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## SCHEDULES

### SCHEDULE 1

Section 17.

#### OFFENCES TO WHICH SECTION 17(2) APPLIES

[<sup>F1</sup> Offences under section 1 of the <sup>M1</sup>Criminal Damage Act 1971.]

##### Textual Amendments

**F1** Para. 1 substituted by [Criminal Damage Act 1971 \(c. 48\), s. 11\(7\)](#)

##### Marginal Citations

**M1** 1971 c. 48.

2 Offences under any of the following provisions of the Offences Against the <sup>M2</sup>Person Act 1861:—  
sections 20 to 22 (inflicting bodily injury; garrotting; criminal use of stupefying drugs);  
section 30 (laying explosive to building etc. );  
section 32 (endangering railway passengers by tampering with track);  
section 38 (assault with intent to commit felony or resist arrest);  
section 47 (criminal assaults);

..... <sup>F2</sup>

##### Textual Amendments

**F2** Words repealed by [Child Abduction Act 1984 \(c. 37, SIF 39:4\), s. 11\(5\)\(c\)](#)

##### Marginal Citations

**M2** 1861 c. 100.

[<sup>F3</sup>2A Offences under Part I of the Child Abduction Act 1984 (abduction of children).]

##### Textual Amendments

**F3** [Sch. 1 para. 2A](#) inserted by [Child Abduction Act 1984 \(c. 37, SIF 39:4\), s. 11\(2\)](#)

[<sup>F4</sup>3 Offences under such of the provisions of section 4 of the Vagrancy Act 1824 as are referred to in and amended by section 15 of the Prevention of Crimes Act 1871 and section 7 of the Penal Servitude Act 1891 (suspected persons and reputed thieves being abroad with criminal intent).]

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#### Textual Amendments

**F4** Sch. 1 para. 3 repealed (E.W.) by [Criminal Attempts Act 1981 \(c. 47, SIF 39:1\)](#), s. 10, **Sch. Pt. II**

<sup>F5</sup>4 Theft, [<sup>F6</sup>robbery] burglary, blackmail and any offence under section 12(1) (taking of motor vehicle or other conveyance without owner's consent) of the <sup>M3</sup>Theft Act 1968.

#### Textual Amendments

**F5** Para. 4 substituted by [Theft Act 1968 \(c.60\)](#) Sch. 2 Pt. III

**F6** Word in [Sch. 1 para. 4](#) inserted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), **Sch. 9 para. 8(a)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

#### Marginal Citations

**M3** 1968 c. 60.

5 Offences under [<sup>F7</sup>section 89(1) of the Police Act 1996] or [<sup>F8</sup>section 90 of the Police and Fire Reform (Scotland) Act 2012 (assaulting or impeding police)] .

#### Textual Amendments

**F7** Words in [Sch. 1 para. 5](#) substituted (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), **Sch. 7 Pt. II para. 16**

**F8** Words in [Sch. 1 para. 5](#) 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(5)**

[<sup>F9</sup>5A An offence under section 90(1) of the Criminal Justice Act 1991 (assaulting prisoner custody officer).]

#### Textual Amendments

**F9** [Sch. 1 paras. 5A, 5B](#) inserted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), **Sch. 9 para. 8(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

[<sup>F10</sup>5B An offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting secure training centre custody officer).]

#### Textual Amendments

**F10** [Sch. 1 paras. 5A, 5B](#) inserted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), **Sch. 9 para. 8(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

PROSPECTIVE

[<sup>F11</sup>5C An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).]

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**Textual Amendments**

**F11** Sch. 1 para. 5C inserted (*prosp.*) by 1999 c. 33, ss. 169(1), 170(4), Sch. 14 paras. 34, 35

[<sup>F12</sup>6 Offences under any of the following provisions of the Sexual Offences Act 2003—

- (a) section 1 (rape);
- (b) section 2 (assault by penetration);
- (c) section 4 (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
- (d) section 5 (rape of a child under 13);
- (e) section 6 (assault of a child under 13 by penetration);
- (f) section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
- (g) section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
- (h) section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.]

**Textual Amendments**

**F12** Sch. 1 para. 6 substituted (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 139, Sch. 6 para. 16; S.I. 2004/874, art. 2

7 ..... <sup>F13</sup>

**Textual Amendments**

**F13** Para. 7 repealed by Theft Act 1968 (c. 60), Sch. 2 Pt. III

8 Aiding or abetting the commission of any offence specified in [<sup>F14</sup>paragraphs 1 to 6] of this Schedule.

**Textual Amendments**

**F14** Words substituted by Theft Act 1968 (c. 60), Sch. 2 Pt. III

9 Attempting to commit any offence so specified, . . . <sup>F15</sup>

**Textual Amendments**

**F15** Words repealed by Criminal Damage Act 1971 (c. 48), Sch. Pt. I

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## SCHEDULE 2

Sections 17, 18.

