority of the Secretary of State under section 5 of this Act for his purchase or acquisition; or

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- (b) shows that he is, under this section or a licence under the Schedule to the Firearms (Amendment) Act 1988 (museums etc.), entitled to make the purchase or acquisition without the authority of the Secretary of State.
- (3) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any prohibited weapon or ammunition if his possession, purchase or acquisition is exclusively in connection with the carrying on of activities in respect of which—
- (a) that person; or
  - (b) the person on whose behalf he has possession, or makes the purchase or acquisition,
- is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.
- (4) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any expanding ammunition or the missile for any such ammunition if—
- (a) he is authorised by a firearm certificate to possess, purchase or acquire ammunition which is designed to be used with a pistol; and
  - (b) the certificate contains a condition prohibiting the use of expanding ammunition for purposes not authorised by the European weapons directive.
- (5) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession any expanding ammunition or the missile for any such ammunition if—
- (a) he is entitled, under section 10 of this Act, to have a slaughtering instrument and the ammunition for it in his possession; and
  - (b) the ammunition or missile in question is designed to be capable of being used with a slaughtering instrument.
- (6) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for the sale or transfer of any expanding ammunition or the missile for any such ammunition to any person who produces a certificate by virtue of which he is authorised under subsection (4) above to purchase or acquire it without the authority of the Secretary of State.
- (7) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for a person carrying on the business of a firearms dealer, or any servant of his, to have in his possession, or to purchase, acquire, sell or transfer, any expanding ammunition or the missile for any such ammunition if—
- (a) the person carrying on that business is registered as a firearms dealer subject to a condition which prohibits the purchase or acquisition of any such ammunition or missile except for the purpose of making sales or transfers to persons whose purchases or acquisitions are authorised by subsection (4) above or this subsection; and
  - (b) the possession, purchase, acquisition, sale or transfer in question is in the ordinary course of that business.
- (8) In this section—

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- (a) references to expanding ammunition are references to any ammunition which is designed to be used with a pistol and incorporates a missile which is designed to expand on impact; and
- (b) references to the missile for any such ammunition are references to anything which, in relation to any such ammunition, falls within section 5(1A)(g) of this Act.]

#### Textual Amendments

**F9** S. 5A inserted (1.1.1993) by S.I. 1992/2823, reg. 3(4)

## 6 Power to prohibit movement of arms and ammunition.

(1) The Secretary of State may by order prohibit the removal of firearms or ammunition—

- (a) from one place to another in Great Britain; or
- [<sup>F10</sup>(b) from Great Britain to Northern Ireland; or]
- (c) for export from Great Britain,

unless the removal is authorised by the chief officer of police for the area from which they are to be removed, and unless such other conditions as may be specified in the order are complied with.

[<sup>F11</sup>(1A) The Secretary of State may by order prohibit the removal of firearms or ammunition from Great Britain to Northern Ireland unless—

- (a) the removal is authorised by the chief officer of police for the area from which they are to be removed and by the Chief Constable of the Royal Ulster Constabulary; and
- (b) such conditions as may be specified in the order or imposed by the chief officer of police or the Chief Constable are complied with.]

(2) An order under this section may apply—

- (a) either generally to all such removals, or to removals from and to particular localities specified in the order; and
- (b) either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and
- (c) either to all modes of conveyance or to such modes of conveyance as may be so specified;

but no such order shall prohibit the holder of a firearm certificate from carrying with him any firearm or ammunition authorised by the certificate to be so carried.

(3) It is an offence to contravene any provision of—

- (a) an order made under this section; or
- (b) an order made under section 9 of the <sup>M1</sup>Firearms Act 1920 (the former enactment corresponding to section 18 of the <sup>M2</sup>Firearms Act 1937 and this section); or
- (c) any corresponding Northern Irish order, that is to say an order made under the said section 9 as extending to Northern Ireland or under any enactment of the Parliament of Northern Ireland repealing and re-enacting that section, prohibiting the removal of firearms or ammunition from Northern Ireland to Great Britain.

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- (4) An order under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order made thereunder by the Secretary of State.

#### Textual Amendments

- F10** S. 6(1)(b) (which is superseded by a new subsection (1A) ) repealed (2.4.1991) by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. [20\(2\)\(3\)](#)
- F11** S. 6(1A) inserted (2.4.1991) by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. [20\(2\)](#)

#### Marginal Citations

- M1** 1920 c. 43.
- M2** 1937 c. 12.

### *Special exemptions from sections 1 to 5*

#### 7 Police permit.

- (1) A person who has obtained from the chief officer of police for the area in which he resides a permit for the purpose in the prescribed form may, without holding a certificate under this Act, have in his possession a firearm and ammunition in accordance with the terms of the permit.
- (2) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or for another person, the grant of a permit under this section.

#### 8 Authorised dealing with firearms.

- (1) A person carrying on the business of a firearms dealer and registered as such under this Act, or a servant of such a person may, without holding a certificate, have in his possession, or purchase or acquire, a firearm or ammunition in the ordinary course of that business.
- (2) It is not an offence under section 3(2) of this Act for a person—
- (a) to part with the possession of any firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding a certificate; or
  - (b) to return to another person a shot gun which he has lawfully undertaken to repair, test or prove for the other.

#### 9 Carriers, auctioneers, etc.

- (1) A person carrying on the business of an auctioneer, carrier or warehouseman, or a servant of such a person, may, without holding a certificate, have in his possession a firearm or ammunition in the ordinary course of that business.
- (2) It is not an offence under section 3(1) of this Act for an auctioneer to sell by auction, expose for sale by auction or have in his possession for sale by auction a firearm or ammunition without being registered as a firearms dealer, if he has obtained from the



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chief officer of police for the area in which the auction is held a permit for that purpose in the prescribed form and complies with the terms of the permit.

- (3) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, either for himself or for another person, the grant of a permit under subsection (2) of this section.
- (4) It is not an offence under section 3(2) of this Act for a carrier or warehouseman, or a servant of a carrier or warehouseman, to deliver any firearm or ammunition in the ordinary course of his business or employment as such.

## 10 Slaughter of animals.

- (1) A person licensed under [<sup>F12</sup>section 39 of the <sup>M3</sup>Slaughterhouses Act 1974] or [<sup>F13</sup>section 15 of the Slaughter of Animals (Scotland) Act 1980] may, without holding a certificate, have in his possession a slaughtering instrument and ammunition therefor in any slaughterhouse or knacker's yard in which he is employed.
- (2) The proprietor of a slaughterhouse or knacker's yard or a person appointed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that slaughterhouse or knacker's yard may, without holding a certificate, have in his possession a slaughtering instrument or ammunition therefor for that purpose.

### Textual Amendments

**F12** Words substituted by [Slaughterhouses Act 1974 \(c. 3\), Sch. 3 para. 5](#)

**F13** Words substituted by [Slaughter of Animals \(Scotland\) Act 1980 \(c. 13, SIF 112\), s. 23, Sch. 1 para. 3](#)

### Marginal Citations

**M3** [1974 c. 3.](#)

## 11 Sports, athletics and other approved activities.

- (1) A person carrying a firearm or ammunition belonging to another person holding a certificate under this Act may, without himself holding such a certificate, have in his possession that firearm or ammunition under instructions from, and for the use of, that other person for sporting purposes only.
- (2) A person may, without holding a certificate, have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting.
- (3) A member of a . . . <sup>F14</sup> cadet corps approved by the Secretary of State may, without holding a certificate, have in his possession a firearm and ammunition when engaged as a member of the . . . <sup>F14</sup> corps in, or in connection with, drill or target practice.
- (4) A person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than air weapons or miniature rifles not exceeding .23 inch calibre may, without holding a certificate, have in his possession, or purchase or acquire, such miniature rifles and ammunition suitable therefor; and any person may, without holding a certificate, use any such rifle and ammunition at such a range or gallery.

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- (5) A person may, without holding a shot gun certificate, borrow a shot gun from the occupier of private premises and use it on those premises in the occupier's presence.
- (6) A person may, without holding a shot gun certificate, use a shot gun at a time and place approved for shooting at artificial targets by the chief officer of police for the area in which that place is situated.

#### Textual Amendments

**F14** Words repealed by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 15\(7\)](#)

## 12 Theatre and cinema.

- (1) A person taking part in a theatrical performance or a rehearsal thereof, or in the production of a cinematograph film, may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.
- (2) Where the Defence Council is satisfied, on the application of a person in charge of a theatrical performance, a rehearsal of such a performance or the production of a cinematograph film, that [<sup>F15</sup>a prohibited weapon] is required for the purpose of the performance, rehearsal or production, [he] may under section 5 of this Act, if [he thinks] fit, not only authorise that person to have possession of [<sup>F15</sup>the weapon] but also authorise such other persons as he may select to have possession of it while taking part in the performance, rehearsal or production.

#### Textual Amendments

**F15** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 23\(2\)](#)

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

- C5** [S. 12\(2\)](#): transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750, art. 2](#), [Sch. 1](#); [S.I. 1998/3178, art. 3](#)
- C6** [S. 12\(2\)](#): transfer of functions by [S.I. 1968/1200, art. 2](#)

## 13 Equipment for ships and aircraft.

- (1) A person may, without holding a certificate,—
  - (a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome;
  - (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and
  - (c) if he has obtained from [<sup>F16</sup>a constable] a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

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(2) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, either for himself or for another person, the grant of a permit under subsection (1)(c) of this section.

**Textual Amendments**

**F16** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 23(3)**

**14** ..... <sup>F17</sup>

**Textual Amendments**

**F17** [S. 14](#) repealed by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 23(7)**

**15 Holder of Northern Irish certificate.**

Section 2(1) of this Act does not apply to a person holding a firearm certificate issued in Northern Ireland authorising him to possess a shot gun.

*Prevention of crime and preservation of public safety*

**16 Possession of firearm with intent to injure.**

It is an offence for a person to have in his possession any firearm or ammunition with intent by means thereof to endanger life [<sup>F18</sup>or cause serious injury to property], or to enable another person by means thereof to endanger life [<sup>F18</sup>or cause serious injury to property], whether any injury [<sup>F18</sup>to person or property] has been caused or not.

**Textual Amendments**

**F18** Words repealed by (E.W.) [Criminal Damage Act 1971 \(c. 48\)](#), **Sch. Pt.I**

VALID FROM 21/09/1994

**[<sup>F19</sup>16A Possession of firearm with intent to cause fear of violence.**

It is an offence for a person to have in his possession any firearm or imitation firearm with intent—

- (a) by means thereof to cause, or
- (b) to enable another person by means thereof to cause,

any person to believe that unlawful violence will be used against him or another person.]

