



# Firearms Act 1968

## 1968 CHAPTER 27

### 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

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- (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.
- (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.

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

### **37 Registration of new place of business**

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

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- (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:
- 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

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- (d) that any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.
- (2) The offences relevant for the purposes of this section are:—
- (a) all offences under this Act, except an offence under section 2, 22(3) or 24(3) or an offence relating specifically to air weapons; and
  - (b) offences against the 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.