### OFFENCES TO WHICH SECTIONS 17(2) AND 18 APPLY IN SCOTLAND

#### *Common Law Offences*

- 1 Abduction.
- 2 Administration of drugs with intent to enable or assist the commission of a crime.
- 3 Assault.
- 4 Housebreaking with intent to steal.
- 5 Malicious mischief.
- 6 Mobbing and rioting.
- 7 Perverting the course of justice.
- 8 Prison breaking and breaking into prison to rescue prisoners.
- 9 Rape.
- 10 Robbery.
- 11 Theft.
- 12 Use of threats with intent to extort money or property.
- 13 Wilful fireraising and culpable and reckless fireraising.

#### *Statutory Offences*

[<sup>F16</sup>13A Offences against section 57 of the Civil Government (Scotland) Act 1982]

##### **Textual Amendments**

**F16** Sch. 2 para. 13A substituted (S.) for paras. 14 and 15 by [Civil Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 137(2), [Sch. 3 para. 2](#)

PROSPECTIVE

[<sup>F17</sup>13B An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).]

##### **Textual Amendments**

**F17** Sch. 2 para. 13B inserted (*prosp.*) by 1999 c. 33, ss. 169(1), 170(4), Sch. 14 paras. 34, 36

[<sup>F18</sup>14 Offences against such of the provisions of section 4 of the <sup>M4</sup>Vagrancy Act 1824 as are extended to Scotland by section 15 of the <sup>M5</sup>Prevention of Crimes Act 1871.]

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**Textual Amendments**

**F18** Sch. 2 para. 13A substituted (S.) for paras. 14 and 15 by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 137(2), **Sch. 3 para. 2**

**Marginal Citations**

**M4** 1824 c. 83.  
**M5** 1871 c. 112.

15 Offences against the third and fourth paragraphs of section 7 of the <sup>M6</sup>Prevention of Crimes Act 1871.

**Marginal Citations**

**M6** 1871 c. 112.

16 Offences against sections 2, 3 or 4 of the <sup>M7</sup>Explosive Substances Act 1883.

**Marginal Citations**

**M7** 1883 c. 3.

[<sup>F19</sup>17 Offences against section 175 of the <sup>M8</sup>Road Traffic Act 1972.]

**Textual Amendments**

**F19** Para. 17 substituted by [Road Traffic Act 1972 \(c. 20\)](#), **Sch. 7**

**Marginal Citations**

**M8** 1972 c. 20.

18 Offences against [<sup>F20</sup>section 90 of the Police and Fire Reform (Scotland) Act 2012.]

**Textual Amendments**

**F20** Words in [Sch. 2 para. 18](#) 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(6)**

*Attempts*

19 Attempt to commit any of the offences mentioned in this Schedule.

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SCHEDULE 3

Section 21.

JURISDICTION AND PROCEDURE ON APPLICATION UNDER SECTION 21(6)

PART I

APPLICATION TO [F21THE CROWN COURT] (ENGLAND AND WALES)

Textual Amendments

F21 Words substituted by Courts Act 1971 (c. 23), s. 56(2), Sch. 9 Pt. II

1 ..... F22

Textual Amendments

F22 Sch. 3 Pt. I para. 1 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

2 Notice of the application, signed by the applicant or by his agent on his behalf and stating the general grounds of the application, shall be given by him to the [F23appropriate officer of the Crown Court] and also to the chief officer of police for the area in which the applicant resides.

Textual Amendments

F23 Words substituted by virtue of Courts Act 1971 (c. 23), Sch. 8 Pt. I para. 2

3 On receiving notice of the application the [F24appropriate officer of the Crown Court] shall enter the application and give notice to the applicant, and to the chief officer of police to whom the notice of the application is required by paragraph 2 of this Schedule to be given, of the date, time and place fixed for the hearing; but the date shall not be less than twenty-one clear days after the date when the [F24appropriate officer of the Crown Court] received the notice of the application.

Textual Amendments

F24 Words substituted by virtue of Courts Act 1971 (c. 23), Sch. 8 Pt. I para. 2

4 The applicant may at any time, not less than two clear days before the date fixed for the hearing, abandon his application by giving notice in writing to the [F25appropriate officer of the Crown Court] and to the chief officer of police; and if he does so the [F26Crown Court] (hereafter in this Schedule referred to as “the court”) may order the applicant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the application before notice of abandonment was given to him.

Textual Amendments

F25 Words substituted by virtue of Courts Act 1971 (c. 23), Sch. 8 Pt. I para. 2

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**F26** Words substituted by [Courts Act 1971 \(c. 23\), s. 56\(2\), Sch. 9 Pt. II](#)

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

6 The court may from time to time adjourn the hearing of the application.

7 On the determination of the application, the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered to be paid by the court may be recovered summarily as a civil debt and shall not be recoverable in any other manner:

Provided that the chief officer of police shall not under this paragraph be ordered to pay the costs of the applicant.

## PART II

### APPLICATION TO SHERIFF (SCOTLAND)

8 The application shall be made to the sheriff within whose jurisdiction the applicant resides.

9 Not less than twenty-one days' notice of the application shall be given to the chief officer of police for the area in which the applicant resides.

## SCHEDULE 4

Section 40.

