



# Firearms (Amendment) Act 1988

## 1988 CHAPTER 45

An Act to amend the Firearms Act 1968 and to make further provision for regulating the possession of, and transactions relating to, firearms and ammunition. [15th November 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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

C1 Act applied (E.W.S.) (1.7.1997) by 1997 c. 5, s. 50(2); S.I. 1997/1535, art. 3(b), Sch. Pt. I

**Commencement Information**

II Act partly in force at Royal Assent see s. 27(3); Act wholly in force at 2.4.1991.

*Specially dangerous weapons*

### 1 Prohibited weapons and ammunition.

- (1) Section 5 of the <sup>M1</sup>Firearms Act 1968 (in this Act referred to as “the principal Act”) shall have effect with the following amendments the purpose of which is to extend the class of prohibited weapons and ammunition, that is to say weapons and ammunition the possession, purchase, acquisition, manufacture, sale or transfer of which requires the authority of the Secretary of State.
- (2) For paragraph (a) of subsection (1) there shall be substituted—
- “(a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;
  - (ab) any self-loading or pump-action rifle other than one which is chambered for .22 rim-fire cartridges;

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- (ac) any self-loading or pump-action smooth-bore gun which is not chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or (excluding any detachable, folding, retractable or other movable butt-stock) is less than 40 inches in length overall;
- (ad) any smooth-bore revolver gun other than one which is chambered for 9mm. rim-fire cartridges or loaded at the muzzle end of each chamber;
- (ae) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signalling apparatus;”.

(3) For paragraph (c) of subsection (1) there shall be substituted—

“(c) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in paragraph (b) above and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid.”

(4) If it appears to the Secretary of State that the provisions of the principal Act relating to prohibited weapons or ammunition should apply to—

- (a) any firearm (not being an air weapon) which is not for the time being specified in subsection (1) of section 5, was not lawfully on sale in Great Britain in substantial numbers at any time before 1988 and appears to him to be—
  - (i) specially dangerous; or
  - (ii) wholly or partly composed of material making it not readily detectable by apparatus used for detecting metal objects; <sup>F1</sup>...
- (b) any ammunition which is not for the time being specified in that subsection but appears to him to be specially dangerous<sup>F2</sup>; or
- (c) any air rifle, air gun or air pistol which is not for the time being specified in that subsection but appears to him to be specially dangerous,]

he may by order add it to the weapons or ammunition specified in that subsection whether by altering the description of any weapon or ammunition for the time being there specified or otherwise.

<sup>F3</sup>(4A) An order under subsection (4)—

- (a) may provide for a provision of the principal Act to apply with or without modification or exception in relation to anything added to subsection (1) of section 5 by the order,
- (b) may impose conditions in respect of any application, modification or exception provided for by the order (which may, in particular, include provision requiring a person to obtain a certificate in accordance with an enactment referred to or applied by the order),
- <sup>F4</sup>(bb) [ may amend subsection (1A)(a) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences: power to detain for specified period) so as to include a reference to any provision added by the order to section 5(1) of the principal Act,
- (bc) may amend section 50(5A)(a), 68(4A)(a) or 170(4A)(a) of the Customs and Excise Management Act 1979 (offences relating to improper importation or exportation) so as to include a reference to anything added by the order to section 5(1) of the principal Act,]

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- (c) may make provision generally or by reference to a particular purpose or circumstance,
  - (d) may confer a function on the Secretary of State or another specified person, and
  - (e) may make transitional, consequential or incidental provision.]
- (5) The power to make an order under subsection (4) above shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

- F1** Word in s. 1(4)(a) repealed (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 39(6)(a), 93, [Schs. 3](#); S.I. 2003/3300, art. 2(c)(g)(ii)(iii)
- F2** S. 1(4)(c) and word inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 39(6)(a), 93; S.I. 2003/3300, art. 2(c)(iii)
- F3** S. 1(4A) inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 39(6)(b), 93; S.I. 2003/3300, art. 2(c)(iii)
- F4** S. 1(4A)(bb)(bc) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 49](#); S.I. 2004/81, art. 3(1)(2)(d)

#### Marginal Citations

- M1** 1968 c. 27.

### *Weapons requiring firearm certificate*

## 2 Re-definition of exempted shot guns.

- (1) Section 1 of the principal Act shall have effect with the following amendments the purpose of which is to require a firearm certificate for certain types of shot gun.
- (2) For paragraph (a) of subsection (3) (which exempts shot guns with barrels not less than 24 inches in length) there shall be substituted—
  - “(a) a shot gun within the meaning of this Act, that is to say a smooth-bore gun (not being an air gun) which—
    - (i) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter;
    - (ii) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges; and
    - (iii) is not a revolver gun; and”.
- (3) After subsection (3) there shall be inserted—
  - “(3A) A gun which has been adapted to have such a magazine as is mentioned in subsection (3)(a)(ii) above shall not be regarded as falling within that provision unless the magazine bears a mark approved by the Secretary of State for denoting that fact and that mark has been made, and the adaptation has been certified in writing as having been carried out in a manner approved by him, either by one of the two companies mentioned in section 58(1) of this Act or by such other person as may be approved by him for that purpose.”

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*Shot guns*

**3 Grant and renewal of shot gun certificates.**

(1) For section 28(1) of the principal Act (criteria for grant of shot gun certificates) there shall be substituted—

“(1) Subject to subsection (1A) below, a shot gun certificate shall be granted or, as the case may be, renewed by the chief officer of police if he is satisfied that the applicant can be permitted to possess a shot gun without danger to the public safety or to the peace.

(1A) No such certificate shall be granted or renewed if the chief officer of police—

- (a) has reason to believe that the applicant is prohibited by this Act from possessing a shot gun; or
- (b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one.

(1B) For the purposes of paragraph (b) of subsection (1A) above an applicant shall, in particular, be regarded as having a good reason if the gun is intended to be used for sporting or competition purposes or for shooting vermin; and an application shall not be refused by virtue of that paragraph merely because the applicant intends neither to use the gun himself nor to lend it for anyone else to use.”

