



Firearms Act 1968

1968 CHAPTER 27

An Act to consolidate the Firearms Acts 1937 and 1965, the Air Guns and Shot Guns, etc., Act 1962, Part V of the Criminal Justice Act 1967 and certain enactments amending the Firearms Act 1937. [30th May 1968]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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—

- (a) a shot gun (that is to say a smooth-bore gun with a barrel not less than 24 inches in length, not being an air 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).
- (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 cannelure of the base of the cartridge.

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.
- (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 converted contrary to 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.

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—
- any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;
 - any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; and
 - any ammunition containing, or designed or adapted to contain, any such noxious thing.
- (2) The weapons and ammunition specified in subsection (1) of this section are referred to in this Act as "prohibited weapons" and "prohibited ammunition" respectively.
- (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.

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
 - (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.

- (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 Firearms Act 1920 (the former enactment corresponding to section 18 of the 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.

- (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.

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 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 section 3 of the Slaughter of Animals Act 1958 or section 2 of the Slaughter of Animals (Scotland) Act 1928 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.

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 rifle club or miniature rifle club or 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 club or 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.
- (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.

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 are 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 such a firearm as is described in section 5(1)(a) of this Act is required for the purpose of the performance, rehearsal or production, they may under section 5 of this Act, if they think fit, not only authorise that person to have possession of the firearm but also authorise such other persons as he may select to have possession of it while taking part in the performance, rehearsal or production.

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 an officer of police 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.

- (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.

14 Persons temporarily in Great Britain

A person who has been in Great Britain for not more than thirty days in all in the preceding twelve months may have in his possession, or purchase or acquire, a shot gun without holding a shot gun certificate.

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 or cause serious injury to property, or to enable another person by means thereof to endanger life or cause serious injury to property, whether any injury to person or property has been caused or not.

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) A firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purpose of section 23(1)(a) of the Larceny Act 1916 (armed robbery) and section 28(1) of that Act (going armed by night).
- (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; and subsection (3) shall be omitted.

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

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 to preventive detention, or to imprisonment or to corrective training for a term of three years or more, 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 to borstal training, to corrective training for less than three years or to imprisonment for a term of three months or more but less than three years, or who has been sentenced to be detained for 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.
- (3) A person who—
 - (a) is the holder of a licence issued under section 53 of the Children and Young Persons Act 1933 or section 57 of the 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.

- (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) or (3) of this section from having in his possession a firearm or ammunition may apply to quarter sessions 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.

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.
- (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 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.

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.

Status: This is the original version (as it was originally enacted).

- (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 section 11(3) of this Act, 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.

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.
- (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 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.

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

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 a photograph 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.
- (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, or such shorter period as may be prescribed, from the date when it was granted or last renewed, but shall be renewable for a further period of three years, or a further prescribed period, 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.

- (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.

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.

- (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 and, as respects ammunition, the quantities authorised to be purchased 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.

28 Special provisions about shot gun certificates

- (1) A shot gun certificate shall be granted or, as the case may be, renewed by the chief officer of police unless he has reason to believe that the applicant—
- (a) is prohibited by this Act from possessing a shot gun; or
 - (b) cannot be permitted to possess a shot gun without danger to the public safety or to the peace.
- (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.
- (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).

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.
- (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.

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:

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.

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.

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

- (1) Subject to this Act, there shall be payable—
 - (a) on the grant of a firearm or shot gun certificate a fee of 5s. 0d.;
 - (b) on the renewal of a certificate or on the replacement of a certificate which has been lost or destroyed, a fee of 2s. 6d.; and
 - (c) on any variation of a firearm certificate (otherwise than when it is renewed or replaced at the same time) so as to increase the number of firearms to which the certificate relates, a fee of 2s. 6d.
- (2) No fee shall be payable on the grant to a responsible officer of a rifle club, miniature rifle 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.
- (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.

Status: This is the original version (as it was originally enacted).

- (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.

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, on or before 1st June in each year—
 - (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.

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 Firearms Act 1920 or any enactment of the Parliament of Northern Ireland amending or substituted for that section.
- (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.

35 Fee for registration and renewal thereof

- (1) Subject to this Act, on the registration of a person as a firearms dealer there shall be payable by him a fee of £5.
- (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.
- (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 £1.

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.

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- (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 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; 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 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.

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 cannelure 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 to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.
- (4) Every person keeping a register in accordance with this section shall on demand allow an officer of police, 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:

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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.