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#### Textual Amendments

**F19** S. 16A inserted (21.9.1994) by 1994 c. 31, ss. 1(1), 4(2) (with s. 4(3))

### 17 Use of firearm to resist arrest.

- (1) It is an offence for a person to make or attempt to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or another person.
- (2) If a person, at the time of his committing or being arrested for an offence specified in Schedule 1 to this Act, has in his possession a firearm or imitation firearm, he shall be guilty of an offence under this subsection unless he shows that he had it in his possession for a lawful object.
- (3) . . . . . <sup>F20</sup>
- (4) For purposes of this section, the definition of “firearm” in section 57(1) of this Act shall apply without paragraphs (b) and (c) of that subsection, and “imitation firearm” shall be construed accordingly.
- (5) In the application of this section to Scotland, a reference to Schedule 2 to this Act shall be substituted for the reference in subsection (2) to Schedule 1 . . . <sup>F21</sup>

#### Textual Amendments

**F20** S. 17(3) repealed by Theft Act 1968 (c. 60), Sch. 3 Pt. III

**F21** Words repealed by Theft Act 1968 (c. 60), Sch. 3 Pt. III

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

**C7** S. 17(2) applied (E.W.)(31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s.90(2); S.I. 1991/2208, art. 2(4), Sch.3.

### 18 Carrying firearm with criminal intent.

- (1) It is an offence for a person to have with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist arrest or prevent the arrest of another, in either case while he has the firearm or imitation firearm with him.
- (2) In proceedings for an offence under this section proof that the accused had a firearm or imitation firearm with him and intended to commit an offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so.
- (3) In the application of this section to Scotland, for the reference to an indictable offence there shall be substituted a reference to any offence specified in paragraphs 1 to 18 of Schedule 2 to this Act.

### 19 Carrying firearm in a public place.

A person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place a loaded shot gun or loaded

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air weapon, or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm.

### [<sup>F22</sup>19A Having small-calibre pistol outside premises of licensed pistol club.

- (1) It is an offence for any person to have a small-calibre pistol with him outside licensed premises of a licensed pistol club.
- (2) It is not an offence for a person to have with him a small-calibre pistol if—
  - (a) he is permitted by virtue of any provision of this Act to have the pistol in his possession without holding a firearm certificate or a visitor’s firearm permit;
  - (b) he is authorised to have the pistol with him by virtue of a permit granted under section 13 of the Firearms (Amendment) Act 1997; or
  - (c) he is authorised to have the pistol in his possession by virtue of a firearm certificate or visitor’s firearm permit which is not subject to a condition requiring it to be kept at a licensed pistol club.
- (3) In this section “licensed pistol club” means a pistol club which is licensed under Part II of the Firearms (Amendment) Act 1997 and “licensed premises” has the meaning given in section 19 of that Act.]

#### Textual Amendments

**F22** S. 19A inserted (*prosp.*) by 1997 c. 5, ss. 11(1), 53(3) (which amending s. 11(2) was repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I)

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

**C8** S. 19A restricted (*prosp.*) by 1997 c. 5, ss. 13(8)(10), 53(3) (which amending s. 13 was repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; 1997/3114, art. 3, Sch. Pt. I)

## 20 Trespassing with firearm.

- (1) A person commits an offence if, while he has a firearm with him, he enters or is in any building or part of a building as a trespasser and without reasonable excuse (the proof whereof lies on him).
- (2) A person commits an offence if, while he has a firearm with him, he enters or is on any land as a trespasser and without reasonable excuse (the proof whereof lies on him).
- (3) In subsection (2) of this section the expression “land” includes land covered with water.

## 21 Possession of firearms by persons previously convicted of crime.

- (1) A person who has been sentenced [<sup>F23</sup>to custody for life or] to preventive detention, or to imprisonment or to corrective training for a term of three years or more [<sup>F23</sup>or to youth custody [<sup>F24</sup>or detention in a young offender institution] for such a term], or who has been sentenced to be detained for such a term in a young offenders institution in Scotland, shall not at any time have a firearm or ammunition in his possession.
- (2) A person who has been sentenced . . . <sup>F25</sup> to imprisonment for a term of three months or more but less than three years [<sup>F26</sup>or to youth custody [<sup>F27</sup>or detention in a young offender institution] for such a term], or who has been sentenced to be detained for

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such a term in a detention centre or in a young offenders institution in Scotland, shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.

[<sup>F28</sup>(2A) For the purposes of subsection (2) above, “the date of his release”, in the case of a person sentenced to imprisonment with an order under section 47(1) of the <sup>M4</sup>Criminal Law Act 1977, is the date on which he completes service of so much of the sentence as was by that order required to be served in prison.]

(3) A person who—

- (a) is the holder of a licence issued under section 53 of the <sup>M5</sup>Children and Young Persons Act 1933 or section 57 of the <sup>M6</sup>Children and Young Persons (Scotland) Act 1937 (which sections provide for the detention of children and young persons convicted of serious crime, but enable them to be discharged on licence by the Secretary of State); or
- (b) is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm, or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm; or
- (c) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm;

shall not, at any time during which he holds the licence or is so subject or has been so ordained, have a firearm or ammunition in his possession.

[<sup>F29</sup>(3A) Where by section 19 of the Firearms Act (Northern Ireland) 1969, or by any other enactment for the time being in force in Northern Ireland and corresponding to this section, a person is prohibited in Northern Ireland from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any time when to have it in his possession in Northern Ireland would be a contravention of the said section 19 or corresponding enactment];

- (4) It is an offence for a person to contravene any of the foregoing provisions of this section.
- (5) It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this section from having a firearm or ammunition in his possession.
- (6) A person prohibited under subsection (1), (2) [<sup>F30</sup>(3) or (3A)] of this section from having in his possession a firearm or ammunition may apply to [<sup>F31</sup>the Crown Court] or, in Scotland, in accordance with Act of Sederunt to the sheriff for a removal of the prohibition; and if the application is granted that prohibition shall not then apply to him.
- (7) Schedule 3 to this Act shall have effect with respect to the courts with jurisdiction to entertain an application under this section and to the procedure appertaining thereto.

#### Textual Amendments

- F23** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 24\(a\)](#)
- F24** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), [Sch. 8 paras. 6, 16](#)
- F25** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), [Sch. 8 para. 16, Sch. 16](#)

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- F26** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(b)**
- F27** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123(6), **Sch. 8 paras. 6, 16**
- F28** [S. 21\(2A\)](#) inserted by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), **Sch. 9 para. 9**
- F29** [S. 21\(3A\)](#) inserted by [Criminal Justice Act 1972 \(c. 71\)](#), **ss. 29, 66(7)(a)**
- F30** Words substituted by [Criminal Justice Act 1972 \(c. 71\)](#), **ss. 29, 66(7)(a)**
- F31** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), **Sch. 9 Pt. II**

#### Marginal Citations

- M4** 1977 c. 45.
- M5** 1933 c. 12.
- M6** 1937 c. 37.

#### PROSPECTIVE

### [<sup>F32</sup>21A Firing an air weapon beyond premises

- (1) A person commits an offence if—
- (a) he has with him an air weapon on any premises; and
  - (b) he uses it for firing a missile beyond those premises.

- [ A person commits an offence if the person—
- <sup>F33</sup>(1A) (a) is supervising the use and possession of an air weapon on private premises by a person under the age of 18, and
- (b) allows the supervised person to fire any missile beyond those premises.]

- (2) In proceedings against a person for an offence under this section it shall be a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).]

#### Textual Amendments

- F32** [S. 21A](#) inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 34(2), 66(2)**; [S.I. 2007/2180](#), **art. 3(d)**
- F33** [S. 21A\(1A\)](#) inserted (S.) (31.12.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), s. 88(2), **sch. 2 para. 1(3)**; [S.S.I. 2016/130](#), **art. 3(c)**

## 22 Acquisition and possession of firearms by minors.

- (1) It is an offence for a person under the age of seventeen to purchase or hire any firearm or ammunition.

[<sup>F34</sup>(1A) Where a person under the age of eighteen is entitled, as the holder of a certificate under this Act, to have a firearm in his possession, it is an offence for that person to use that firearm for a purpose not authorised by the European weapons directive.]

- (2) It is an offence for a person under the age of fourteen to have in his possession any firearm or ammunition to which section 1 of this Act applies, except in circumstances where under section 11(1), (3) or (4) of this Act [<sup>F35</sup>or section 15 of the Firearms

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(Amendment) Act 1988] he is entitled to have possession of it without holding a firearm certificate.

- (3) It is an offence for a person under the age of fifteen to have with him an assembled shot gun except while under the supervision of a person of or over the age of twenty-one, or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.
- (4) Subject to section 23 below, it is an offence for a person under the age of fourteen to have with him an air weapon or ammunition for an air weapon.
- (5) Subject to section 23 below, it is an offence for a person under the age of seventeen to have an air weapon with him in a public place, except an air gun or air rifle which is so covered with a securely fastened gun cover that it cannot be fired.

#### Textual Amendments

**F34** S. 22(1A) inserted (1.1.1993) by [S.I. 1992/2823, reg. 4\(1\)](#)

**F35** S. 22(2): Words inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 23\(4\)](#) [Editorial Note: the amending section provides that the insertion is to be made after the words "of this Act". Those words appear twice in s. 22(2), but the sense of the subsection as amended seems to require that the insertion should be made after the second occurrence of those words.]

## 23 Exceptions from s. 22(4) and (5).

- (1) It is not an offence under section 22(4) of this Act for a person to have with him an air weapon or ammunition while he is under the supervision of a person of or over the age of twenty-one; but where a person has with him an air weapon on any premises in circumstances where he would be prohibited from having it with him but for this subsection, it is an offence—
  - (a) for him to use it for firing any missile beyond those premises; or
  - (b) for the person under whose supervision he is to allow him so to use it.
- (2) It is not an offence under section 22(4) or (5) of this Act for a person to have with him an air weapon or ammunition at a time when—
  - (a) being a member of a rifle club or miniature rifle club for the time being approved by the Secretary of State for the purposes of this section or [<sup>F36</sup>section 15 of the Firearms (Amendment) Act 1988], he is engaged as such a member in or in connection with target practice; or
  - (b) he is using the weapon or ammunition at a shooting gallery where the only firearms used are either air weapons or miniature rifles not exceeding .23 inch calibre.

#### Textual Amendments

**F36** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 23\(4\)](#)

## 24 Supplying firearms to minors.

- (1) It is an offence to sell or let on hire any firearm or ammunition to a person under the age of seventeen.