(2) After section 28(2) of the principal Act (form and contents of shot gun certificates) there shall be inserted—

“(2A) A shot gun certificate shall specify the description of the shot guns to which it relates including, if known, the identification numbers of the guns.”

<sup>F5</sup>4 .....

**Textual Amendments**  
**F5** S. 4 repealed (1.10.1997) by 1997 c. 5, s. 52(2), Sch. 3; S.I. 1997/1535, art. 3(c), Sch. Pt. II

**5 Restriction on sale of ammunition for smooth-bore guns.**

(1) This section applies to ammunition to which section 1 of the principal Act does not apply and which is capable of being used in a shot gun or in a smooth-bore gun to which that section applies.

(2) It is an offence for a person to sell any such ammunition to another person in the United Kingdom who is neither a registered firearms dealer nor a person who sells such ammunition by way of trade or business unless that other person—

- (a) produces a certificate authorising him to possess a gun of a kind mentioned in subsection (1) above; or
- (b) shows that he is by virtue of that Act or this Act entitled to have possession of such a gun without holding a certificate; or

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- (c) produces a certificate authorising another person to possess such a gun, together with that person's written authority to purchase the ammunition on his behalf.
- (3) An offence under this section shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

#### *Converted and de-activated weapons*

### **6 Shortening of barrels.**

- (1) Subject to subsection (2) below, it is an offence to shorten to a length less than 24 inches the barrel of any smooth-bore gun to which section 1 of the principal Act applies other than one which has a barrel with a bore exceeding 2 inches in diameter; and that offence shall be punishable—
- (a) on summary conviction, with imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (b) on indictment, with imprisonment for a term not exceeding five years or a fine or both.
- (2) It is not an offence under this section for a registered firearms dealer to shorten the barrel of a gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length.

### **7 Conversion not to affect classification.**

- (1) Any weapon which—
- [<sup>F6</sup>(a) has at any time (whether before or after the passing of the Firearms (Amendment) Act 1997) been a weapon of a kind described in section 5(1) or (1A) of the principal Act (including any amendments to section 5(1) made under section 1(4) of this Act);]
  - (b) is not a self-loading or pump-action smooth-bore gun which has at any such time been such a weapon by reason only of having had a barrel less than 24 inches in length,
- shall be treated as a prohibited weapon notwithstanding anything done for the purpose of converting it into a weapon of a different kind.
- (2) Any weapon which—
- (a) has at any time since the coming into force of section 2 above been a weapon to which section 1 of the principal Act applies; or
  - (b) would at any previous time have been such a weapon if those sections had then been in force,
- shall, if it has, or at any time has had, a rifled barrel less than 24 inches in length, be treated as a weapon to which section 1 of the principal Act applies notwithstanding anything done for the purpose of converting it into a shot gun or an air weapon.
- (3) For the purposes of subsection (2) above there shall be disregarded the shortening of a barrel by a registered firearms dealer for the sole purpose of replacing part of it so as to produce a barrel not less than 24 inches in length.

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**Textual Amendments**

**F6** S. 7(1)(a) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 16**; S.I. 1997/1535, art. 3(b), **Sch. Pt. 1**

**8 De-activated weapons.**

For the purposes of the principal Act and this Act it shall be presumed, unless the contrary is shown, that a firearm has been rendered incapable of discharging any shot, bullet or other missile, and has consequently ceased to be a firearm within the meaning of those Acts, if—

- (a) it bears a mark which has been approved by the Secretary of State for denoting that fact and which has been made either by one of the two companies mentioned in section 58(1) of the principal Act or by such other person as may be approved by the Secretary of State for the purposes of this section; and
- (b) that company or person has certified in writing that work has been carried out on the firearm in a manner approved by the Secretary of State for rendering it incapable of discharging any shot, bullet or other missile.

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

**C2** S. 8 applied (1.10.2007) by **Violent Crime Reduction Act 2006 (c. 38), ss. 38(10), 66(2)**; S.I. 2007/2180, art. 3(g)

*Firearm and shot gun certificates*

**9 Photographs on certificates.**

<sup>F7</sup> . . . The power conferred by sections 27(2) and 28(2) of <sup>X1</sup>that Act to prescribe the form of a firearm or shot gun certificate shall include power to require the certificate to bear a photograph of the holder.

**Editorial Information**

**X1** The repealed words at the beginning of s. 9 contained a reference to the principal Act.

**Textual Amendments**

**F7** Words in s. 9 repealed (1.7.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, art. 3(b), **Sch. Pt. 1**

<sup>F8</sup>**10** .....

**Textual Amendments**

**F8** S. 10 repealed (1.7.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, art. 3(b), **Sch. Pt. 1**

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## 11 Grant of co-terminous certificates.

- (1) Where a person who holds a firearm certificate applies for the grant or renewal of a shot gun certificate that certificate may, if he so requests, be granted or renewed for such period less than that specified in [F9 subsection (1), or in an order made under subsection (3) of section 28A] of the principal Act as will secure that it ceases to be in force at the same time as the firearm certificate.
- (2) Where a person who holds a shot gun certificate, or both such a certificate and a firearm certificate, applies for the grant of a firearm certificate, or for the renewal of the firearm certificate held by him, he may, on surrendering his shot gun certificate, apply for a new shot gun certificate to take effect on the same day as that on which the firearm certificate is granted or renewed.
- (3) Where a shot gun certificate is granted to a person or such a certificate held by him is renewed and on the same occasion he is granted a firearm certificate or such a certificate held by him is renewed the fee payable on the grant or renewal of the shot gun certificate shall be [F10 £10] instead of that specified in section 32 of the principal Act.
- (4) Subsection (3) above shall be included in the provisions that may be amended by an order under section 43 of the principal Act.

