



# Firearms (Amendment) Act 1997

## 1997 CHAPTER 5

### PART III

#### REGULATION OF FIREARMS AND AMMUNITION

##### *Firearm and shot gun certificates*

#### 41 Appeals

- (1) For section 44 of the 1968 Act (appeals against police decisions) there shall be substituted the following section—

**“44 Appeals against police decisions**

- (1) An appeal against a decision of a chief officer of police under section 28A, 29, 30A, 30B, 30C, 34, 36, 37 or 38 of this Act lies—
- (a) in England and Wales, to the Crown Court; and
  - (b) in Scotland, to the sheriff.
- (2) An appeal shall be determined on the merits (and not by way of review).
- (3) The court or sheriff hearing an appeal may consider any evidence or other matter, whether or not it was available when the decision of the chief officer was taken.
- (4) In relation to an appeal specified in the first column of Part I of Schedule 5 to this Act, the third column shows the sheriff having jurisdiction to entertain the appeal.
- (5) In Schedule 5 to this Act—
- (a) Part II shall have effect in relation to appeals to the Crown Court; and
  - (b) Part III shall have effect in relation to appeals to the sheriff.”

- (2) In Schedule 5 to the 1968 Act (provisions as to appeals), after Part II there shall be inserted—

**“PART III**

APPEALS IN SCOTLAND

- 1 An appeal to the sheriff shall be by way of summary application.
- 2 An application shall be made within 21 days after the date on which the appellant has received notice of the decision of the chief officer of police in respect of which the appeal is made.
- 3 On the hearing of the appeal the sheriff may either dismiss the appeal or give the chief officer of police such directions as he thinks fit as respects the certificate or register which is the subject of the appeal.
- 4 The decision of the sheriff on an appeal may be appealed only on a point of law.”