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 as firearms 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 forty-eight hours from the transaction, send by registered post or the recorded delivery service notice of the transaction to the chief officer of police by whom the certificate was issued.
- (2) It is an offence for a person to fail to comply with this section.

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—
 - (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.

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 quarter sessions 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) the second column shows, for England and Wales, the court of quarter sessions; and
 - (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 quarter sessions under any provision of this Part of this Act.

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
 - (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 enactments relating to customs 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.

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 or any magistrate (by whatever name called) officiating under the provisions of a general or local Police Act, is satisfied by information on oath that there is reasonable ground for suspecting that an offence

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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 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.

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.
- (2) If a person upon whom a demand is made under this section fails to produce the certificate 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.

49 Police powers in relation to arms traffic

- (1) An officer of police 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.

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.

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.

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).—
- (a) the third column shows whether the offence is punishable on summary conviction or on indictment or either in one way or the other; and
 - (b) 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.

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- (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 section 104 of the Magistrates' Courts Act 1952 or section 23 of the Summary Jurisdiction (Scotland) Act 1954 (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.

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, preventive detention, corrective training, borstal training 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.

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.

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.

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

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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.

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.

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
- (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.

(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;

"area" means a police area;

"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 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;

"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;

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

" indictable offence " has the same meaning as in the Magistrates' Courts Act 1952, except that it does not include an offence which is triable on indictment only after one or more previous summary convictions thereof;

" 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 highway 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 Firearms 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 ;

" 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.

(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.

58 Particular savings

(1) Nothing in this Act shall apply to the proof houses of the Master, Wardens and Society of the Mystery of Gun-makers 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 Gun Barrel Proof

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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.

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 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 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 Interpretation Act 1889 with regard to the effect of repeals.

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.

SCHEDULES

SCHEDULE 1

Section 17.

OFFENCES TO WHICH SECTION 17(2) APPLIES

- 1 Offences under any of the following provisions of the Malicious Damage Act 1861:
—
 - sections 1 to 8 (setting fire to buildings and other property);
 - sections 9 to 12 (blowing up buildings or destroying them by riotous action);
 - sections 14 and 15 (industrial sabotage);
 - sections 26 to 29 (sabotage of mines and machinery);
 - sections 33 to 38 (sabotage of public transport and communications);
 - section 54 (making or having explosives for destructive purpose).
- 2 Offences under any of the following provisions of the Offences Against the Person Act 1861:—
 - sections 20 to 22 (inflicting bodily injury; garrotting; criminal use of stupefying drugs);
 - section 30 (laying explosive to building etc.);
 - section 32 (endangering railway passengers by tampering with track);
 - section 38 (assault with intent to commit felony or resist arrest);
 - section 47 (criminal assaults);
 - section 56 (child-stealing and abduction).
- 3 Offences under such of the provisions of section 4 of the Vagrancy Act 1824 as are referred to in and amended by section 15 of the Prevention of Crimes Act 1871 and section 7 of the Penal Servitude Act 1891 (suspected persons and reputed thieves being abroad with criminal intent).
- 4 Offences under any of the following provisions of the Larceny Act 1916:—
 - sections 2 to 4 (theft and its variants);
 - sections 12 to 15 (aggravated forms of larceny);
 - sections 24 to 27 (sacrilege, burglary and housebreaking);
 - section 28(2), (3) and (4) (going about at night as for burglary);
 - sections 29 and 30 (demanding with menaces).
- 5 Offences under section 51(1) of the Police Act 1964 or section 41 of the Police (Scotland) Act 1967 (assaulting constable in execution of his duty).
- 6 Offences under any of the following provisions of the Sexual Offences Act 1956:—
 - section 1 (rape);
 - sections 17, 18 and 20 (abduction of women).
- 7 Offences under section 217 of the Road Traffic Act 1960 (taking and driving away a motor vehicle).
- 8 Aiding or abetting the commission of any offence specified in paragraphs 1 to 7 of this Schedule.

Status: This is the original version (as it was originally enacted).

- 9 Attempting to commit any offence so specified, other than an offence under section 8 (arson of buildings), section 27 (arson of mines) or section 38 (sabotage of telegraphs) of the Malicious Damage Act 1861.

SCHEDULE 2

Section 17, 18.

