

Firearms Acts

and associated amendments 1968 - 2007



FIREARMS ACTS and associated amendments 1968 – 2007

List of Statutes, Statutory Instruments, Orders & Rules

Firearms Act 1968	
Theft Act 1968	
Transfer of Functions (Prohibited Weapons) Order 1968	SI 1968/1200
Criminal Damage Act 1971	
Criminal Procedure (Scotland) Act 1975	
Customs & Excise Management Act 1979	
Firearms Act 1982	
Criminal Justice Act 1988	
Firearms (Amendment) Act 1988	
Firearms (Removal to Northern Ireland) Order 1990	SI 1990/2621
Firearms (Amendment) Regulations 1992	SI 1992/2823
Firearms (Amendment) Act 1992	
Criminal Justice & Public Order Act 1994	
Firearms (Amendment) Act 1994	
Firearms (Variation of Fees) Order 1994	SI 1994/2615
Firearms (Period of Certificate) Order 1994	SI 1994/2614
Police & Magistrates Courts Act 1994	
Welfare of Animals (Slaughter or Killing) Regulations 1995	SI 1995/731
Armed Forces Act 1996	
Firearms (Amendment) Act 1997	
Firearms (Amendment) (No 2) Act 1997	
Crime & Disorder Act 1998	
Firearms Rules 1998	SI 1998/1941
Scotland Act (Transfer of Functions to the Scottish Ministers etc.) Order 1999	SI 1999/1750
Firearms (Variation of Fees) Order 2000	SI 2000/3148
Criminal Justice & Police Act 2001	
Anti-social Behaviour Act 2003	
Criminal Justice Act 2003	
Firearms (Removal to Northern Ireland) (Revocation) Order 2003	SI 2003/3228
Energy Act 2004	
Serious Organised Crime & Police Act 2005	
Violent Crime Reduction Act 2006	
Firearms (Sentencing) (Transitory Provisions) Order 2007	SI 2007/1324
Firearms (Amendment) Rules 2007	SI 2007/2605
Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007	SI 2007/2606

Note: The Statutory Instrument (SI) reference is used in preference to extra long titles.

Amendments

FIREARMS ACTS

and associated amendments 1968 - 2007

Editor's Note:-

In the main text:-

Where a word, words or sentence in a section have been appended or changed by subsequent Acts, the relevant part has been **underlined** and the relevant authority shown in the right hand column.

Where a word, words, sentence or subsection have been deleted or repealed, they have been **~~struck through~~** and the authority shown in the right hand column.

Where one or more complete sections have been inserted, it/they are indicated by a vertical line to the right of the relevant **~~text or passage~~** and the relevant authority shown in the right hand column.

In the contents and main text:-

Where an Act or Regulation provides for additional legislation without amending or adding to the existing law, then this has been inserted at a place considered relevant to the subject matter. Colour is ONLY used to indicate sections which stand alone and do NOT form part of the Firearms Act 1968. These additions are colour coded as below, with the parent legislation shown in the right hand column. Where the amending Act has provided for a section heading, this has been retained for the purpose of clarity, even though it may form no part of the Firearms Act 1968. Similarly, the section heading "Imitation Firearms" does not appear in any legislation, but is merely used to draw together related provisions from a number of amending Acts and Regulations for the purposes of clarity.

Sections from The Firearms Act 1982 are printed in **blue**.

Sections from The Firearms (Amendment) Act 1988 are printed in **red**.

Sections from The Firearms Act (Amendment) Regulations 1992 are printed in **violet**.

Sections from the Firearms (Amendment) Act 1997 are printed in **green**.

Sections from The Violent Crime Reduction Act 2006 are printed in **grey**.

Sections from The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 are printed in **brown**

Preface:

This document was originally developed by Mike Lobb MBE, Firearms Licensing Manager (retired) Northamptonshire and Thames Valley, for his own use and is a credit to his commitment.

During Mike's service I worked with him in reformatting the document to create one master MSWord document and since his retirement I have, to the best of my ability, continued his good work in keeping this living document up to date and as accurate as I can; subject as always to the usual caveat of E&OE.

Mike has very kindly proof read the document for me and his suggestions are reflected in certain changes in layout.

I am also indebted to Brian Ellis, at Sussex, for his valuable contribution and assistance.

The following Ministry of Justice link leads to a site showing updated legislation, although it is somewhat behind the current changes.

<http://www.statutelaw.gov.uk/Home.aspx>

The following link to the Office of Public Service Information provides access all statutory documents since 1987.

<http://www.opsi.gov.uk/>

These links are current at the time of publication.

This revision reflects recent changes brought about by the phased introduction of the Violent Crime Reduction Act 2006 and it's associated Rules and Regulations.

I hope that on my retirement in 2008, this document will continue to be maintained for the firearms licensing profession and would look to the A.C.P.O. Firearms & Explosives Licensing Workgroup to ensure that it is brought about.

Mick Sykes
Firearms & Explosives Licensing Officer
Lancashire Constabulary
October 2007.

ARRANGEMENT OF SECTIONS

Part I

PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

General restrictions on possession and handling of firearms and ammunition

Section		Page
1.	Requirement of firearm certificate	1
2.	Requirement of certificate for possession of shot guns.	2
3.	Business and other transactions with firearms and ammunition.	2
4.	Conversion of weapons	2
6.	Shortening of barrels.	F(A)Act 1988
		3

Prohibition of certain weapons and control of arms traffic

5.	Weapons subject to general prohibition	3
1.	Prohibited weapons and ammunition.	F(A)Act 1988
5A.	Exemptions from the requirement of authority under s.5	FA(A)Regs 1992
6.	Power to prohibit movement of arms and ammunition.	8
7.	Conversion not to affect classification.	F(A)Act 1988
		9

General prohibition of small arms

1.	Extension of s.5 of the 1968 Act to prohibit certain small firearms etc.	F(A)Act 1997	9
----	--	--------------	---

Special exemptions from prohibition of small arms

2.	Slaughtering instruments	F(A)Act 1997	10
3.	Firearms used for humane killing of animals	F(A)Act 1997	10
4.	Shot pistols used for shooting vermin	F(A)Act 1997	10
5.	Races at athletic meetings	F(A)Act 1997	10
6.	Trophies of war	F(A)Act 1997	10

7.	Firearms of historic interest	F(A)Act 1997	10
8.	Weapons and ammunition used for treating animals	F(A)Act 1997	11
48.	Firearms powered by compressed carbon dioxide	F(A)Act 1997	11

Imitation firearms

1.	Control of imitation firearms...etc	FAct 1982	11
2.	Provisions supplementary to section 1.	FAct 1982	12
3.	Corresponding provision for Northern Ireland	FAct 1982	12
36.	Manufacture, import and sale of realistic imitation firearms	VCR Act 2006	13
37.	Specific defences applying to the offence under s.36	VCR Act 2006	14
2.	Interpretation	The VCR Act 2006 (RIF) Regs 2007	15
3.	Defences to an offence under section 36 of the 2006 Act	The VCR Act 2006 (RIF) Regs 2007	15
4.	Defences to an offence under section 36 of the 2006 Act	The VCR Act 2006 (RIF) Regs 2007	15
5.	Defences to an offence under section 36 of the 2006 Act	The VCR Act 2006 (RIF) Regs 2007	15
38.	Meaning of “realistic imitation firearm”	VCR Act 2006	15
39.	Specification for imitation firearms	VCR Act 2006	17
6.	Sizes and colours which are to be regarded as unrealistic for a real firearm	The VCR Act 2006 (RIF) Regs 2007	18
7.	Sizes and colours which are to be regarded as unrealistic for a real firearm	The VCR Act 2006 (RIF) Regs 2007	18
8.	De-activated weapons.	F(A)Act 1988	18

Special exemptions from section 1 to 5

7.	Police permit.	18	
8.	Authorised dealing with firearms	18	
9.	Carriers, auctioneers, etc.	19	
14.	Auctioneers, carriers and warehousemen.	19	
10.	Slaughter of animals.	19	
11.	Sports, athletics and other approved activities.	20	
12.	Theatre and cinema.	20	
13.	Equipment for ships and aircraft.	20	
14.	Persons temporarily in Great Britain.	21	
15.	Holder of Northern Irish certificate.	21	
15.	Approved rifle and muzzle-loading pistol clubs	F(A)Act 1988	21
15A.	Coterminous pistol club licences and rifle club approvals	F(A)Act 1988 Repealed by F(A)Act No2 1997	22