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- (2) It is an offence—
- (a) to make a gift of or lend any firearm or ammunition to which section 1 of this Act applies to a person under the age of fourteen; or
  - (b) to part with the possession of any such firearm or ammunition to a person under that age, except in circumstances where that person is entitled under section 11(1), (3) or (4) of this Act [<sup>F37</sup> or section 15 of the Firearms (Amendment) Act 1988] to have possession thereof without holding a firearm certificate.
- (3) It is an offence to make a gift of a shot gun or ammunition for a shot gun to a person under the age of fifteen.
- (4) It is an offence—
- (a) to make a gift of an air weapon or ammunition for an air weapon to a person under the age of fourteen; or
  - (b) to part with the possession of an air weapon or ammunition for an air weapon to a person under that age except where by virtue of section 23 of this Act the person is not prohibited from having it with him.
- (5) In proceedings for an offence under any provision of this section it is a defence to prove that the person charged with the offence believed the other person to be of or over the age mentioned in that provision and had reasonable ground for the belief.

#### Textual Amendments

**F37** Words inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. **23(4)**

PROSPECTIVE

#### [<sup>F38</sup>24A Supplying imitation firearms to minors

- (1) It is an offence for a person under the age of eighteen to purchase an imitation firearm.
- (2) It is an offence to sell an imitation firearm to a person under the age of eighteen.
- (3) In proceedings for an offence under subsection (2) it is a defence to show that the person charged with the offence—
  - (a) believed the other person to be aged eighteen or over; and
  - (b) had reasonable ground for that belief.
- (4) For the purposes of this section a person shall be taken to have shown the matters specified in subsection (3) if—
  - (a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and
  - (b) the contrary is not proved beyond a reasonable doubt.]

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#### Textual Amendments

**F38** S. 24A inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 40(1), 66(2)**; S.I. 2007/2180, **art. 3(i)**

## 25 Supplying firearm to person drunk or insane.

It is an offence for a person to sell or transfer any firearm or ammunition to, or to repair, prove or test any firearm or ammunition for, another person whom he knows or has reasonable cause for believing to be drunk or of unsound mind.

## PART II

### FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

*Grant, renewal, variation and revocation of firearm and shot gun certificates*

VALID FROM 01/07/1997

#### [<sup>F39</sup>26A Applications for firearm certificates.

- (1) An application for the grant of a firearm certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.
- (2) Rules made by the Secretary of State under section 53 of this Act may require any application for a firearm certificate to be accompanied by up to four photographs of the applicant and by the names and addresses of two persons who have agreed to act as referees.
- (3) The rules may require that, before considering an application for a firearm certificate, the chief officer of police has the following from each referee nominated by the applicant—
  - (a) verification in the prescribed manner of—
    - (i) any prescribed particulars; and
    - (ii) the likeness to the applicant of the photographs submitted with the application;
  - (b) a statement in the prescribed form to the effect that he knows of no reason why the applicant should not be permitted to possess a firearm; and
  - (c) such other statements or information in connection with the application or the applicant as may be prescribed.]

#### Textual Amendments

**F39** Ss. 26A, 26B substituted for s. 26 (1.7.1997) by [1997 c. 5, s. 37](#); S.I. 1997/1535, **art. 3(b)**, **Sch. Pt. I**

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VALID FROM 01/07/1997

**<sup>F40</sup>26B Applications for shot gun certificates.**

- (1) An application for the grant of a shot gun certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.
- (2) Rules made by the Secretary of State under section 53 of this Act may—
  - (a) require any application for a certificate to be accompanied by up to four photographs of the applicant;
  - (b) require the verification in the prescribed manner of any prescribed particulars and of the likeness of those photographs to the applicant;
  - (c) require any application for a certificate to be accompanied by a statement by the person verifying the matters mentioned in paragraph (b) above to the effect that he knows of no reason why the applicant should not be permitted to possess a shot gun.

**Textual Amendments**

**F40** Ss. 26A, 26B substituted for s. 26 (1.7.1997) by 1997 c. 5, s. 37; S.I. 1997/1535, art. 3(b), Sch. Pt. I

**26 Application for, and grant of, certificates.**

- (1) An application for the grant of a firearm or shot gun certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.
- (2) Rules made by the Secretary of State under section 53 of this Act may—
  - (a) require any application for a certificate to be accompanied by [<sup>F41</sup>up to four photographs] of the applicant;
  - (b) require the verification in the prescribed manner of any prescribed particulars and of the likeness of any such photograph to the applicant.
  - [<sup>F42</sup>(c) require any application for a certificate to be accompanied by a statement by the person verifying the matters mentioned in paragraph (b) above to the effect that he knows of no reason why the applicant should not be permitted to possess a firearm.]
- (3) Subject to the special provision made for shot gun certificates by section 28(3) below, a certificate shall, unless previously revoked or cancelled, continue in force for three years, <sup>F43</sup> . . . from the date when it was granted or last renewed, but shall be renewable for a further period of three years, <sup>F43</sup> . . . by the chief officer of police for the area in which the holder resides, and so on from time to time; and the foregoing provisions of this section apply to the renewal of a certificate as they apply to a grant:

Provided that, subject to the power of renewal conferred by this subsection, a certificate granted or last renewed in Northern Ireland shall not continue in force for a period longer than that for which it was so granted or last renewed.

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- [<sup>F44</sup>(3A) The Secretary of State may by order provide that subsection (3) above shall have effect as if the references to three years were references to such other period as is specified by the order.
- (3B) An order made under subsection (3A) above shall apply only to certificates granted or renewed after the date on which the order comes into force.
- (3C) The power to make orders under subsection (3A) above shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (4) A person aggrieved by the refusal of a chief officer of police to grant or to renew a certificate under this Act may in accordance with section 44 of this Act appeal against the refusal.
- (5) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a certificate under this Act.

#### Textual Amendments

- F41** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 9](#)
- F42** [S. 26\(2\)\(c\)](#) added by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 10](#)
- F43** Words in [s. 26\(3\)](#) omitted (16.3.1992) by virtue of [Firearms \(Amendment\) Act 1992 \(c. 31\), s. 1\(1\)\(a\)](#)
- F44** [S. 26\(3A\)-\(3C\)](#) inserted (16.3.1992) by [Firearms \(Amendment\) Act 1992 \(c. 31\), s. 1\(1\)\(b\)](#)

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

- C9** [S. 26\(3\)](#) modified by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 11\(1\)](#)
- C10** [S. 26\(3\)](#) amended (1.1.1995) by [S.I. 1994/2614, art. 2](#)

## 27 Special provisions about firearm certificates.

- (1) A firearm certificate shall be granted by the chief officer of police if he is satisfied that the applicant has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made, and can be permitted to have it in his possession without danger to the public safety or to the peace:

Provided that a firearm certificate shall not be granted to a person whom the chief officer of police has reason to believe to be prohibited by this Act from possessing a firearm to which section 1 of this Act applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.

- [<sup>F45</sup>(1A) For the purposes of subsection (1) above a person under the age of eighteen shall be capable of having a good reason for having a firearm or ammunition in his possession, or for purchasing or acquiring it, only if he has no intention of using the firearm or ammunition, at any time before he attains the age of eighteen, for a purpose not authorised by the European weapons directive.]
- (2) A firearm certificate shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates [<sup>F46</sup>, including if known their identification numbers,] and, as respects ammunition,

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the quantities authorised to be purchased [<sup>F46</sup>or acquired] and to be held at any one time thereunder.

(3) This section applies to the renewal of a firearm certificate as it applies to a grant.

#### Textual Amendments

**F45** S. 27(1A) inserted (1.1.1993) by S.I. 1992/2823, reg. 4(2)

**F46** Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 23(5)

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

**C11** S. 27(2) amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 9

## 28 Special provisions about shot gun certificates.

[<sup>F47</sup>(1) Subject to subsection (1A) below, a shot gun certificate shall be granted or, as the case may be, renewed by the chief officer of police if he is satisfied that the applicant can be permitted to possess a shot gun without danger to the public safety or to the peace.

(1A) No such certificate shall be granted or renewed if the chief officer of police—

- (a) has reason to believe that the applicant is prohibited by this Act from possessing a shot gun; or
- (b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one.

(1B) For the purposes of paragraph (b) of subsection (1A) above an applicant shall, in particular, be regarded as having a good reason if the gun is intended to be used for sporting or competition purposes or for shooting vermin; and an application shall not be refused by virtue of that paragraph merely because the applicant intends neither to use the gun himself nor to lend it for anyone else to use.]

[<sup>F48</sup>(1C) A person under the age of eighteen shall be regarded for the purposes of paragraph (b) of subsection (1A) above as not having a good reason for possessing, purchasing or acquiring a shot gun if it is his intention to use the shot gun, at any time before he attains the age of eighteen, for a purpose not authorised by the European weapons directive.]

(2) A shot gun certificate shall be in the prescribed form and shall—

- (a) be granted or renewed subject to any prescribed conditions and no others; and
- (b) specify the conditions, if any, subject to which it is granted or renewed.

[<sup>F49</sup>(2A) A shot gun certificate shall specify the description of the shot guns to which it relates including, if known, the identification numbers of the guns.]

(3) Notwithstanding section 26(3) of this Act, a shot gun certificate issued before the expiration of six months from the date of the commencement of this Act shall continue in force for such period from that date or from the date when it is granted, whichever is the later, as may be specified in the certificate by the chief officer of police (being a period of not less than one year but not more than five years).

#### Textual Amendments

**F47** S. 28(1) substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 3(1)

**Status:** Point in time view as at 01/01/1993. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Firearms Act 1968 is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**F48** S. 28(1C) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(3)**

**F49** S. 28(2A) inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 3(2)**

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

**C12** S. 28(2) amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 9**

VALID FROM 01/07/1997

**[<sup>F50</sup>28A Certificates: supplementary.**

- (1) A certificate shall, unless previously revoked or cancelled, continue in force for five years from the date when it was granted or last renewed, but shall be renewable for a further period of five years by the chief officer of police for the area in which the holder resides.
- (2) The provisions of this Act apply to the renewal of a certificate as they apply to a grant; but, subject to the power of renewal conferred by this subsection, a certificate granted or last renewed in Northern Ireland shall not continue in force for a period longer than that for which it was so granted or last renewed.
- (3) The Secretary of State may by order amend subsection (1) above so as to substitute for any reference to a period for the time being specified in that subsection a reference to such other period as may be specified in the order.
- (4) An order made under subsection (3) above shall apply only to certificates granted or renewed after the date on which the order comes into force.
- (5) The power to make orders under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A person aggrieved by the refusal of a chief officer of police to grant or to renew a certificate under this Act may in accordance with section 44 of this Act appeal against the refusal.
- (7) It is an offence for a person knowingly or recklessly to make any statement which is false in any material particular for the purpose of procuring (whether for himself or another) the grant or renewal of a certificate under this Act.]

**Textual Amendments**

**F50** S. 28A inserted (1.7.1997) 1997 c. 5, s. 52(1), **Sch. 2 para. 4(1)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

**29 Variation of firearm certificates.**

- (1) The chief officer of police for the area in which the holder of a firearm certificate resides may at any time by notice in writing vary the conditions subject to which the certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.