### PARTICULARS TO BE ENTERED BY FIREARMS DEALER IN REGISTER OF TRANSACTIONS

## [<sup>F27</sup>PART 1

### PARTICULARS RELATING TO FIREARMS (OTHER THAN AIR WEAPONS) AND AMMUNITION]

#### Textual Amendments

**F27** Sch. 4: Pt. 1 heading inserted (1.10.2007) by [The Firearms \(Amendment\) Rules 2007 \(S.I. 2007/2605\), rule 2\(2\)](#)

*[<sup>F27</sup>Note: in this Part references to firearms do not include any firearm to which Part 2 of this Schedule applies]*

<sup>x1</sup>1 The quantities and description of firearms and ammunition manufactured and the dates thereof.

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**Editorial Information**

**X1** The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

<sup>x2</sup> The quantities and description of firearms and ammunition purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions.

**Editorial Information**

**X2** The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

<sup>x3</sup> The quantities and description of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions.

**Editorial Information**

**X3** The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

<sup>x4</sup><sup>F28</sup> The quantities and description of firearms and ammunition sold or transferred with the names and addresses of the purchasers or transferees and (except in cases where the purchaser or transferee is a registered dealer) the areas in which the firearm certificates were issued, and the dates of the several transactions.]

**Editorial Information**

**X4** The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**Textual Amendments**

**F28** Sch. 4 para. 4 substituted by [S.I. 1998/1941](#), [rule 10\(5\)](#)

<sup>x5</sup> The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.

**Editorial Information**

**X5** The insertion of the new Pt. 2 in Sch. 4 on 1.10.2007 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.



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## [<sup>F29</sup>PART 2

### PARTICULARS RELATING TO AIR WEAPONS

#### Textual Amendments

**F29** Sch. 4 Pt. 2 inserted (1.10.2007) by [The Firearms \(Amendment\) Rules 2007 \(S.I. 2007/2605\)](#), [rule 2\(3\)](#)

*Note: in this Part “air weapon” includes any component of, or accessory to, an air weapon.*

- 1 The quantities and description of air weapons purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions.
- 2 The quantities and description of air weapons sold or transferred with the names and addresses of the purchasers or transferees and the dates of the several transactions.
- 3 The quantities and description of air weapons in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register]

## SCHEDULE 5

Section 44.

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

#### PART I

##### COURTS WITH JURISDICTION TO ENTERTAIN APPEAL

| Nature of appeal  | ...        | Sheriff's jurisdiction  |
|---|------------|---|
|   | <b>F30</b> |   |
| 1. Appeal under section [ <sup>F31</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   |            | The sheriff within whose jurisdiction there is situated the place of business to which the appeal relates.                                    |

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a place of business of his in the register.

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

The sheriff within whose jurisdiction is situated the place of business to which the appeal relates.

#### Textual Amendments

**F30** Column repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

**F31** 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 <sup>F32</sup>THE CROWN COURT]

#### Textual Amendments

**F32** 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 <sup>F33</sup>appropriate officer of the Crown Court] and also to the chief officer of police by whose decision the appellant is aggrieved.

#### Textual Amendments

**F33** 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\(5\)](#)

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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 [<sup>F34</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**

**F34** Words substituted by virtue of Courts Act 1971 (c. 23), Sch. 8 Pt. I para. 2

**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>F35</sup>appropriate officer of the Crown Court] and to the chief officer of police; . . . <sup>F36</sup>

**Textual Amendments**

**F35** Words substituted by virtue of Courts Act 1971 (c. 23), Sch. 8 Pt. I para. 2

**F36** 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>F37</sup>

**Textual Amendments**

**F37** 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>F38</sup>

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#### Textual Amendments

**F38** Sch. 5 Pt. II paras. 6, 8 repealed by S.I. 1971/1292, **Sch. 3**

### [<sup>F39</sup>PART III

#### APPEALS IN SCOTLAND

#### Textual Amendments

**F39** 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.
- 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.]

## SCHEDULE 6

Section 51.

### PROSECUTION AND PUNISHMENT OF OFFENCES

#### PART I

#### TABLE OF PUNISHMENTS

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

**C7** Sch. 6 Pt. I modified (1.11.1968) by S.I. 1968/1200, **art. 3**

| Section of this Act creating offence | General nature of offence  | Mode of prosecution | Punishment   | Additional provisions |
|--------------------------------------|--|---------------------|--|-----------------------|
| Section 1(1) ...                     | Possessing etc. firearm or ammunition without firearm certificate. | (a) Summary ...     | 6 months or a fine of [ <sup>F40</sup> £400]; or both. |                       |
|                                      |  | (b) On indictment   | (i) where the offence is                               |                       |