44.	Firearms certificates for certain firearms used for target shooting: special conditions	F(A)Act 1997	23
45.	Approved rifle clubs and muzzle-loading pistol clubs	F(A)Act 1997	23
16.	Borrowed rifles on private premises.	F(A)Act 1988	23
16A.	Possession of firearms on service premises	F(A)Act 1988 Armed Forces Act 1996	24
16B	Possession of firearms on Ministry of Defence Police premises.	Police Reform Act 2002	24
17.	Visitors permits.	F(A)Act 1988	24
18.	Firearms acquired for export.	F(A)Act 1988	26
18A.	Purchase or acquisition of firearms in other member states	FA(A) Regs 1992	28
19.	Firearms and ammunition in museums	F(A)Act 1988	28

Prevention of crime and preservation of public safety

16.	Possession of firearm with intent to injure		29
16A.	Possession of a firearm with intent to cause fear of violence	F(A)Act 1994	29
17.	Use of firearm to resist arrest.		29
18.	Carrying firearm with criminal intent.		29
19.	Carrying firearm in a public place.		29
19A.	Having small calibre pistol outside premises of licensed pistol club	F(A)Act 1997 Repealed by F(A)Act No2 1997	30
20.	Trespassing with firearm.		30
21.	Possession of firearms by persons previously convicted of crime.		30
21A.	Firing an air weapon beyond premises	VCR Act 2006	32
22.	Acquisition and possession of firearms by minors.		32
23.	Exceptions from s. 22(4) and (5).		33
24.	Supplying firearms to minors.		33
24A	Supplying imitation firearms to minors	VCR Act 2006	34
25.	Supplying firearm to person drunk or insane.		34
28.	Using someone to mind a weapon	VCR Act 2006	34
29.	Penalties etc. for offence under s. 28	VCR Act 2006	35

Part II

FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

Grant, renewal, variation and revocation of firearm and shot gun certificates

26A.	Application for firearm certificates	F(A)Act 1997	37
26B.	Application for shot gun certificates	F(A)Act 1997	38
27.	Special provisions about firearm certificates.		38
28.	Grant and renewal of shot gun certificates.		38
28A.	Certificates: supplementary	F(A)Act 1997	39
11.	Grant of co-terminous certificates.	F(A)Act 1988	40
29.	Variation of firearm certificates.		40
30A.	Revocation of firearm certificates	F(A)Act 1997	40
30B.	Partial revocation of firearm certificates	F(A)Act 1997	41
30C.	Revocation of shot gun certificates	F(A)Act 1997	41
30D.	Revocation of certificates; supplementary	F(A)Act 1997	41
12.	Revocation of certificates.	F(A)Act 1988	42
31.	Certificate for prohibited weapon		42
32.	Fee for certificate and exemption from paying it in certain cases.		43

Issue etc. in Great Britain of documents for European purpose

32A.	Documents for European purposes.	FA(A)Regs 1992	44
32B.	Renewal of European firearms passes.	FA(A)Regs 1992	45
32C.	Variation, endorsement etc. of European documents.	FA(A)Regs 1992	46

Transfers and other events relating to firearms and ammunition

32.	Transfers of firearms etc to be in person.	F(A)Act 1997	47
33.	Notification of transfers involving firearms.	F(A)Act 1997	47
34.	Notification of de-activation, destruction or loss of firearm etc.	F(A)Act 1997	48
35.	Notification of events taking place outside Great Britain involving firearms etc.	F(A)Act 1997	48

36.	Penalty for offences ss. 32 to 35.	F(A)Act 1997	49
-----	------------------------------------	--------------	----

Registration of firearms dealers

33.	Police register.	49
34.	Grounds for refusal of registration.	50
35.	Fee for registration and renewal thereof.	50
36.	Conditions of registration.	51
37.	Registration of new place of business.	51
38.	Removal from register of dealer's name or place of business.	51
39.	Offences in connection with registration.	52

Supplementary

40.	Compulsory register of transactions in firearms.	53	
41.	Exemption from s.40 in case of trade in shot gun components.	54	
42A.	Information as to transactions under visitors' permits.	FA(A)Regs 1992	54
43.	Power of Secretary of State to alter fees.	55	
44.	Appeals against police decisions.	F(A)Act 1997	55
45.	Consequences where registered dealer convicted of offence.	55	
5.	Restriction on sale of ammunition for smooth-bore guns.	F(A)Act 1988	56
32.	Sales of air weapons by way of trade or business to be face to face	VCR Act 2006	56
35.	Restriction on sale and purchase of primers	VCR Act 2006	57

Part III

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

46.	Power of search with warrant.	59	
47.	Powers of constables to stop and search.	59	
48.	Production of certificates.	60	
49.	Police powers in relation to arms traffic.	61	
50.	Special powers of arrest.	Repealed by PACE Act 1984	61
51.	Prosecution and punishment of offences.	61	
51A.	Minimum sentence for certain offences under s.5.	CJ Act 2003	62
52.	Forfeiture and disposal of firearms; cancellation of certificate by convicting court.	63	

41.	Increase of maximum sentence for possessing an imitation firearm.	VCR Act 2006	64
-----	---	--------------	----

Part IV

MISCELLANEOUS AND GENERAL

53.	Rules for implementing this Act.		64
54.	Application of Parts I and II to Crown servants.		64
55.	Exercise of police function.		66
56.	Service of notices.		66
57.	Interpretation		66
58.	Particular savings.		69
59.	Repeals and general savings		69
60.	Short title, commencement and extent		70
22.	Firearms consultative committee	F(A)Act 1988	70
25.	Interpretation and supplementary provisions	F(A)Act 1988	71
10.	Exchange of information.	FA(A) Regs 1992	71
50.	Interpretation and supplementary provisions	F(A)Act 1997	72
51.	Power to make transitional, consequential etc. provisions	F(A)Act 1997	72
52.	Minor and consequential amendments and repeals	F(A)Act 1997	72

SCHEDULES

Schedule 1 -	Offences to which section 17(2) applies	75
Schedule 2 -	Offences to which section 17(2) and 18 apply in Scotland	77
Schedule 3 -	Jurisdiction and procedure on application under section 21(6)	79
Schedule 4 -	Particulars to be entered by firearms dealer in register of transactions	81
Schedule 5 -	Provisions as to appeals under s.44	83
Schedule 6 -	Prosecution and punishment of offences.	85
Schedule 7 -	Repeals	97
Firearms (Dangerous Air Weapons) Rules 1969 (as amended)		99
Schedule to section 19, Firearms (Amendment) Act 1988: –		101
Firearms and ammunition in museums		
Firearms (Removal to Northern Ireland) Order 1990		Repealed by Firearms (RtNI) (Revocation) Order 2003
		105

OMISSIONS

- The following sections from the Firearms (Amendment) Act 1988 have been omitted.

21 Payments in respect of prohibited weapons.
24 Expenses and receipts.
27 Short title, citation, commencement and extent.

- The following sections from the Firearms (Amendment) Act 1997 have been omitted.

14-18 Transitional arrangements for small-calibre pistols.
39 Register of holders of shot gun and firearm certificates
49 Financial provisions

- All sections relating to small-calibre pistols and clubs repealed by the Firearms (Amendment) (No.2) Act 1997

Part 1

PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

General restrictions on possession and handling of firearms and ammunition

Requirement of firearm certificate 1. - (1) Subject to any exemption under this Act, it is an offence for a person—

- (a) to have in his possession, or to purchase or acquire, a firearm to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate;
- (b) to have in his possession, or to purchase or acquire, any ammunition to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.

(2) It is an offence for a person to fail to comply with a condition subject to which a firearm certificate is held by him.

