



# Firearms (Amendment) Act 1997

## 1997 CHAPTER 5

### PART III

#### REGULATION OF FIREARMS AND AMMUNITION

##### *Transfers and other events relating to firearms and ammunition*

### **32 Transfers of firearms etc. to be in person.**

- (1) This section applies where, in Great Britain—
- (a) a firearm or ammunition to which section 1 of the 1968 Act applies is sold, let on hire, lent or given by any person, or
  - (b) a shot gun is sold, let on hire or given, or lent for a period of more than 72 hours by any person,
- to another person who is neither a registered firearms dealer nor a person who is entitled to purchase or acquire the firearm or ammunition without holding a firearm or shot gun certificate or a visitor's firearm or shot gun permit.
- (2) Where a transfer to which this section applies takes place—
- (a) the transferee must produce to the transferor the certificate or permit entitling him to purchase or acquire the firearm or ammunition being transferred;
  - (b) the transferor must comply with any instructions contained in the certificate or permit produced by the transferee;
  - (c) the transferor must hand the firearm or ammunition to the transferee, and the transferee must receive it, in person.
- (3) A failure by the transferor or transferee to comply with subsection (2) above shall be an offence.

### **33 Notification of transfers involving firearms.**

- (1) This section applies where in Great Britain—

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- (a) any firearm to which section 1 of the 1968 Act applies is sold, let on hire, lent or given;
  - (b) any shot gun is sold, let on hire or given, or lent for a period of more than 72 hours.
- (2) Any party to a transfer to which this section applies who is the holder of a firearm or shot gun certificate or, as the case may be, a visitor's firearm or shot gun permit which relates to the firearm in question shall within seven days of the transfer give notice to the chief officer of police who granted his certificate or permit.
- (3) A notice required by subsection (2) above shall—
- (a) contain a description of the firearm in question (giving its identification number if any); and
  - (b) state the nature of the transaction and the name and address of the other party; and any such notice shall be sent by registered post or the recorded delivery service.
- (4) A failure by a party to a transaction to which this section applies to give the notice required by this section shall be an offence.

#### **34 Notification of de-activation, destruction or loss of firearms etc.**

- (1) Where, in Great Britain—
- (a) a firearm to which a firearm or shot gun certificate relates; or
  - (b) a firearm to which a visitor's firearm or shot gun permit relates,
- is de-activated, destroyed or lost (whether by theft or otherwise), the certificate holder who was last in possession of the firearm before that event shall within seven days of that event give notice of it to the chief officer of police who granted the certificate or permit.
- (2) Where, in Great Britain, any ammunition to which section 1 of the 1968 Act applies, and a firearm certificate or a visitor's firearm permit relates, is lost (whether by theft or otherwise), the certificate or permit holder who was last in possession of the ammunition before that event shall within seven days of the loss give notice of it to the chief officer of police who granted the certificate or permit.
- (3) A notice required by this section shall—
- (a) describe the firearm or ammunition in question (giving the identification number of the firearm if any);
  - (b) state the nature of the event;
- and any such notice shall be sent by registered post or the recorded delivery service.
- (4) A failure, without reasonable excuse, to give a notice required by this section shall be an offence.
- (5) For the purposes of this section and section 35 below a firearm is de-activated if it would, by virtue of section 8 of the 1988 Act be presumed to be rendered incapable of discharging any shot, bullet or other missile.

#### **35 Notification of events taking place outside Great Britain involving firearms etc.**

- (1) Where, outside Great Britain, any firearm or shot gun is sold or otherwise disposed of by a transferor whose acquisition or purchase of the firearm or shot gun was authorised

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by a firearm certificate or shot gun certificate, the transferor shall within 14 days of the disposal give notice of it to the chief officer of police who granted his certificate.

- (2) A failure to give a notice required by subsection (1) above shall be an offence.
- (3) Where, outside Great Britain—
- (a) a firearm to which a firearm or shot gun certificate relates is de-activated, destroyed or lost (whether by theft or otherwise); or
  - (b) any ammunition to which section 1 of the 1968 Act applies, and a firearm certificate relates, is lost (whether by theft or otherwise),
- the certificate holder who was last in possession of the firearm or ammunition before that event shall within 14 days of the event give notice of it to the chief officer of police who granted the certificate.
- (4) A failure, without reasonable excuse, to give a notice required by subsection (3) above shall be an offence.
- (5) A notice required by this section shall—
- (a) contain a description of the firearm or ammunition in question (including any identification number); and
  - (b) state the nature of the event and, in the case of a disposal, the name and address of the other party.
- (6) A notice required by this section shall be sent within 14 days of the disposal or other event—
- (a) if it is sent from a place in the United Kingdom, by registered post or by the recorded delivery service; and
  - (b) in any other case, in such manner as most closely corresponds to the use of registered post or the recorded delivery service.

