

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Firearms Act 1968, SCHEDULE 5 is up to date with all changes known to be in force on or before 03 July 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 5

Section 44.

#### PROVISIONS AS TO APPEALS UNDER S. 44 OF THIS ACT

#### PART I

#### COURTS WITH JURISDICTION TO ENTERTAIN APPEAL

<b>Nature of appeal</b>	<b>...</b> <b>FI</b>	<b>Sheriff's jurisdiction</b>
1. Appeal under section [F <sup>2</sup> 28A(6), 29(2), 30A(6), 30B(3) or 30C(2)] (against refusal to grant or renew, or to vary, or against revocation of, a certificate).		The sheriff within whose jurisdiction the appellant resides.
2. Appeal under section 34(5) by a person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer.		The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has applied to be registered.
3. Appeal under section 34(5) or 37(3) by a person aggrieved by the refusal of a chief officer of police to enter a place of business of his in the register.		The sheriff within whose jurisdiction there is situated the place of business to which the appeal relates.
4. Appeal under section 36(3) (against imposition or variation of condition, of registration, or refusal to vary or revoke such a condition).		The sheriff within whose jurisdiction is situated the appellant's place of business in respect of which the condition is in force.
5. Appeal under section 38(7) by a person aggrieved by the removal of his name from the register.		The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has been registered.
6. Appeal under section 38(7) by a person aggrieved by the		The sheriff within whose jurisdiction is situated the

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removal from the register of a  
place of business of his.

place of business to which the  
appeal relates.

**Textual Amendments**

- F1** Column repealed by [Courts Act 1971 \(c. 23\), Sch. 11 Pt. IV](#)  
**F2** Words in Sch. 5 Pt. I para. 1 substituted (1.7.1997) by 1997 c. 5, s. 52(1), [Sch. 2 para. 12](#); S.I. 1997/1535, art. 3(b), [Sch. Pt. I](#)

**Modifications etc. (not altering text)**

- C1** Sch. 5 Pt. I para. 1 extended by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s.12\(5\)](#)

## PART II

### PROCEDURAL PROVISIONS FOR APPEAL TO [F<sup>3</sup>THE CROWN COURT]

**Textual Amendments**

- F3** Words substituted by [Courts Act 1971 \(c. 23\), s. 56\(2\), Sch. 9 Pt. I](#)

- 1 Notice of an appeal, signed by the appellant or by his agent on his behalf and stating the general grounds of the appeal, shall be given by him to the [F<sup>4</sup>appropriate officer of the Crown Court] and also to the chief officer of police by whose decision the appellant is aggrieved.

**Textual Amendments**

- F4** Words substituted by virtue of [Courts Act 1971 \(c. 23\), Sch. 8 Pt. I para. 2](#)

**Modifications etc. (not altering text)**

- C2** [Sch. 5 Pt. II paras. 1–5](#) extended by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 12\(5\)](#)

- 2 A notice of appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the chief officer of police by which he is aggrieved.

**Modifications etc. (not altering text)**

- C3** [Sch. 5 Pt. II paras. 1–5](#) extended by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\), s. 12\(5\)](#)

- 3 On receiving notice of an appeal the [F<sup>5</sup>appropriate officer of the Crown Court] shall enter the appeal and give notice to the appellant and to the chief officer of police to whom the notice of the appeal is required by paragraph 1 of this Part of this Schedule to be given, of the date, time and place fixed for the hearing.

**Textual Amendments**

- F5** Words substituted by virtue of [Courts Act 1971 \(c. 23\), Sch. 8 Pt. I para. 2](#)

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**Modifications etc. (not altering text)**

**C4** Sch. 5 Pt. II paras. 1–5 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 12(5)

4 An appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal by giving notice in writing to the [<sup>F6</sup>appropriate officer of the Crown Court] and to the chief officer of police; . . . <sup>F7</sup>

**Textual Amendments**

**F6** Words substituted by virtue of Courts Act 1971 (c. 23), Sch. 8 Pt. I para. 2

**F7** Words repealed by S.I. 1971/1292, Sch. 3

**Modifications etc. (not altering text)**

**C5** Sch. 5 Pt. II paras. 1–5 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 12(5)

5 The chief officer of police may appear and be heard on the hearing of an appeal.

**Modifications etc. (not altering text)**

**C6** Sch. 5 Pt. II paras. 1–5 extended by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. 12(5)

6 . . . . . <sup>F8</sup>

**Textual Amendments**

**F8** Sch. 5 Pt. II paras. 6, 8 repealed by S.I. 1971/1292, Sch. 3

7 On the hearing of an appeal the court may either dismiss the appeal or give the chief officer of police such directions as it thinks fit as respects the certificate or register which is the subject of the appeal.

8 . . . . . <sup>F9</sup>

**Textual Amendments**

**F9** Sch. 5 Pt. II paras. 6, 8 repealed by S.I. 1971/1292, Sch. 3

[<sup>F10</sup>PART III

APPEALS IN SCOTLAND

**Textual Amendments**

**F10** Sch. 5 Pt. III inserted (1.7.1997) by 1997 c. 5, s. 41(2); S.I. 1997/1535, art. 3(b), Sch. Pt. I

1 An appeal to the sheriff shall be by way of summary application.

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- 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.]

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