



# 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 [<sup>F1</sup>by permitted means].
- [<sup>F2</sup>(3A) 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 35A).]

(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.

#### Textual Amendments

- F1** Words in s. 33(3) substituted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), **4(2)(a)**
- F2** S. 33(3A) inserted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), **4(2)(b)**

### 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;

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and any such notice shall be sent [<sup>F3</sup>by permitted means].

[<sup>F4</sup>(3A) 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 35A).]

(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.

#### Textual Amendments

**F3** Words in s. 34(3) substituted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), **4(3)(a)**

**F4** S. 34(3A) inserted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), **4(3)(b)**

### 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 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.

[<sup>F5</sup>(6) A notice required by this section must be sent within 14 days of the disposal or other event and must be sent—

- (a) by registered post,
- (b) by the recorded delivery service,

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- (c) in a case where it is sent from outside the United Kingdom 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 35A).]

#### Textual Amendments

**F5** S. 35(6) substituted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), **4(4)**

#### [<sup>F6</sup>35A. Permitted electronic means

- (1) A notice is sent by permitted electronic means for the purposes of section 33, 34 or 35 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,
  - (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) [<sup>F7</sup>the National Police Chiefs' Council] ,
  - [<sup>F8</sup>(c) the chief constable of the Police Service of 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

- F6** S. 35A inserted (1.4.2011) by [Firearms \(Electronic Communications\) Order 2011 \(S.I. 2011/713\)](#), arts. 1(1), **4(5)**
- F7** Words in s. 35A(2)(b) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), Sch. 14 paras. 6, **7(d)**

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**F8** S. 35A(2)(c) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012](#) (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), [Sch. 2 para. 26](#)

### **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.

**Status:**

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**Changes to legislation:**

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