### **36 Penalty for offences under ss. 32 to 35.**

An offence under section 32, 33, 34 or 35 above shall—

- (a) if committed in relation to a transfer or other event involving a firearm or ammunition to which section 1 of the 1968 Act applies be punishable—
  - (i) on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (ii) on conviction on indictment with imprisonment for a term not exceeding five years or a fine or both;
- (b) if committed in relation to a transfer or other event involving a shot gun 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.

*Firearm and shot gun certificates*

### **37 Applications for certificates and referees.**

For section 26 of the 1968 Act there shall be substituted the following sections—

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**“26A Applications for firearm certificates.**

- (1) An application for the grant of a firearm certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.
- (2) Rules made by the Secretary of State under section 53 of this Act may require any application for a firearm certificate to be accompanied by up to four photographs of the applicant and by the names and addresses of two persons who have agreed to act as referees.
- (3) The rules may require that, before considering an application for a firearm certificate, the chief officer of police has the following from each referee nominated by the applicant—
  - (a) verification in the prescribed manner of—
    - (i) any prescribed particulars; and
    - (ii) the likeness to the applicant of the photographs submitted with the application;
  - (b) a statement in the prescribed form to the effect that he knows of no reason why the applicant should not be permitted to possess a firearm; and
  - (c) such other statements or information in connection with the application or the applicant as may be prescribed.

**26B Applications for shot gun certificates.**

- (1) An application for the grant of a shot gun certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.
- (2) Rules made by the Secretary of State under section 53 of this Act may—
  - (a) require any application for a certificate to be accompanied by up to four photographs of the applicant;
  - (b) require the verification in the prescribed manner of any prescribed particulars and of the likeness of those photographs to the applicant;
  - (c) require any application for a certificate to be accompanied by a statement by the person verifying the matters mentioned in paragraph (b) above to the effect that he knows of no reason why the applicant should not be permitted to possess a shot gun.”

**38 Grant of firearm certificates.**

For subsection (1) of section 27 of the 1968 Act (special provisions about the grant of firearms certificates) there shall be substituted the following subsection—

- “(1) A firearm certificate shall be granted where the chief officer of police is satisfied—
- (a) that the applicant is fit to be entrusted with a firearm to which section 1 of this Act applies and is not a person prohibited by this Act from possessing such a firearm;

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- (b) that he has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made; and
- (c) that in all the circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace.”

### **39 Register of holders of shot gun and firearm certificates.**

- (1) There shall be established a central register of all persons who have applied for a firearm or shot gun certificate or to whom a firearm or shot gun certificate has been granted or whose certificate has been renewed.
- (2) The register shall—
  - (a) record a suitable identifying number for each person to whom a certificate is issued; and
  - (b) be kept by means of a computer which provides access on-line to all police forces.

### **40 Revocation of certificates.**

For section 30 (revocation of certificates) of the <sup>M1</sup>Firearms Act 1968 there shall be substituted the following sections—

#### **“30A Revocation of firearm certificates.**

- (1) A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides on any of the grounds mentioned in subsections (2) to (5) below.
- (2) The certificate may be revoked if the chief officer of police has reason to believe—
  - (a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
  - (b) that the holder can no longer be permitted to have the firearm or ammunition to which the certificate relates in his possession without danger to the public safety or to the peace.
- (3) The certificate may be revoked if the chief officer of police is satisfied that the holder is prohibited by this Act from possessing a firearm to which section 1 of this Act applies.
- (4) The certificate may be revoked if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition which he is authorised by virtue of the certificate to have in his possession or to purchase or acquire.
- (5) A firearm certificate may be revoked if the holder fails to comply with a notice under section 29(1) of this Act requiring him to deliver up the certificate.
- (6) A person aggrieved by the revocation of a certificate under subsection (2), (3) or (4) of this section may in accordance with section 44 of this Act appeal against the revocation.

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### **30B Partial revocation of firearm certificates.**

- (1) The chief officer of police for the area in which the holder of a firearm certificate resides may partially revoke the certificate, that is to say, he may revoke the certificate in relation to any firearm or ammunition which the holder is authorised by virtue of the certificate to have in his possession or to purchase or acquire.
- (2) A firearm certificate may be partially revoked only if the chief officer of police is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition to which the partial revocation relates.
- (3) A person aggrieved by the partial revocation of a certificate may in accordance with section 44 of this Act appeal against the partial revocation.