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|                  |   |                                      |  |  |
|------------------|---|--------------------------------------|--|--|
|                  |   |                                      | committed in an aggravated form within the meaning of section 4(4) of this Act, [ <sup>F41</sup> 7 years], or a fine; or both, |  |
|                  |   |                                      | (ii) in any other case, [ <sup>F42</sup> 5 years] or a fine; or both.  | Paragraph 1 of Part II of this Schedule applies. |
| Section 1(2) ... | Non-compliance with condition of firearm certificate.             | Summary ... ..                       | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.  | Paragraph 1 of Part II of this Schedule applies. |
| Section 2(1) ... | Possessing, etc., shot gun without shot gun certificate.          | [ <sup>F44</sup> (a) Summary.]       | [ <sup>F44</sup> 6 months or the statutory maximum or both.]   | Paragraph 1 of Part II of this Schedule applies. |
|                  |   | [ <sup>F44</sup> (b) On indictment.] | [ <sup>F44</sup> [ <sup>F45</sup> 5 years] or a fine; or both.]  |  |
| Section 2(2) ... | Non-compliance with condition of shot gun certificate.            | Summary...                           | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.  | Paragraph 1 of Part II of this Schedule applies. |
| Section 3(1) ... | Trading in firearms without being registered as firearms dealer.  | (a) Summary ...                      | 6 months or a fine of [ <sup>F40</sup> £400]; or both.   |  |
|                  |   | (b) On indictment                    | [ <sup>F46</sup> 5 years] or a fine; or both.  |  |
| Section 3(2) ... | Selling firearm to person without a certificate.                  | (a) Summary ...                      | 6 months or a fine of [ <sup>F40</sup> £400]; or both.   |  |
|                  |   | (b) On indictment                    | [ <sup>F47</sup> 5 years] or a fine; or both.  |  |
| Section 3(3) ... | Repairing, testing etc. firearm for person without a certificate. | (a) Summary ...                      | 6 months or a fine of [ <sup>F40</sup> £400]; or both.   |  |
|                  |   | (b) On indictment                    | [ <sup>F48</sup> 5 years] or a fine; or both.  |  |

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|   |  |                                  |  |
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| Section 3(5) ...  | Falsifying certificate, etc., with view to acquisition of firearm.                         | (a) Summary ...                  | 6 months or a fine of [ <sup>F40</sup> £400]; or both.                                 |
|   |  | (b) On indictment                | [ <sup>F49</sup> 5 years] or [ <sup>F50</sup> a fine]; or both.                        |
| Section 3(6) ...  | Pawnbroker taking firearm in pawn.   | Summary ... ..                   | 3 months or a fine of [ <sup>F43</sup> level 3 on the standard scale]; or both.        |
| Section 4(1)(3)   | Shortening a shot gun; conversion of firearms.   | (a) Summary...                   | 6 months or a fine of [ <sup>F40</sup> £400]; or both.                                 |
|   |  | (b) On indictment                | [ <sup>F51</sup> 7 years] or a fine; or both.  |
| [ <sup>F52</sup> Section 5(1) (a), (ab), (aba), (ac), (ad), (ae), (af) or (c) | Possessing or distributing prohibited weapons or ammunition.                               | On indictment                    | 10 years or a fine, or both.   |
| Section 5(1)(b)   | Possessing or distributing prohibited weapon designed for discharge of noxious liquid etc. | (a) Summary<br>(b) On indictment | 6 months or a fine of the statutory maximum, or both.<br>10 years or a fine or both.   |
| Section 5(1A)(a)  | Possessing or distributing firearm disguised as other object.                              | On indictment                    | 10 years or a fine, or both.   |
| Section 5(1A) (b), (c), (d), (e), (f) or (g)                                  | Possessing or distributing other prohibited weapons.                                       | (a) Summary<br>(b) On indictment | 6 months or a fine of the statutory maximum, or both.<br>10 years or a fine, or both.] |
| Section 5(5) ...  | Non-compliance with condition of Defence Council authority.                                | Summary ...                      | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.        |
| Section 5(6) ...  | Non - compliance with requirements to surrender authority to possess, etc., prohibited     | Summary ... ..                   | A fine of [ <sup>F43</sup> level 3 on the standard scale].                             |

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|                                     |  |                                 |   |   |
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|                                     | weapon or ammunition.  |                                 |   |   |
| Section 6(3) ...                    | Contravention of order under s. 6 (or corresponding Northern Irish order) restricting removal of arms. | Summary ... ..                  | 3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of [ <sup>F43</sup> level 3 on the standard scale]; or both. | Paragraph 2 of Part II of this Schedule applies.      |
| Section 7(2) ...                    | Making false statement in order to obtain police permit.   | Summary ...                     | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.   |   |
| Section 9(3) ...                    | Making false statement in order to obtain permit for auction of firearms, etc.                         | [ <sup>F53</sup> Summary]       | [ <sup>F53</sup> 6 months or a fine not exceeding level 5 on the standard scale; or both.]  |   |
| Section 13(2) ...                   | Making false statement in order to obtain permit for removal of signalling apparatus.                  | Summary. ...                    | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.   |   |
| Section 16 ...                      | Possession of firearm with intent to endanger life or injure property.                                 | On indictment ...               | [ <sup>F54</sup> life imprisonment] or a fine; or . . .<br><sup>F55</sup><br>both.  |   |
| [ <sup>F56</sup> Section 16A]       | [ <sup>F56</sup> Possession of firearm with intent to cause fear of violence.]                         | [ <sup>F56</sup> On indictment] | [ <sup>F56</sup> 10 years or a fine; or both.]  |   |
| <sup>F56</sup><br>Section 17(1) ... | Use of firearms to resist arrest.  | On indictment ...               | [ <sup>F54</sup> life imprisonment] or a fine; or, . . .<br><sup>F55</sup><br>both.   | Paragraphs 3 to 5 of Part II of this Schedule apply.  |
| Section 17(2) ...                   | Possessing firearm while committing an offence specified in Schedule 1 or,                             | On indictment ...               | [ <sup>F57</sup> Life imprisonment] or a fine; or . . .<br><sup>F55</sup><br>both.  | Paragraphs 3 and 6 of Part II of this Schedule apply. |