### Textual Amendments

- F9** Words in s. 11(1) substituted (1.7.1997) by virtue of 1997 c. 5, s. 52(1), **Sch. 2 para. 17**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F10** Words in s. 11(3) substituted (1.1.2001) by S.I. 2000/3148, **art. 6**

## 12 Revocation of certificates.

- (1) Where a certificate is revoked by the chief officer of police [F11 under section 30A(2), (3) or (4) or 30C] of the principal Act he may by notice in writing require the holder of the certificate to surrender forthwith the certificate and any firearms and ammunition which are in the holder's possession by virtue of the certificate.
- (2) It is an offence to fail to comply with a notice under subsection (1) above; and that offence shall be punishable on summary conviction with imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.
- (3) Where a firearm or ammunition is surrendered in pursuance of a notice under subsection (1) above, then—
  - (a) if an appeal against the revocation of the certificate succeeds, the firearm or ammunition shall be returned;
  - (b) if such an appeal is dismissed, the court may make such order for the disposal of the firearm or ammunition as it thinks fit;
  - (c) if no such appeal is brought or such an appeal is abandoned, the firearm or ammunition shall be disposed of—
    - (i) in such manner as the chief officer of police and the owner may agree; or
    - (ii) in default of agreement, in such manner as the chief officer may decide;

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but subject, in a case within sub-paragraph (ii), to the provisions of subsection (4) below.

- (4) The chief officer of police shall give the owner notice in writing of any decision under subsection (3)(c)(ii) above, the owner may appeal against that decision in accordance with section 44 of the principal Act and on such an appeal the court may either dismiss the appeal or make such order as to the disposal of the firearm or ammunition as it thinks fit.
- (5) <sup>F12</sup> . . . ; and paragraph 1 of Part I and paragraphs 1 to 5 of Part II of Schedule 5 to that Act (appeal jurisdiction and procedure) shall apply to an appeal under subsection (4) above as they apply to an appeal against the revocation of a certificate.

#### Textual Amendments

- F11** Words in s. 12(1) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 18**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**
- F12** Words in s. 12(5) repealed (1.7.1997) by 1997 c. 5, s. 52(2), **Sch. 3**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

### *Firearms dealers and other businesses*

#### **13 Firearms dealers.**

- (1) In section 33(5) of the principal Act (annual renewal of dealer's registration certificate) for the words "on or before 1st June in each year" there shall be substituted the words "on or before the expiration of the period of three years from the grant of the certificate of registration for the time being held by him".
- (2) In section 34 of that Act (grounds for refusal of registration) after subsection (1) there shall be inserted—
  - “(1A) The chief officer of police may refuse to register an applicant unless he is satisfied that the applicant will engage in business as a firearms dealer to a substantial extent or as an essential part of another trade, business or profession.”
- (3) In section 38(8) of that Act (dealer to surrender his certificate of registration on being removed from the register) after the words "surrender his certificate of registration" there shall be inserted the words "and the register of transactions kept by him under section 40 of this Act".
- (4) After section 40(3) of that Act (entry of transactions in the register) there shall be inserted—
  - “(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.”
- (5) In the Table in Part I of Schedule 6 to that Act (punishments for offences) in the second column of the entry relating to section 38(8), after the words "certificate of



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registration” there shall (in consequence of subsection (3) above) be inserted the words “or register of transactions”.

#### **14 Auctioneers, carriers and warehousemen.**

- (1) It is an offence for an auctioneer, carrier or warehouseman—
  - (a) to fail to take reasonable precautions for the safe custody of any firearm or ammunition which, by virtue of section 9(1) of the principal Act, he or any servant of his has in his possession without holding a certificate; or
  - (b) to fail to report forthwith to the police the loss or theft of any such firearm or ammunition.
- (2) An offence under this section shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

#### *Exemptions*

#### **[<sup>F13</sup>15 Approved rifle clubs and muzzle-loading pistol clubs.**

- (1) Subject to subsection (4) below, a member of a rifle club approved by the Secretary of State [<sup>F14</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)] may, without holding a firearm certificate, have in his possession a rifle and ammunition when engaged as a member of the club in connection with target shooting.
- (2) Any rifle club may apply for approval, whether or not it is intended that any club members will, by virtue of subsection (1) above, have rifles or ammunition in their possession without holding firearm certificates.
- (3) The Secretary of State may publish such guidance as he considers appropriate for the purpose of informing those seeking approval for a club of criteria that must be met before any application for such approval will be considered.
- (4) The application of subsection (1) above to members of an approved rifle club may—
  - (a) be excluded in relation to the club, or
  - (b) be restricted to target shooting with specified types of rifle,by limitations contained in the approval.
- (5) An approval—
  - (a) may be granted subject to such conditions specified in it as the Secretary of State thinks [<sup>F15</sup>or, as the case may be, the Scottish Ministers think] fit;
  - (b) may at any time be varied or withdrawn by the Secretary of State [<sup>F15</sup>or, as the case may be, the Scottish Ministers]; and
  - (c) shall (unless withdrawn) continue in force for six years from the date on which it is granted or last renewed.
- (6) There shall be payable on the grant or renewal of an approval a fee of £84 but this subsection shall be included in the provisions which may be amended by an order under section 43 of the principal Act.
- (7) A constable or civilian officer authorised in writing in that behalf may, on producing if required his authority, enter any premises occupied or used by an approved rifle

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club and inspect those premises, and anything on them, for the purpose of ascertaining whether the provisions of this section, and any limitations or conditions in the approval, are being complied with.

- (8) The power of a constable or civilian officer under subsection (7) above to inspect anything on club premises shall include power to require any information which is kept by means of a computer and is accessible from the premises to be made available for inspection in a visible and legible form.
- (9) It is an offence for a person intentionally to obstruct a constable or civilian officer in the exercise of his powers under subsection (7) above; and that offence shall be punishable on summary conviction with a fine not exceeding level 3 on the standard scale.
- (10) In this section and section 15A below—  
     “ approval ”, means an approval under this section; and “ approved ” shall be construed accordingly;  
     “ civilian officer ” has the same meaning as in the principal Act; and  
     “ rifle club ” includes a miniature rifle club.
- (11) This section applies in relation to a muzzle-loading pistol club and its members as it applies to a rifle club and its members with the substitution for any reference to a rifle of a reference to a muzzle-loading pistol.
- (12) In subsection (11) above—  
     “ muzzle-loading pistol club ” means a club where muzzle-loading pistols are used for target shooting; and  
     “ muzzle-loading pistol ” means a pistol designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile). ]