(3) This section applies to every firearm except –

(a) a shot gun within the meaning of this Act, that is to say a smooth-bore gun (not being an air gun) which –

- (i) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter;
- (ii) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges; and
- (iii) is not a revolver gun; and

(b) an air weapon (that is to say, an air rifle, air gun or air pistol which does not fall within section 5(1) and which is not of a type declared by rules made by the Secretary of State under Section 53 of this Act to be specially dangerous)

Section 2(2)
F(A)Act 1988

(3A) A gun which has been adapted to have such a magazine as is mentioned in sub section (3)(a)(ii) above shall not be regarded as falling within that provision unless the magazine bears a mark approved by the Secretary of State for denoting that fact and that mark has been made, and the adaption has been certified in writing as having been carried out in a manner approved by him, either by one of the two companies mentioned in section 58(1) of this Act or by such person as may be approved by him for that purpose.

Section 39 ASB
Act 2003

(4) This section applies to any ammunition for a firearm, except the following articles, namely:-

- (a) cartridges containing five or more shot, none of which exceeds .36 inch in diameter;
- (b) ammunition for an air gun, air rifle or air pistol; and

Section 2(3)
F(A) Act 1988

		(c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannelure of the base of the cartridge.
Requirement of certificate for possession of shot guns	2. - (1)	Subject to any exemption under this Act, it is an offence for a person to have in his possession, or to purchase or acquire a shot gun without holding a certificate under this Act authorising him to possess shot guns.
	(2)	It is an offence for a person to fail to comply with a condition subject to which a shot gun certificate is held by him.
Business and other transactions with firearms and ammunition	3. - (1)	<p>A person commits an offence if, by way of trade or business, he-</p> <p>(a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition to which section 1 of this Act applies, or a shot gun; or</p> <p>(b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, test or proof any such firearm or ammunition or a shot gun, or</p> <p>(c) <u>sells or transfers an air weapon, exposes such a weapon for sale or transfer or has such a weapon in his possession for sale or transfer,</u></p>
		without being registered under this Act as a firearms dealer.
	(2)	It is an offence for a person to sell or transfer to any person in the United Kingdom, other than a registered firearms dealer, any firearm or ammunition to which section 1 of this Act applies, or a shot gun, unless that other produces a firearm certificate authorising him to purchase or acquire it or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Act entitled to purchase or acquire it without holding a certificate.
	(3)	It is an offence for any person to undertake the repair, test or proof of a firearm or ammunition to which section 1 of this Act applies, or of a shot gun, for any other person in the United Kingdom other than a registered firearms dealer as such, unless that other produces or causes to be produced a firearms certificate authorising him to have possession of the firearm or ammunition or as the case may be, his shot gun certificate, or shows that he is by virtue of this Act entitled to have possession of it without holding a certificate.
	(4)	Subsections (1) to (3) above have effect subject to any exemption under subsequent provisions of this Part of this Act.
	(5)	A person commits an offence if, with a view to purchasing or acquiring, or procuring the repair, test or proof of, any firearm or ammunition to which section 1 of this Act applies, or a shot gun, he produces a false certificate or a certificate in which any false entry has been made, or personates a person to whom a certificate has been granted, or <u>makes any false statement knowingly or recklessly makes a statement false in any material particular.</u>
	(6)	It is an offence for any pawnbroker to take in pawn any firearm or ammunition to which section 1 of this Act applies, or a shot gun.
Conversion of weapons	4. - (1)	Subject to this section, it is an offence to shorten the barrel of a shot gun to a length less than 24 inches.
	(2)	It is not an offence under sub-section (1) above for a registered firearms dealer to shorten the barrel of a gun for the sole purpose of

Sched. 5 VCR
Act 2006

Section 31
VCR Act 2006

Schedule 2
Paragraph 2(1)
F(A)Act 1997

		replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length.	
	(3)	It is an offence for a person other than a registered firearm dealer to convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through its barrel.	
	(4)	A person who commits an offence under section 1 of this Act by having in his possession, or purchasing or acquiring, a shot gun which has been shortened contrary to subsection (1) above or a firearm which has been <u>converted as mentioned in sub-section (3) above</u> (whether by a registered firearm dealer or not), without holding a firearm certificate authorising him to have it in his possession, or to purchase or acquire it, shall be treated for the provisions of this Act relating to the punishment of offences as committing that offence in an aggravated form.	Section 23 (1) F(A) Act 1988
Shortening of barrels	6 - (1)	Subject to subsection (2) below, it is an offence to shorten to a length less than 24 inches the barrel of any smooth-bore gun to which section 1 of the principal Act applies other than one which has a barrel with a bore exceeding 2 inches in diameter; and that offence shall be punishable- <ul style="list-style-type: none"> (a) on summary conviction, with imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both; (b) on indictment, with imprisonment for a term not exceeding five years or a fine or both. 	F(A)Act 1988
	(2)	It is not an offence under this section for a registered firearms dealer to shorten the barrel of a gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length.	
		<i>Prohibition of certain weapons and control of arms traffic</i>	
Weapons subject to general prohibition	5. - (1)	A person commits an offence if, without the authority of the <u>Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> , he has in his possession, or purchases or acquires, or manufactures, sells or transfers – <ul style="list-style-type: none"> (a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger; (ab) any self-loading or pump-action <u>rifled gun</u> other than one which is chambered for .22 rim-fire cartridges; (aba) any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall, other than an air weapon, <u>small calibre pistol</u>, a muzzle loading gun or a firearm designed as signalling apparatus; (ac) any self-loading or pump-action smooth-bore gun which is not <u>an air weapon</u> or chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or <u>(excluding any detachable, folding, retractable or other moveable butt stock)</u> is less than 40 inches in length overall; (ad) any smooth-bore revolver gun other than one which is 	SI 1968/1200 SI 1999/1750
			Section 1(2) F(A)Act 1988
			Section 1(3) F(A)Act 1997
			Section 1(2) F(A)Act 1997
			Section 1 F(A) No 2 Act 1997
			Section 1(4) F(A)Act 1997
			Schedule 3 F(A)Act 1997

	chambered for 9mm rim-fire cartridges or loaded at the muzzle end of each chamber a muzzle loading gun;	Section 1(5) F(A)Act 1997
(ae)	any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as a signalling apparatus;	
(af)	any air rifle, air gun or air pistol which uses or is designed or adapted for use with, a self contained gas cartridge system.	Section 39 (3) ASB Act 2003
	If at any time when subsection (af) comes into force a person has in his possession an air rifle, air gun or air pistol of the kind described in section 5(1)(af) of the Firearms Act 1968 (inserted above)	Section 39 (4) ASB Act 2003
	<ul style="list-style-type: none"> (a) section 5(1) of that Act shall not prevent the person's continued possession of the air rifle, air gun or air pistol, (b) section 1 of that Act shall apply, and (c) a chief officer of police may not refuse to grant or renew, and may not revoke or partially revoke, a firearm certificate under Part II of that Act on the ground that the person does not have good reason for having the air rifle, air gun or air pistol in his possession. 	
	But sub-section (a) to (c) above shall not apply to possession in the circumstances described in section 8 of that Act (authorised dealing)	Section 39 (5) ASB Act 2003
	<ul style="list-style-type: none"> (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; and (c) any cartridge with a bullet so designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in paragraph (b) above and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid. 	Section 1(3) F(A)Act 1988
(1A)	Subject to Section 5A of this Act, a person commits an offence if, without the authority of the Secretary of State <u>or the Scottish Ministers</u> <u>by virtue of provision made under section 63 of the Scotland Act 1998</u> , he has in his possession, or purchases or acquires, or sells or transfers –	SI 1992/2823 SI 1999/1750
	<ul style="list-style-type: none"> (a) any firearm which is disguised as another object; (b) any rocket or ammunition not falling within paragraph (c) of subsection (1) of this section which consists in or incorporates a missile designed to explode on or immediately before impact and is for military use; (c) any launcher or other projecting apparatus not falling within paragraph (ae) of that subsection which is designed to be used with any rocket or ammunition falling within paragraph (b) above or with ammunition which would fall within that paragraph but for it being ammunition falling within paragraph (c) of that subsection; (d) any ammunition for military use which consists in or incorporates a missile designed so that a substance contained in the missile will ignite on or immediately before impact; (e) any ammunition for military use which consists in or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour; 	

