



Firearms Act 1968

1968 CHAPTER 27

PART III **E+W+S**

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

52 **Forfeiture and disposal of firearms; cancellation of certificate by convicting court.** **E+W+S**

(1) Where a person—

- (a) is convicted of an offence under this Act (other than an offence under section 22(3) or an offence relating specifically to air weapons) or is convicted of a crime for which he is sentenced to imprisonment, . . . ^{F1} or detention in a detention centre or [^{F2}in a young offenders' institution] in Scotland [^{F3}or is subject to a [^{F4}detention and training order]]; or
- (b) has been ordered to enter into 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
- (c) is subject to a [^{F5}community order] containing a requirement that he shall not possess, use or carry a firearm; or
- (d) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm,

the court by or before which he is convicted, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate or shot gun certificate held by him.

[^{F6}(1A) In subsection (1)(c) “community order” means—

- (a) a community order within the meaning of Part 12 of the Criminal Justice Act 2003 [^{F7}, or a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008,] made in England and Wales, or
- (b) a probation order made in Scotland.]

(2) Where the court cancels a certificate under this section—

Status: Point in time view as at 30/11/2009. This version of this provision has been superseded.

Changes to legislation: Firearms Act 1968, Section 52 is up to date with all changes known to be in force on or before 11 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)

- (a) the court shall cause notice to be sent to the chief officer of police by whom the certificate was granted; and
 - (b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it; and
 - (c) it is an offence for the holder to fail to surrender the certificate within twenty-one days from the date of the notice given him by the chief officer of police.
- (3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this section.
- (4) A court of summary jurisdiction or, in Scotland, the sheriff may, on the application of the chief officer of police, order any firearm or ammunition seized and detained by a constable under this Act to be destroyed or otherwise disposed of.
- [^{F8}(5) In this section references to ammunition include references to a primer to which section 35 of the Violent Crime Reduction Act 2006 applies and to an empty cartridge case incorporating such a primer.]

Textual Amendments

- F1** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **ss. 123(6)**, 170(2), Sch. 8 para. 16, Sch. 16
- F2** Words in s. 52(1)(a) repealed (*prosp.*) by virtue of [2000 c. 43, ss. 75, 80, Sch. 8](#)
- F3** Words in s. 52(1)(a) inserted (1.3.1998) by [1994 c. 33, s. 168\(2\)](#), **Sch. 10 para. 24(3)**; [S.I. 1998/277, art. 3\(2\)](#)
- F4** S. 52(1): words “detention and training order” substituted for “secure training order” (E.W.) (1.4.2000) by [1998 c. 37, s. 119, Sch. 8 para. 15](#); [S.I. 1999/3426, art. 3\(b\)](#)
- F5** Words in s. 52(1)(c) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336(3), **Sch. 32 para. 13(2)**; [S.I. 2005/950, art. 2\(1\)](#), Sch. 1 para. 42(7) (subject to art. 2(2), Sch. 2)
- F6** S. 52(1A) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336(3), **Sch. 32 para. 13(3)**; [S.I. 2005/950, art. 2\(1\)](#), Sch. 1 para. 42(7) (subject to art. 2(2), Sch. 2)
- F7** Words in s. 52(1A)(a) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 4 para. 7** (with Sch. 27 paras. 1, 5); [S.I. 2009/3074, art. 2\(p\)\(iii\)](#)
- F8** S. 52(5) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. {50(5)}, 66(2); [S.I. 2007/858, art. 2\(h\)\(i\)](#)

Modifications etc. (not altering text)

- C1** S. 52 applied by [Firearms \(Amendment\) Act 1988 \(c. 45, SIF 51:1\)](#), **s. 25(5)**
- C2** S. 52 applied with modifications (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 50(3)(c), 66(2)**; [S.I. 2007/858, art. 2\(h\)\(ii\)](#)
- C3** S. 52 extended (1.7.1997) by [1997 c. 5, s. 50\(4\)](#); [S.I. 1997/1535, art. 3\(b\)](#), **Sch. Pt. I**

Status:

Point in time view as at 30/11/2009. This version of this provision has been superseded.

Changes to legislation:

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