#### Textual Amendments

**F13** S. 15 substituted (1.10.1997) by 1997 c. 5, s. 45(1); S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

**F14** Words in s. 15(1) inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 7(2)** (with art. 7)

**F15** Words in s. 15(5) inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 7(2)** (with art. 7)

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

**C3** S. 15 extended (1.10.1997) by 1997 c. 5, s. 45(3); S.I. 1997/1535, art. 3(c), **Sch. Pt. II**

S. 15: Transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7)

## 16 Borrowed rifles on private premises.

- (1) A person of or over the age of seventeen may, without holding a firearm certificate, borrow a rifle from the occupier of private premises and use it on those premises in the presence either of the occupier or of a servant of the occupier if—
- (a) the occupier or servant in whose presence it is used holds a firearm certificate in respect of that rifle; and
  - (b) the borrower’s possession and use of it complies with any conditions as to those matters specified in the certificate<sup>F17</sup>; and

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- (c) where the borrower is of the age of seventeen, the occupier or servant in whose presence the rifle is used is of or over the age of eighteen.]
- (2) A person who by virtue of subsection (1) above is entitled without holding a firearm certificate to borrow and use a rifle in another person's presence may also, without holding such a certificate, purchase or acquire ammunition for use in the rifle and have it in his possession during the period for which the rifle is borrowed if—
- (a) the firearm certificate held by that other person authorises the holder to have in his possession at that time ammunition for the rifle of a quantity not less than that purchased or acquired by, and in the possession of, the borrower; and
- (b) the borrower's possession and use of the ammunition complies with any conditions as to those matters specified in the certificate.

#### Textual Amendments

**F17** S. 16(1)(c) and word inserted (28.7.2010) by [Firearms \(Amendment\) Regulations 2010 \(S.I. 2010/1759\)](#), regs. 1(2), 3

#### [<sup>F18</sup>16A Possession of firearms on service premises.

- (1) A person under the supervision of a member of the armed forces may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on service premises.
- (2) Subsection (1) above does not apply to a person while engaged in providing security protection on service premises.
- (3) In this section—
- “ armed forces ” means any of the naval, military or air forces of Her Majesty; and
- “ service premises ” means premises, including any ship or aircraft, used for any purpose of the armed forces. ]

#### Textual Amendments

**F18** S. 16A inserted (1.4.1997) by [1996 c. 46, s. 28\(2\)](#); [S.I. 1997/304, art. 2](#)

#### [<sup>F19</sup>16B Possession of firearms on Ministry of Defence Police premises

- (1) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.
- (2) In this section “ relevant premises ” means premises used for any purpose of the Ministry of Defence Police. ]

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### Textual Amendments

**F19** S. 16B inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **s. 81(1)**; [S.I. 2002/2306](#), **art. 2(e)**

## 17 Visitors' permits.

- (1) The holder of a visitor's firearm permit may, without holding a firearm certificate, have in his possession any firearm, and have in his possession, purchase or acquire any ammunition, to which section 1 of the principal Act applies; and [<sup>F20</sup>(subject to subsection (1A) below)] the holder of a visitor's shot gun permit may, without holding a shot gun certificate, have shot guns in his possession and purchase or acquire shot guns.

[<sup>F21</sup>(1A) A visitor's shot gun permit shall not authorise the purchase or acquisition by any person of any shot gun with a magazine except where—

- (a) that person is for the time being the holder of a licence granted, for the purposes of any order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939, in respect of the exportation of that shot gun;
- (b) the shot gun is to be exported from Great Britain to a place outside the member States without first being taken to another member State;
- (c) the shot gun is acquired on terms which restrict that person's possession of the gun to the whole or a part of the period of his visit to Great Britain and preclude the removal of the gun from Great Britain; or
- (d) the shot gun is purchased or acquired by that person exclusively in connection with the carrying on of activities in respect of which—
  - (i) that person; or
  - (ii) the person on whose behalf he makes the purchase or acquisition, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.]

- (2) The chief officer of police for an area may, on an application in the prescribed form made by a person resident in that area on behalf of a person specified in the application, grant a permit under this section to the specified person if satisfied that he is visiting or intending to visit Great Britain and—

- (a) in the case of a visitor's firearm permit, that he has a good reason for having each firearm and the ammunition to which the permit relates in his possession, or, as respects ammunition, for purchasing or acquiring it, while he is a visitor to Great Britain;
- (b) in the case of a visitor's shot gun permit, that he has a good reason for having each shot gun to which the permit relates in his possession, or for purchasing or acquiring it, while he is such a visitor.

- (3) No permit shall be granted under this section to a person if the chief officer of police has reason to believe—

- (a) that his possession of the weapons or ammunition in question would represent a danger to the public safety or to the peace; or
- (b) that he is prohibited by the principal Act from possessing them.

[<sup>F22</sup>(3A) No permit shall be granted under this section as respects any firearm unless—

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*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

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- (a) there is produced to the chief officer of police a document [<sup>F23</sup>or a copy of the same] which—
    - (i) has been issued in another member State under provisions corresponding to the provisions of the principal Act for the issue of European firearms passes;
    - (ii) identifies that firearm as a firearm to which it relates; and
    - (iii) is for the time being valid;
  - (b) the applicant shows that the person specified in the application is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with such a document in any of the other member States; or
  - (c) the applicant shows that the person specified in the application requires the permit exclusively in connection with the carrying on of activities in respect of which—
    - (i) that person; or
    - (ii) the person on whose behalf he is proposing to make use of the authorisation conferred by the permit,is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons;
- and a chief officer of police who grants a permit under this section in a case where a document [<sup>F24</sup>or copy] has been produced to him in pursuance of paragraph (a) above shall endorse on the document [<sup>F25</sup>or, where a copy has been produced, on the copy] a statement which identifies the permit and the firearm to which it relates and briefly describes the effect of the permit.]
- (4) A permit under this section shall be in the prescribed form, shall specify the conditions subject to which it is held and—
    - (a) in the case of a visitor's firearm permit, shall specify the number and description of the firearms to which it relates, including their identification numbers, and, as respects ammunition, the quantities authorised to be purchased or acquired and to be held at any one time;
    - (b) in the case of a visitor's shot gun permit, shall specify the number and description of the shot guns to which it relates, including, if known, their identification numbers.
  - (5) The chief officer of police by whom a permit under this section is granted may by notice in writing to the holder vary the conditions subject to which the permit is held but, in the case of a visitor's shot gun permit, no condition shall be imposed or varied so as to restrict the premises where the shot gun or guns to which the permit relates may be used.
  - (6) A permit under this section shall come into force on such date as is specified in it and continue in force for such period, not exceeding twelve months, as is so specified.
  - (7) A single application (a "group application") may be made under this section for the grant of not more than twenty permits to persons specified in the application if it is shown to the satisfaction of the chief officer of police that their purpose in having the weapons in question in their possession while visiting Great Britain is—
    - (a) using them for sporting purposes on the same private premises during the same period; or

