
Status: Point in time view as at 01/01/1993.

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Firearms Act 1968

1968 CHAPTER 27

PART I

PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

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—
- [^{F1}(a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;
 - (ab) any self-loading or pump-action rifle other than one which is chambered for .22 rim-fire cartridges;
 - (ac) any self-loading or pump-action smooth-bore gun which is not chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or (excluding any detachable, folding, retractable or other movable butt-stock) is less than 40 inches in length overall;
 - (ad) any smooth-bore revolver gun other than one which is chambered for 9mm. rim-fire cartridges or loaded at the muzzle end of each chamber;
 - (ae) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signalling apparatus;]
 - (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; and
 - [^{F2}(c) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in paragraph (b) above and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid.]

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- [^{F3}(1A) Subject to section 5A of this Act, a person commits an offence if, without the authority of the Secretary of State, he has in his possession, or purchases or acquires, or sells or transfers—
- (a) any firearm which is disguised as another object;
 - (b) any rocket or ammunition not falling within paragraph (c) of subsection (1) of this section which consists in or incorporates a missile designed to explode on or immediately before impact and is for military use;
 - (c) any launcher or other projecting apparatus not falling within paragraph (ae) of that subsection which is designed to be used with any rocket or ammunition falling within paragraph (b) above or with ammunition which would fall within that paragraph but for its being ammunition falling within paragraph (c) of that subsection;
 - (d) any ammunition for military use which consists in or incorporates a missile designed so that a substance contained in the missile will ignite on or immediately before impact;
 - (e) any ammunition for military use which consists in or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour;
 - (f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;
 - (g) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been, incorporated in—
 - (i) any ammunition falling within any of the preceding paragraphs; or
 - (ii) any ammunition which would fall within any of those paragraphs but for its being specified in subsection (1) of this section.]
- (2) The weapons and ammunition specified in [^{F4}subsections (1) and (1A) of this section (including, in the case of ammunition, any missiles falling within subsection (1A)(g) 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 theDefence 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.
- [^{F5}(7) For the purposes of this section and section 5A of this Act—
- (a) any rocket or ammunition which is designed to be capable of being used with a military weapon shall be taken to be for military use;

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- (b) references to a missile designed so that a substance contained in the missile will ignite on or immediately before impact include references to any missile containing a substance that ignites on exposure to air; and
- (c) references to a missile's expanding on impact include references to its deforming in any predictable manner on or immediately after impact.]

Textual Amendments

- F1** S. 5(1)(a)–(ae) substituted for s. 5(1)(a) by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 1(2)
- F2** S. 5(1)(c) substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 1(3)
- F3** S. 5(1A) inserted (1.1.1993) by S.I. 1992/2823, reg. 3(1)
- F4** Words in s. 5(2) substituted (1.1.1993) by S.I. 1992/2823, reg. 3(2)
- F5** S. 5(7) inserted (1.1.1993) by S.I. 1992/2823, reg. 3(3)

Modifications etc. (not altering text)

- C1** S. 5: transfer of certain functions (1.11.1968) by S.I. 1968/1200, art. 2
- C2** Power to amend s. 5(1) conferred by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 1(4)
- C3** S. 5 amended (1.7.1997) by 1997 c. 5, s. 1(7); S.I. 1997/1535, art. 3, Sch. Pt. I

[^{F6}5A Exemptions from requirement of authority under s.5.

- (1) Subject to subsection (2) below, the authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase, acquire, sell or transfer, any prohibited weapon or ammunition if he is authorised by a certificate under this Act to possess, purchase or acquire that weapon or ammunition subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.
- (2) No sale or transfer may be made under subsection (1) above except to a person who—
 - (a) produces the authority of the Secretary of State under section 5 of this Act for his purchase or acquisition; or
 - (b) shows that he is, under this section or a licence under the Schedule to the Firearms (Amendment) Act 1988 (museums etc.), entitled to make the purchase or acquisition without the authority of the Secretary of State.
- (3) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any prohibited weapon or ammunition if his possession, purchase or acquisition is exclusively in connection with the carrying on of activities in respect of which—
 - (a) that person; or
 - (b) the person on whose behalf he has possession, or makes the purchase or acquisition,
 is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.
- (4) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any expanding ammunition or the missile for any such ammunition if—

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- (a) he is authorised by a firearm certificate to possess, purchase or acquire ammunition which is designed to be used with a pistol; and
 - (b) the certificate contains a condition prohibiting the use of expanding ammunition for purposes not authorised by the European weapons directive.
- (5) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession any expanding ammunition or the missile for any such ammunition if—
- (a) he is entitled, under section 10 of this Act, to have a slaughtering instrument and the ammunition for it in his possession; and
 - (b) the ammunition or missile in question is designed to be capable of being used with a slaughtering instrument.
- (6) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for the sale or transfer of any expanding ammunition or the missile for any such ammunition to any person who produces a certificate by virtue of which he is authorised under subsection (4) above to purchase or acquire it without the authority of the Secretary of State.
- (7) The authority of the Secretary of State shall not be required by virtue of subsection (1A) of section 5 of this Act for a person carrying on the business of a firearms dealer, or any servant of his, to have in his possession, or to purchase, acquire, sell or transfer, any expanding ammunition or the missile for any such ammunition if—
- (a) the person carrying on that business is registered as a firearms dealer subject to a condition which prohibits the purchase or acquisition of any such ammunition or missile except for the purpose of making sales or transfers to persons whose purchases or acquisitions are authorised by subsection (4) above or this subsection; and
 - (b) the possession, purchase, acquisition, sale or transfer in question is in the ordinary course of that business.
- (8) In this section—
- (a) references to expanding ammunition are references to any ammunition which is designed to be used with a pistol and incorporates a missile which is designed to expand on impact; and
 - (b) references to the missile for any such ammunition are references to anything which, in relation to any such ammunition, falls within section 5(1A)(g) of this Act.]

Textual Amendments

F6 S. 5A inserted (1.1.1993) by S.I. 1992/2823, reg. 3(4)

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
 - [^{F7}(b) from Great Britain to Northern Ireland; or]
 - (c) for export from Great Britain,

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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.

[^{F8}(1A) The Secretary of State may by order prohibit the removal of firearms or ammunition from Great Britain to Northern Ireland unless—

- (a) the removal is authorised by the chief officer of police for the area from which they are to be removed and by the Chief Constable of the Royal Ulster Constabulary; and
- (b) such conditions as may be specified in the order or imposed by the chief officer of police or the Chief Constable 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 ^{M1}Firearms Act 1920 (the former enactment corresponding to section 18 of the ^{M2}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.

Textual Amendments

- F7** S. 6(1)(b) (which is superseded by a new subsection (1A)) repealed (2.4.1991) by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. **20(2)(3)**
- F8** S. 6(1A) inserted (2.4.1991) by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), s. **20(2)**
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Marginal Citations

- M1** 1920 c. 43.
- M2** 1937 c. 12.

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