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|                   | in Scotland, an offence specified in Schedule 2.  |  |   |
| Section 18(1) ... | Carrying firearms or imitation firearm with intent commit indictable offence (or, in Scotland, an offence specified in Schedule 2) or to resist arrest. | On indictment ...  | [ <sup>F57</sup> Life imprisonment] or a fine; or, . . .<br><sup>F55</sup><br>b oth.                        |
| Section 19 ...    | Carrying [ <sup>F58</sup> firearm or imitation firearm] in public place.  | (a) Summary...<br>[ <sup>F59</sup> except if the firearm is a firearm specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae) or (af) or section 5(1A) (a) of this Act.]<br><br>(b) On indictment (but not<br><sup>F60</sup><br>. . . if the firearm is an air weapon).                                | 6 months or a fine of [ <sup>F40</sup> £400]; or both.<br><br>[ <sup>F61</sup> 7 years.]or a fine; or both. |
| Section 20(1) ... | Trespassing with firearm [ <sup>F62</sup> or imitation firearm] in a building.  | (a) Summary ...<br>[ <sup>F59</sup> except if the firearm is a firearm specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae) or (af) or section 5(1A) (a) of this Act.]<br><br>(b) On indictment (but not [ <sup>F62</sup> in the case of an imitation firearm or] if the firearm is an air weapon). | 6 months or a fine of [ <sup>F40</sup> £400]; or both.<br><br>[ <sup>F63</sup> 7 years]or a fine; or both.  |



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| Section 20(2) ...       | Trespassing with firearm [F64 or imitation firearm] on land.               | Summary ... ..    | 3 months or a fine of [F43 level 4 on the standard scale]; or both.   |  |
| Section 21(4) ...       | Contravention of provisions denying firearms to ex-prisoners and the like. | (a) Summary ...   | 6 months or a fine of [F40 £400]; or both.  |  |
|                         |  | (b) On indictment | [F65 5 years] or a fine; or both.   |  |
| Section 21(5) ...       | Supplying firearms to person denied them under section 21.                 | (a) Summary ...   | 6 months or a fine of [F40 £400]; or both.  |  |
|                         |  | (b) On indictment | [F66 5 years] or a fine; or both.   |  |
| [F67] Section 21A       | Person making improper use of air weapon                                   | Summary           | A fine of level 3 on the standard scale   | Paragraphs 7 and 8 of Pt II of this Schedule apply.] |
| [F68] Section 22(1)     | Person under 18 acquiring firearm  | Summary           | (i) where the offence is committed by a person aged 17 in relation to a firearm other than an air weapon or ammunition other than ammunition for an air weapon, 3 months or a fine of level 5 on the standard scale; or both;<br><br>(ii) in any other case, 6 months or a fine of level 5 on the standard scale; or both.] |  |
| F69<br>Section 22(1A).. | Person under 18 using certificated firearm for unauthorised purpose.       | Summary...        | 3 months or a fine of level 5 on the standard scale; or both.   |  |

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| Section 22(2) ...              | Person under 14 having firearm in his possession without lawful authority.                                 | Summary ... .. | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.  |   |
| Section 22(3) ...              | Person under 15 having with him a shot gun without adult supervision.                                      | Summary ... .. | A fine of [ <sup>F43</sup> level 3 on the standard scale]  | Paragraph 8 of Part II of this Schedule applies.      |
| Section 22(4) ...              | Person under [ <sup>F70</sup> 18] having with him an air weapon or ammunition therefor.                    | Summary ... .. | A fine of [ <sup>F43</sup> level 3 on the standard s cale]   | Paragraphs 7 and 8 of Part II of this Schedule apply. |
| F71                            | F71  | F71            | F71  | F71   |
| ...                            | ...  | ...            | ...  | ...   |
| Section 23(1) ...              | [ <sup>F72</sup> Person supervising a person under 18 and allowing him to make improper use of air weapon] | Summary ... .. | A fine of [ <sup>F43</sup> level 3 on the standard s cale]   | Paragraphs 7 and 8 of Part II of this Schedule apply. |
| F73                            | F73  | F73            | F73  | F73   |
| ...                            | ...  | ...            | ...  | ...   |
| [ <sup>F74</sup> Section 24(1) | Selling or letting on hire a firearm to a person under 18  | Summary        | (i) where the offence is committed in relation to a person aged 17 and in relation to a firearm other than an air weapon or ammunition other than ammunition for an air weapon, 3 months or a fine of level 5 on the standard scale; or both;<br><br>(ii) in any other case, 6 months or a fine of level 5 |   |