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*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

- (b) participating in the same competition or other event or the same series of competitions or other events.
- (8) There shall be payable on the grant of a permit under this section a fee of £12 except that where six or more permits are granted on a group application the fee shall be £60 in respect of those permits taken together.
- (9) Subsection (8) above shall be included in the provisions that may be amended by an order under section 43 of the principal Act.
- (10) It is an offence for a person—
- (a) [<sup>F26</sup>knowingly or recklessly to make a statement false in any material particular] for the purpose of procuring the grant of a permit under this section; or
  - (b) to fail to comply with a condition subject to which such a permit is held by him;
- and each of those offences shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

#### Textual Amendments

- F20** Words in s. 17(1) inserted (1.1.1993) by S.I. 1992/2823, **reg. 6(1)**
- F21** S. 17(1A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 6(1)**
- F22** S. 17(3A) inserted (1.1.1993) by S.I. 1992/2823, **reg. 7(1)**
- F23** Words in s. 17(3A)(a) inserted (1.10.2011) by [The Firearms \(Amendment\) Act 1988 \(Amendment\) Regulations 2011 \(S.I. 2011/2175\)](#), **regs. 1(1), 2(a)**
- F24** Words in s. 17(3A) inserted (1.10.2011) by [The Firearms \(Amendment\) Act 1988 \(Amendment\) Regulations 2011 \(S.I. 2011/2175\)](#), **regs. 1(1), 2(b)**
- F25** Words in s. 17(3A) inserted (1.10.2011) by [The Firearms \(Amendment\) Act 1988 \(Amendment\) Regulations 2011 \(S.I. 2011/2175\)](#), **regs. 1(1), 2(c)**
- F26** Words in s. 17(10) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 19**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

## 18 Firearms acquired for export.

- (1) A person may, without holding a firearm or shot gun certificate, purchase a firearm from a registered firearms dealer if—
- (a) that person has not been in Great Britain for more than thirty days in the preceding twelve months; and
  - (b) the firearm is purchased for the purpose only of being exported from Great Britain without first coming into that person's possession.
- [<sup>F27</sup>(1A) A person shall not be entitled under subsection (1) above to purchase any firearm which falls within category B for the purposes of Annex I to the European weapons directive unless he—
- (a) produces to the dealer from whom he purchases it a document which—
    - (i) has been issued under provisions which, in the member State where he resides, correspond to the provisions of the principal Act for the issue of Article 7 authorities; and
    - (ii) contains the prior agreement to the purchase of that firearm which is required by Article 7 of the European weapons directive;

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- (b) shows that he is purchasing the firearm exclusively in connection with the carrying on of activities in respect of which he, or the person on whose behalf he is purchasing the firearm, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons; or
- (c) shows that he resides in the United Kingdom or outside the member States.]
- (2) A registered firearms dealer who sells a firearm to a person who shows that he is entitled by virtue of subsection (1) above to purchase it without holding a certificate shall within forty-eight hours from the transaction send a notice of the transaction to the chief officer of police in whose register the premises where the transaction took place are entered.
- (3) The notice of a transaction under subsection (2) above shall contain the particulars of the transaction which the dealer is required to enter in the register kept by him under section 40 of the principal Act and every such notice shall be sent [<sup>F28</sup>by permitted means].
- (4) In the case of a transaction to which subsection (2) above applies the particulars to be entered in the register kept under section 40 of the principal Act (and accordingly contained in a notice under subsection (3) above) shall include the number and place of issue of the purchaser's passport, if any [<sup>F29</sup>and, in a case where the transaction is one for the purposes of which a document such as is mentioned in subsection (1A)(a) above is required to be produced, particulars of the agreement contained in that document.].
- [<sup>F30</sup>(4A) A notice is sent by permitted means for the purposes of subsection (3) if it is sent—
- (a) by registered post;
- (b) by the recorded delivery service; or
- (c) by permitted electronic means (see section 18B).]
- (5) It is an offence for a registered firearms dealer to fail to comply with subsection (2) above; and that offence shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.
- [<sup>F31</sup>(6) In the case of any failure to comply with subsection (2) above which is confined to the omission from a notice of the particulars of an agreement contained in a document such as is mentioned in subsection (1A)(a) above, subsection (5) above shall have effect as if for “six months” there were substituted “three months”.]

#### Textual Amendments

- F27** S. 18(1A) inserted (1.1.1993) by [S.I. 1992/2823, reg. 8\(1\)](#)
- F28** Words in s. 18(3) substituted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), [3\(2\)\(a\)](#)
- F29** Words in s. 18(4) inserted (1.1.1993) by [S.I. 1992/2823, reg. 8\(2\)](#)
- F30** [S. 18\(4A\)](#) inserted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), [3\(2\)\(b\)](#)
- F31** S. 18(6) inserted (1.1.1993) by [S.I. 1992/2823, reg. 8\(3\)](#)

[<sup>F32</sup>**18A Purchase or acquisition of firearms in other member States.**

