



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

Prevention of crime and preservation of public safety

21 Possession of firearms by persons previously convicted of crime.

- (1) A person who has been sentenced [^{F1}to custody for life or] to preventive detention, or to imprisonment or to corrective training for a term of three years or more [^{F1}or to youth custody [^{F2}or detention in a young offender institution] for such a term], or who has been sentenced to be detained for such a term in a young offenders institution in Scotland, shall not at any time have a firearm or ammunition in his possession.
- (2) A person who has been sentenced . . . ^{F3} to imprisonment for a term of three months or more but less than three years [^{F4}or to youth custody [^{F5}or detention in a young offender institution] for such a term], or who has been sentenced to be detained for such a term in a detention centre or in a young offenders institution in Scotland [^{F6}or who has been subject to a secure training order [^{F7}or a detention and training order]], shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.

[^{F8}(2A) For the purposes of subsection (2) above, “the date of his release” means—

- (a) in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (prison sentence partly served and partly suspended), the date on which he completes service of so much of the sentence as was by that order required to be served in prison;
- (b) in the case of a person who has been subject to a secure training order—
 - (i) the date on which he is released from detention under the order;
 - (ii) the date on which he is released from detention ordered under section 4 of the Criminal Justice and Public Order Act 1994; or

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- (iii) the date halfway through the total period specified by the court in making the order,
 whichever is the later.]
- [^{F9}(c) in the case of a person who has been subject to a detention and training order—
- (i) the date on which he is released from detention under the order;
- (ii) the date on which he is released from detention ordered under [^{F10}section 104 of the Powers of Criminal Courts (Sentencing) Act 2000]; or
- (iii) the date of the half-way point of the term of the order,
 whichever is the later.]
- [^{F11}(d) in the case of a person who has been subject to a sentence of imprisonment to which an intermittent custody order under section 183(1)(b) of the Criminal Justice Act 2003 relates, the date of his final release.]
- [^{F12}(2B) A person who is serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates shall not during any licence period specified for the purposes of subsection (1)(b)(i) of that section have a firearm or ammunition in his possession.]
- (3) A person who—
- (a) is the holder of a licence issued under section 53 of the ^{M1}Children and Young Persons Act 1933 or section 57 of the ^{M2}Children and Young Persons (Scotland) Act 1937 (which sections provide for the detention of children and young persons convicted of serious crime, but enable them to be discharged on licence by the Secretary of State); or
- (b) is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm, or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm; or
- (c) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm;
- shall not, at any time during which he holds the licence or is so subject or has been so ordained, have a firearm or ammunition in his possession.
- [^{F13}(3A) Where by section 19 of the Firearms Act (Northern Ireland) 1969, or by any other enactment for the time being in force in Northern Ireland and corresponding to this section, a person is prohibited in Northern Ireland from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any time when to have it in his possession in Northern Ireland would be a contravention of the said section 19 or corresponding enactment];
- (4) It is an offence for a person to contravene any of the foregoing provisions of this section.
- (5) It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this section from having a firearm or ammunition in his possession.
- (6) A person prohibited under subsection (1), (2) [^{F14}, (2B)] [^{F15}(3) or (3A)] of this section from having in his possession a firearm or ammunition may apply to [^{F16}the Crown Court] or, in Scotland, in accordance with Act of Sederunt to the sheriff for a removal

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of the prohibition; and if the application is granted that prohibition shall not then apply to him.

- (7) Schedule 3 to this Act shall have effect with respect to the courts with jurisdiction to entertain an application under this section and to the procedure appertaining thereto.

Textual Amendments

- F1** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(a)**
- F2** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), Sch. 8 paras. 6, **16**
- F3** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**
- F4** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 24(b)**
- F5** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123(6), Sch. 8 paras. 6, **16**
- F6** Words in s. 21(2) inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(2)(a)**; S.I. 1998/277, **art. 3(2)**
- F7** Words in s. 21(2) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 14(1)**; S.I. 1999/3426, **art. 3(b)**
- F8** S. 21(2A) substituted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 24(2)(b)**; S.I. 1998/277, **art. 3(2)**
- F9** S. 21(2A)(c) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 14(2)**; S.I. 1999/3426, **art. 3(b)**
- F10** Words in s. 21(2A)(c)(ii) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 9 para. 31**
- F11** S. 21(2A)(d) inserted (26.1.2004 for certain purposes and otherwise prosp.) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336(3), **Sch. 32 para. 12(2)**; S.I. 2003/3282, **art. 2**, Sch.
- F12** S. 21(2B) inserted (26.1.2004 for certain purposes and 4.4.2005 in so far as not already in force) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336(3), **Sch. 32 para. 12(3)**; S.I. 2003/3282, **art. 2**, Sch.; S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 42(7) (subject to art. 2(2), Sch. 2)
- F13** S. 21(3A) inserted by [Criminal Justice Act 1972 \(c. 71\)](#), ss. 29, 66(7)(a)
- F14** Word in s. 21(6) inserted (26.1.2004 for certain purposes and otherwise prosp.) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336(3), **Sch. 32 para. 12(6)**; S.I. 2003/3282, **art. 2**, Sch.
- F15** Words substituted by [Criminal Justice Act 1972 \(c. 71\)](#), ss. 29, 66(7)(a)
- F16** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), **Sch. 9 Pt. II**

Marginal Citations

- M1** 1933 c. 12.
- M2** 1937 c. 37.

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