### **30C Revocation of shot gun certificates.**

- (1) A shot gun certificate may be revoked by the chief officer of police for the area in which the holder resides if he is satisfied that the holder is prohibited by this Act from possessing a shot gun or cannot be permitted to possess a shot gun without danger to the public safety or to the peace.
- (2) A person aggrieved by the revocation of a shot gun certificate may in accordance with section 44 of this Act appeal against the revocation.

### **30D Revocation of certificates: supplementary.**

- (1) Where a certificate is revoked under section 30A or 30C of this Act the chief officer of police shall by notice in writing require the holder to surrender the certificate.
- (2) Where a certificate is partially revoked under section 30B of this Act the chief officer of police shall by notice in writing require the holder to deliver up the certificate for the purpose of amending it.
- (3) It is an offence for the holder of a certificate to fail to comply with a notice under subsection (1) or (2) above within twenty-one days from the date of the notice.
- (4) If an appeal is brought against a revocation or partial revocation—
  - (a) this section shall not apply to that revocation or partial revocation unless the appeal is abandoned or dismissed; and
  - (b) it shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.
- (5) This section shall not apply in relation to—
  - (a) the revocation of a firearm certificate on any ground mentioned in section 30A(2), (3) or (4) of this Act;
  - (b) the revocation of a shot gun certificate,
 if the chief officer of police serves a notice on the holder under section 12 of the <sup>M2</sup>Firearms Act 1988 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.”

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#### Marginal Citations

- M1 1968 c. 27.  
M2 1988 c. 45.

## 41 Appeals.

- (1) For section 44 of the 1968 Act (appeals against police decisions) there shall be substituted the following section—

### “44 Appeals against police decisions.

- (1) An appeal against a decision of a chief officer of police under section 28A, 29, 30A, 30B, 30C, 34, 36, 37 or 38 of this Act lies—
- (a) in England and Wales, to the Crown Court; and
  - (b) in Scotland, to the sheriff.
- (2) An appeal shall be determined on the merits (and not by way of review).
- (3) The court or sheriff hearing an appeal may consider any evidence or other matter, whether or not it was available when the decision of the chief officer was taken.
- (4) In relation to an appeal specified in the first column of Part I of Schedule 5 to this Act, the third column shows the sheriff having jurisdiction to entertain the appeal.
- (5) In Schedule 5 to this Act—
- (a) Part II shall have effect in relation to appeals to the Crown Court; and
  - (b) Part III shall have effect in relation to appeals to the sheriff.”
- (2) In Schedule 5 to the 1968 Act (provisions as to appeals), after Part II there shall be inserted—

## “PART III

### APPEALS IN SCOTLAND

- 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.

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- 4 The decision of the sheriff on an appeal may be appealed only on a point of law.”

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

**C1** S. 41 excluded (10.6.1997) by S.I. 1997/1535, arts. 3(b), 6, Sch.

*Registered firearms dealers*

**42 Authorised dealing with firearms by registered firearms dealers.**

- (1) In section 8 of the 1968 Act (authorised dealing with firearms), after subsection (1) there shall be inserted the following subsection—

“(1A) Subsection (1) above applies to the possession, purchase or acquisition of a firearm or ammunition in the ordinary course of the business of a firearms dealer notwithstanding that the firearm or ammunition is in the possession of, or purchased or acquired by, the dealer or his servant at a place which is not a place of business of the dealer or which he has not registered as a place of business under section 33 or 37 of this Act.”

- (2) In section 33(3) of the 1968 Act (applications for registration as firearms dealer)—
- (a) for the words from the beginning to “applicant” there shall be substituted the words “ An applicant for registration as a firearms dealer ”;
  - (b) after the word “shall”, in the second place it appears, there shall be inserted the words “ (if he registers the applicant as a firearms dealer) ”.

*Miscellaneous*

**43 Power of search with warrant.**

- (1) For section 46 of the 1968 Act (power of search with warrant), there shall be substituted the following section—

**“46 Power of search with warrant.**

- (1) If a justice of the peace or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting—
- (a) that an offence relevant for the purposes of this section has been, is being, or is about to be committed; or
  - (b) that, in connection with a firearm or ammunition, there is a danger to the public safety or to the peace,
- he may grant a warrant for any of the purposes mentioned in subsection (2) below.
- (2) A warrant under this section may authorise a constable or civilian officer—