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|  |  |                | on the standard scale; or both.]   |  |
| Section 24(2) ...                      | Supplying firearm or ammunition (being of a kind to which section 1 of this Act applies) to person under 14. | Summary ... .. | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.  |  |
| Section 24(3) ...                      | Making gift of shot gun to person under 15.  | Summary ... .. | A fine of [ <sup>F43</sup> level 3 on the standard scale]  | Paragraph 9 of Part II of this Schedule applies.       |
| Section 24(4) ...                      | Supplying air weapon to person under [ <sup>F75</sup> 18] .  | Summary ... .. | A fine of [ <sup>F43</sup> level 3 on the standard scale]  | Paragraphs 7 and 8 of Part II of this Schedule apply.  |
| [ <sup>F76</sup> Section 24ZA(1)       | Failing to prevent minors from having air weapons  | Summary        | A fine of level 3 on the standard scale.   | Paragraphs 7 and 8 of Part II of this Schedule apply.] |
| [ <sup>F77</sup> Section 24A(1) or (2) | Acquisition by a minor of an imitation firearm and supplying him.  | Summary        | In England and Wales, 51 weeks or a fine of level 5 on the standard scale, or both. In Scotland, 6 months, or a fine of level 5 on the standard scale, or both.] |  |
| Section 25 ...                         | Supplying firearm to person drunk or insane.   | Summary ... .. | 3 months or a fine of [ <sup>F43</sup> level 3 on the standard scale]; or both.  |  |
| [ <sup>F78</sup> Section 28A(7)] ...   | Making false statement in order to procure grant or renewal of a firearm or shot gun certificate.            | Summary ... .. | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.  |  |
| Section 29(3) ...                      | Making false statement in order to procure variation of a firearm certificate.                               | Summary ... .. | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both.  |  |

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| [ <sup>F79</sup> Section 30D(3)]... | Failing to surrender certificate on revocation.  | Summary ... .. | A fine of [ <sup>F43</sup> level 3 on the standard s cale].                     |
| [ <sup>F80</sup> Section 32B(5)]..  | Failure to surrender expired European firearms pass  | Summary...     | A fine of level 3 on the standard scale.  |
| <sup>F81</sup><br>Section 32C(6)..  | Failure to produce European firearms pass or Article 7 authority for variation or cancellation etc.; failure to notify loss or theft of firearm identified in pass or to produce pass for endorsement. | Summary        | 3 months or a fine of level 5 on the standard scale; or both]                   |
| Section 38(8) ...                   | Failure to surrender certificate of registration [ <sup>F82</sup> or register of transactions] on removal of firearms dealer's name from from register.  | Summary ... .. | A fine of [ <sup>F43</sup> level 3 on the standard s cale].                     |
| Section 39(1) ...                   | Making false statement in order to secure registration or entry in register of a place of business.  | Summary ...    | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both. |
| Section 39(2) ...                   | Registered firearms dealer having place of business not entered in the register.   | Summary ...    | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both. |

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| Section 39(3) ...                | Non-compliance with condition of registration.  | Summary ...                | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both. |  |
| Section 40(5) ...                | Non-compliance by firearms dealer with provisions as to register of transactions; making false entry in register. | Summary ...                | 6 months or a fine of [ <sup>F43</sup> level 5 on the standard scale]; or both. |  |
| F83                              | F83   | F83                        | F83   |  |
| ...                              | ...   | ...                        | ...   |  |
|                                  |   | F83                        | F83   |  |
|                                  |   | ...                        | ...   |  |
| [ <sup>F84</sup> Section 42A...  | Failure to report transaction authorised by visitor's shot gun permit.  | Summary...                 | 3 months or a fine of level 5 on the standard scale; or both.]                  |  |
| [ <sup>F85</sup> Section 46.]    | [ <sup>F85</sup> Obstructing constable or civilian officer in exercise of search powers.]                         | [ <sup>F85</sup> Summary.] | [ <sup>F85</sup> 6 months or a fine of level 5 on the standard scale; or both.] |  |
| F85<br>Section 47(2) ...         | Failure to hand over firearm or ammunition on demand by constable.  | Summary ...                | 3 months or a fine of [ <sup>F43</sup> level 4 on the standard scale]; or both. |  |
| Section 48(3) ...                | Failure to comply with requirement of a constable that a person shall declare his name and address.               | Summary ... ..             | A fine of [ <sup>F43</sup> level 3 on the standard scale].                      |  |
| [ <sup>F86</sup> Section 48(4).. | Failure to produce firearms pass issued in another member State.  | Summary...                 | A fine of level 3 on the standard scale.]                                       |  |
| Section 49(3) ...                | Failure to give constable facilities for examination  | Summary ... ..             | 3 months or, for each firearm or parcel of ammunition in                        | Paragraph 2 of Part II of this Schedule applies. |

