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SCHEDULES

SCHEDULE 6

Section 51.

PROSECUTION AND PUNISHMENT OF OFFENCES

PART I

TABLE OF PUNISHMENTS

Modifications etc. (not altering text)

C1 Sch. 6 Pt. I modified (1.11.1968) by S.I. 1968/1200, art. 3

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 ... (b) On indictment	6 months or a fine of [^{F1} £400]; or both. (i) where the offence is committed in an aggravated form within the meaning of section 4(4) of this Act, [^{F2} 7 years], or a fine; or both, (ii) in any other case, [^{F3} 5 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.	Summary	6 months or a fine of [^{F4} level 5 on the standard scale]; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 2(1) ...	Possessing, etc., shot gun without shot gun certificate.	[^{F5} (a) Summary.]	[^{F5} 6 months or the statutory	Paragraph 1 of Part II of this Schedule applies.

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			maximum or both.]	
		[^{F5} (b) On indictment.]	[^{F5} [^{F6} 5 years]or a fine; or both.]	
Section 2(2) ...	Non-compliance with condition of shot gun certificate.	Summary...	6 months or a fine of [^{F4} level 5 on the standard scale]; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 3(1) ...	Trading in firearms without being registered as firearms dealer.	(a) Summary ...	6 months or a fine of [^{F1} £400]; or both.	
		(b) On indictment	[^{F7} 5 years]or a fine; or both.	
Section 3(2) ...	Selling firearm to person without a certificate.	(a) Summary ...	6 months or a fine of [^{F1} £400]; or both.	
		(b) On indictment	[^{F8} 5 years]or a fine; or both.	
Section 3(3) ...	Repairing, testing etc. firearm for person without a certificate.	(a) Summary ...	6 months or a fine of [^{F1} £400]; or both.	
		(b) On indictment	[^{F9} 5 years] or a fine; or both.	
Section 3(5) ...	Falsifying certificate, etc., with view to acquisition of firearm.	(a) Summary ...	6 months or a fine of [^{F1} £400]; or both.	
		(b) On indictment	[^{F10} 5 years] or [^{F11} a fine]; or both.	
Section 3(6) ...	Pawnbroker taking firearm in pawn.	Summary	3 months or a fine of [^{F4} level 3 on the standard scale]; or both.	
Section 4(1)(3)	Shortening a shot gun; conversion of firearms.	(a) Summary...	6 months or a fine of [^{F1} £400]; or both.	
		(b) On indictment	[^{F12} 7 years]or a fine; or both.	
Section 5(1) ...	Possessing or distributing prohibited	(a) Summary ...	6 months or a fine of [^{F1} £400]; or both.	

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	weapons or ammunition.	(b) On indictment	[^{F13} 10 years] or a fine; or both.	
[^{F14} Section 5(1A)..	Possessing or distributing other prohibited weapons or ammunition.	(a) Summary...	[^{F15} 6 months] or a fine of the statutory maximum; or both.	
		(b) On indictment	[^{F16} 10 years] or a fine; or both.]	
Section 5(5) ...	Non-compliance with condition of Defence Council authority.	Summary ...	6 months or a fine of [^{F4} level 5 on the standard scale]; or both.	
Section 5(6) ...	Non-compliance with requirements to surrender authority to possess, etc., prohibited weapon or ammunition.	Summary	A fine of [^{F4} level 3 on the standard scale].	
Section 6(3) ...	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 [^{F4} level 3 on the standard scale]; 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 [^{F4} level 5 on the standard scale]; or both.	
Section 9(3) ...	Making false statement in order to obtain permit for auction of firearms, etc.	[^{F17} Summary]	[^{F17} 6 months or a fine not exceeding level 5 on the standard scale; or both.]	
Section 13(2) ...	Making false statement in order to	Summary. ...	6 months or a fine of [^{F4} level 5	