*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

- (1) Subject to subsections (2) and (3) below, where—
- (a) a person who resides in Great Britain purchases or acquires a firearm in another member State; and
  - (b) that firearm is a firearm which falls within category C for the purposes of Annex I to the European weapons directive,
- he shall, within fourteen days of the transaction, send notice of the transaction to the chief officer of police for the area where he resides.
- (2) A person shall not be required to give notice under subsection (1) above of a transaction under which he acquires a firearm on terms which—
- (a) restrict his possession of the firearm to the whole or a part of the period of a visit to the member State where the transaction takes place; and
  - (b) preclude the removal of the firearm from that member State.
- (3) A person shall not be required to give notice under subsection (1) above of a transaction under which he purchases or acquires a firearm if—
- (a) he is for the time being the holder of a certificate under the principal Act relating to that firearm and containing, in relation to that firearm, a condition that he may have the firearm in his possession only for the purpose of its being kept or exhibited as part of a collection; or
  - (b) he would, if in Great Britain, be authorised by virtue of a licence under the Schedule to this Act to have that firearm in his possession.
- (4) A notice under subsection (1) above shall contain a description of the firearm (giving the identification number if any) and state the nature of the transaction and the name and address in Great Britain of the person giving the notice.
- [<sup>F33</sup>(5) A notice under subsection (1) must be sent—
- (a) by registered post,
  - (b) by the recorded delivery service,
  - (c) in a case where it is sent from outside Great Britain otherwise than by electronic means, in such manner as most closely corresponds to that described in paragraph (a) or (b), or
  - (d) by permitted electronic means (see section 18B).]

(6) It is an offence for a person to fail to comply with this section; and that offence shall be punishable on summary conviction with imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale or both.]

#### Textual Amendments

**F32** S. 18A inserted (1.1.1993) by [S.I. 1992/2823](#), [reg.9](#)

**F33** S. 18A(5) substituted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. [1\(1\)](#), [3\(3\)](#)

#### [<sup>F34</sup>18B. Permitted electronic means

- (1) A notice is sent by permitted electronic means for the purposes of section 18 or 18A if—
- (a) it is sent by an electronic form of communication which the Secretary of State has directed may be used for the purposes of the section concerned,



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- (b) it is sent to the electronic address which has been published pursuant to subsection (4), and
  - (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) the Association of Chief Police Officers,
  - (c) the Association of Chief Police Officers in 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

**F34** S. 18B inserted (1.4.2011) by Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), arts. 1(1), 3(4)

## 19 Firearms and ammunition in museums.

The Schedule to this Act shall have effect for exempting firearms and ammunition in museums from certain provisions of the principal Act.

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

**C4** S. 19: Transfer of functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1 (with art. 7)

### *Miscellaneous and supplementary*

## 20 Removal of arms and ammunition to Northern Ireland.

- (1) Section 6 of the principal Act (power to control movement of arms and ammunition) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
- “(1A) The Secretary of State may by order prohibit the removal of firearms or ammunition from Great Britain to Northern Ireland unless—

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*Status: Point in time view as at 01/10/2011.*

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- (a) the removal is authorised by the chief officer of police for the area from which they are to be removed and by the Chief Constable of the Royal Ulster Constabulary; and
  - (b) such conditions as may be specified in the order or imposed by the chief officer of police or the Chief Constable are complied with.”
- (3) Paragraph (b) of subsection (1) (which is superseded by the new subsection (1A)) shall be omitted.

## **21 Payments in respect of prohibited weapons.**

The Secretary of State shall, in accordance with a scheme made by him, make payments to persons who surrender or otherwise dispose of firearms—

- (a) which they had, and were entitled to have, in their possession immediately before 23rd September 1987 by virtue of firearm or shot gun certificates held by them; or
- (b) which before that date they had contracted to acquire and were entitled to have in their possession on or after that date by virtue of such certificates held by them,

and the possession of which will become, or has become, unlawful by virtue of section 1(2) or 7(1) above.

## **22 Firearms consultative committee.**

- (1) There shall be established in accordance with the provisions of this section a firearms consultative committee consisting of a chairman and not less than twelve other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters—
  - (a) the possession, use or keeping of, or transactions in, firearms;
  - (b) weapon technology; and
  - (c) the administration or enforcement of the provisions of [<sup>F35</sup>the Firearms Acts 1968 to 1997].
- (2) The reference in subsection (1)(a) above to the use of firearms includes in particular a reference to their use for sport or competition.
- (3) Subject to subsection (4) below, a member of the committee shall hold and vacate office in accordance with the terms of his appointment.
- (4) Any member of the committee may resign by notice in writing to the Secretary of State; and the chairman may by such a notice resign his office as such.
- (5) It shall be the function of the committee—
  - (a) to keep under review the working of the provisions mentioned in subsection (1)(c) above and to make to the Secretary of State such recommendations as the committee may from time to time think necessary for the improvement of the working of those provisions;
  - (b) to make proposals for amending those provisions if it thinks fit; and
  - (c) to advise the Secretary of State on any other matter relating to those provisions which he may refer to the committee.
- (6) The committee shall in each year make a report on its activities to the Secretary of State who shall lay copies of the report before Parliament.

*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

- (7) The Secretary of State may make to members of the committee such payments as he may determine in respect of expenses incurred by them in the performance of their duties.
- (8) The committee shall cease to exist at the end of the period of five years beginning with the day on which this section comes into force unless the Secretary of State provides by an order made by statutory instrument for it to continue thereafter, but no such order shall continue the committee for more than three years at a time.

#### Textual Amendments

**F35** Words in s. 22(1)(c) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 20**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

### 23 Minor and consequential amendments and repeals.

- (1) In section 4 of the principal Act (conversion of weapons) in subsection (4), for the words “converted contrary to subsection (3) above” there shall be substituted the words “converted as mentioned in subsection (3) above”.
- (2) In section 12(2) of that Act (exemption for theatrical etc. performances) for the words “such a firearm as is described in section 5(1)(a) of this Act” there shall be substituted the words “a prohibited weapon” and for the words “the firearm” there shall be substituted the words “the weapon”.
- (3) In sections 13(1)(c), 40(4) and 49(1) of that Act (which refer to officers of police) for the words “an officer of police”, wherever occurring, there shall be substituted the words “a constable”.
- (4) In sections 22(2) and 24(2)(b) of that Act (exemption for minors in cases to which section 11(3) applies) after the words “of this Act” there shall be inserted the words “or section 15 of the Firearms (Amendment) Act 1988” and in section 23(2)(a) of that Act (which contains a similar exemption) for the words “section 11(3) of this Act” there shall be substituted the words “section 15 of the Firearms (Amendment) Act 1988”.
- (5) In section 27(2) of that Act (matters to be specified in firearm certificate) after the words “the nature and number of the firearms to which it relates” there shall be inserted the words “, including if known their identification numbers,” and after the word “purchased” there shall be inserted the words “or acquired”.
- (6) In subsection (1) of section 42 of that Act (transferor of firearm to which section 1 applies to give notice of transaction to a chief officer of police) for the words “forty-eight hours” there shall be substituted the words “seven days” and after that subsection there shall be inserted—