	(f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact: any ammunition which incorporates a missile designed or adapted to expand on impact;	Section 9 F(A)Act 1997
	(g) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been, incorporated in-	
	(i) any ammunition falling within any of the preceding paragraphs; or	
	(ii) any ammunition which would fall within any of those paragraphs but for its being specified in subsection (1) of this section.	
(2)	The weapons and ammunition specified in <u>subsections (1) and (1A) of this section (including in the case of ammunition, any missiles falling within sub section (1A)(g) of this section)</u> are referred to in this Act as 'prohibited weapons' and 'prohibited ammunition' respectively.	SI 1992/2823
(3)	An authority given to a person by the <u>Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> under this section shall be in writing and be subject to conditions specified therein	SI 1968/1200 SI 1999/1750
(4)	The conditions of the authority shall include such as the <u>Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> , having regard to the circumstances of each particular case, think fit to impose for the purpose of securing that the prohibited weapon or ammunition to which the authority relates will not endanger the public safety or the peace.	SI 1968/1200 SI 1999/1750
(5)	It is an offence for a person to whom an authority is given under this section to fail to comply with any condition of the authority.	
(6)	The <u>Secretary of State</u> may at any time, if <u>he thinks</u> fit, revoke an authority given to a person under this section by notice in writing requiring him to deliver up the authority to such person as may be specified in the notice within twenty-one days from the date of the notice; and it is an offence for him to fail to comply with that requirement.	SI 1968/1200
(7)	For the purposes of this section and section 5A of this Act -	SI 1992/2823
	(a) any rocket or ammunition which is designed to be capable of being used with a military weapon shall be taken to be for military use;	
	(b) references to a missile designed so that a substance contained in the missile will ignite on or immediately before impact include references to any missile containing a substance that ignites on exposure to air; and	
	(c) references to a missile's expanding on impact include references to its deforming in any predictable manner on or immediately after impact.	
(8)	For the purposes of subsection (1)(aba) and (ac) above, any detachable, folding, retractable or other moveable butt-stock shall be disregarded in measuring the length of the firearm.	Section 1(6) F(A)Act 1997
(9)	Any reference in this section to a muzzle-loading gun is a reference to a gun which is designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).	Section 1(6) F(A)Act 1997

Prohibited weapons and ammunition	1. - (4)	<p>If it appears to the Secretary of State that the provisions of the principal Act relating to prohibited weapons or ammunition should apply to -</p>	F(A)Act 1988
		<ul style="list-style-type: none"> (a) any firearm (not being an air weapon) which is not for the time being specified in subsection (1) of section 5, was not lawfully on sale in Great Britain in substantial numbers at any time before 1988 and appears to him to be - <ul style="list-style-type: none"> (i) specially dangerous; or (ii) wholly or partly composed of material making it not readily detectable by apparatus used for detecting metal objects; or (b) any ammunition which is not for the time being specified in that subsection but appears to him to be specially dangerous; or (c) any air rifle, air gun or air pistol which is not for the time being specified in that subsection but appears to him to be specially dangerous, 	Section 39(6) ASB Act 2003
		<p>he may by order add it to the weapons or ammunition specified in that subsection whether by altering the description of any weapon or ammunition for the time being there specified or otherwise.</p>	Section 39(6)(a) ASB Act 2003
	(4A)	<p>An order under subsection (4)-</p>	Section 39(6)(b) ASB Act 2003
		<ul style="list-style-type: none"> (a) may provide for a provision of the principal Act to apply with or without modification or exception in relation to anything added to subsection (1) of section 5 by the order, (b) may impose conditions in respect of any application, modification or exception provided for by the order (which may, in particular, include provision requiring a person to obtain a certificate in accordance with an enactment referred to or applied by the order), (c) may make provision generally or by reference to a particular purpose or circumstance, (d) may confer a function on the Secretary of State or another specified person, and (e) may make transitional, consequential or incidental provision. 	
	(5)	<p>The power to make an order under subsection (4) above shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.</p>	
Exemptions from requirement of authority under s.5	5A- (1)	<p>Subject to subsection (2) below, the authority of the Secretary of State <u>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase, acquire, sell or transfer, any prohibited weapon or ammunition if he is authorised by a certificate under this Act to possess, purchase or acquire that weapon or ammunition subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.</p>	Regulation 3(4) SI 1992/2823 SI 1999/1750
	(2)	<p>No sale or transfer may be made under subsection (1) above except to a person who -</p> <ul style="list-style-type: none"> (a) produces the authority of the Secretary of State <u>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> under section 5 of this Act for his purchase or acquisition; or (b) shows that he is, under this section or a licence under the 	SI 1999/1750

	Schedule to the Firearms (Amendment) Act 1988 (museums etc.), entitled to make the purchase or acquisition without the authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998).	
(3)	<p>The authority of the Secretary of State <u>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, any prohibited weapon or ammunition if his possession, purchase or acquisition is exclusively in connection with the carrying on of activities in respect of which -</p> <ul style="list-style-type: none"> (a) that person, or (b) the person on whose behalf he has possession, or makes the purchase or acquisition, <p>is recognised for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.</p>	SI 1999/1750
(4)	<p>The authority of the Secretary of State <u>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession, or to purchase or acquire, <u>or to sell or to transfer</u>, any expanding ammunition or the missile for any such ammunition if -</p> <ul style="list-style-type: none"> (a) he is authorised by a firearms certificate to possess, purchase or acquire ammunition which is designed to be used with a pistol, and he is authorised by a firearms certificate or visitor's firearm permit to possess, or to purchase or acquire, any expanding ammunition; and (b) the certificate contains a condition prohibiting the use of expanding ammunition for purposes not authorised by the European weapons directive. the certificate or permit is subject to a condition restricting the use of any expanding ammunition to use in connection with any one or more of the following, namely- <ul style="list-style-type: none"> (i) the lawful shooting of deer (ii) the shooting of vermin or, in the course of carrying on activities in connection with the management of any estate, other wildlife; (iii) the humane killing of animals (iv) the shooting of animals for the protection of other animals or humans. 	SI 1999/1750 Section 10(2)(a) F(A)Act 1997
(5)	<p>The authority of the Secretary of State <u>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> shall not be required by virtue of subsection (1A) of section 5 of this Act for any person to have in his possession any expanding ammunition or the missile for any such ammunition if -</p> <ul style="list-style-type: none"> (a) he is entitled, under section 10 of this Act, to have a slaughtering instrument and the ammunition for it in his possession; and (b) the ammunition or missile in question is designed to be capable of being used with a slaughtering instrument. 	SI 1999/1750
(6)	<p>The authority of the Secretary of State <u>or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)</u> shall not be required by virtue of subsection (1A) of section 5 of this Act for the sale or transfer of any expanding ammunition or the missile for any such ammunition to any person who produces a</p>	SI 1999/1750

	certificate by virtue of which he is authorised under subsection (4) above to purchase or acquire it without the authority of the Secretary of State <u>or, in the case of an authority which they may give (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers.</u>	SI 1999/1750
(7)	<u>The authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) shall not be required by virtue of subsection (1A) of section 5 of this Act for a person carrying on the business of a firearms dealer, or any servant of his, to have in his possession, or to purchase, acquire, sell or transfer, any expanding ammunition or the missile for such ammunition in the ordinary course of that business.</u>	Section 10(3) F(A)Act 1997 SI 1999/1750
(8)	In this section - (a) references to expanding ammunition are references to any ammunition which is designed to be used with a pistol and incorporates a missile which is designed to expand on impact; and (b) references to the missile for any such ammunition are references to anything which, in relation to any such ammunition, falls within section 5(1A)(g) of this Act.	Schedule 3 F(A)Act 1997
Power to prohibit movement of arms and ammunition	6. - (1) The Secretary of State may by order prohibit the removal of firearms and ammunition - (a) from one place to another in Great Britain; or (b) from Great Britain to Northern Ireland; or (c) for export from Great Britain, unless the removal is authorised by the chief officer of police for the area from which they are to be removed, and unless such other conditions as may be specified in the order are complied with.	Section 20(3) F(A)Act 1988
	(1A) The Secretary of State may by order prohibit the removal of firearms or ammunition from Great Britain to Northern Ireland unless - (a) the removal is authorised by the chief officer of police for the area from which they are to be removed and by the Chief Constable of the Royal Ulster Constabulary, and (b) such conditions as may be specified in the order or imposed by the chief officer of police or the Chief Constable are complied with.	Section 20(2) F(A)Act 1988
	(2) An order under this section may apply - (a) either generally to all such removals, or to removals from and to particular localities specified in the order; and (b) either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and (c) either to all modes of conveyance or to such modes of conveyance as may be so specified; but no such order shall prohibit the holder of a firearm certificate from carrying with him any firearm or ammunition authorised by the certificate to be so carried.	
	(3) It is an offence to contravene any provision of - (a) an order made under this section; or (b) an order made under section 9 of the Firearms Act 1920 (the former enactment corresponding to section 18 of the Firearms Act 1937 and this section); or	

(c) any corresponding Northern Irish order, that is to say an order made under the said section 9 as extending to Northern Ireland or under any enactment of the Parliament of Northern Ireland repealing and re-enacting that section, prohibiting the removal of firearms or ammunition from Northern Ireland to Great Britain.