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	obtain permit for removal of signalling apparatus.		on the standard scale]; or both.	
Section 16 ...	Possession of firearm with intent to endanger life or injure property.	On indictment ...	[^{F18} life imprisonment] or a fine; or . . . ^{F19}	
[^{F20} Section 16A]	[^{F20} Possession of firearm with intent to cause fear of violence.]	[^{F20} On indictment]	[^{F20} 10 years or a fine; or both.]	
^{F20} Section 17(1) ...	Use of firearms to resist arrest.	On indictment ...	[^{F18} life imprisonment] or a fine; or, . . . ^{F19}	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 ...	[^{F21} Life imprisonment] or a fine; or . . . ^{F19}	Paragraphs 3 and 6 of Part II of this Schedule apply.
Section 18(1) ...	Carrying firearms or imitation firearm with intent commit indictable offence (or, in Scotland, an offence specified in Schedule 2) or to resist arrest.	On indictment ...	[^{F21} Life imprisonment] or a fine; or, . . . ^{F19}	
Section 19 ...	Carrying loaded firearm in public place.	(a) Summary ...	6 months or a fine of [^{F1} £400]; or both.	
		(b) On indictment (but not if the firearm is an air weapon).	[^{F22} 7 years.] or a fine; or both.	
Section 20(1) ...	Trespassing with firearm [^{F23} or imitation	(a) Summary ...	6 months or a fine of [^{F1} £400]; or both.	

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	firearm] in a building.	(b) On indictment (but not ^{F23} in the case of an imitation firearm or] if the firearm is an air weapon).	^{F24} 7 years] or a fine; or both.	
Section 20(2) ...	Trespassing with firearm ^{F25} or imitation firearm] on land.	Summary	3 months or a fine of ^{F4} level 4 on the standard scale]; or both.	
Section 21(4) ...	Contravention of provisions denying firearms to ex-prisoners and the like.	(a) Summary ...	6 months or a fine of ^{F1} £400]; or both.	
		(b) On indictment	^{F26} 5 years] or a fine; or both.	
Section 21(5) ...	Supplying firearms to person denied them under section 21.	(a) Summary ...	6 months or a fine of ^{F1} £400]; or both.	
		(b) On indictment	^{F27} 5 years] or a fine; or both.	
Section 22(1) ...	Person under 17 acquiring firearm.	Summary	6 months or a fine of ^{F4} level 5 on the standard scale]; or both.	
^{F28} Section 22(1A)..	Person under 18 using certificated firearm for unauthorised purpose.	Summary...	3 months or a fine of level 5 on the standard scale; or both.	
Section 22(2) ...	Person under 14 having firearm in his possession without lawful authority.	Summary	6 months or a fine of ^{F4} level 5 on the standard scale]; or both.	
Section 22(3) ...	Person under 15 having with him a shot gun without adult supervision.	Summary	A fine of ^{F4} level 3 on the standard scale]	Paragraph 8 of Part II of this Schedule applies.

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Section 22(4) ...	Person under 14 having with him an air weapon or ammunition therefor.	Summary	A fine of [^{F4} level 3 on the standard scale]	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 [^{F4} level 3 on the standard scale]	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 [^{F4} level 3 on the standard scale]	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 [^{F4} level 5 on the standard scale]; 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 [^{F4} level 5 on the standard scale]; or both.	
Section 24(3) ...	Making gift of shot gun to person under 15.	Summary	A fine of [^{F4} level 3 on the standard scale]	Paragraph 9 of Part II of this Schedule applies.
Section 24(4) ...	Supplying air weapon to person under 14.	Summary	A fine of [^{F4} level 3 on the standard scale]	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 [^{F4} level 3 on the standard scale]; or both.	
[^{F29} Section 28A(7)] ...	Making false statement in order to procure grant or renewal of a firearm	Summary	6 months or a fine of [^{F4} level 5 on the standard scale]; or both.	

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	or shot gun certificate.		
Section 29(3) ...	Making false statement in order to procure variation of a firearm certificate.	Summary	6 months or a fine of [^{F4} level 5 on the standard scale]; or both.
[^{F30} Section 30D(3)]...	Failing to surrender certificate on revocation.	Summary	A fine of [^{F4} level 3 on the standard scale].
[^{F31} Section 32B(5)]..	Failure to surrender expired European firearms pass	Summary...	A fine of level 3 on the standard scale.
^{F32} Section 32C(6)..	Failure to produce European firearms pass or Article 7 authority for variation or cancellation etc.; failure to notify loss or theft of firearm identified in pass or to produce pass for endorsement.	Summary	3 months or a fine of level 5 on the standard scale; or both]
Section 38(8) ...	Failure to surrender certificate of registration [^{F33} or register of transactions] on removal of firearms dealer's name from from register.	Summary	A fine of [^{F4} level 3 on the standard scale].
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 [^{F4} level 5 on the standard scale]; or both.