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|                  | of firearms in transit, or to produce papers.  | respect of which the offence is committed, a fine of [ <sup>F43</sup> level 3 on the standard scale]; or both. |
| Section 52(2)(c) | Failure to surrender firearm or shot gun certificate cancelled by court on conviction. | A fine of [ <sup>F43</sup> level 3 on the standard scale].   |

### Textual Amendments

- F40** Words substituted by Criminal Justice Act 1972 (c. 71), ss. **28(1)(5)**, 66(7)(a)
- F41** Sch. 6 Pt. I: words in column 4 of entry relating to s. 1(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F42** Sch. 6 Pt. I: words in column 4 of entry relating to s. 1(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F43** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. **38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. **289F**, 289G
- F44** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 44(2)(4), 123(6), **Sch. 8 para. 16**
- F45** Sch. 6 Pt. I: words in column 4 of entry relating to s. 2(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F46** Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F47** Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(2) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F48** Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(3) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F49** Sch. 6 Pt. I: words in column 4 of entry relating to s. 3(5) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F50** Words substituted by Criminal Justice Act 1972 (c. 71), ss. **28(1)(4)**, 66(7)(a)
- F51** Sch. 6 Pt. I: words in column 4 of entry relating to s. 4(1)(3) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F52** Sch. 6 Pt. I: entries relating to s. 5(1)(1A) substituted (22.1.2004) by Criminal Justice Act 2003 (c. 44), ss. **288**, 336; S.I. 2004/81, art. **3(2)(b)**
- F53** Words substituted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), s. **23(7)**
- F54** Words substituted by Criminal Justice Act 1972 (c. 71), ss. **28(1)(2)**, 66(7)(a)
- F55** Words repealed by Criminal Justice Act 1972 (c. 71), ss. 28(6), 66(7)(a), **Sch. 6 Pt. II**
- F56** Sch. 6 Pt. I: entry relating to s. 16A inserted (21.9.1994) by 1994 c. 31, ss. **1(2)**, 4(2) (with s. 4(3))
- F57** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 44(3)(4), 123(6), **Sch. 8 para. 16**
- F58** Sch. 6 Pt. I: words in column 2 of entry relating to s. 19 substituted (20.1.2004) by Anti-social Behaviour Act 2003 (2003 c. 38), ss. **37(2)(a)**, 93; S.I. 2003/3300, art. **2(c)(i)**
- F59** Sch. 6 Pt. I: words inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. **30(4)**, 66(2); S.I. 2007/858, art. **2(d)**
- F60** Sch. 6 Pt. I: words omitted (1.10.2007) by virtue Violent Crime Reduction Act 2006 (c. 38), ss. **41(1)(a)**, 66(2); S.I. 2007/2518, art. **2**

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- F61** Sch. 6 Pt. I: words in column 3 of entry relating to s. 19 substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), ss. 157(3)(9), 172(2), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F62** Sch. 6 Pt. I: words in entry relating to s. 20(1) inserted (21.9.1994) by 1994 c. 31, **ss. 2(3)(a)**, 4(2) (with s. 4(3))
- F63** Sch. 6 Pt. I: words in column 4 of entry relating to s. 20(1) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F64** Sch. 6 Pt. I: words in entry relating to s. 20(2) inserted (21.9.1994) by 1994 c. 31, **ss. 2(3)(b)**, 4(2) (with s. 4(3))
- F65** Sch. 6 Pt. I: words in column 4 of entry relating to s. 21(4) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F66** Sch. 6 Pt. I: words in column 4 of entry relating to s. 21(5) substituted (3.2.1995) by Criminal Justice and Public Order Act 1994 (c. 33), s. 157(3)(9), **Sch. 8 Pt. III**; S.I. 1995/127, art. 2(1), **Sch. 1**
- F67** Sch. 6 Pt. I: entry inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 34(4)**, 66(2); S.I. 2007/2180, **art. 3(d)**
- F68** Words in Sch. 6 Pt. I substituted (28.7.2010) by Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(7)(a)**
- F69** Sch. 6 Pt. I: the entry relating to s. 22(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 4(4)**.
- F70** Sch. 6 Pt. I: words in entry substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 33(6)(b)**, 66(2); S.I. 2007/2180, **art. 3(c)**
- F71** Sch. 6 Pt. I: entry relating to s. 22(5) repealed (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss.38(5)(b)**, 92, 93, **Sch. 3**; S.I. 2003/3300, **art. 2(c)(ii)(g)(ii)(a)**
- F72** Sch. 6 Pt. I: words in entry substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 34(5)**, 66(2); S.I. 2007/2180, **art. 3(d)**
- F73** Sch. 6 Pt. I: entry 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)**
- F74** Words in Sch. 6 Pt. I substituted (28.7.2010) by Firearms (Amendment) Regulations 2010 (S.I. 2010/1759), regs. 1(2), **2(7)(b)**
- F75** Sch. 6 Pt. I: word in entry substituted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 33(6)(d)**, 66(2); S.I. 2007/2180, **art. 3(c)**
- F76** Words in Sch. 6 Pt. I inserted (10.2.2011) by Crime and Security Act 2010 (c. 17), **ss. 46(4)**, 59(1); S.I. 2011/144, art. 2
- F77** Sch. 6 Pt. I: entry inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 40(2)**, 66(2); S.I. 2007/2180, **art. 3(i)**
- F78** Sch. 6 Pt. I: words "Section 28A(7)" substituted for the words "Section 26(5)" (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 4(2)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F79** Sch. 6 Pt. I: words "Section 30D(3)" substituted for words "Section 30(4)" (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 14**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F80** Sch. 6 Pt. I: the entry relating to s. 32B(5) inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(3)**.
- F81** Sch. 6 Pt. I: the entry relating to s. 32C(6) inserted (1.1.1993) by S.I. 1992/2823, **reg. 5(3)**.
- F82** Words inserted by Firearms (Amendment) Act 1988 (c. 45, SIF 51:1), **s. 14(1)**
- F83** Sch. 6 Pt. I: entry relating to s. 42 repealed (1.10.1997) by 1997 c. 5, s. 52(1), **Sch. 3**; S.I. 1997/1535, art. 3(c), **Sch. Pt. II**
- F84** Sch. 6 Pt. I: the entry relating to s. 42A inserted (1.1.1993) by S.I. 1992/2823, **reg. 6(3)**.
- F85** Sch. 6 Pt. I: entry relating to s. 46 inserted (1.7.1997) by 1997 c. 5, **s. 43(3)**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F86** Sch. 6 Pt. I: the entry relating to s. 48(4) inserted (1.1.1993) by S.I. 1992/2823, **reg. 7(5)**.