“(1A) The notice under subsection (1) above shall contain a description of the firearm (giving the identification number if any) and state the nature of the transaction and the name and address of the other person concerned.”
- (7) In Part I of Schedule 6 to that Act (penalties), in the entry relating to section 9(3) (false statement to obtain permit for auction of firearms) for columns 3 and 4 there shall be substituted the following—

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“Summary	6 months or a fine not exceeding level 5 on the standard scale; or both.”
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(8) Section 14 of that Act (persons temporarily in Great Britain) is hereby repealed.

## 24 Expenses and receipts.

- (1) Any administrative expenses incurred by the Secretary of State under section 15 or 22 above or the Schedule to this Act and any sums required by him for making payments under section 21 or 22 above shall be paid out of money provided by Parliament.
- (2) Any fees received by the Secretary of State under section 15 above or the Schedule to this Act shall be paid into the Consolidated Fund.

## 25 Interpretation and supplementary provisions.

- (1) In this Act “the principal Act” means the <sup>M2</sup>Firearms Act 1968 and any expression which is also used in that Act has the same meaning as in that Act.
- (2) In section 57 of the principal Act (definitions) after subsection (2) there shall be inserted—

“(2A) In this Act “self-loading” and “pump-action” in relation to any weapon mean respectively that it is designed or adapted (otherwise than as mentioned in section 5(1)(a)) so that it is automatically re-loaded or that it is so designed or adapted that it is re-loaded by the manual operation of the fore-end or forestock of the weapon.

(2B) In this Act “revolver”, in relation to a smooth-bore gun, means a gun containing a series of chambers which revolve when the gun is fired.”

- (3) In section 57(4) of the principal Act after the definition of “registered” there shall be inserted—

““rifle” includes carbine;”.

- (4) Any reference in the principal Act to a person who is by virtue of that Act entitled to possess, purchase or acquire any weapon or ammunition without holding a certificate shall include a reference to a person who is so entitled by virtue of any provision of this Act.
- (5) Sections 46, 51(4) and 52 of the principal Act (powers of search, time-limit for prosecutions and forfeiture and cancellation orders on conviction) shall apply also to offences under this Act except that on the conviction of a person for an offence under the Schedule to this Act no order shall be made for the forfeiture of anything in his possession for the purposes of the museum in question.
- (6) Sections 53 to 56 and section 58 of the principal Act (rules, Crown application, service of notices and savings) shall have effect as if this Act were contained in that Act.
- (7) The provisions of this Act other than sections 15 and 17 shall be treated as contained in the principal Act for the purposes of the <sup>M3</sup>Firearms Act 1982 (imitation firearms readily convertible into firearms to which section 1 of the principal Act applies).

*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

#### Marginal Citations

- M2 1968 c. 27.  
M3 1982 c. 31.

## 26 Corresponding provisions for Northern Ireland.

- (1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M4</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of the provisions of this Act to which this section applies—
  - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
  - (b) shall be subject to annulment in pursuance of a resolution of either House.
- (2) This section applies to—
  - (a) section 1(1), (2) and (3);
  - (b) section 9;
  - (c) section 13(1), (3) and (5);
  - (d) section 14;
  - (e) section 15(5) and (6);
  - (f) section 23(2);
  - (g) section 25(1), (2), (5), (6) and (7).

#### Marginal Citations

- M4 1974 c. 28.

## 27 Short title, citation, commencement and extent.

- (1) This Act may be cited as the Firearms (Amendment) Act 1988.
- (2) This Act and the Firearms Acts 1968 and 1982 may be cited together as the Firearms Acts 1968 to 1988.
- (3) Except for section 26 and this section the provisions of this Act shall not come into force until such day as the Secretary of State may appoint by an order made by statutory instrument; and any such order may appoint different days for different provisions or different purposes and contain such transitional provisions as appear to the Secretary of State to be necessary or expedient in connection with any provision brought into force.
- (4) Except for <sup>F36</sup>section 1, so far as enabling provision to be made amending the Customs and Excise Management Act 1979, and] section 26 and this section this Act does not extend to Northern Ireland.

#### Subordinate Legislation Made

- P1 S. 27(3): power of appointment conferred by s. 27(3) fully exercised: [S.I. 1988/2209](#), 1989/853, 1673, 1990/2620

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#### **Textual Amendments**

**F36** Words in s. 27(4) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 50](#); S.I. 2004/81, art. 3(1)(2)(d)

*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

## SCHEDULE

Section 19.

### FIREARMS AND AMMUNITION IN MUSEUMS

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

- C5** Sch. (except para. 3(1)(a)): Transfer of functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1 (with art. 7)

#### *Museum firearms licences*

- 1 (1) The Secretary of State may, on an application in writing made on behalf of a museum to which this Schedule applies, grant a museum firearms licence in respect of that museum.
- (2) While a museum firearms licence (in this Schedule referred to as a “licence”) is in force in respect of a museum the persons responsible for its management and their servants—
- (a) may, without holding a firearm certificate or shot gun certificate, have in their possession, and purchase or acquire, for the purposes of the museum firearms and ammunition which are or are to be normally exhibited or kept on its premises or on such of them as are specified in the licence; and
- (b) if the licence so provides, may, without the authority of the Secretary of State [<sup>F37</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)] under section 5 of the principal Act, have in their possession, purchase or acquire for those purposes any prohibited weapons and ammunition which are or are to be normally exhibited or kept as aforesaid.
- (3) The Secretary of State [<sup>F38</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)] shall not grant a licence in respect of a museum unless, after consulting the chief officer of police for the area in which the premises to which the licence is to apply are situated, he [<sup>F38</sup>or they] is satisfied that the arrangements for exhibiting and keeping the firearms and ammunition in question are or will be such as not to endanger the public safety or the peace.
- (4) A licence shall be in writing and be subject to such conditions specified in it as the Secretary of State thinks necessary [<sup>F39</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) think necessary] for securing the safe custody of the firearms and ammunition in question.
- (5) A licence shall, unless previously revoked or cancelled, continue in force for five years from the date on which it is granted but shall be renewable for further periods of five years at a time and sub-paragraph (3) above shall apply to the renewal of a licence as it applies to a grant.
- (6) The Secretary of State may by order substitute for the periods mentioned in sub-paragraph (5) above such longer or shorter periods as are specified in the order.
- (7) The power to make an order under sub-paragraph (6) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