(4) An order under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order made thereunder by the Secretary of State.

The Firearms (Removal to Northern Ireland) Order 1990

SI 2003/3228

Conversion not to affect classification

7 - (1) Any weapon which -

(a) has at any time (whether before or after the passing of the Firearms (Amendment) Act 1997) been a weapon of a kind described in section 5(1) or (1A) of the principal Act (including any amendments to section 5(1) made under section 1(4) of this Act;

(b) is not a self-loading or pump-action smooth-bore gun which has at any such time been such a weapon by reason only of having had a barrel less than 24 inches in length,
shall be treated as a prohibited weapon notwithstanding anything done for the purpose of converting it into a weapon of a different kind.

(2) Any weapon which -

(a) has at any time since the coming into force of section 2 above been a weapon to which section 1 of the principal Act applies; or

(b) would at any previous time have been such a weapon if those sections had then been in force,
shall, if it has, or at any time has had, a rifled barrel less than 24 inches in length, be treated as a weapon to which section 1 of the principal Act applies notwithstanding anything done for the purpose of converting it into a shot gun or an air weapon.

(3) For the purposes of subsection (2) above there shall be disregarded the shortening of a barrel by a registered firearms dealer for the sole purpose of replacing part of it so as to produce a barrel not less than 24 inches in length.

Schedule 2
Paragraph 16
F(A)Act 1997

Extension of s. 5 of the 1968 Act to prohibit certain small firearms etc.

1.- (7) The general prohibition by section 5 of the 1968 Act of firearms falling within (1)(aba) of that section is subject to the special exemptions in sections 2 to 8 below.

(8) In section 2 to 8 below any reference to a firearm certificate shall include a reference to a visitor's firearm permit.

F(A)Act 1997

Special exemptions from prohibition of small firearms

Slaughtering instruments	2.-	The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act-	F(A)Act 1997
		<ul style="list-style-type: none"> (a) for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a slaughtering instrument if he is authorised by a firearms certificate to have the instrument in his possession, or to purchase or acquire it; (b) for a person to have a slaughtering instrument in his possession if he is entitled under section 10 of the 1968 Act, to have it in his possession without a firearm certificate. 	
Firearms used for humane killing of animals	3.-	The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with the humane killing of animals.	F(A)Act 1997
Shot pistols used for shooting vermin	4.-	<ul style="list-style-type: none"> (1) The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a shot pistol if he is authorised by a firearm certificate to have the shot pistol in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with the shooting of vermin. (2) For the purposes of this section, "shot pistol" means a smooth-bore gun which is chambered for .410 cartridges or 9mm rim-fire cartridges. 	F(A)Act 1997
Races at athletic meetings	5.-	The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act-	F(A)Act 1997
		<ul style="list-style-type: none"> (a) for a person to have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting; or (b) for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with starting races at athletic meetings 	
Trophies of War	6.-	The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession a firearm if it was acquired as a trophy of war before 1st January 1946 if he is authorised by a firearm certificate to have it in his possession.	F(A)Act 1997
Firearms of historic interest	7.-	<ul style="list-style-type: none"> (1) The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which- <ul style="list-style-type: none"> (a) was manufactured before 1st January 1919; and (b) is of description specified under subsection (2) below, if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection. 	F(A)Act 1997

(2) The Secretary of State may order made by statutory instrument specify a description of firearm for the purposes of subsection (1) above if it appears to him that-

- (a) firearms of that description were manufactured before 1st January 1919; and
- (b) ammunition for firearms of that type is not readily available.

(3) The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which-

- (a) is of particular rarity, aesthetic quality or technical interest, or
- (b) is of historical importance,

if he is authorised by a firearm certificate to have the firearm in his possession subject to a condition requiring it to be kept and used only at a place designated for the purpose of this subsection by the Secretary of State.

(4) This section has effect without prejudice to section 58(2) of the 1968 Act (antique firearms).

Weapons and ammunition used for treating animals

8.- The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, any firearm, weapon or ammunition designed or adapted for the purpose of tranquillising or otherwise treating any animal, if he is authorised by a firearm certificate to possess, or to purchase or acquire the firearms, weapon or ammunition subject to a condition restricting its use in connection with the treatment of animals.

F(A)Act 1997

Firearms powered by compressed carbon dioxide

48.- Any reference to an air rifle, air pistol or air gun- F(A)Act 1997

- (a) in the Firearms Acts 1968 to 1997; or
- (b) in the Firearms (Dangerous Air Weapons) Rules 1969 or the Firearms (Dangerous Air Weapons) (Scotland) Rules 1969,

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

Imitation firearms

Control of imitation firearms readily convertible into firearms to which section 1 of the 1968 Act applies

1.-

- (1) This Act applies to an imitation firearm if - F(A)Act 1982
 - (a) it has the appearance of being a firearm to which section 1 of the 1968 Act (firearms requiring a firearm certificate) applies; and
 - (b) it is so constructed or adapted as to be readily convertible into a firearm to which that section applies.
- (2) Subject to section 2(2) of this Act and the following provisions of this section, the 1968 Act shall apply in relation to an imitation firearm to which this Act applies as it applies in relation to a firearm to which section 1 of that Act applies.
- (3) Subject to the modifications in subsection (4) below, any expression given a meaning for the purposes of the 1968 Act has the same

		meaning in this Act	
	(4)	For the purposes of this section and the 1968 Act, as it applies by virtue of this section -	
	(a)	the definition of air weapon in section 1(3)(b) of that Act (air weapons excepted from requirement of firearm certificate) shall have effect without the exclusion of any type declared by rules made by the Secretary of State under section 53 of that Act to be specially dangerous; and	
	(b)	the definition of firearm in section 57(1) of that Act shall have effect without paragraphs (b) and (c) of that subsection (component parts and accessories).	
	(5)	In any proceedings brought by virtue of this section for an offence under the 1968 Act involving an imitation firearm to which this Act applies, it shall be a defence for the accused to show that he did not know and had no reason to suspect that the imitation firearm was so constructed or adapted as to be readily convertible into a firearm to which section 1 of that Act applies.	
	(6)	For the purposes of this section an imitation firearm shall be regarded as readily convertible into a firearm to which section 1 of the 1968 Act applies if -	
	(a)	it can be so converted without any special skill on the part of the person converting it in the construction or adaptation of firearms of any description; and	
	(b)	the work involved in converting it does not require equipment or tools other than such as are in common use by persons carrying out works of construction and maintenance in their own homes.	
Provisions supplementary to section 1.	2. -	<p>(1) Subject to subsection (2) below, references in the 1968 Act, and in any order made under section 6 of that Act (orders prohibiting movement of firearms or ammunition) before this Act comes into force -</p> <p>(a) to firearms (without qualification); or</p> <p>(b) to firearms to which section 1 of that Act applies;</p> <p>shall be read as including imitation firearms to which this Act applies.</p> <p>(2) The following provisions of the 1968 Act do not apply by virtue of this Act to an imitation firearm to which this Act applies, that is to say -</p> <p>(a) section 4(3) and (4) (offence to convert anything having the appearance of a firearm into a firearm and aggravated offence under section 1 involving a converted firearm); and</p> <p>(b) the provisions of that Act which relate to, or to the enforcement of control over, the manner in which a firearm is used or the circumstances in which it is carried;</p> <p>but without prejudice, in the case of the provisions mentioned in paragraph (b) above, to the application to such an imitation firearm of such of those provisions as apply to imitation firearms apart from this Act.</p> <p>(3) The provisions referred to in subsection (2)(b) above are sections 16 to 20 and section 47.</p>	F(A)Act 1982
Corresponding provision for Northern Ireland	3. -	An order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to the purposes of this Act -	F(A)Act 1982

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Manufacture,
import and sale
of realistic
imitation firearms

36.- (1) A person is guilty of an offence if – VCR Act 2006

- (a) he manufactures a realistic firearm;
- (b) he modifies an imitation firearm so that it becomes a realistic imitation firearm;
- (c) he sells a realistic imitation firearm; or
- (d) he brings a realistic imitation firearm into Great Britain or causes one to be brought into Great Britain.