OFFENCES TO WHICH SECTIONS 17(2) AND 18 APPLY IN SCOTLAND

Common Law Offences

- 1 Abduction.
2 Administration of drugs with intent to enable or assist the commission of a crime.
3 Assault.
4 Housebreaking with intent to steal.
5 Malicious mischief.
6 Mobbing and rioting.
7 Perverting the course of justice.
8 Prison breaking and breaking into prison to rescue prisoners.
9 Rape.
10 Robbery.
11 Theft.
12 Use of threats with intent to extort money or property.
13 Wilful fireraising and culpable and reckless fireraising.

Statutory Offences

- 14 Offences against such of the provisions of section 4 of the Vagrancy Act 1824 as are extended to Scotland by section 15 of the Prevention of Crimes Act 1871.
15 Offences against the third and fourth paragraphs of section 7 of the Prevention of Crimes Act 1871.
16 Offences against sections 2, 3 or 4 of the Explosive Substances Act 1883.
17 Offences against section 217 of the Road Traffic Act 1960.
18 Offences against section 41 of the Police (Scotland) Act 1967.

Attempts

- 19 Attempt to commit any of the offences mentioned in this Schedule.

SCHEDULE 3

Section 21.

JURISDICTION AND PROCEDURE ON APPLICATION UNDER SECTION 21(6)

PART I

APPLICATION TO QUARTER SESSIONS (ENGLAND AND WALES)

- 1 The application shall be made to the court of quarter sessions having jurisdiction in the place where the applicant resides.
- 2 Notice of the application, signed by the applicant or by his agent on his behalf and stating the general grounds of the application, shall be given by him to the clerk of the peace and also to the chief officer of police for the area in which the applicant resides.
- 3 On receiving notice of the application the clerk of the peace shall enter the application and give notice to the applicant, and to the chief officer of police to whom the notice of the application is required by paragraph 2 of this Schedule to be given, of the date, time and place fixed for the hearing; but the date shall not be less than twenty-one clear days after the date when the clerk of the peace received the notice of the application.
- 4 The applicant may at any time, not less than two clear days before the date fixed for the hearing, abandon his application by giving notice in writing to the clerk of the peace and to the chief officer of police; and if he does so the court of quarter sessions (hereafter in this Schedule referred to as " the court ") may order the applicant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the application before notice of abandonment was given to him.
- 5 The chief officer of police may appear and be heard on the hearing of the application.
- 6 The court may from time to time adjourn the hearing of the application.
- 7 On the determination of the application, the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered to be paid by the court may be recovered summarily as a civil debt and shall not be recoverable in any other manner:

Provided that the chief officer of police shall not under this paragraph be ordered to pay the costs of the applicant.

PART II

APPLICATION TO SHERIFF (SCOTLAND)

- 8 The application shall be made to the sheriff within whose jurisdiction the applicant resides.
- 9 Not less than twenty-one days' notice of the application shall be given to the chief officer of police for the area in which the applicant resides.

Status: This is the original version (as it was originally enacted).

SCHEDULE 4

Section 40.

PARTICULARS TO BE ENTERED BY FIREARMS DEALER IN REGISTER OF TRANSACTIONS

- 1 The quantities and description of firearms and ammunition manufactured and the dates thereof.
- 2 The quantities and description of firearms and ammunition purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions.
- 3 The quantities and description of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions.
- 4 The quantities and description of firearms and ammunition sold and transferred with the names and addresses of the purchasers and transferees (except in cases where the purchasers are transferees), the areas in which firearms were issued and the dates of the several transactions.
- 5 The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.

SCHEDULE 5

Section 44.

PROVISIONS AS TO APPEALS UNDER S. 44 OF TINS ACT

PART I

COURTS WITH JURISDICTION TO ENTERTAIN APPEAL

Nature of appeal	Quarter sessions jurisdiction	Sheriff's jurisdiction
1. Appeal under section 26(4), 29(2) or 30(3) (against refusal to grant or renew, or to vary, or against revocation of, a certificate).	The court having jurisdiction in the place where the appellant resides.	The sheriff within whose jurisdiction the appellant resides.
2. Appeal under section 34(5) by a person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer.	The court having jurisdiction in the place in which there is situated any place of business in respect of which the appellant has applied to be registered.	The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has applied to be registered.
3. Appeal under section 34(5) or 37(3) by a person aggrieved by the refusal of a chief officer of police to enter a place of business of his in the register.	The court having jurisdiction in the place in which there is situated the place of business to which the appeal relates.	The sheriff within whose jurisdiction there is situated the place of business to which the appeal relates.