#### Textual Amendments

- F37** Words in Sch. para. 1(2)(b) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(a) (with art. 7)
- F38** Words in Sch. para. 1(3) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(b) (with art. 7)
- F39** Words in Sch. para. 1(4) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(c) (with art. 7)

#### Variation and revocation

- 2 (1) The Secretary of State may by notice in writing to the persons responsible for the management of a museum—
- (a) vary the conditions specified in a licence held in respect of the museum; or
  - (b) vary the licence so as to extend or restrict the premises to which it applies.
- (2) A notice under sub-paragraph (1) above may require the persons in question to deliver up the licence to the Secretary of State [<sup>F40</sup>or, in the case of a notice given by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers] within twenty-one days of the date of the notice for the purpose of having it amended in accordance with the variation.
- (3) The Secretary of State may by notice in writing to the persons responsible for the management of a museum revoke a licence held in respect of the museum if—
- (a) at any time, after consulting the chief officer of police for the area in which the premises to which it applies are situated, he is satisfied that the continuation of the exemption conferred by the licence would result in danger to the public safety or to the peace; or
  - (b) those persons or any of them or any servant of theirs has been convicted of an offence under this Schedule; or
  - (c) those persons have failed to comply with a notice under this paragraph requiring them to deliver up the licence.
- (4) Where a licence is revoked the Secretary of State [<sup>F41</sup>or, in the case of a revocation made by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers] shall by notice in writing require the persons responsible for the management of the museum in question to surrender the licence to him [<sup>F41</sup>or them].

#### Textual Amendments

- F40** Words in Sch. para. 2(2) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(d) (with art. 7)
- F41** Words in Sch. para. 2(4) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(e) (with art. 7)

#### Fees

- 3 (1) There shall be payable—



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*Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1988. (See end of Document for details)*

- (a) on the grant or renewal of a licence a fee of £200 or of such lesser amount as the Secretary of State may in any particular case determine;
  - (b) on the extension of a licence to additional premises, a fee of £75.
- (2) This paragraph shall be included in the provisions that may be amended by an order under section 43 of the principal Act.

#### *Offences and enforcement*

- 4 (1) It is an offence—
- (a) for a person [<sup>F42</sup>knowingly or recklessly to make a statement false in any material particular] for the purpose of procuring the grant, renewal or variation of a licence;
  - (b) for the persons or any of the persons responsible for the management of a museum to fail to comply or to cause or permit another person to fail to comply with any condition specified in the licence held in respect of that museum.
- (2) An offence under sub-paragraph (1) above shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.
- (3) It is an offence for a person to fail to comply with a notice under paragraph 2(4) above; and that offence shall be punishable on summary conviction with a fine not exceeding level 3 on the standard scale.
- (4) In proceedings against any person for an offence under sub-paragraph (1)(b) above it is a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (5) Where an offence under this paragraph committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (6) Where the affairs of a body corporate are managed by its members sub-paragraph (5) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **Textual Amendments**

**F42** Words in Sch. para. 4(1) substituted (1.7.1997) by 1997 c. 5, s. 52(1), **Sch. 2 para. 19**; S.I. 1997/1535, art. 3(b), **Sch. Pt. I**

#### *Museums to which this Schedule applies*

- 5 [<sup>F43</sup>(1)] This Schedule applies to the following museums—
- The Armouries, H.M. Tower of London
  - The National Army Museum
  - The National Museum of Wales

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The Royal Air Force Museum  
The Science Museum  
The Victoria and Albert Museum  
The Royal Marines Museum  
The Fleet Air Arm Museum  
The Royal Navy Museum  
The Royal Navy Submarine Museum  
The British Museum  
The Imperial War Museum  
The National Maritime Museum  
The National Museums of Scotland  
The National Museums and Galleries on Merseyside  
The Wallace Collection

Any other museum or similar institution in Great Britain which has as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historical, artistic or scientific interest which includes or is to include firearms and which is maintained wholly or mainly out of money provided by Parliament or by a local authority.

- <sup>F44</sup>(2) This Schedule also applies to any museum or similar institution in Great Britain which is of a description specified in an order made for the purposes of this sub-paragraph by the Secretary of State [<sup>F45</sup>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)] and whose collection includes or is to include firearms.
- <sup>F44</sup>(3) An order under sub-paragraph (2) above may specify any description of museum or similar institution which appears to the Secretary of State [<sup>F46</sup>or, as the case may be, the Scottish Ministers] to have as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historical, artistic or scientific interest.
- <sup>F44</sup>(4) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument.]

#### Textual Amendments

- F43** Sch. para. 5 renumbered as sub-para. (1) (1.7.1997) by 1997 c. 5, s. 47(a); S.I. 1997/1535, art. 3(b), Sch. Pt. I
- F44** Sch. para. 5(2)(3)(4) inserted (1.7.1997) by 1997 c. 5, s. 47(b); S.I. 1997/1535, art. 3(b), Sch. Pt. I
- F45** Words in Sch. para. 5(2) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(f)(i) (with art. 7)
- F46** Words in Sch. para. 5(3) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 7(3)(f)(ii) (with art. 7)

#### Interpretation

- 6 In this Schedule references to the persons responsible for the management of a museum are to the board of trustees, governing body or other person or persons (whether or not incorporated) exercising corresponding functions.

**Status:**

Point in time view as at 01/10/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the Firearms (Amendment) Act 1988.