(2) Subsection (1) has effect subject to the defences in section 37.

(3) The Secretary for State may by regulations –

- (a) provide for exceptions and exemptions from the offence under subsection (1); and
- (b) provide for it to be a defence in proceedings for such an offence to show the matters specified or described in the regulations.

(4) Regulations under subsection (3) may –

- (a) frame any exception, exemption or defence by reference to an approval or consent given in accordance with the regulations;
- (b) provide for approvals and consents to such descriptions of case as may be specified or described in the regulations; and
- (c) confer the function of giving approvals or consents on such persons specified or described in the regulations as the Secretary of State thinks fit.

(5) The power of the Secretary of State to make regulations under subsection (3) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) That power includes power –

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(7) A realistic imitation firearm brought into Great Britain shall be liable to forfeiture under the customs and excise Acts.

(8) In subsection (7) “the custom and excise Acts” has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c.2).

(9) An offence under this section shall be punishable, on summary conviction –

- (a) in England & Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and
- (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

Specific defences applying to the offence under s. 36	37.-	<p>(10) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c.44), the reference in subsection (9)(a) of this section to 51 weeks is to be read as a reference to 6 months.</p> <p>(11) In this section “realistic imitation firearm” has the meaning given by section 38.</p>	VCR Act 2006
		<p>(1) It shall be a defence for a person charged with an offence under section 36 in respect of any conduct to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in subsection (2).</p> <p>(2) Those purposes are –</p> <ul style="list-style-type: none"> (a) the purposes of a museum or gallery; (b) the purposes of theatrical performances and rehearsals for such performances; (a) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c.48) – see section 5B of that Act); (b) the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this section by regulations made by the Secretary of State; (c) the purposes of functions that a person has in his capacity as a person in the service of Her Majesty. <p>(3) It shall also be a defence for a person charged with an offence under section 36 in respect of conduct falling within subsections (1)(d) of that section to show that the conduct –</p> <ul style="list-style-type: none"> (a) was in the course of carrying on any trade or business; and (b) was for the purpose of making the imitation firearm in question available to be modified in such a way which would result in its ceasing to become a realistic imitation firearm. <p>(4) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (1) or (3) if –</p> <ul style="list-style-type: none"> (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and (b) the contrary is not proved beyond reasonable doubt. <p>(5) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.</p> <p>(6) That power includes power –</p> <ul style="list-style-type: none"> (a) to make different provision for different cases; (b) to make provision subject to certain exemptions and exceptions as the Secretary of State thinks fit; and (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit. <p>(7) In this section –</p> <p>“historical re-enactment” means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past;</p> <p>“museum or gallery” includes any institution which –</p> <ul style="list-style-type: none"> (a) has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest; and 	

		(b) gives the public access to it.	
Interpretation	2.-	In these regulations-	SI 2007/2606
		The “2006 Act” means the Violent Crime Reduction Act 2006	
		“permitted event” means a commercial event at which firearms or realistic imitation firearms (or both) are offered for sale or displayed;	
		“insurance” means a contract of insurance or other arrangement made for the purpose of indemnifying a person or persons named in the contract or under the arrangement;	
		“permitted activities” means the acting out of military or law enforcement scenarios for the purposes of recreation.	
		“third parties” includes participants in, and spectators of, permitted activities and historical re-enactments (as the case may be) and members of the public.	
Defences to an offence under section 36 of the 2006 Act	3.-	(1) It shall be a defence in proceedings for an offence under section 36 of the 2006 Act or under paragraph 4 of Schedule 2 to that Act for the person charged with the offence to show that his conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in paragraph (2).	SI 2007/2606
		(2) Those purposes are –	
		(a) the organisation and holding of permitted activities for which public liability insurance is held in relation to liabilities to third parties arising from or in connection with the organisation and holding of those activities;	
		(b) the purposes of display at a permitted event.	
	4.-	For the purposes of regulation 3 a person shall be taken to have shown a matter specified in that regulation if –	SI 2007/2606
		(a) sufficient evidence of that matter is adduced to raise an issue in respect to if; and	
		(b) the contrary is not proved beyond a reasonable doubt.	
	5.-	(1) The persons described for the purposes of section 37(2)(e) of the 2006 Act and paragraph 5(2)(e) of Schedule 2 to that Act are those mentioned in paragraph (2).	SI 2007/2606
		(2) The persons mentioned in this paragraph are –	
		(a) a person or persons holding public liability insurance in relation to liabilities to third parties arising from or in connection with the organisation and holding of historical re-enactments;	
		(b) two or more persons, at least one of whom holds such public liability insurance.	
Meaning of “realistic imitation firearm”	38.-	(1) In sections 36 and 37 “realistic imitation firearm” means an imitation firearm which –	VCR Act 2006
		(a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and	
		(b) is neither a de-activated firearm nor itself an antique.	
	(2)	For the purposes of this section, an imitation firearm is not (except by virtue of subsection (3)(b) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only –	

- (a) by an expert;
- (b) on a close examination; or
- (c) as a result of an attempt to load or fire it.

(3) In determining for the purposes of this section whether an imitation firearm is distinguishable from a real firearm –

- (a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured; and
- (b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.

(4) The Secretary of State may by regulations provide that, for the purposes of subsection (3)(b) –

- (a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in the regulations; and
- (b) a colour is regarded as unrealistic for a real firearm only if it is a colour specified in the regulations

(5) The power of the Secretary for State to make regulations under this section shall be exercisable by statutory instrument subject to the annulment in pursuance of a resolution by either House of Parliament.

(6) That power includes power –

- (a) to make different provisions for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provisions as he thinks fit.

(7) In this section –

- “colour” is to be construed in accordance with subsection (9);
- “deactivated firearm” means an imitation firearm that consists in something which –

 - (a) was a firearm; but
 - (b) has been so rendered incapable of discharging a shot, bullet or other missile as to no longer be a firearm;

- “real firearm” means –

 - (a) a firearm of an actual make or model of modern firearm (whether existing or discontinued); or
 - (b) something falling within a description which could be used for identifying, by reference to their appearance, firearms falling within a category of actual modern firearm which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or similar appearance.

(8) In subsection (7) “modern firearm” means any firearm other than one the appearance of would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870.

(9) References in this section, in relation to an imitation firearm or real firearm, to its colour include references to it being made of transparent material.

(10) Section 8 of the Firearms (Amendment) Act 1988 (c.45) (under which firearms are deemed to be deactivated if they are appropriately marked) applies for the purposes of this section as it applies for the purposes of the 1968 Act.

39.- (1) The Secretary of State may by regulation make provision requiring imitation firearms to conform to specifications which are –

(a) set out in the regulations; or

(b) approved by such persons and in such manner as may be so set out.

(2) A person is guilty of an offence if –

(a) he manufactures an imitation firearm which does not conform to the specifications required of it by regulations under this section;

(b) he modifies an imitation firearm so that it ceases to conform to the specifications so required of it;

(c) he modifies a firearm to create an imitation firearm that does not conform to the specifications so required of it; or

(d) he brings an imitation firearm which does not conform to the specifications so required of it into Great Britain or causes such an imitation firearm to be brought into Great Britain.

(3) An offence under this section shall be punishable, on summary conviction –

(a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both, and

(b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

(4) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c.44), the reference in subsection (3)(a) of this section to 51 weeks is to be read as a reference to 6 months.