Status: This is the original version (as it was originally enacted).

Nature of appeal	Quarter sessions jurisdiction	Sheriff's jurisdiction
4. Appeal under section 36(3) (against imposition or variation of condition of registration, or refusal to vary or revoke such a condition).	The court having jurisdiction in the place in which is situated the appellant's place of business in respect of which the condition is in force.	The sheriff within whose jurisdiction is situated the appellant's place of business in respect of which the condition is in force.
5. Appeal under section 38(7) by a person aggrieved by the removal of his name from the register.	The court having jurisdiction in the place in which is situated any place of business in respect of which the appellant has been registered.	The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has been registered.
6. Appeal under section 38(7) by a person aggrieved by the removal from the register of a place of business of his.	The court having jurisdiction in the place in which is situated the place of business to which the appeal relates.	The sheriff within whose jurisdiction is situated the place of business to which the appeal relates.

PART II

PROCEDURAL PROVISIONS FOR APPEAL TO QUARTER SESSIONS

- 1 Notice of an appeal, signed by the appellant or by his agent on his behalf and stating the general grounds of the appeal, shall be given by him to the clerk of the peace and also to the chief officer of police by whose decision the appellant is aggrieved.
- 2 A notice of appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the chief officer of police by which he is aggrieved.
- 3 On receiving notice of an appeal the clerk of the peace shall enter the appeal and give notice to the appellant and to the chief officer of police to whom the notice of the appeal is required by paragraph 1 of this Part of this Schedule to be given, of the date, time and place fixed for the hearing.
- 4 An appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal by giving notice in writing to the clerk of the peace and to the chief officer of police; and if he does so the court of quarter sessions (hereafter referred to in this Schedule as "the court") may order the appellant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal before notice of abandonment was given to him.
- 5 The chief officer of police may appear and be heard on the hearing of an appeal.
- 6 The court may from time to time adjourn the hearing of an appeal.
- 7 On the hearing of an appeal the court may either dismiss the appeal or give the chief officer of police such directions as it thinks fit as respects the certificate or register which is the subject of the appeal.
- 8 On the determination of an appeal the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered by the court to be paid may be recovered summarily as a civil debt and shall not be recoverable in any other manner.

Status: This is the original version (as it was originally enacted).

SCHEDULE 6

Section 51.

PROSECUTION AND PUNISHMENT OF OFFENCES

PART I

TABLE OF PUNISHMENTS

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 1(1)	Possessing etc. firearm or ammunition without firearm certificate.	(a) Summary	6 months or a fine of £200; or both. (i) where the offence is committed in an aggravated form within the meaning of section 4(4) of this Act, 5 years, or a fine; or both, (ii) in any other case, 3 years or a fine; or both.	} Paragraph 1 of Part II of this Schedule applies.
Section 1(2)	Non-compliance with condition of firearm certificate.	(b) On indictment Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 2(1)	Possessing, etc., shot gun without shot gun certificate.	Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 2(2)	Non-compliance with condition of shot gun certificate.	Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.

Status: This is the original version (as it was originally enacted).

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 3(1)	Trading in firearms without being registered as firearms dealer.	(a) Summary (b) On indictment.	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 3(2)	Selling firearm to person without a certificate.	(a) Summary (b) On indictment.	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 3(3)	Repairing, testing etc. firearm for person without a certificate.	(a) Summary (b) On indictment.	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 3(5)	Falsifying certificate, etc., with view to acquisition of firearm.	(a) Summary (b) On indictment	6 months or a fine of £200; or both. 3 years or a fine of £200; or both.	
Section 3(6)	Pawnbroker taking firearm in pawn.	Summary	3 months or a fine of £20; or both.	
Section 4(1) (3) }	Shortening a shot gun; conversion of firearms.	(a) Summary (b) On indictment	6 months or a fine of £200; or both. 5 years or a fine; or both.	
Section 5(1)	Possessing or distributing prohibited weapons or ammunition.	(a) Summary (b) On indictment.	6 months or a fine of £200; or both. 5 years or a fine; or both.	
Section 5(5)	Non-compliance with condition of Defence Council authority.	Summary	6 months or a fine of £200; or both.	
Section 5(6)	Non-compliance with requirement to surrender authority to possess, etc.,	Summary	A fine of £20.	

Status: This is the original version (as it was originally enacted).