**Status:** Point in time view as at 01/01/1993. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Firearms Act 1968 is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) A firearm certificate may also, on the application of the holder, be varied from time to time by the chief officer of police for the area in which the holder for the time being resides; and a person aggrieved by the refusal of a chief officer of police to vary a firearm certificate may in accordance with section 44 of this Act appeal against the refusal.
- (3) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or another person, the variation of a firearm certificate.

VALID FROM 01/07/1997

**[<sup>F51</sup>30A Revocation of firearm certificates.**

- (1) A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides on any of the grounds mentioned in subsections (2) to (5) below.
- (2) The certificate may be revoked if the chief officer of police has reason to believe—
  - (a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
  - (b) that the holder can no longer be permitted to have the firearm or ammunition to which the certificate relates in his possession without danger to the public safety or to the peace.
- (3) The certificate may be revoked if the chief officer of police is satisfied that the holder is prohibited by this Act from possessing a firearm to which section 1 of this Act applies.
- (4) The certificate may be revoked if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition which he is authorised by virtue of the certificate to have in his possession or to purchase or acquire.
- (5) A firearm certificate may be revoked if the holder fails to comply with a notice under section 29(1) of this Act requiring him to deliver up the certificate.
- (6) A person aggrieved by the revocation of a certificate under subsection (2), (3) or (4) of this section may in accordance with section 44 of this Act appeal against the revocation.]

**Textual Amendments**

**F51** Ss. 30A, 30B, 30C, 30D substituted for s. 30 (1.7.1997) by 1997 c. 5, s. 40; S.I. 1997/1535, art. 3(b), Sch. Pt. I

*Status: Point in time view as at 01/01/1993. This version of this Act contains provisions that are not valid for this point in time.*

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VALID FROM 01/07/1997

**<sup>F52</sup>30B Partial revocation of firearm certificates.**

- (1) The chief officer of police for the area in which the holder of a firearm certificate resides may partially revoke the certificate, that is to say, he may revoke the certificate in relation to any firearm or ammunition which the holder is authorised by virtue of the certificate to have in his possession or to purchase or acquire.
- (2) A firearm certificate may be partially revoked only if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition to which the partial revocation relates.
- (3) A person aggrieved by the partial revocation of a certificate may in accordance with section 44 of this Act appeal against the partial revocation.

**Textual Amendments**

**F52** Ss. 30A, 30B, 30C, 30D substituted for s. 30 (1.7.1997) by 1997 c. 5, s. 40; S.I. 1997/1535, art. 3(b), Sch. Pt. I

VALID FROM 01/07/1997

**<sup>F53</sup>30C Revocation of shot gun certificates.**

- (1) A shot gun certificate may be revoked by the chief officer of police for the area in which the holder resides if he is satisfied that the holder is prohibited by this Act from possessing a shot gun or cannot be permitted to possess a shot gun without danger to the public safety or to the peace.
- (2) A person aggrieved by the revocation of a shot gun certificate may in accordance with section 44 of this Act appeal against the revocation.

**Textual Amendments**

**F53** Ss. 30A, 30B, 30C, 30D substituted for s. 30 (1.7.1997) by 1997 c. 5, s. 40; S.I. 1997/1535, art. 3(b), Sch. Pt. I

VALID FROM 01/07/1997

**<sup>F54</sup>30D Revocation of certificates: supplementary.**

- (1) Where a certificate is revoked under section 30A or 30C of this Act the chief officer of police shall by notice in writing require the holder to surrender the certificate.



**Status:** Point in time view as at 01/01/1993. This version of this Act contains provisions that are not valid for this point in time.

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- (2) Where a certificate is partially revoked under section 30B of this Act the chief officer of police shall by notice in writing require the holder to deliver up the certificate for the purpose of amending it.
- (3) It is an offence for the holder of a certificate to fail to comply with a notice under subsection (1) or (2) above within twenty-one days from the date of the notice.
- (4) If an appeal is brought against a revocation or partial revocation—
  - (a) this section shall not apply to that revocation or partial revocation unless the appeal is abandoned or dismissed; and
  - (b) it shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.
- (5) This section shall not apply in relation to—
  - (a) the revocation of a firearm certificate on any ground mentioned in section 30A(2), (3) or (4) of this Act;
  - (b) the revocation of a shot gun certificate,  
if the chief officer of police serves a notice on the holder under section 12 of the <sup>M7</sup>Firearms Act 1988 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.

#### Textual Amendments

**F54** Ss. 30A, 30B, 30C, 30D substituted for s. 30 (1.7.1997) by 1997 c. 5, s. 40; S.I. 1997/1535, art. 3(b), Sch. Pt. I

#### Marginal Citations

**M7** 1988 c. 45.

### 30 Revocation of certificates.

- (1) A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides if—
  - (a) the chief officer is satisfied that the holder is prohibited by this Act from possessing a firearm to which section 1 of this Act applies or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or
  - (b) the holder fails to comply with a notice under section 29(1) of this Act requiring him to deliver up the certificate.
- (2) A shot gun certificate may be revoked by the chief officer of police if he is satisfied that the holder is prohibited by this Act from possessing a shot gun or cannot be permitted to possess a shot gun without danger to the public safety or to the peace.
- (3) A person aggrieved by the revocation of a certificate under subsection (1)(a) or (2) of this section may in accordance with section 44 of this Act appeal against the refusal.
- (4) Where a certificate is revoked by the chief officer of police under this section, he shall by notice in writing require the holder to surrender the certificate; and it is an offence for the holder to fail to do so within twenty-one days from the date of the notice:

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Provided that, if an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

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

C13 S. 30(4) restricted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 12(5)

### 31 Certificate for prohibited weapon.

- (1) A chief officer of police shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant for the certificate is for the time being authorised by the Defence Council under section 5 of this Act to have possession of that weapon or ammunition.
- (2) Where an authority of the Defence Council under that section to have possession of, or to purchase or acquire, a prohibited weapon or prohibited ammunition is revoked, the firearm certificate relating to that weapon or ammunition shall be revoked or varied accordingly by the chief officer of police by whom it was granted.

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

C14 S. 31 modified (1.11.1968) by [S.I. 1968/1200](#), art. 3

### 32 Fee for certificate and exemption from paying it in certain cases.

- [<sup>F55</sup>(1) Subject to this Act, there shall be payable—
- (a) on the grant of a firearm certificate a fee of £46;
  - (b) on the renewal of a firearm certificate a fee of £46;
  - (c) on any variation of a firearm certificate (otherwise than when it is renewed at the same time) so as to increase the number of firearms to which the certificate relates, a fee of £26;
  - (cc) on the replacement of a firearm certificate which has been lost or destroyed a fee of £9;
  - (d) on the grant of a shot gun certificate a fee of £17;
  - (e) on the renewal of a shot gun certificate a fee of £11;
  - (f) on the replacement of a shot gun certificate which has been lost or destroyed a fee of £8.]
- (2) No fee shall be payable on the grant to a responsible officer of a rifle club, miniature rifle club [<sup>F56</sup>pistol club], or cadet corps approved for the purpose by the Secretary of State, of a firearm certificate in respect of firearms or ammunition to be used solely for target practice or drill by the members of the club or corps, or on the variation or renewal of a certificate so granted [<sup>F57</sup>but in the case of a club whose approval is limited to target practice with specified types of rifles or pistols this subsection shall apply only to a certificate in respect of rifles or pistols of those types].

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- (3) No fee shall be payable on the grant, variation or renewal of a firearm certificate if the chief officer of police is satisfied that the certificate relates solely to and, in the case of a variation, will continue when varied to relate solely to—
- (a) a firearm or ammunition which the applicant requires as part of the equipment of a ship; or
  - (b) a signalling apparatus, or ammunition therefor, which the applicant requires as part of the equipment of an aircraft or aerodrome; or
  - (c) a slaughtering instrument, or ammunition therefor, which the applicant requires for the purpose of the slaughter of animals.

[<sup>F58</sup>(3A) No fee shall be payable on the grant, variation or renewal of a firearm certificate which relates solely to and, in the case of a variation, will continue when varied to relate solely to a signalling device, which, when assembled and ready to fire, is not more than eight inches long and which is designed to discharge a flare, or to ammunition for such a device.]

- (4) No fee shall be payable—
- (a) on the grant or renewal of a firearm certificate relating solely to a firearm which is shown to the satisfaction of the chief officer of police to be kept by the applicant as a trophy of war; or
  - (b) on any variation of a certificate the sole effect of which is to add such a firearm as aforesaid to the firearms to which the certificate relates,
- if the certificate is granted, renewed or varied subject to the condition that the applicant shall not use the firearm.

#### Textual Amendments

- F55** S. 32(1) amended (E.W.) by virtue of S.I. 1990/290, art. 4, Sch. 1 Pt. I (which S.I. was revoked (1.1.1995) by S.I. 1994/2615, art. 3) and (S.) by virtue of S.I. 1990/325, art. 4, Sch. 1 Pt. I (which S.I. was revoked (1.1.1995) by S.I. 1994/2652, art. 9)
- F56** Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 15(8)
- F57** Words added by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 15(8)
- F58** S. 32(3A) amended (E.W.) by virtue of S.I. 1990/290, art. 5, Sch. 1 Pt. II (which S.I. was revoked (1.1.1995) by S.I. 1994/2615, art. 3) and (S.) by virtue of S.I. 1990/325, art. 5, Sch. 1 Pt. II (which S.I. was revoked (1.1.1995) by S.I. 1994/2652, art. 9)

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

- C15** S. 32 modified by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 11(3)

[<sup>F59</sup>Issue etc. in Great Britain of documents for European purposes.]

#### Textual Amendments

- F59** Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, reg. 5(1).

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### **F<sup>60</sup>32A Documents for European purposes.**

(1) Where a person is granted, or is the holder of, a certificate under this Act, he shall be entitled to be issued by the chief officer of police for the area in which he resides with—

- (a) a document (“a European firearms pass”) containing the required particulars; and
- (b) a document stating that, for the purposes of Article 7 of the European weapons directive, the holder of the certificate has the agreement of the United Kingdom authorities, for so long as the certificate remains in force, to any purchase or acquisition by him in another member State of any firearm or ammunition to which the certificate relates;

and an application for the issue of a document falling within paragraph (a) or (b) above may be made at the same time as any application for a certificate the grant of which will entitle him to the issue of the document or subsequently while the certificate is in force.

(2) Where—

- (a) a person who resides in Great Britain is proposing to purchase or acquire any firearm or ammunition in another member State;
- (b) that person is not for the time being the holder of a certificate under this Act relating to that firearm or ammunition;
- (c) the firearm falls within category B for the purposes of Annex I to the European weapons directive or the ammunition is capable of being used with such a firearm; and
- (d) that person satisfies the chief officer of police for the area where he resides that he is not proposing to bring that firearm or ammunition into the United Kingdom,

the chief officer of police may, if he thinks fit, issue that person with a document stating that, for the purposes of Article 7 of the European weapons directive, that person has the agreement of the United Kingdom authorities to any purchase or acquisition by him in another member State of that firearm or ammunition.