(5) Regulations under this section may provide that, in proceedings for an offence under this section, it is to be presumed, unless the contrary is proved, that an imitation firearm conforms to the required specification if it, or the description of imitation firearms to which it belongs, has been certificated as so conforming by a person who is –

(a) specified in the regulations; or

(b) determined for the purpose in accordance with the provisions contained in the regulations.

(6) An imitation firearm brought into Great Britain which does not conform to the specifications required of it by regulations under this section shall be liable to forfeiture under the customs and excise Acts.

(7) In subsection (6) “the customs and excise Acts” has the meaning given by section 1 of the Customs and Excise management Act 1979 (c.2).

(8) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) That includes power –

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

Sizes and colours which are to be regarded as unrealistic for a real firearm.	6.-	(1) For the purposes of section 38(3)(b) of the 2006 Act and paragraph 6(3)(b) of Schedule 2 to that Act, the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in paragraph (2).	SI 2007/2606
		(2) The dimensions specified in this paragraph are a height of 38 millimetres and a length of 70 millimetres.	
De-activated weapons	7.-	(1) For the purposes of section 38(3)(b) of the 2006 Act and paragraph 6(3)(b) of Schedule 2 to that Act, a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in paragraph (2), or if the imitation firearm is made of transparent material.	SI 2007/2606
		(2) The colours specified in this paragraph are – (a) bright red; (b) bright orange; (c) bright yellow; (d) bright green; (e) bright pink; (f) bright purple; and (g) bright blue.	

De-activated weapons	8.-	For the purposes of the principal Act and this Act it shall be presumed, unless the contrary is shown, that a firearm has been rendered incapable of discharging any shot, bullet or other missile, and has consequently ceased to be a firearm within the meaning of those Acts, if – (a) it bears a mark which has been approved by the Secretary of State for denoting that fact and which has been made either by one of the two companies mentioned in section 58(1) of the principal Act or by such other person as may be approved by the Secretary of State for the purposes of this section; and (b) that company or person has certified in writing that work has been carried out on the firearm in a manner approved by the Secretary of State for rendering it incapable of discharging any shot, bullet or other missile.	F(A)Act 1988
----------------------	-----	---	--------------

Special exemptions from section 1 to 5

Police permit	7. -	(1) A person who has obtained from the chief officer of police for the area in which he resides a permit for the purpose in the prescribed form may, without holding a certificate under this Act, have in his possession a firearm and ammunition in accordance with the terms of the permit.	
		(2) It is an offence for a person to make any statement which he knows to be false knowingly or recklessly to make a statement false in any material particular for the purpose of procuring, whether for himself or for another person, the grant of a permit under this section.	Schedule 2 Paragraph 2(2) F(A)Act 1997
Authorised dealing with firearms	8. -	(1) A person carrying on the business of a firearms dealer and registered as such under this Act, or a servant of such a person may, without holding a certificate, have in his possession, or purchase or acquire, a firearm or ammunition in the ordinary	

		course of that business.	
	(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 firearms 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 under section 33 or 37 of this Act.	Section 42 F(A)Act 1997
	(2)	<p>It is not an offence under section 3(2) of this Act for a person -</p> <ul style="list-style-type: none"> (a) to part with the possession of any firearm or ammunition, otherwise than in pursuance of a contact of sale or hire or by way of gift or loan, to that person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding a certificate; or (b) to return to another person a shot gun which he has lawfully undertaken to repair, test or prove for the other. 	
Carriers, auctioneers, etc.	9. -	<p>(1) A person carrying on the business of an auctioneer, carrier or warehouseman, or a servant of such a person, may, without holding a certificate, have in his possession a firearm or ammunition in the ordinary course of that business.</p> <p>(2) It is not an offence under section 3(1) of this Act for an auctioneer to sell by auction, expose for sale by auction or have in his possession for sale by auction a firearm or ammunition without being registered as a firearms dealer, if he has obtained from the chief officer of police for the area in which the auction is held a permit for that purpose in the prescribed form and complies with the terms of the permit.</p> <p>(3) It is an offence for a person to make any statement which he knows to be false knowingly or recklessly to make a statement false in any material particular for the purpose of procuring, either for himself or for another person, the grant of a permit under subsection (2) of this section.</p> <p>(4) It is not an offence under section 3(2) of this Act for a carrier or warehouseman, or a servant of a carrier or warehouseman, to deliver any firearm or ammunition in the ordinary course of his business or employment as such.</p>	Schedule 2, Section 2(2) F(A)Act 1997
Auctioneers, carriers and warehousemen	14.-	<p>(1) It is an offence for an auctioneer, carrier or warehouseman-</p> <ul style="list-style-type: none"> (a) to fail to take reasonable precautions for the safe custody of any firearm or ammunition which, by virtue of section (9)(1) of the principal Act, he or any servant of his has in his possession without holding a certificate; or (b) to fail to report forthwith to the police the loss or theft of any such firearm or ammunition. <p>(2) An offence under this section 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.</p>	F(A)Act 1988
Slaughter of animals	10.-	<p>(1) A person licensed under section 39 of the Slaughterhouses Act 1974 or section 2 of the Slaughter of Animals (Scotland) Act 1928 the Welfare of Animals (Slaughter or Killing) Regulations 1995 to slaughter horses, cattle, sheep, swine or goats may, without holding a certificate, have in his possession a</p>	<p>Slaughterhouses Act 1974</p> <p>Regulation 28(2) SI 1995/731</p>

		<p>slaughtering instrument and ammunition therefore in any slaughterhouse or knacker's yard in which he is employed.</p>
	(2)	<p>The proprietor of a slaughterhouse or knacker's yard or a person appointed by him to take charge of slaughtering instruments and ammunition therefore for the purpose of storing them in safe custody at that slaughterhouse or knacker's yard may, without holding a certificate, have in his possession a slaughtering instrument or ammunition therefore for that purpose.</p>
Sports, athletics and other approved activities	11.-	<p>(1) A person carrying a firearm or ammunition belonging to another person holding a certificate under this Act may, without himself holding such a certificate, have in his possession that firearm or ammunition under instructions from, and for the use of, that other person for sporting purposes only.</p> <p>(2) A person may, without holding a certificate, have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting.</p> <p>(3) A member of a rifle club or miniature rifle club or cadet corps approved by the Secretary of State may, without holding a certificate, have in his possession a firearms or ammunition when engaged as a member of the club or corps in, or in connection with, drill or target practice.</p> <p>(4) A person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than air weapons or miniature rifles not exceeding .23 inch calibre may, without holding a certificate, have in his possession, or purchase or acquire, such miniature rifles and ammunition suitable therefor; and any person may, without holding a certificate, use any such rifle and ammunition at such a range or gallery.</p> <p>(5) A person may, without holding a shotgun certificate, borrow a shot gun from the occupier of private premises and use it on those premises in the occupier's presence.</p> <p>(6) A person may, without holding a shot gun certificate, use a shot gun at a time and place approved for shooting at artificial targets by the chief officer of police for the area in which that place is situated.</p>
Theatre and cinema	12.-	<p>(1) A person taking part in a theatrical performance or a rehearsal thereof, or in the production of a cinematograph film, may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.</p> <p>(2) Where the <u>Secretary of State</u> is satisfied, on the application of a person in charge of a theatrical performance, a rehearsal of such a performance or the production of a cinematograph film, that a <u>prohibited weapon</u> is required for the purpose of the performance, rehearsal or production, he may under section 5 of this Act, if he thinks fit, not only authorise that person to have possession of <u>the weapon</u> but also authorise such other persons as he may select to have possession of it while taking part in the performance, rehearsal or production.</p>
Equipment for ships and	13.-	<p>(1) A person may, without holding a certificate,-</p> <p>(a) have in his possession a firearm or ammunition on board a</p>

Section 15(7)
F(A)Act 1988
(Subsection
repealed by Armed
Forces Act 1996 –
see s.54(5)(b)