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 6(3)	prohibited weapon or ammunition. Contravention of order under s. 6 (or corresponding Northern Irish order) restricting removal of arms.	Summary	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £20; or both.	Paragraph 2 of Part II of this Schedule applies.
Section 7(2)	Making false statement in order to obtain police permit.	Summary	6 months or a fine of £200; or both.	
Section 9(3)	Making false statement in order to obtain permit for auction of firearms etc.	(a) Summary (b) On indictment	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 13(2)	Making false statement in order to obtain permit for removal of signalling apparatus.	Summary	6 months or a fine of £200; or both.	
Section 16	Possession of firearm with intent to endanger life or injure property.	On indictment	14 years or a fine; or, in England or Wales, both.	
Section 17(1)	Use of firearms to resist arrest	On indictment	14 years or a fine; or, in England or Wales, both.	Paragraphs 3 to 5 of Part II of this Schedule apply.
Section 17(2)	Possessing firearm while committing an offence specified in Schedule 1 or, in Scotland, an offence specified in Schedule 2.	On indictment	7 years or a fine; or, in England or Wales, both.	Paragraphs 3 and 6 of Part II of this Schedule apply.

Status: This is the original version (as it was originally enacted).

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 18(1)	Carrying firearms or imitation firearm with intent to commit indictable offence (or, in Scotland, an offence specified in Schedule 2) or to resist arrest.	On indictment	10 years or a fine; or, in England or Wales, both.	
Section 19	Carrying loaded firearm in public place.	(a) Summary (b) On indictment (but not if the firearm is an air weapon).	6 months or a fine of £200; or both. 5 years or a fine; or both.	
Section 20(1)	Trespassing with firearm in a building.	(a) Summary (b) On indictment (but not if the firearm is an air weapon).	6 months or a fine of £200; or both. 5 years or a fine; or both.	
Section 20(2)	Trespassing with firearm on land.	Summary	3 months or a fine of £100; or both.	
Section 21(4)	Contravention of provisions denying firearms to ex-prisoners and the like.	(a) Summary (b) On indictment...	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 21(5)	Supplying firearms to person denied them under section 21.	(a) Summary (b) On indictment	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 22(1)	Person under 17 acquiring firearm.	Summary	6 months or a fine of £200; or both.	

Status: This is the original version (as it was originally enacted).

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 22(2)	Person under 14 having firearm in his possession without lawful authority.	Summary	6 months or a fine of £200; or both.	
Section 22(3)	Person under 15 having with him a shot gun without adult supervision.	Summary	A fine of £50	Paragraph 8 of Part II of this Schedule applies.
Section 22(4)	Person under 14 having with him an air weapon or ammunition therefor.	Summary.	A fine of £50.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 22(5)	Person under 17 having with him an air weapon in a public place.	Summary	A fine of £50.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 23(1)	Person under 14 making improper use of air weapon when under supervision; person supervising him permitting such use.	Summary	A fine of £50	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 24(1)	Selling or letting on hire a firearm to person under 17.	Summary	6 months or a fine of £200; or both.	
Section 24(2)	Supplying firearm or ammunition (being of a kind to which section 1 of this Act applies) to person under 14.	Summary..	6 months or a fine of £200; or both.	
Section 24(3)	Making gift of shot gun to person under 15.	Summary.	A fine of £50	Paragraph 9 of Part II of this Schedule applies.

Status: This is the original version (as it was originally enacted).

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 24(4)	Supplying air weapon to person under 14.	Summary	A fine of £50.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 25	Supplying firearm to person drunk or insane.	Summary	3 months or a fine of £20; or both.	
Section 26(5)	Making false statement in order to procure grant or renewal of a firearm or shot gun certificate.	Summary	6 months or a fine of £200; or both.	
Section 29(3)	Making false statement in order to procure variation of a firearm certificate.	Summary	6 months or a fine of £200; or both.	
Section 30(4)	Failing to surrender certificate on revocation.	Summary.	A fine of £20.	
Section 38(8)	Failure to surrender certificate of registration on removal of firearms dealer's name from register.	Summary	A fine of £20.	
Section 39(1)	Making false statement in order to secure registration or entry in register of a place of business.	Summary	6 months or a fine of £200; or both.	
Section 39(2)	Registered firearms dealer having place of business not entered in the register.	Summary.	6 months or a fine of £200; or both.	

Status: This is the original version (as it was originally enacted).

