

Status: Point in time view as at 31/12/2016.

Changes to legislation: Firearms Act 1968, Part II is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

PROSECUTION AND PUNISHMENT OF OFFENCES

PART II

SUPPLEMENTARY PROVISIONS AS TO TRIAL AND PUNISHMENT OF OFFENCES

1 ^{F1}

Textual Amendments

^{F1} 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 II para. 1 repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), s. 83(3), Sch. 8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.

[^{F23} [^{F3}(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 [^{F4}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.

(2) Subject to the following sub-paragraph the court shall proceed as if the listed offence were triable only on indictment and [^{F5}sections 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 [^{F6}the 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 [^{F6}section 25(3) and (4) of the said Act of 1980] to change to summary trial with the accused's consent.]]

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Textual Amendments

- F2** Para. 3 substituted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 12](#)
- F3** [Sch. 6 para. 3](#) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 45](#), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), art. 4(1)(c)(d)(2)(3) (with art. 5) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4); [S.I. 2012/2574](#), art. 2(2)(3)(c)(d), [Sch.](#) (with arts. 34) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(d)(2)(3) (with arts. 34)
- F4** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 73\(a\)](#)
- F5** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 73\(b>\)](#)
- F6** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 73\(c\)](#)

Modifications etc. (not altering text)

- C1** [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 ^{F7}[^{F8}21A,^{F9}22(4), 23(1)]^{F8}21A(1), 21A(1A), 22(3)]^{F10} . . .]^{F11}, 24(4) or 24ZA(1)] 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.

Textual Amendments

- F7** Words in [Sch. 6 Pt. 2 para. 7](#) inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [s. 34\(6\)\(a\)](#), 66(2); [S.I. 2007/2180](#), [art. 3\(d\)](#)
- F8** Words in [Sch. 6 para. 7](#) substituted (S.) (31.12.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), s. 88(2), [sch. 2 para. 1\(10\)\(b\)\(i\)](#); [S.S.I. 2016/130](#), art. 3(c)
- F9** Words in [Sch. 6 Pt. 2 para. 7](#) substituted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss.38\(6\)\(a\)](#), 93; [S.I. 2003/3300](#), [art. 2\(c\)\(ii\)](#)
- F10** Words in [Sch. 6 Pt. 2 para. 7](#) repealed (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 65, 66(2), [Sch. 5](#); [S.I. 2007/2180](#), [art. 4\(f\)\(i\)](#)
- F11** Words in [Sch. 6 para. 7](#) substituted (10.2.2011) by [Crime and Security Act 2010 \(c. 17\)](#), [ss. 46\(5\)](#), 59(1); [S.I. 2011/144](#), art. 2

- 8 The court by which a person is convicted of an offence under section ^{F12}[^{F13}21A,^{F14}22(3) or (4), 23(1)]^{F13}21A(1), 21A(1A), 22(3),^{F15} . . .]^{F16}, 24(4) or 24ZA(1)] 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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Textual Amendments

- F12** Words in Sch. 6 Pt. 2 para. 8 inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 34\(6\)\(b\)](#), [66\(2\)](#); [S.I. 2007/2180](#), [art. 3\(d\)](#)
- F13** Words in Sch. 6 para. 8 substituted (S.) (31.12.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [s. 88\(2\)](#), [sch. 2 para. 1\(10\)\(b\)\(ii\)](#); [S.S.I. 2016/130](#), [art. 3\(c\)](#)
- F14** Words in Sch. 6 Pt. 2 para. 8 substituted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 38\(6\)\(b\)](#), [93](#); [S.I. 2003/3300](#), [art. 2\(c\)\(ii\)](#)
- F15** Words in Sch. 6 Pt. 2 para. 8 repealed (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 65](#), [66\(2\)](#), [Sch. 5](#); [S.I. 2007/2180](#), [art. 4\(f\)\(i\)](#)
- F16** Words in Sch. 6 para. 8 substituted (10.2.2011) by [Crime and Security Act 2010 \(c. 17\)](#), [ss. 46\(5\)](#), [59\(1\)](#); [S.I. 2011/144](#), [art. 2](#)

- 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.

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