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Section 39(2) ...	Registered firearms dealer having place of business not entered in the register.	Summary ...	6 months or a fine of [^{F4} level 5 on the standard scale]; or both.
Section 39(3) ...	Non-compliance with condition of registration.	Summary ...	6 months or a fine of [^{F4} level 5 on the standard scale]; 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 [^{F4} level 5 on the standard scale]; or both.
F34	F34	F34	F34
...
		F34	F34
	
[^{F35} Section 42A...	Failure to report transaction authorised by visitor's shot gun permit.	Summary...	3 months or a fine of level 5 on the standard scale; or both.]
[^{F36} Section 46.]	[^{F36} Obstructing constable or civilian officer in exercise of search powers.]	[^{F36} Summary.]	[^{F36} 6 months or a fine of level 5 on the standard scale; or both.]
F36 Section 47(2) ...	Failure to hand over firearm or ammunition on demand by constable.	Summary ...	3 months or a fine of [^{F4} level 4 on the standard scale]; 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 [^{F4} level 3 on the standard scale].
[^{F37} Section 48(4)..	Failure to produce firearms pass issued in	Summary...	A fine of level 3 on the standard scale.]

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	another member State.			
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 [^{F4} level 3 on the standard scale]; or both.	Paragraph 2 of Part II of this Schedule applies.
Section 52(2)(c)	Failure to surrender firearm or shot gun certificate cancelled by court on conviction.	A fine of [^{F4} level 3 on the standard scale].		

Textual Amendments

- F1** Words substituted by Criminal Justice Act 1972 (c. 71), ss. **28(1)(5)**, 66(7)(a)
- F2** Sch. 6 Pt. I: words in column 4 of entry relating to s. 1(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F3** Sch. 6 Pt. I: words in column 4 of entry relating to s. 1(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F4** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. **38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. **289F**, 289G
- F5** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 44(2)(4), 123(6), **Sch. 8 para. 16**
- F6** Sch. 6 Pt. I: words in column 4 of entry relating to s. 2(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F7** Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F8** Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(2) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F9** Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(3) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F10** Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(5) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F11** Words substituted by Criminal Justice Act 1972 (c. 71), ss. **28(1)(4)**, 66(7)(a)
- F12** Sch. 6 Pt. I: words in column 4 of entry relating to s. 4(1)(3) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F13** Sch. 6 Pt. I: words in column 4 of entry relating to s. 5(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F14** Sch. 6 Pt. I: the entry relating to s. 5(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 3(6)**.
- F15** Sch. 6 Pt. I: words in column 4 of entry relating to s. 5(1A) (Summary) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F16** Sch. 6 Pt. I: words in column 4 of entry relating to s. 5(1A) (On Indictment) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**

