

Status: Point in time view as at 01/07/1997.

Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1997, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 14.

TRANSITIONAL ARRANGEMENTS FOR SMALL-CALIBRE PISTOLS

Preliminary

- 1 This Schedule applies to any person who—
- (a) by virtue of a firearm certificate, has a small-calibre pistol belonging to him in his possession, or has contracted to acquire any such pistol, before the appointed day; and
 - (b) will, after the appointed day, be required to keep that pistol at licensed premises of a licensed club.

Delivery of pistols to police

- 2 (1) A person to whom this Schedule applies may, at any time before the appointed day, deliver a small-calibre pistol (“the pistol”) to any designated police station for safe keeping; and if he does so he shall also deliver up the firearm certificate in order that the delivery of the pistol may be recorded therein.
- (2) Sub-paragraph (1) above applies to a pistol which a person has (before the appointed day) contracted to acquire if it is delivered to any designated police station as soon as reasonably practicable after it comes into his possession.
- (3) The pistol shall be kept in police custody (whether at the designated police station or otherwise) until it is—
- (a) released under paragraph 6 or 7 below;
 - (b) surrendered to the police before the end of the transitional period under paragraph 9(2) below;
 - (c) deemed to have been surrendered by virtue of paragraph 8 below.

Free renewal of firearm certificates

- 3 (1) The delivery of the pistol into police custody does not affect the validity of any firearm certificate authorising the holder to have it in his possession.
- (2) If a firearm certificate which authorises any person to have the pistol in his possession expires at a time when the pistol is in police custody, no fee shall be charged for the renewal of the certificate unless the renewed certificate also relates to another firearm, or ammunition for another firearm, which is not at that time in police custody.

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- (3) Where a firearm certificate is renewed by the police free of charge, and the pistol is released to the holder of that certificate under paragraph 6 or 7 below, he shall at that time pay any fee which, apart from this paragraph, he would have been charged on the renewal of his certificate.

Release of pistols in police custody

- 4 A small-calibre pistol being kept in police custody shall not be released to any person except on the authority of the chief officer of police for the area in which the designated police station to which it was delivered under paragraph 2 above is situated.
- 5 (1) Any holder of a firearm certificate relating to the pistol, or any other person who may lawfully have the pistol in his possession, may apply in writing for the release of the pistol to the chief officer of police for the area in which the designated police station to which it was delivered under paragraph 2 above is situated.
- (2) An application under sub-paragraph (1) above must be made at least four weeks before the end of the transitional period.
- 6 If the applicant for release is the person who delivered the pistol into police custody, the chief officer of police shall release the pistol if he is satisfied that the person receiving it—
- (a) is authorised to convey the pistol to the licensed premises of a licensed pistol club by a permit under section 13 on behalf of a holder of a firearm certificate held subject to the conditions specified in section 12 and who—
 - (i) is a member of the licensed pistol club specified in the certificate;
 - (ii) has made arrangements for the pistol to be kept at the licensed premises of that club which are so specified,
 - (b) is the holder of a firearm certificate authorising him to have the pistol in his possession, but which is not subject to those conditions;
 - (c) is entitled to have the pistol in his possession without a firearm certificate.
- 7 (1) Where a person other than the person who delivered the pistol into police custody applies for it to be released, the chief officer of police shall release the pistol only if he is satisfied—
- (a) that the person who originally delivered the pistol into that custody has either disposed of any interest in it or certified that he is content for it to be delivered to the applicant; and
 - (b) that the person receiving the pistol is either a registered firearms dealer who has lawfully purchased or acquired the pistol and intends to have it in his possession in the ordinary course of his business or a person falling within paragraph 6(a), (b) or (c) above.
- (2) Where an application is made as mentioned in sub-paragraph (1) above, the chief officer of police may require such written statements from the person who delivered

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the pistol into police custody and from the person applying for the release of the pistol as he considers necessary for the purpose of determining the application.

- (3) It is an offence for any person knowingly or recklessly to make a statement which is false in any material particular for the purpose of procuring, whether for himself or for another person, the release of a pistol from police custody.
- (4) An offence under sub-paragraph (3) 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.

Period of safe-keeping by police

- 8 (1) If the pistol is not released before the end of the transitional period it shall be treated as if it had been surrendered to the police immediately after the end of that period.
- (2) If an application for release of the pistol is made at least four weeks before the end of that period—
 - (a) the pistol shall not be deemed to have been surrendered under this paragraph while the application is being determined; and
 - (b) if the pistol is not released, it shall be deemed to have been so surrendered when the application is finally determined.
- (3) Where a person is deemed to have surrendered the pistol under this paragraph, his firearm certificate shall be deemed to have expired so far as it relates to that pistol.

Voluntary surrender of pistols

- 9 (1) A person to whom this Schedule applies may before the appointed day, surrender a small-calibre pistol belonging to him at any designated police station instead of keeping it at licensed premises of a licensed pistol club or delivering it into police custody.
 - (2) Where a small-calibre pistol has been delivered into police custody, the person who delivered it may (if it still belongs to him) surrender the pistol by giving notice that he is surrendering it to the chief officer of police for the area in which the designated police station to which he delivered it is situated.
- 10 The Secretary of State may make such payments, to such persons, as he may consider appropriate in respect of small-calibre pistols which are surrendered, or are treated as having been surrendered, by virtue of paragraph 8 or 9 above.

Supplementary

- 11 The chief officer of police shall not be obliged to make pistols delivered to him under paragraph 2 above available for inspection either by the certificate holder or by any other person.

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- 12 (1) In this Schedule—
- “designated police station” means a police station designated by any chief officer of police for the purposes of this Schedule;
 - “police custody” means police custody under paragraph 2;
 - “the appointed day” means the day on which section 11 comes into force;
 - “the transitional period” means the period of one year beginning with the appointed day.
- (2) The Secretary of State may by order amend the definition of the transitional period so as to substitute, for any period for the time being specified in that definition, such other period as may be specified by the order.
An order under this sub-paragraph may make different provisions for different purposes and different areas.
- (3) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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