(3) For the purposes of subsection (1) above the required particulars, in relation to a person issued with a European firearms pass, are—

- (a) particulars identifying that person;
- (b) particulars identifying every firearm which—
  - (i) that person has applied to have included in a European firearms pass; and
  - (ii) is a firearm in relation to which a certificate granted to that person is for the time being in force;
- (c) a statement in relation to every firearm identified in the pass as to the category into which it falls for the purposes of Annex I to the European weapons directive;
- (d) the date of the issue of the pass and the period from its issue for which the pass is to be valid;
- (e) the statements required by paragraph (f) of Annex II to that directive (statements as to travel in the member States with the firearms identified in the pass).

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- (4) For the purposes of this section the particulars of the firearms to which a shot gun certificate relates which are to be contained in a European firearms pass by virtue of subsection (3)(b) above are—
- (a) a description of the shot guns to which that certificate relates; and
  - (b) any identification numbers specified in or entered on that certificate in pursuance of section 28(2A) of this Act or in consequence of any person's compliance, in accordance with section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns), with any instructions contained in the certificate;
- and, accordingly, references in this Act to a firearm identified in such a pass shall include references to any shot gun of a description specified in that pass.
- (5) A European firearms pass shall contain space for the making of entries by persons authorised to do so under the law of any member State.
- (6) The period specified in a European firearms pass as the period for which it is to be valid shall be whichever is the shorter of the following—
- (a) the period until the earliest time when a certificate relating to a firearm identified in the pass expires; and
  - (b) the maximum period for the duration of that pass.
- (7) For the purposes of subsection (6) above the maximum period for the duration of a European firearms pass is—
- (a) in the case of a pass identifying only a firearm or firearms stated in the pass to fall within category D for the purposes of Annex I to the European weapons directive, ten years; and
  - (b) in any other case, five years.

#### Textual Amendments

**F60** Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, reg. 5(1)

#### <sup>F61</sup>**32B Renewal of European firearms pass.**

- (1) On an application for the renewal by a chief officer of police of a certificate under this Act relating to a firearm identified in a European firearms pass, the holder of the certificate may apply to the chief officer of police for the renewal of the pass.
- (2) Where—
- (a) a certificate relating to a firearm identified in a European firearms pass is to expire without being renewed; but
  - (b) a certificate relating to another firearm identified in that pass will continue in force after the other certificate expires,
- the holder of the pass may apply to the chief officer of police for the area in which he resides for the renewal of the pass subject to the deletion of the reference to any firearm to which the expiring certificate relates.
- (3) Where, on an application to a chief officer of police under subsection (1) or (2) above—
- (a) the pass in question is produced to him; and

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- (b) a certificate relating to a firearm identified in the pass is renewed or will continue in force after the time when the pass would (apart from its renewal) have ceased to be valid,
- he shall renew that pass, subject to any appropriate deletion, from that time for whichever is the shorter of the periods specified in section 32A(6)(a) and (b) of this Act.
- (4) Where a European firearms pass ceases to be valid without being renewed under this section, the chief officer of police for the area in which the person to whom it was issued resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to surrender the pass to him.
- (5) It is an offence for any person to fail to comply with a notice given to him under subsection (4) above.

#### Textual Amendments

**F61** Heading and ss. 32A-32C inserted (1.1.1993) by S.I. 1992/2823, reg. 5(1)

#### <sup>F62</sup>32C Variation, endorsement etc. of European documents.

- (1) Where—
- (a) a certificate relating to a firearm identified in a European firearms pass or a certificate in respect of which an Article 7 authority has been issued is varied, revoked or cancelled under this Act;
  - (b) the Secretary of State gives notice that any European firearms pass needs to be modified by the addition or variation of any such statement as is mentioned in section 32A(3)(e) of this Act; or
  - (c) the holder of a European firearms pass applies to have particulars of another firearm added to the pass,
- it shall be the duty of the chief officer of police for the area in which the holder of the pass or authority resides to make such variations of the pass or authority as are appropriate in consequence of the variation, revocation, cancellation, notice or application or, where appropriate, to cancel it.
- (2) For the purpose of performing his duty under subsection (1) above the chief officer of police for the area in which any person who is or has been the holder of any certificate resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to produce or surrender to him any European firearms pass or Article 7 authority issued to that person.
- (3) Where a person is for the time being the holder of an Article 7 authority issued under section 32A(2) of this Act by the chief officer of police for any area, the chief officer of police for that area may, if he thinks fit, at any time—
- (a) revoke that authority; and
  - (b) by notice in writing require that person, within twenty-one days of the date of the notice, to surrender that authority to him.
- (4) Where a firearm identified in a European firearms pass which is for the time being valid, is lost or stolen, the holder of the pass shall immediately—
- (a) inform the chief officer of police for the area in which he resides about the loss or theft; and

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- (b) produce the pass to that chief officer for him to endorse particulars of that loss or theft on the pass.
- (5) Where a firearm to which an endorsement under subsection (4) above relates is returned to the possession of the holder of the pass in question, the chief officer of police for the area in which that person resides may, on the production to him of that pass, make such further endorsement on that pass as may be appropriate.
- (6) It is an offence for any person to fail to comply with a notice given to him under subsection (2) or (3) above or with any obligation imposed on him by virtue of subsection (4)(a) or (b) above.
- (7) Any reference in this section to the variation of a certificate includes a reference to the making of any entry on a shot gun certificate in pursuance of the requirement under section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns) to comply with instructions contained in the certificate.

#### Textual Amendments

**F62** Heading and ss. 32A-32C inserted (1.1.1993) by [S.I. 1992/2823](#), [reg. 5\(1\)](#)

### *Registration of firearms dealers*

#### **33 Police register.**

- (1) For purposes of this Act, the chief officer of police for every area shall keep in the prescribed form a register of firearms dealers.
- (2) Except as provided by section 34 of this Act, the chief officer of police shall enter in the register the name of any person who, having or proposing to have a place of business in the area, applies to be registered as a firearms dealer.
- (3) In order to be registered, the applicant must furnish the chief officer of police with the prescribed particulars, which shall include particulars of every place of business at which he proposes to carry on business in the area as a firearms dealer and, except as provided by this Act, the chief officer of police shall enter every such place of business in the register.
- (4) When a person is registered, the chief officer of police shall grant or cause to be granted to him a certificate of registration.
- (5) A person for the time being registered shall, [<sup>F63</sup>on or before the expiration of the period of three years from the grant of the certificate of registration for the time being held by him]—
  - (a) surrender his certificate to the chief officer of police; and
  - (b) apply in the prescribed form for a new certificate;and thereupon the chief officer of police shall, subject to sections 35(3) and 38(1) below, grant him a new certificate of registration.

#### Textual Amendments

**F63** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 13\(1\)](#)

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### 34 Grounds for refusal of registration.

(1) The chief officer of police shall not register an applicant as a firearms dealer if he is prohibited to be so registered by order of a court in Great Britain made under section 45 of this Act, or by order of a court in Northern Ireland under section 8(5) of the <sup>M8</sup>Firearms Act 1920 or any enactment of the Parliament of Northern Ireland amending or substituted for that section.

[<sup>F64</sup>(1A) The chief officer of police may refuse to register an applicant unless he is satisfied that the applicant will engage in business as a firearms dealer to a substantial extent or as an essential part of another trade, business or profession.]

(2) Subject to subsection (3) below, the chief officer of police may refuse to register an applicant, if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(3) In the case of a person for the time being authorised by the Defence Council under section 5 of this Act to manufacture, sell or transfer prohibited weapons or ammunition, the chief officer of police shall not refuse to enter his name in the register on the ground that he cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(4) The chief officer of police, if he is satisfied that a place of business notified to him under section 33(3) of this Act by an applicant for registration is a place at which the person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register.

(5) A person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer, or to enter in the register a place of business of his, may in accordance with section 44 of this Act appeal against the refusal.

#### Textual Amendments

**F64** S. 34(1A) inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 13(2)

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

**C16** S. 34(3) modified (1.11.1968) by [S.I. 1968/1200](#), art. 3

#### Marginal Citations

**M8** 1920 c. 43.

### 35 Fee for registration and renewal thereof.

[<sup>F65</sup>(1) Subject to this Act, on the registration of a person as a firearms dealer there shall be payable by him a fee of £94.]

[<sup>F66</sup>(1A) If the chief officer of police for the area in which the applicant has applied to be registered is satisfied—

- (a) that the only place of business in respect of which the application is made is at a game fair, trade fair or exhibition, agricultural show or an event of a similar character, and
- (b) that the applicant's principal place of business is entered in the register for another area,



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the fee payable shall be [<sup>F67</sup>£12]

(2) No fee shall be payable if the chief officer of police for the area in which the applicant has applied to be registered is satisfied that the only place of business in respect of which the application is made—

- (a) has become situated in that area because of an alteration in the boundary of the area and was previously entered in the register for another area; or
- (b) is one to which the applicant proposes to transfer the business previously carried on by him at a place entered in the register for another area.

[<sup>F68</sup>(3) Before a person for the time being registered as a firearms dealer can be granted a new certificate of registration under section 33(5) of this Act, he shall pay a fee of £50.]

#### Textual Amendments

- F65** S. 35(1) has effect by virtue of (E.W.) S.I. 1990/290, art. 6(a) and (S.) S.I. 1990/325, art. 6(a) as set out in Sch. 2 Pt. I to each of those instruments
- F66** S. 35(1A) inserted by (S.) S.I. 1986/996, art. 7 and (E.W.) S.I. 1986/986, art. 7
- F67** Words substituted by (E.W.) S.I. 1990/290, art. 6(b) and (S.) S.I. 1990/385, art. 6(b)
- F68** Section 35(3) amended (E.W.) by virtue of S.I. 1990/290 art. 6(c), Sch. 2 Pt. II and (S.) by virtue of S.I. 1990/325, art. 6(c), Sch. 2 Pt. II

### 36 Conditions of registration.

- (1) The chief officer of police may at any time impose conditions subject to which the registration of a person as a firearms dealer is to have effect and may at any time, of his own motion or on the application of the dealer, vary or revoke any such condition.
- (2) The chief officer of police shall specify the conditions for the time being in force under this section in the certificate of registration granted to the firearms dealer and, where any such condition is imposed, varied or revoked during the currency of the certificate of registration, the chief officer of police—
  - (a) shall give to the dealer notice in writing of the condition or variation (giving particulars) or of the revocation, as the case may be; and
  - (b) may by that notice require the dealer to deliver up to him his certificate of registration within twenty-one days from the date of the notice, for the purpose of amending the certificate.
- (3) A person aggrieved by the imposition or variation of, or refusal to vary or revoke, any condition of a firearms dealer's registration may in accordance with section 44 of this Act appeal against the imposition, variation or refusal.