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 39(3)	Non-compliance with condition of registration.	Summary	6 months or a fine of £200; or both.	
Section 40(5)	Non-compliance by firearms dealer with provisions as to register of transactions; making false entry in register.	Summary.	6 months or a fine of £200; or both.	
Section 42	Failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police.	(a) Summary (b) On indictment	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 47(2)	Failure to hand over firearm or ammunition on demand by constable.	Summary	3 months, or a fine of £100; or both.	
Section 48(3)	Failure to comply with requirement of a constable that a person shall declare his name and address.	Summary	A fine of £20.	
Section 49(3)	Failure to give constable facilities for examination of firearms in transit, or to produce papers.	Summary	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £20; or both.	Paragraph 2 of Part II of this Schedule applies.
Section 52(2)(c)	Failure to surrender	Summary	A fine of £20.	

Status: This is the original version (as it was originally enacted).

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
	firearm or shot gun certificate cancelled by court on conviction.			

PART II

SUPPLEMENTARY PROVISIONS AS TO TRIAL AND PUNISHMENT OF OFFENCES

- 1 In Scotland, a contravention of section 1(1) or (2) or section 2(1) or (2) of this Act which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with an offence involving any injury or attempted injury of, or any threat or intent to injure, any person or property by the use or attempted use of a firearm, may, notwithstanding anything in those sections or in Part I of this Schedule, be so libelled and tried.
- 2 In the case of an offence against section 6(3) or 49(3) of this Act, the court before which the offender is convicted may, if the offender is the owner of the firearms or ammunition, make such order as to the forfeiture of the firearms or ammunition as the court thinks fit.
- 3 Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates' court with an offence specified in Schedule 1 to the Magistrates' Courts Act 1952 and is also charged before that court with an offence under section 17(1) or (2) of this Act, then, notwithstanding anything in section 19 of the said Act of 1952, the court shall not proceed to the summary trial of the first-mentioned offence if the accused is committed for trial in respect of the offence under section 17(1) or (2) of this Act.
- 4 Where a person commits an offence under section 17(1) of this Act in respect of the lawful arrest or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by Part I of this Schedule in addition to any penalty to which he may be sentenced for the other offence.
- 5 If on the trial of a person for an offence under section 17(1) of this Act the jury are not satisfied that he is guilty of that offence but are satisfied that he is guilty of an offence under section 17(2), the jury may find him guilty of the offence under section 17(2) and he shall then be punishable accordingly.
- 6 The punishment to which a person is liable for an offence under section 17(2) of this Act shall be in addition to any punishment to which he may be liable for the offence first referred to in section 17(2).
- 7 The court by which a person is convicted of an offence under section 22(4) or (5), 23(1) or 24(4) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the air weapon or ammunition in respect of which the offence was committed.

Status: This is the original version (as it was originally enacted).

- 8 The court by which a person is convicted of an offence under section 22(3), (4) or (5), 23(1) or 24(4) may make such order as it thinks fit as to the forfeiture or disposal of any firearm or ammunition found in his possession.
- 9 The court by which a person is convicted of an offence under section 24(3) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed.

SCHEDULE 7

Section 59.

REPEALS

Chapter	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6. c. 12.	The Firearms Act 1937.	The whole Act.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In Schedule 9, the entry relating to the Firearms Act 1937.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	In Schedule 11, the entry relating to the Firearms Act 1937.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In Schedule 5, the entry relating to section 23(4) of the Firearms Act 1937.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.	The Prison Act 1952.	In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In Schedule 3, the entry relating to the Firearms Act 1937.
10 & 11 Eliz. 2. c. 49.	The Air Guns and Shot Guns, etc. Act 1962.	The whole Act.
1964 c. 48.	The Police Act 1964.	In Schedule 9, the entry relating to the Firearms Act 1937.
1965 c. 44.	The Firearms Act 1965.	The whole Act.
1966 c. 42.	The Local Government Act 1966.	In Part II of Schedule 3, the entry (numbered 19) relating to the Firearms Act 1937.
1966 c. 51.	The Local Government (Scotland) Act 1966.	In Part II of Schedule 4, the entry (numbered 17) relating to the Firearms Act 1937.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1967 c. 77.	The Police (Scotland) Act 1967.	In Schedule 4, the entry relating to the Firearms Act 1937.
1967 c. 80.	The Criminal Justice Act 1967.	Part V (that is to say, sections 85 to 88).