



Firearms (Amendment) Act 1997

1997 CHAPTER 5

PART I

PROHIBITION OF WEAPONS AND AMMUNITION AND CONTROL OF SMALL-CALIBRE PISTOLS

Provisions relating to the control of small-calibre pistols

11 Having small-calibre pistol outside licensed pistol club

- (1) After section 19 of the 1968 Act (carrying firearm in a public place) there shall be inserted the following section—

“19A Having small-calibre pistol outside premises of licensed pistol club

- (1) It is an offence for any person to have a small-calibre pistol with him outside licensed premises of a licensed pistol club.
- (2) It is not an offence for a person to have with him a small-calibre pistol if—
- he is permitted by virtue of any provision of this Act to have the pistol in his possession without holding a firearm certificate or a visitor’s firearm permit;
 - he is authorised to have the pistol with him by virtue of a permit granted under section 13 of the Firearms (Amendment) Act 1997; or
 - he is authorised to have the pistol in his possession by virtue of a firearm certificate or visitor’s firearm permit which is not subject to a condition requiring it to be kept at a licensed pistol club.
- (3) In this section “licensed pistol club” means a pistol club which is licensed under Part II of the Firearms (Amendment) Act 1997 and “licensed premises” has the meaning given in section 19 of that Act.”
- (2) In Part I of Schedule 6 to the 1968 Act (prosecution and punishment of offences), after the entry for section 19 there shall be inserted the following entry—

Status: This is the original version (as it was originally enacted).

“Section 19A.	Having small-calibre pistol outside premises of licensed pistol club.	(a) Summary	6 months or a fine of the statutory maximum; or both.	—
		(b) On indictment	10 years or a fine; or both.	—”

12 Firearm certificates for small-calibre pistols: special conditions

- (1) If a chief officer of police is satisfied, on an application for the grant or renewal of a firearm certificate in respect of a small-calibre pistol, that the applicant’s only reason for having the pistol in his possession is to use it for target shooting, any certificate which may be granted to the applicant or, as the case may be, renewed shall be held subject to the following conditions (in addition to any other conditions), namely—
- (a) the pistol is only to be used for target shooting;
 - (b) the holder must be a member of a licensed pistol club specified in the certificate;
 - (c) the pistol must be kept at licensed premises of that club which are so specified.
- (2) A person who commits an offence under section 1(2) of the 1968 Act by failing to comply with any of the conditions specified in subsection (1) above shall be treated for the purposes of provisions of that Act relating to the punishment of offences as committing that offence in an aggravated form.
- (3) Any firearm certificate in force immediately before the day on which this section comes into force which—
- (a) relates to a small-calibre pistol; and
 - (b) is subject to the condition that the pistol is only to be used on an approved range;
- shall be treated on and after that day as being held subject to a condition requiring the pistol to be kept at licensed premises of a licensed pistol club.
- (4) Subsections (1) and (3) above apply in relation to a visitor’s firearm permit as they apply to a firearm certificate.
- (5) A holder of a visitor’s firearm permit who commits an offence under section 17(10)(b) of the Firearms (Amendment) Act 1988 (in this Act referred to as “the 1988 Act”) by failing to comply with any condition mentioned in subsection (1) or (3) above is punishable—
- (a) on conviction on indictment, with imprisonment for a term not exceeding seven years or a fine or both; and
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

13 Permits to have small-calibre pistols outside licensed pistol clubs

- (1) A person whose firearm certificate for a small-calibre pistol is held subject to a condition that the pistol must be kept at licensed premises of a licensed pistol club may make an application in the prescribed form to the chief officer of police for the

area in which he resides for a permit under this section authorising a person specified in the permit to have the pistol in his possession outside those premises for any proper purpose.

- (2) A permit under this section shall not, unless the circumstances appear to the chief officer of police to be exceptional, authorise any holder of a firearm certificate which relates to the pistol to have the pistol with him in any place other than the licensed premises of a licensed pistol club or the premises at which a designated target shooting competition specified in the permit is being held.
- (3) A proper purpose for having a small-calibre pistol outside the licensed premises at which it is required to be kept may be any of the following, namely—
 - (a) conveying the pistol to those premises following—
 - (i) the release of the pistol from police custody under Schedule 1 to this Act;
 - (ii) the purchase or acquisition of the pistol; or
 - (iii) a change in the licensed premises at which the pistol is required to be kept;
 - (b) having the pistol repaired or maintained by a registered firearms dealer;
 - (c) enabling the pistol to be used at a designated target shooting competition;
 - (d) selling or otherwise disposing of the pistol; or
 - (e) any other purpose which appears to the chief officer of police to be proper in all the circumstances.
- (4) Where a person makes an application under subsection (1) above in relation to a pistol, the chief officer of police may, if he thinks fit, grant a permit in the prescribed form; and any such permit—
 - (a) shall specify the purpose for which it is granted and the name of any person who is authorised by the permit to have the pistol in his possession; and
 - (b) shall be granted subject to such conditions as the chief officer of police thinks necessary to secure that such possession will not endanger the public safety or the peace;and any conditions may include a time by which the pistol must be taken or returned to the licensed premises specified in the applicant's firearm certificate.
- (5) It is an offence—
 - (a) for a person to fail to comply with any condition contained in a permit under this section which authorises him to have a small-calibre pistol in his possession; or
 - (b) for a person knowingly or recklessly to make any statement which is false in a material particular for the purpose of procuring (whether for himself or another) the grant of a permit under this section.
- (6) In proceedings against any person for an offence under subsection (5)(a) above, it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (7) An offence under subsection (5) 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.

Status: This is the original version (as it was originally enacted).

- (8) Where any person authorised by a permit under this section to be in possession of a small-calibre pistol outside the licensed premises of a licensed pistol club has the pistol in his possession outside those premises for a purpose authorised by the permit—
- (a) he shall not be guilty of an offence under section 19A of the 1968 Act; and
 - (b) his possession of the pistol outside those premises shall not without more be regarded as a failure to comply with the conditions to which any firearm certificate relating to the pistol is subject.
- (9) The Secretary of State may by order designate such target shooting competitions as he thinks fit for the purposes of this section.
- (10) This section applies to a person holding a visitor’s firearm permit relating to a small-calibre pistol as it applies to a person holding a firearm certificate, except that any application for a permit under this section by the holder of a visitor’s firearm permit shall be made to the chief officer of police who granted the visitor’s firearm permit.

14 Transitional arrangements for certain small-calibre pistols

Schedule 1 (which enables a small-calibre pistol to be delivered to a police station and held in police custody for a limited period after section 11 above comes into force) shall have effect.