### 37 Registration of new place of business.

- (1) A person registered in any area as a firearms dealer and proposing to carry on business as such at a place of business in that area which is not entered in the register, shall notify the chief officer of police for that area and furnish him with such particulars as may be prescribed; and the officer shall, subject to the provisions of this section, enter that place of business in the register.
- (2) The chief officer of police, if he is satisfied that a place of business notified to him by a person under subsection (1) of this section is a place at which that person cannot be

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permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter it in the register.

- (3) A person aggrieved by the refusal by a chief officer of police to enter in the register a place of business of his may in accordance with section 44 of this Act appeal against the refusal.

### **38 Removal from register of dealer’s name or place of business.**

- (1) If the chief officer of police, after giving reasonable notice to a person whose name is on the register, is satisfied that the person—
- (a) is no longer carrying on business as a firearms dealer; or
  - (b) has ceased to have a place of business in the area; or
  - (c) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace,
- he shall (subject to this section) cause the name of that person to be removed from the register.
- (2) In the case of a person for the time being authorised by the Defence Council under section 5 of this Act to manufacture, sell or transfer prohibited weapons or ammunition, the chief officer of police shall not remove his name from the register on the ground that he cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace.
- (3) If the chief officer of police is satisfied that a person registered as a firearms dealer has failed to comply with any of the conditions of registration in force under section 36 of this Act, he may remove from the register either that person’s name or any place of business of his to which the condition relates.
- (4) If the chief officer of police is satisfied that a place entered in the register as a person’s place of business is one at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, he may remove that place from the register.
- (5) The chief officer of police shall cause the name of a person to be removed from the register if the person so desires.
- (6) If a person for the time being registered fails to comply with any requirement of section 33(5) of this Act, the chief officer of police shall by notice in writing require him to comply with that requirement and, if the person fails to do so within twenty-one days from the date of the notice or within such further time as the chief officer may in special circumstances allow, shall cause his name to be removed from the register.
- (7) A person aggrieved by the removal of his name from the register, or by the removal from the register of a place of business of his, may in accordance with section 44 of this Act appeal against the removal.
- (8) Where the chief officer of police causes the name of a firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration [<sup>F69</sup>and the register of transactions kept by him under section 40 of this Act]; and it is an offence for the dealer to fail to do so within twenty-one days from the date of the notice:

Provided that, if an appeal is brought against the removal, this subsection shall not apply to that removal unless the appeal is abandoned or dismissed and shall then apply

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with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

#### Textual Amendments

**F69** Words inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 13(3)**

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

**C17** [S. 38\(2\)](#) modified (1.11.1968) by [S.I. 1968/1200](#), **art. 3**

### 39 Offences in connection with registration.

- (1) A person commits an offence if, for the purpose—
  - (a) of procuring the registration of himself or another person as a firearms dealer; or
  - (b) of procuring, whether for himself or another person, the entry of any place of business in a register of firearms dealers,he makes any statement which he knows to be false.
- (2) A person commits an offence if, being a registered firearms dealer, he has a place of business which is not entered in the register for the area in which the place of business is situated and carries on business as a firearms dealer at that place.
- (3) Without prejudice to section 38(3) above, a person commits an offence if he fails to comply with any of the conditions of registration imposed on him by the chief officer of police under section 36 of this Act.

#### *Supplementary*

### 40 Compulsory register of transactions in firearms.

- (1) Subject to section 41 of this Act, every person who by way of trade or business manufactures, sells or transfers firearms or ammunition shall provide and keep a register of transactions and shall enter or cause to be entered therein the particulars specified in Schedule 4 to this Act.
- (2) In subsection (1) above and in the said Schedule 4, any reference to firearms is to be construed as not including a reference to air weapons or component parts of, or accessories to, air weapons; and any reference therein to ammunition is to be construed as not including—
  - (a) cartridges containing five or more shot, none of which exceeds .36 inch in diameter;
  - (b) ammunition for an air gun, air rifle or air pistol; or
  - (c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge.
- (3) Every entry required by subsection (1) of this section to be made in the register shall be made within twenty-four hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom that subsection applies shall at the time of the transaction require the purchaser or transferee, if not known

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to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.

[<sup>F70</sup>(3A) Every person keeping a register in accordance with this section shall (unless required to surrender the register under section 38(8) of this Act) keep it for such a period that each entry made after the coming into force of this subsection will be available for inspection for at least five years from the date on which it was made.]

(4) Every person keeping a register in accordance with this section shall on demand allow [<sup>F71</sup>a constable], duly authorised in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand and shall on request by an officer of police so authorised or by an officer of customs and excise produce the register for inspection:

Provided that, where a written authority is required by this subsection, the authority shall be produced on demand.

(5) It is an offence for a person to fail to comply with any provision of this section or knowingly to make any false entry in the register required to be kept thereunder.

(6) Nothing in this section applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under section 9(2) of this Act.

(7) Rules made by the Secretary of State under section 53 of this Act may vary or add to Schedule 4 to this Act, and references in this section to that Schedule shall be construed as references to the Schedule as for the time being so varied or added to.

#### Textual Amendments

**F70** S. 40(3A) inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 13(4)

**F71** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 23(3)

#### 41 Exemption from s. 40 in case of trade in shot gun components.

If it appears to the chief officer of police that—

- (a) a person required to be registered as a firearms dealer carries on a trade or business in the course of which he manufactures, tests or repairs component parts or accessories for shot guns, but does not manufacture, test or repair complete shot guns; and
- (b) it is impossible to assemble a shot gun from the parts likely to come into that person's possession in the course of that trade or business,

the chief officer of police may, if he thinks fit, by notice in writing given to that person exempt his transactions in those parts and accessories, so long as the notice is in force, from all or any of the requirements of section 40 of this Act and Schedule 4 thereto.

#### 42 Transactions with persons not registered dealers.

(1) A person who sells, lets on hire, gives or lends a firearm or ammunition to which section 1 of this Act applies to another person in the United Kingdom, not being a registered firearms dealer shall, unless the other person shows that he is by virtue of this Act entitled to purchase or acquire the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced; and in the case of a firearm he shall, within [<sup>F72</sup>seven days] from the transaction, send

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by registered post or the recorded delivery service notice of the transaction to the chief officer of police by whom the certificate was issued.

[<sup>F73</sup>(1A) The notice under subsection (1) above shall contain a description of the firearm (giving the identification number if any) and state the nature of the transaction and the name and address of the other person concerned.]

(2) It is an offence for a person to fail to comply with this section.

#### Textual Amendments

**F72** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 23\(6\)](#)

**F73** [S. 42\(1A\)](#) inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 23\(6\)](#)

#### [<sup>F74</sup>**42A Information as to transactions under visitors' permits.**

(1) A person who sells, lets on hire, gives or lends a shot gun with a magazine to another person who—

(a) shows that he is entitled to purchase or acquire the weapon as the holder of a visitor's shot gun permit under section 17 of the Firearms (Amendment) Act 1988; but

(b) fails to show that the purchase or acquisition falls within subsection (1A)(c) or (d) of that section (temporary acquisitions or purchases or acquisitions by collectors etc.) or that he resides outside the member States,

shall, within forty-eight hours of the transaction, send by registered post or the recorded delivery service notice of the transaction to the chief officer of police who granted that permit.

(2) A notice under subsection (1) above shall—

(a) contain a description of the shot gun (giving the identification number if any);

(b) state the nature of the transaction (giving the name of the person to whom the gun has been sold, let on hire, given or lent, his address in the member State where he resides and the number and place of issue of his passport, if any); and

(c) set out the particulars of any licence granted for the purposes of an order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939 by virtue of which the transaction is authorised under section 17 of that Act of 1988.

(3) It is an offence for a person to fail to comply with this section.]

#### Textual Amendments

**F74** [S. 42A](#) inserted (1.1.1993) by [S.I. 1992/2823](#), [reg. 6\(2\)](#)

#### **43 Power of Secretary of State to alter fees.**

(1) Sections 32 and 35 of this Act may be amended by an order made by the Secretary of State so as to vary any sum specified thereby, or so as to provide that any sum payable thereunder shall cease to be so payable.

(2) An order made under this section may—

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- (a) be limited to such cases as may be specified by the order and may make different provision for different cases so specified; and
  - (b) be revoked or varied by a subsequent order so made.
- (3) The power to make orders under this section shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

- C18** S. 43 modified by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **ss. 11(4), 17(9)**
- C19** S. 43 extended (*prosp.*) by 1997 c. 5, **ss. 21(6), 53(3)** (which amending s. 21(6) was repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)
- S. 43 extended (*prosp.*) by 1988 c. 45, **s. 15A(3)** (as inserted (*prosp.*) by 1997 c. 5, **ss. 46, 53(3)**) (which amending s. 15A(3) of 1998 c. 45 and s. 46 of 1997 c. 5 were repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)

**44 Appeals from police decisions under Part II.**

- (1) An appeal under section 26, 29, 30, 34, 36, 37 or 38 of this Act lies, in England and Wales, to [<sup>F75</sup>the Crown Court] and, in Scotland, in accordance with Act of Sederunt to the sheriff.
- (2) In relation to an appeal specified in the first column of Part I of Schedule 5 to this Act—
- (a) ..... <sup>F76</sup>
  - (b) the third column shows, for Scotland, the sheriff, having jurisdiction to entertain the appeal.
- (3) The procedural and other provisions contained in Part II of Schedule 5 to this Act shall have effect (for England and Wales only) on an appeal to [<sup>F75</sup>the Crown Court] under any provision of this Part of this Act.

**Textual Amendments**

- F75** Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**
- F76** S. 44(2)(a) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

**45 Consequences where registered dealer convicted of offence.**

- (1) Where a registered firearms dealer is convicted of an offence relevant for the purposes of this section the court may order—
- (a) that the name of the dealer be removed from the register; and
  - (b) that neither the dealer nor any person who acquires his business, nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer; and
  - (c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence or any person who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and

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- (d) that any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.
- (2) The offences relevant for the purposes of this section are:—
- (a) all offences under this Act, except an offence under section 2, 22(3) or 24(3) or an offence relating specifically to air weapons; and
- (b) offences against the [F77 enactments for the time being in force relating to customs or excise] in respect of the import or export of firearms or ammunition to which section 1 of this Act applies, or of shot guns.
- (3) A person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

#### Textual Amendments

**F77** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), [Sch. 4 para. 12](#)

## PART III

### LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

#### 46 Power of search with warrant.

- (1) If a justice of the peace or, in Scotland, the sheriff . . . F78, is satisfied by information on oath that there is reasonable ground for suspecting that an offence relevant for the purposes of this section has been, is being, or is about to be committed, he may grant a search warrant authorising a constable [F79 named therein]—
- (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 any firearm or ammunition 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 that an offence relevant for the purposes of this section has been, is being or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.
- (2) 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.

