



Firearms Act 1968

1968 CHAPTER 27

PART II

FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

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.
 - (2) In subsection (1) above and in the said Schedule 4, any reference ^{F1} . . . 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 cannellure 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.
- [^{F2}(3A) Every person keeping a register in accordance with this section shall (unless required to surrender the register under section 38(8) of this Act) keep it for such a period that each entry made after the coming into force of this subsection will be available for inspection for at least five years from the date on which it was made.]

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Changes to legislation: Firearms Act 1968, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 24 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)

- (4) Every person keeping a register in accordance with this section shall on demand allow [^{F3}a constable][^{F4}or a civilian officer], 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 [^{F5}(or if the register is kept by means of a computer, a copy of the information comprised in that register in a visible and legible form);] for inspection:

Provided that, where a written authority is required by this subsection, the authority shall be produced on demand.

- [^{F6}(4A) Every person keeping a register in accordance with this section by means of a computer shall secure that the information comprised in the register can readily be produced in a form in which it is visible and legible and can be taken away.]
- (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.

Textual Amendments

- F1** Words in s. 40(2) repealed (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 31(2)**, 65, 66(2), **Sch. 5**; S.I. 2007/2180, arts. 3(i), **4(e)(f)(i)**
- F2** S. 40(3A) inserted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 13(4)**
- F3** Words substituted by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 23(3)**
- F4** Words in s. 40(4) inserted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 8(a)(i)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F5** Words in s. 40(4) inserted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 8(a)(ii)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F6** S. 40(4A) inserted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 8(b)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

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.

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Textual Amendments

F7 S. 42 repealed (1.10.1997) by 1997 c. 5, s. 52(2), [Sch. 3](#); S.I. 1997/1535, art. 3(c), [Sch. Pt. II](#)

^{F8}**[42A Information as to transactions under visitors' permits.**

(1) A person who sells, lets on hire, gives or lends a shot gun with a magazine to another person who—

- (a) shows that he is entitled to purchase or acquire the weapon as the holder of a visitor's shot gun permit under section 17 of the Firearms (Amendment) Act 1988; but
- (b) fails to show that the purchase or acquisition falls within subsection (1A)(c) or (d) of that section (temporary acquisitions or purchases or acquisitions by collectors etc.) or that he resides outside the member States,

shall, within forty-eight hours of the transaction, send [^{F9}by permitted means] notice of the transaction to the chief officer of police who granted that permit.

(2) A notice under subsection (1) above shall—

- (a) contain a description of the shot gun (giving the identification number if any);
- (b) state the nature of the transaction (giving the name of the person to whom the gun has been sold, let on hire, given or lent, his address in the member State where he resides and the number and place of issue of his passport, if any); and
- (c) set out the particulars of any licence granted for the purposes of an order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939 by virtue of which the transaction is authorised under section 17 of that Act of 1988.

[A notice is sent by permitted means for the purposes of subsection (1) if it is sent—

- ^{F10}(2A)
 - (a) by registered post;
 - (b) by the recorded delivery service; or
 - (c) by permitted electronic means (see section 42B).]

(3) It is an offence for a person to fail to comply with this section.]

Textual Amendments

F8 S. 42A inserted (1.1.1993) by [S.I. 1992/2823](#), [reg. 6\(2\)](#)

F9 Words in s. 42A(1) substituted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), [2\(2\)\(a\)](#)

F10 S. 42A(2A) inserted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), [2\(2\)\(b\)](#)

^{F11}**[42B. Permitted electronic means**

(1) A notice is sent by permitted electronic means for the purposes of section 42A if—

- (a) it is sent by an electronic form of communication which the Secretary of State has directed may be used for those purposes,
- (b) it is sent to an electronic address which has been published pursuant to subsection (4), and

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- (c) subject to subsection (6), the electronic address has not been withdrawn in accordance with subsection (5).
- (2) Before giving a direction under subsection (1)(a), the Secretary of State must consult—
 - (a) the Scottish Ministers,
 - (b) [^{F12}the Association of Chief Police Officers][^{F12}the National Police Chiefs' Council] ,
 - [^{F13}(c) the chief constable of the Police Service of Scotland, and]
 - (d) such other persons as the Secretary of State is satisfied should be consulted.
- (3) The Secretary of State must publish directions given under subsection (1)(a).
- (4) A chief officer of police must publish at least one electronic address for each form of electronic communication specified in a direction under subsection (1)(a).
- (5) A chief officer of police may withdraw an electronic address published under subsection (4) by publishing a statement to that effect in the same manner as that in which the electronic address was published under subsection (4); but a chief officer of police may exercise the power to withdraw only if, after the withdrawal, there will still be at least one electronic address available for the form of electronic communication concerned.
- (6) Where an electronic address has been withdrawn under subsection (5), a notice sent to that electronic address before the end of the period of 28 days beginning with the day after the date of withdrawal is to be treated as complying with subsection (1)(b).]

Textual Amendments

- F11** S. 42B inserted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), 2(3)
- F12** Words in s. 42B(2)(b) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), Sch. 14 paras. 6, 7(a)
- F13** S. 42B(2)(c) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 5(2)**

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.

Modifications etc. (not altering text)

- C1** S. 43 modified by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), ss. 11(4), 17(9)

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- C2** S. 43 extended (*prosp.*) by 1997 c. 5, **ss. 21(6), 53(3)** (which amending s. 21(6) was repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)
S. 43 extended (*prosp.*) by 1988 c. 45, **s. 15A(3)** (as inserted (*prosp.*) by 1997 c. 5, **ss. 46, 53(3)**) (which amending s. 15A(3) of 1998 c. 45 and s. 46 of 1997 c. 5 were repealed (17.12.1997) by 1997 c. 64, s. 2(7), **Sch.**; S.I. 1997/3114, art. 3, **Sch. Pt. I**)

[^{F14}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.

[The court or sheriff hearing an appeal must have regard to any guidance issued under ^{F15}(3A) section 55A that is relevant to the appeal.]

- (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.]

Textual Amendments

- F14** S. 44 substituted (1.7.1997) by 1997 c. 5, **s. 41(1)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
F15 S. 44(3A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 133(3), 183(1)(5)(e)**

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
 - (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

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- (b) offences against the [^{F16}enactments for the time being in force relating to customs or excise] 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.

Textual Amendments

F16 Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\), s. 177\(1\), Sch. 4 para. 12](#)

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