## PART II

### SUPPLEMENTARY PROVISIONS AS TO TRIAL AND PUNISHMENT OF OFFENCES

*Status: Point in time view as at 28/05/2013.*

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### Textual Amendments

**F87** 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.

<sup>F88</sup>~~F89~~<sup>F89</sup> (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 <sup>F90</sup>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 <sup>F91</sup>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 <sup>F92</sup>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 <sup>F92</sup>section 25(3) and (4) of the said Act of 1980] to change to summary trial with the accused's consent.]]

### Textual Amendments

**F88** Para. 3 substituted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12**

**F89** 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)

**F90** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 73(a)**

**F91** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 73(b>)**

**F92** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 73(c)**

### Modifications etc. (not altering text)

**C8** 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.



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- 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 [F93 21A,] [F94 22(4), 23(1) F95 . . . ] [F96 , 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

- F93** 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\(d\)](#)
- F94** 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\(c\)\(ii\)](#)
- F95** 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\(f\)\(i\)](#)
- F96** 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 [F97 21A,] [F98 22(3) or (4), 23(1) F99 . . . ] [F100 , 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.

#### Textual Amendments

- F97** 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\(d\)](#)
- F98** 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\(c\)\(ii\)](#)
- F99** 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\(f\)\(i\)](#)
- F100** 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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## SCHEDULE 7.

Section 59.

## REPEALS

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

- C9** The text of s. 59(1) and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

| Chapter                        | Short Title                                | Extent of Repeal   |
|--------------------------------|--|--|
| 1 Edw. 8&1 Geo. 6. c. 12.      | The Firearms Act 1937.                     | The whole Act.   |
| 11&12 Geo. 6. c. 58.           | The Criminal Justice Act 1948.             | In Schedule 9, the entry relating to the Firearms Act 1937.                          |
| 12, 13&14 Geo. 6. c. 94.       | The Criminal Justice (Scotland) Act 1949.  | In Schedule 11, the entry relating to the Firearms Act 1937.                         |
| 15&16 Geo. 6&1 Eliz. 2. c. 55. | The Magistrate Courts Act 1952.            | In Schedule 5, the entry relating to section 23(4) of the Firearms Act 1937.         |
| 15&16 Geo. 6&1 Eliz. 2. c. 52. | The Prison Act 1952.                       | In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.         |
| 15&16 Geo. 6&1 Eliz. 2. c. 61. | The Prison (Scotland) Act 1952.            | In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.         |
| 4&5 Eliz. 2. c. 69.            | The Sexual Offences Act 1956.              | In Schedule 3, the entry relating to the Firearms Act 1937.                          |
| 10&11 Eliz. 2. c. 49.          | The Air Guns and Shot Guns, etc. Act 1962. | The whole Act.   |
| 1964 c. 48                     | The Police Act 1964.                       | In Schedule 9, the entry relating to the Firearms Act 1937.                          |
| 1965 c. 44.                    | The Firearms Act 1965.                     | The whole Act.   |
| 1966 c. 42.                    | The Local Government Act 1966.             | In Part II of Schedule 3, the entry (numbered 19) relating to the Firearms Act 1937. |
| 1966 c. 51.                    | The Local Government (Scotland) Act 1966.  | In Part II of Schedule 4, the entry (numbered 17) relating to the Firearms Act 1937. |
| 1967 c. 77.                    | The Police (Scotland) Act 1967.            | In Schedule 4, the entry relating to the Firearms Act 1937.                          |

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1967 c. 80.

The Criminal Justice Act  
1967.

Part V (that is to say, sections  
85 to 88).

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**Status:**

Point in time view as at 28/05/2013.

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