#### Textual Amendments

**F78** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

**F79** Words repealed (E. W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), [Sch. 7 Pt. I](#)

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

**C20** S. 46 applied by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 25(5)

**47 Powers of constables to stop and search.**

- (1) A constable may require any person whom he has reasonable cause to suspect—
  - (a) of having a firearm, with or without ammunition, with him in a public place; or
  - (b) to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section,
 to hand over the firearm or any ammunition for examination by the constable.
- (2) It is an offence for a person having a firearm or ammunition with him to fail to hand it over when required to do so by a constable under subsection (1) of this section.
- (3) If a constable has reasonable cause to suspect a person of having a firearm with him in a public place, or to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section, the constable may search that person and may detain him for the purpose of doing so.
- (4) If a constable has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence relevant for the purposes of this section elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.
- (5) For the purpose of exercising the powers conferred by this section a constable may enter any place.
- (6) The offences relevant for the purpose of this section are those under sections 18(1) and (2) and 20 of this Act.

**48 Production of certificates.**

- (1) A constable may demand, from any person whom he believes to be in possession of a firearm or ammunition to which section 1 of this Act applies, or of a shot gun, the production of his firearm certificate or, as the case may be, his shot gun certificate.
- <sup>F80</sup>(1A) Where a person upon whom a demand has been made by a constable under subsection (1) above and whom the constable believes to be in possession of a firearm fails—
- (a) to produce a firearm certificate or, as the case may be, a shot gun certificate;
  - (b) to show that he is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with a document identifying that firearm under any of the provisions which in the other member States correspond to the provisions of this Act for the issue of European firearms passes; or
  - (c) to show that he is in possession of the firearm exclusively in connection with the carrying on of activities in respect of which, he or the person on whose behalf he has possession of the firearm, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons,



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the constable may demand from that person the production of a document which has been issued to that person in another member State under any such corresponding provisions, identifies that firearm as a firearm to which it relates and is for the time being valid.]

- (2) If a person upon whom a demand is made under this section fails to produce the certificate [<sup>F81</sup>or document] or to permit the constable to read it, or to show that he is entitled by virtue of this Act to have the firearm, ammunition or shot gun in his possession without holding a certificate, the constable may seize and detain the firearm, ammunition or shot gun and may require the person to declare to him immediately his name and address.
- (3) If under this section a person is required to declare to a constable his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.
- [<sup>F82</sup>(4) It is an offence for a person who is in possession of a firearm to fail to comply with a demand under subsection (1A) above.]

#### Textual Amendments

- F80** S. 48(1A) inserted (1.1.1993) by S.I. 1992/2823, reg. 7(2)  
**F81** Words in s. 48(2) inserted (1.1.1993) by S.I. 1992/2823, reg. 7(3)  
**F82** s. 48(4) inserted (1.1.1993) by S.I. 1992/2823, reg. 7(4)

#### 49 Police powers in relation to arms traffic.

- (1) [<sup>F83</sup>A constable] may search for and seize any firearms or ammunition which he has reason to believe are being removed, or to have been removed, in contravention of an order made under section 6 of this Act or of a corresponding Northern Irish order within the meaning of subsection (3)(c) of that section.
- (2) A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a constable, allow him all reasonable facilities for the examination and inspection thereof and shall produce any documents in his possession relating thereto.
- (3) It is an offence for a person to fail to comply with subsection (2) of this section.

#### Textual Amendments

- F83** Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 23(3)

#### [<sup>F84</sup>50 Special powers of arrest.

- (1) A constable making a search of premises under the authority of a warrant under section 46 of this Act may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence relevant for the purposes of that section.
- (2) A constable may arrest without warrant any person whom he has reasonable cause to suspect to be committing an offence under section 19, 20, 21 or 47(2) of this Act and, for the purpose of exercising the power conferred by this subsection, may enter any place.

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In Scotland, this subsection shall have effect with the inclusion of a reference to an offence under section 4, 5 or 18 of this Act.

- (3) A constable may arrest without warrant a person who refuses to declare his name and address when required to do so under section 48(2) of this Act, or whom he in such a case suspects of giving a false name and address or of intending to abscond.]

#### Textual Amendments

**F84** S. 50 repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), [Sch. 7 Pt. I](#)

## 51 Prosecution and punishment of offences.

- (1) Part I of Schedule 6 to this Act shall have effect with respect to the way in which offences under this Act are punishable on conviction.
- (2) In relation to an offence under a provision of this Act specified in the first column of the Schedule (the general nature of the offence being described in the second column),—
- the third column shows whether the offence is punishable on summary conviction or on indictment or either in one way or the other; and
  - the fourth column shows the maximum punishment by way of fine or imprisonment under this Act which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), any reference in the fourth column to a period of years or months being construed as a reference to a term of imprisonment of that duration.
- (3) The provisions contained in Part II of Schedule 6 to this Act (being provisions as to the inclusion in an indictment in Scotland of certain summary offences, the punishments which may be imposed when a person is convicted of more than one offence arising out of the same set of circumstances, alternative verdicts and the orders which, in certain cases, a court may make when a person is convicted by or before it) shall have effect in relation to such of the offences specified in Part I of that Schedule as are indicated by entries against those offences in the fifth column of that Part.
- (4) Notwithstanding [<sup>F85</sup>section 127(1) of the Magistrates' Courts Act 1980] or [<sup>F86</sup>section 331 of the <sup>M9</sup>Criminal Procedure (Scotland) Act 1975] (limitation of time for taking proceedings) summary proceedings for an offence under this Act, other than an offence under section 22(3) or an offence relating specifically to air weapons, may be instituted at any time within four years after the commission of the offence:

Provided that no such proceedings shall be instituted in England after the expiration of six months after the commission of the offence unless they are instituted by, or by the direction of, the Director of Public Prosecutions.

#### Textual Amendments

**F85** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 72](#)

**F86** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460(1)(b)

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

**C21** S. 51(4) applied by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. 25(5)

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- C22** S. 51(4) extended (1.7.1997) by 1997 c. 5, s. 50(4); S.I. 1997/1535, art. 3(b), **Sch. Pt. I**  
**C23** S. 51(4) applied with modifications (6.4.2007) by 2006 c. 38, ss. 50(3)(b), 66(2); S.I. 2007/858, art. 2(h)(ii)

#### Marginal Citations

- M9** 1975 c. 21.

VALID FROM 22/01/2004

### <sup>F87</sup> 51A Minimum sentence for certain offences under s. 5

- (1) This section applies where—
  - (a) an individual is convicted of—
    - (i) an offence under section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of this Act, or
    - (ii) an offence under section 5(1A)(a) of this Act, and
  - (b) the offence was committed after the commencement of this section and at a time when he was aged 16 or over.
- (2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (4) In this section “appropriate custodial sentence (or order for detention)” means—
  - (a) in relation to England and Wales—
    - (i) in the case of an offender who is aged 18 or over when convicted, a sentence of imprisonment, and
    - (ii) in the case of an offender who is aged under 18 at that time, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;
  - (b) in relation to Scotland—
    - (i) in the case of an offender who is aged 21 or over when convicted, a sentence of imprisonment,
    - (ii) in the case of an offender who is aged under 21 at that time (not being an offender mentioned in sub-paragraph (iii)), a sentence of detention under section 207 of the Criminal Procedure (Scotland) Act 1995, and
    - (iii) in the case of an offender who is aged under 18 at that time and is subject to a supervision requirement, an order for detention under section 44, or sentence of detention under section 208, of that Act.
- (5) In this section “the required minimum term” means—
  - (a) in relation to England and Wales—
    - (i) in the case of an offender who was aged 18 or over when he committed the offence, five years, and

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- (ii) in the case of an offender who was under 18 at that time, three years, and
- (b) in relation to Scotland—
  - (i) in the case of an offender who was aged 21 or over when he committed the offence, five years, and
  - (ii) in the case of an offender who was aged under 21 at that time, three years.]

#### Textual Amendments

**F87** S. 51A inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 287, 336; S.I. 2004/81, art. 3

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

**C24** S. 51A(1)(b): power to modify conferred (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 291(1)(a), 336; S.I. 2004/81, art. 3

## 52 Forfeiture and disposal of firearms; cancellation of certificate by convicting court.

- (1) Where a person—
- (a) is convicted of an offence under this Act (other than an offence under section 22(3) or an offence relating specifically to air weapons) or is convicted of a crime for which he is sentenced to imprisonment, . . . <sup>F88</sup> or detention in a detention centre or in a young offenders' institution in Scotland; or
  - (b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or
  - (c) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm; or
  - (d) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm,
- the court by or before which he is convicted, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate or shot gun certificate held by him.
- (2) Where the court cancels a certificate under this section—
- (a) the court shall cause notice to be sent to the chief officer of police by whom the certificate was granted; and
  - (b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it; and
  - (c) it is an offence for the holder to fail to surrender the certificate within twenty-one days from the date of the notice given him by the chief officer of police.
- (3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this section.
- (4) A court of summary jurisdiction or, in Scotland, the sheriff may, on the application of the chief officer of police, order any firearm or ammunition seized and detained by a constable under this Act to be destroyed or otherwise disposed of.

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#### Textual Amendments

**F88** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **ss. 123(6)**. 170(2), Sch. 8 para. 16, Sch. 16

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

**C25** [S. 52](#) applied by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 25(5)**

**C26** [S. 52](#) extended (1.7.1997) by [1997 c. 5, s. 50\(4\)](#); S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

## PART IV

### MISCELLANEOUS AND GENERAL

#### 53 Rules for implementing this Act.

The Secretary of State may by statutory instrument make rules—

- (a) prescribing the form of certificates under this Act, and the register required to be kept under section 40 of this Act and other documents;
- (b) prescribing any other thing which under this Act is to be prescribed; and
- (c) generally for carrying this Act into effect;

and rules made under this section may make different provision for different cases.

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

**C27** [Ss. 53–56](#) amended by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 25(6)**

**C28** [S. 53](#) extended (1.7.1997) by [1997 c. 5, s. 50\(5\)](#); S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

#### 54 Application of Parts I and II to Crown servants.

- (1) Sections 1, 2, 7 to 13 and 26 to 32 of this Act apply, subject to the modifications specified in subsection (2) of this section, to persons in the service of Her Majesty in their capacity as such so far as those provisions relate to the purchase and acquisition, but not so far as they relate to the possession, of firearms.
- (2) The modifications referred to above are the following:—
  - (a) a person in the service of Her Majesty duly authorised in writing in that behalf may purchase or acquire firearms and ammunition for the public service without holding a certificate under this Act;
  - (b) a person in the naval, military or air service of Her Majesty shall, if he satisfies the chief officer of police on an application under section 26 of this Act that he is required to purchase a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorising the purchase or acquisition or, as the case may be, to the grant of a shot gun certificate.
- (3) For the purposes of this section and of any rule of law whereby any provision of this Act does not bind the Crown, a member of a police force shall be deemed to be a person in the service of Her Majesty.

