



Firearms (Amendment) Act 1997

1997 CHAPTER 5

PART III

REGULATION OF FIREARMS AND AMMUNITION

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—
- (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

*Changes to legislation: There are currently no known outstanding effects for the
 Firearms (Amendment) Act 1997, Section 43. (See end of Document for details)*

- (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—

“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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Changes to legislation:

There are currently no known outstanding effects for the Firearms (Amendment) Act 1997, Section 43.