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- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there;
  - (b) to seize and detain anything which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable ground for suspecting—
    - (i) that an offence relevant for the purposes of this section has been, is being or is about to be committed; or
    - (ii) that in connection with a firearm, imitation firearm or ammunition there is a danger to the public safety or to the peace.
- (3) The power of a constable or civilian officer under subsection (2)(b) above to seize and detain anything found on any premises or place shall include power to require any information which is kept by means of a computer and is accessible from the premises or place to be produced in a form in which it is visible and legible and can be taken away.
- (4) The offences relevant for the purposes of this section are all offences under this Act except an offence under section 22(3) or an offence relating specifically to air weapons.
- (5) It is an offence for any person intentionally to obstruct a constable or civilian officer in the exercise of his powers under this section.”
- (2) In section 57(4) of the 1968 Act (interpretation) after the definition of “certificate” there shall be inserted the following definition—
- ““civilian officer” means—
- (a) a person employed by a police authority or the Corporation of the City of London who is under the direction and control of a chief officer of police; or
  - (b) a person employed under the Commissioner of Police for the Metropolis or the Receiver of the Metropolitan Police District who is not a constable and whose salary is paid out of the Metropolitan Police Fund.”
- (3) In Part I of Schedule 6 to the 1968 Act (prosecution and punishment of offences), after the entry for section 42A there shall be inserted the following entry—

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“Section 46.	Obstructing constable or civilian officer in exercise of search powers.	Summary.	6 months or a fine of level 5 on the standard scale; or both.”
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#### **44 Firearm certificates for certain firearms used for target shooting: special conditions.**

- (1) If a chief officer of police is satisfied, on an application for the grant or renewal of a firearm certificate in relation to any rifle or muzzle-loading pistol which is not a prohibited weapon, that the applicant’s only reason for having it 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—

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- (a) the rifle or pistol is only to be used for target shooting; and
  - (b) the holder must be a member of an approved rifle club or, as the case may be, muzzle-loading pistol club specified in the certificate.
- (2) In this section, “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).

#### **45 Approved rifle clubs and muzzle-loading pistol clubs.**

- (1) For section 15 of the 1988 Act (rifle and pistol clubs) there shall be substituted the following section—

##### **“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 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 fit;
  - (b) may at any time be varied or withdrawn by the Secretary of State; 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 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

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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).”
- (2) A club may be approved by the Secretary of State under section 15 of the 1988 Act and also licensed under this Act as a pistol club.
- (3) Any approval of a rifle or miniature rifle club or muzzle-loading pistol club under section 15 of the 1988 Act which is in force immediately before the commencement of this section shall have effect as if it were an approval under section 15 of the 1988 Act as substituted by subsection (1) above.

#### **46 Coterminous pistol club licences and rifle club approvals.**

After section 15 of the 1988 Act there shall be inserted the following section—

##### **“15A Coterminous pistol club licences and rifle club approvals.**

- (1) Where an application is made on behalf of a club which is approved under section 15 above for the grant or renewal of a pistol club licence, the officer of the club making the application may also apply for the club’s approval to be withdrawn and replaced by a new approval taking effect on the same day as that on which the licence is granted or renewed.
- (2) Where an application is made on behalf of a club which has a pistol club licence for the grant or renewal of approval under section 15 above, that approval may, if the club so requests, be granted or renewed for such period less than six years as will secure that it expires at the same time as the licence.
- (3) The fee payable on the grant or renewal of an approval which—  
(a) takes effect, whether by virtue of subsection (1) above or otherwise, at the same time as a pistol club licence granted or renewed in respect of that club, or

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- (b) is granted or renewed by virtue of subsection (2) above for a period less than six years,

shall be £21 instead of that specified in section 15(6) above.

This subsection shall be included in the provisions that may be amended by an order under section 43 of the principal Act.

- (4) In this section “pistol club licence” means a licence under section 21 of the Firearms (Amendment) Act 1997.”.

#### **47 Museums eligible for a museums firearm licence.**

In the Schedule to the 1988 Act (firearms and ammunition in museums to which the Schedule applies)—

- (a) the existing provisions of paragraph 5 shall be numbered as sub-paragraph (1) of that paragraph;
- (b) after that sub-paragraph there shall be inserted the following sub-paragraphs—

“(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 and whose collection includes or is to include firearms.

(3) An order under sub-paragraph (2) above may specify any description of museum or similar institution which appears to the Secretary of State 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.

(4) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument.”.

#### **48 Firearms powered by compressed carbon dioxide.**

Any reference to an air rifle, air pistol or air gun—

- (a) in the Firearms Acts 1968 to 1997; or
- (b) in the <sup>M3</sup>Firearms (Dangerous Air Weapons) Rules 1969 or the <sup>M4</sup>Firearms (Dangerous Air Weapons) (Scotland) Rules 1969,

shall include a reference to a rifle, pistol or gun powered by compressed carbon dioxide.

#### **Marginal Citations**

**M3** S.I. 1969/47.

**M4** S.I. 1969/270.

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