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

- C29** Ss. 53–56 amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 25(6)
- C30** S. 54 extended with modification by Atomic Energy Authority (Special Constables) Act 1976 (c. 23), s. 1
- C31** S. 54(3) extended (*prosp.*) by S.I. 1993/1813, art. 7(2) (which S.I. is commenced in accordance with art. 1 of that S.I.)
- S. 54 extended (1.7.1997) by 1997 c. 5, s. 50(5); S.I. 1997/1535, art. 3(b), Sch. Pt. I

### 55 Exercise of police functions.

- (1) Rules made under section 53 of this Act may—
- (a) regulate the manner in which chief officers of police are to carry out their duties under this Act;
  - (b) enable all or any of the functions of a chief officer of police to be discharged by a deputy in the event of his illness or absence, or of a vacancy in the office of chief officer of police.
- (2) Without prejudice to subsection (1)(b) of this section, the functions of a chief officer of police under this Act shall be exercisable on any occasion by a person, or a person of a particular class, authorised by the chief officer of police to exercise that function on that occasion, or on occasions of that class or on all occasions.

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

- C32** Ss. 53–56 amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 25(6)
- C33** S. 55 extended (1.7.1997) by 1997 c. 5, s. 50(5); S.I. 1997/1535, art. 3(b), Sch. Pt. I

### 56 Service of notices.

Any notice required or authorised by this Act to be given to a person may be sent by registered post or by the recorded delivery service in a letter addressed to him at his last or usual place of abode or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.

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

- C34** Ss. 53–56 amended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 25(6)
- C35** S. 56 extended (1.7.1997) by 1997 c. 5, s. 50(5); S.I. 1997/1535, art. 3(b), Sch. Pt. I

### 57 Interpretation.

- (1) In this Act, the expression “firearm” means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes—
- (a) any prohibited weapon, whether it is such a lethal weapon as aforesaid or not; and
  - (b) any component part of such a lethal or prohibited weapon; and

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- (c) any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;  
and so much of section 1 of this Act as excludes any description of firearm from the category of firearms to which that section applies shall be construed as also excluding component parts of, and accessories to, firearms of that description.
- (2) In this Act, the expression “ammunition” means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition.
- [<sup>F89</sup>(2A) In this Act “self-loading” and “pump-action” in relation to any weapon mean respectively that it is designed or adapted (otherwise than as mentioned in section 5(1)(a)) so that it is automatically re-loaded or that it is so designed or adapted that it is re-loaded by the manual operation of the fore-end or forestock of the weapon.
- (2B) In this Act “revolver”, in relation to a smooth-bore gun, means a gun containing a series of chambers which revolve when the gun is fired.]
- (3) For purposes of sections 45, 46, 50, 51(4) and 52 of this Act, the offences under this Act relating specifically to air weapons are those under sections 22(4), 22(5), 23(1) and 24(4).
- (4) In this Act—
- “acquire” means hire, accept as a gift or borrow and “acquisition” shall be construed accordingly;
  - “air weapon” has the meaning assigned to it by section 1(3)(b) of this Act;
  - [<sup>F90</sup>“another member State” means a member State other than the United Kingdom, and “other member States” shall be construed accordingly;]
  - “area” means a police area;
  - [<sup>F91</sup>“Article 7 authority” means a document issued by virtue of section 32A(1)(b) or (2) of this Act;]
  - “certificate” (except in a context relating to the registration of firearms dealers) and “certificate under this Act” mean a firearm certificate or a shot gun certificate and—
    - (a) “firearm certificate” means a certificate granted by a chief officer of police under this Act in respect of any firearm or ammunition to which section 1 of this Act applies and includes a certificate granted in Northern Ireland under section 1 of the <sup>M10</sup>Firearms Act 1920 or under an enactment of the Parliament of Northern Ireland amending or substituted for that section; and
    - (b) “shot gun certificate” means a certificate granted by a chief officer of police under this Act and authorising a person to possess shot guns;
  - [<sup>F92</sup>“European firearms pass” means a document to which the holder of a certificate under this Act is entitled by virtue of section 32A(1)(a) of this Act;
  - “European weapons directive” means the directive of the Council of the European Communities No.91/477/EEC<sup>M11</sup> (directive on the control of the acquisition and possession of weapons);]
  - “firearms dealer” means a person who, by way of trade or business, manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 of this Act applies, or shot guns;
  - “imitation firearm” means any thing which has the appearance of being a firearm (other than such a weapon as is mentioned in section 5(1)(b) of

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this Act) whether or not it is capable of discharging any shot, bullet or other missile;

F93

“premises” includes any land;

“prescribed” means prescribed by rules made by the Secretary of State under section 53 of this Act;

“prohibited weapon” and “prohibited ammunition” have the meanings assigned to them by section 5(2) of this Act;

“public place” includes any [F94highway][F94road within the meaning of the Roads (Scotland) Act 1984] and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise;

“registered”, in relation to a firearms dealer, means registered either—

- (a) in Great Britain, under section 33 of this Act, or
- (b) in Northern Ireland, under section 8 of the M12Firearms Act 1920 or any enactment of the Parliament of Northern Ireland amending or substituted for that section,

and references to “the register”, “registration” and a “certificate of registration” shall be construed accordingly, except in section 40;

[F95“rifle” includes carbine;]

“shot gun” has the meaning assigned to it by section 1(3)(a) of this Act and, in sections 3(1) and 45(2) of this Act and in the definition of “firearms dealer”, includes any component part of a shot gun and any accessory to a shot gun designed or adapted to diminish the noise or flash caused by firing the gun;

“slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them; and

“transfer” includes let on hire, give, lend and part with possession, and “transferee” and “transferor” shall be construed accordingly.

[F96(4A) For the purposes of any reference in this Act to the use of any firearm or ammunition for a purpose not authorised by the European weapons directive, the directive shall be taken to authorise the use of a firearm or ammunition as or with a slaughtering instrument and the use of a firearm and ammunition—

- (a) for sporting purposes;
- (b) for the shooting of vermin, or, in the course of carrying on activities in connection with the management of any estate, of other wildlife; and
- (c) for competition purposes and target shooting outside competitions.]

(5) The definitions in subsections (1) to (3) above apply to the provisions of this Act except where the context otherwise requires.

(6) For purposes of this Act—

- (a) the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing; and
- (b) a shot gun or an air weapon shall be deemed to be loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.



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### Textual Amendments

- F89** Ss. 57(2A)(2B) inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 25\(2\)](#)
- F90** Definition in s. 57(4) inserted (1.1.1993) by [S.I. 1992/2823](#), [reg. 5\(2\)\(a\)](#)
- F91** Definition in s. 57(4) inserted (1.1.1993) by [S.I. 1992/2823](#), [reg. 5\(2\)\(b\)](#)
- F92** Definitions in s. 57(4) inserted (1.1.1993) by [S.I. 1992/2823](#), [reg. 5\(2\)\(c\)](#)
- F93** Definition of “indictable offence” repealed by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 13](#)
- F94** Words “road (within the meaning of the Roads (Scotland) Act 1984)” substituted (S.) for “highway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 62](#)
- F95** Words inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 25\(3\)](#)
- F96** [S. 57\(4A\)](#) inserted (1.1.1993) by [S.I. 1992/2823](#), [reg. 3\(5\)](#)

### Marginal Citations

- M10** [1920 c. 43](#).
- M11** [OJ No. L256, 13.9.91, p.51](#).
- M12** [1920 c. 43](#).

## 58 Particular savings.

- (1) Nothing in this Act shall apply to the proof houses of the Master, Wardens and Society of the Mystery of Gunmakers of the City of London and the guardians of the Birmingham proof house or the rifle range at Small Heath in Birmingham where firearms are sighted and tested, so as to interfere in any way with the operations of those two companies in proving firearms under the provisions of the <sup>M13</sup>Gun Barrel Proof Act 1868 or any other Acts for the time being in force, or to any person carrying firearms to or from any such proof house when being taken to such proof house for the purposes of proof or being removed therefrom after proof.
- (2) Nothing in this Act relating to firearms shall apply to an antique firearm which is sold, transferred, purchased, acquired or possessed as a curiosity or ornament.
- (3) The provisions of this Act relating to ammunition shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.
- (4) The powers of arrest and entry conferred by Part III of this Act shall be without prejudice to any power of arrest or entry which may exist apart from this Act; and section 52(3) of this Act is not to be taken as prejudicing the power of a constable, when arresting a person for an offence, to seize property found in his possession or any other power of a constable to seize firearms, ammunition or other property, being a power exercisable apart from that subsection.
- (5) Nothing in this Act relieves any person using or carrying a firearm from his obligation to take out a licence to kill game under the enactments requiring such a licence.

### Modifications etc. (not altering text)

- C36** S. 58 amended by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), [s. 25\(6\)](#)
- C37** S. 58 applied with modifications (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 50\(3\)\(d\)](#), [66\(2\)](#); [S.I. 2007/858](#), [art. 2\(h\)\(ii\)](#)
- C38** S. 58 extended (1.7.1997) by [1997 c. 5, s. 50\(5\)](#); [S.I. 1997/1535](#), [art. 3\(b\)](#), [Sch. Pt. I](#)

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#### Marginal Citations

**M13** 1868 c. cxiii.

### 59 Repeals and general savings.

- (1) The enactments specified in the second column of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) In so far as any certificate, authority or permit granted, order or rule made, registration effected, or other thing done under an enactment repealed by this Act could have been granted, made, effected or done under a corresponding provision of this Act, it shall not be invalidated by the repeal of that enactment but shall have effect as if granted, made, effected or done under that corresponding provision; and for the purposes of this provision anything which under section 33(1) or (2) of the <sup>M14</sup>Firearms Act 1937 had effect as if done under any enactment in that Act shall, so far as may be necessary for the continuity of the law, be treated as done under the corresponding enactment in this Act.
- (3) Any document referring to an enactment repealed by this Act or by the <sup>M15</sup>Firearms Act 1937 shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding enactment in this Act.
- (4) The mention of particular matters in this section shall not be taken to affect the general application of section 38 of the <sup>M16</sup>Interpretation Act 1889 with regard to the effect of repeals.

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

**C39** The text of s. 59(1) and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M14** 1937 c. 12.

**M15** 1937 c. 12.

**M16** 1889 c. 63.

### 60 Short title, commencement and extent.

- (1) This Act may be cited as the Firearms Act 1968.
- (2) This Act shall come into force on 1st August 1968.
- (3) This Act shall not extend to Northern Ireland.

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