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- F17** Words substituted by **Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 23(7)**
- F18** Words substituted by **Criminal Justice Act 1972 (c. 71), ss. 28(1)(2), 66(7)(a)**
- F19** Words repealed by **Criminal Justice Act 1972 (c. 71), ss. 28(6), 66(7)(a), Sch. 6 Pt. II**
- F20** **Sch. 6 Pt. I:** entry relating to s. 16A inserted (21.9.1994) by 1994 c. 31, **ss. 1(2), 4(2)** (with s. 4(3))
- F21** Words substituted by **Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 44(3)(4), 123(6), Sch. 8 para. 16**
- F22** **Sch. 6 Pt. I:** words in column 3 of entry relating to s. 19 substituted (3.2.1995) by **Criminal Justice and Public Order Act 1994 (c. 33), ss. 157(3)(9), 172(2), Sch. 8 Pt. III; S.I. 1995/127, art. 2(1), Sch. 1**
- F23** **Sch. 6 Pt. I:** words in entry relating to s. 20(1) inserted (21.9.1994) by 1994 c. 31, **ss. 2(3)(a), 4(2)** (with s. 4(3))
- F24** **Sch. 6 Pt. I:** words in column 4 of entry relating to s. 20(1) substituted (3.2.1995) by **Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), Sch. 8 Pt. III; S.I. 1995/127, art. 2(1), Sch. 1**
- F25** **Sch. 6 Pt. I:** words in entry relating to s. 20(2) inserted (21.9.1994) by 1994 c. 31, **ss. 2(3)(b), 4(2)** (with s. 4(3))
- F26** **Sch. 6 Pt. I:** words in column 4 of entry relating to s. 21(4) substituted (3.2.1995) by **Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), Sch. 8 Pt. III; S.I. 1995/127, art. 2(1), Sch. 1**
- F27** **Sch. 6 Pt. I:** words in column 4 of entry relating to s. 21(5) substituted (3.2.1995) by **Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), Sch. 8 Pt. III; S.I. 1995/127, art. 2(1), Sch. 1**
- F28** **Sch. 6 Pt. I:** the entry relating to s. 22(1A) inserted (1.1.1993) by **S.I. 1992/2823, reg. 4(4)**.
- F29** **Sch. 6 Pt. I:** words "Section 28A(7)" substituted for the words "Section 26(5)" (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 4(2); S.I. 1997/1535, art. 3(b), Sch. Pt. I**
- F30** **Sch. 6 Pt. I:** words "Section 30D(3)" substituted for words "Section 30(4)" (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 14; S.I. 1997/1535, art. 3(b), Sch. Pt. I**
- F31** **Sch. 6 Pt. I:** the entry relating to s. 32B(5) inserted (1.1.1993) by **S.I. 1992/2823, reg. 5(3)**.
- F32** **Sch. 6 Pt. I:** the entry relating to s. 32C(6) inserted (1.1.1993) by **S.I. 1992/2823, reg. 5(3)**.
- F33** Words inserted by **Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 14(1)**
- F34** **Sch. 6 Pt. I:** entry relating to s. 42 repealed (1.10.1997) by 1997 c. 5, s. 52(1), **Sch. 3; S.I. 1997/1535, art. 3(c), Sch. Pt. II**
- F35** **Sch. 6 Pt. I:** the entry relating to s. 42A inserted (1.1.1993) by **S.I. 1992/2823, reg. 6(3)**.
- F36** **Sch. 6 Pt. I:** entry relating to s. 46 inserted (1.7.1997) by 1997 c. 5, **s. 43(3); S.I. 1997/1535, art. 3(b), Sch. Pt. I**
- F37** **Sch. 6 Pt. I:** the entry relating to s. 48(4) inserted (1.1.1993) by **S.I. 1992/2823, reg. 7(5)**.

PART II

SUPPLEMENTARY PROVISIONS AS TO TRIAL AND PUNISHMENT OF OFFENCES

1 **F38**

Textual Amendments

F38 **Sch. 6 Pt. II para. 1** repealed by **Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), s. 83(3), Sch. 8**

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.

[^{F39}3] (1) Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates' court with an offence triable either way listed in [^{F40}Schedule 1 to the Magistrates' Courts Act 1980] ("the listed offence") and is also charged before that court with an offence under section 17(1) or (2) of this Act, the following provisions of this paragraph shall apply.

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- (2) Subject to the following sub-paragraph the court shall proceed as if the listed offence were triable only on indictment and [F41sections 18 to 23 of the said Act of 1980] (procedure for determining mode of trial of offences triable either way) shall not apply in relation to that offence.
- (3) If the court determines not to commit the accused for trial in respect of the offence under section 17(1) or (2), or if proceedings before the court for that offence are otherwise discontinued, the preceding sub-paragraph shall cease to apply as from the time when this occurs and—
- (a) if at that time the court has not yet begun to inquire into the listed offence as examining justices, the court shall, in the case of the listed offence, proceed in the ordinary way in accordance with [F42the said sections 18 to 23]; but
- (b) if at that time the court has begun so to inquire into the listed offence, those sections shall continue not to apply and the court shall proceed with its inquiry into that offence as examining justices, but shall have power in accordance with [F42section 25(3) and (4) of the said Act of 1980] to change to summary trial with the accused's consent.]

Textual Amendments

F39 Para. 3 substituted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 12](#)

F40 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 73\(a\)](#)

F41 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 73\(b>\)](#)

F42 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 73\(c\)](#)

Modifications etc. (not altering text)

C2 Sch. 6 Pt. II para. 3(1) extended (E.W.) by [Criminal Attempts Act 1981 \(c. 47, SIF 39:1\)](#), [s. 7\(2\)](#)

- 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.
- 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.

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- 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.

Status:

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