SI 1968/1200
Section 23(2)
F(A)Act 1988

Section 23(2)
F(A)Act 1988

aircraft	ship, or a signalling apparatus or ammunition therefore on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome;	
	(b) remove signalling apparatus or ammunition therefore, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place;	
	(c) if he has obtained from a <u>constable</u> a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.	Section 23(3) F(A)Act 1988
	(2) It is an offence for a person <u>to make any statement which he knows to be false knowingly or recklessly to make a statement false in any material particular</u> for the purpose of procuring, either for himself or for another person, the grant of a permit under subsection (1)(c) of this section.	Schedule 2, Section 2(2), F(A)Act 1997
Person temporarily in Great Britain	A person who has been in Great Britain for not more than thirty days in all the preceding twelve months may have in his possession, or purchase or acquire, a shot gun without holding a shot gun certificate.	Section 23(8), F(A)Act 1988
Holder of a Northern Irish certificate	15.- Section 2(1) of this Act does not apply to a person holding a firearm certificate issued in Northern Ireland authorising him to possess a shot gun.	
Approved rifle clubs and muzzle-loading pistol clubs	<p>15.- (1) Subject to subsection (4) below, a member of a rifle club approved by the <u>Secretary of State or the Scottish Ministers</u> (by virtue of provision made under section 63 of the Scotland Act 1998) 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.</p> <p>(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 firearms certificates.</p> <p>(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.</p> <p>(4) The application of subsection (1) above to members of an approved club may-</p> <p>(a) be excluded in relation to the club, or</p> <p>(b) be restricted to target shooting with specified types of rifle, by limitations contained in the approval.</p> <p>(5) An approval –</p> <p>(a) may be granted subject to such conditions specified in it as the Secretary of State, <u>or as the case may be, the Scottish Ministers</u> think fit;</p> <p>(b) may at any time be varied or withdrawn by the Secretary of State <u>or as the case may be, the Scottish</u></p>	F(A)Act 1988 SI 1999/1750 Section 45(1) F(A)Act 1997 SI 1999/1759

(c) shall (unless withdrawn) continue in force for six years from the date on which it was 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 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 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 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 pistol 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 separate ball (or other missile).

(13) 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.

(14) 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

Coterminous
pistol club
licences and
rifle club
approvals

15A- (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~~

Section 46 F(A)Act
1997 (Repealed by
Schedule to
F(A)ActNo2 1997)

		<p>on which the licensee is granted or renewed.</p> <p>(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 the six years as will secure that it expires at the same time as the licence.</p> <p>(3) The fee payable on the grant or renewal of an approval which</p> <p>(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</p> <p>(b) is granted or renewed by virtue of subsection (2) above for a period less than six years,</p> <p>shall be £21 instead of that specified in section 15(6) above.</p> <p>This subsection shall be included in the provisions that may be amended by an order under section 43 of the principal Act.</p> <p>(4) In this section "pistol club licence" means a licence under section 21 of the Firearms (Amendment) Act 1997.</p>	
Firearm certificates for certain firearms used for target shooting; special conditions	44. -	<p>(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-</p> <p>(a) the rifle or pistol is only to be used for target shooting; and</p> <p>(b) the holder must be a member of an approved club or, as the case may be, muzzle-loading pistol club specified in the certificate.</p> <p>(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).</p>	F(A)Act 1997
Approved rifle clubs and muzzle-loading pistol clubs	45. -	(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	F(A)Act 1997
Borrowed rifles on private premises	16. -	<p>(1) A person of or over the age of seventeen may, without holding a firearm certificate, borrow a rifle from the occupier of private premises and use it on those premises in the presence either of the occupier or of a servant of the occupier if -</p> <p>(a) The occupier or servant in whose presence it is used holds a firearm certificate in respect of that rifle; and</p> <p>(b) the borrower's possession and use of it complies with any conditions as to those matters specified in the certificate.</p> <p>(2) A person who by virtue of subsection (1) above is entitled without holding a firearm certificate to borrow and use a rifle in another person's presence may also, without holding such a certificate purchase or acquire ammunition for use in the rifle and have it in his possession during the period for which the</p>	F(A)Act 1988

		rifle is borrowed if-	
		<ul style="list-style-type: none"> (a) the firearm certificate held by that other person authorises the holder to have in his possession at that time ammunition for the rifle of a quantity not less than that purchased or acquired by, and in the possession of, the borrower; and (b) the borrower's possession and use of the ammunition complies with any conditions as to those matters specified in the certificate. 	
Possession of firearms on service premises	16A.-	<p>(1) A person under the supervision of a member of the armed forces may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on service premises.</p> <p>(2) In this section-</p> <ul style="list-style-type: none"> (a) "armed forces" means any of the naval, military or air forces of Her Majesty; and (b) "service premises" means premises, including any ship or aircraft, used for the purpose of the armed forces. 	Section 28(2) AFAct 1996
Possession of firearms on Ministry of Defence premises	16B	<p>(1) A person who is being trained or assessed in the use of firearms under the supervision of a Member of the Ministry of Defence Police may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or the assessment.</p> <p>(2) In this section "relevant premises" means premises used for any purposes of the Ministry of Defence Police.</p>	Section 81(1) PR Act 2002
Visitors' permits	17. -	<p>(1) The holder of a visitor's firearm permit may, without holding a firearm certificate, have in his possession any firearm, and have in his possession, purchase or acquire any ammunition, to which section 1 of the principal Act applies; and <u>(subject to subsection (1A) below)</u> the holder of a visitor's shot gun permit may, without holding a shot gun certificate, have shot guns in his possession and purchase or acquire shot guns.</p> <p>(1A) A visitor's shot gun permit shall not authorise the purchase or acquisition by any person of any shot gun with a magazine except where -</p> <ul style="list-style-type: none"> (a) that person is for the time being the holder of a licence granted, for the purposes of any order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939(a) in respect of the exportation of that shot gun; (b) the shot gun is to be exported from Great Britain to a place outside the member States without first being taken to another member State; (c) the shot gun is acquired on terms which restrict that person's possession of the gun to the whole or a part of the period of his visit to Great Britain and preclude the removal of the gun from Great Britain: or (d) the shot gun is purchased or acquired by that person exclusively in connection with the carrying on of activities in respect of which - <ul style="list-style-type: none"> (i) that person: or (ii) the person on whose behalf he makes the 	F(A)Act 1988 Regulation 6(1) SI 1992/2823 Regulation 6(1) SI 1992/2823

	<p>purchase or acquisition,</p> <p>is recognised, for the purposes of the law of another member State relating to firearms as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.</p>	
(2)	<p>The chief officer of police for an area may, on an application in the prescribed form made by a person resident in that area on behalf of a person specified in the application, grant a permit under this section to the specified person if satisfied that he is visiting or intending to visit Great Britain and -</p> <p>(a) in the case of a visitor's firearm permit, that he has a good reason for having each firearm and the ammunition to which the permit relates in his possession, or, as respects ammunition, for purchasing or acquiring it, while he is a visitor to Great Britain;</p> <p>(b) in the case of a visitor's shot gun permit, that he has a good reason for having each shot gun to which the permit relates in his possession, or for purchasing or acquiring it, while he is such a visitor.</p>	
(3)	<p>No permit shall be granted under this section to a person if the chief officer of police has reason to believe -</p> <p>(a) that his possession of the weapons or ammunition in question would represent a danger to the public safety or to the peace; or</p> <p>(b) that he is prohibited by the principal Act from possessing them.</p>	
(3A)	<p>No permit shall be granted under this section as respects any firearm unless -</p> <p>(a) there is produced to the chief officer of police a document which –</p> <p>(i) has been issued in another member State under provisions corresponding to the provisions of the principal Act for the issue of European firearms passes;</p> <p>(ii) identifies that firearm as a firearm to which it relates; and</p> <p>(iii) is for the time being valid;</p> <p>(b) the applicant shows that the person specified in the application is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with such a document in any of the other member States; or</p> <p>(c) the applicant shows that the person specified in the application requires the permit exclusively in connection with the carrying on of activities in respect of which -</p> <p>(i) that person; or</p> <p>(ii) the person on whose behalf he is proposing to make use of the authorisation conferred by the permit,</p> <p>is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons;</p> <p>and a chief officer of police who grants a permit under this section in a case where a document has been produced to him in</p>	SI 1992/2823

pursuance of paragraph (a) above shall endorse on the document a statement which identifies the permit and the firearm to which it relates and briefly describes the effect of the permit.

(4) A permit under this section shall be in the prescribed form, shall specify the conditions subject to which it is held and -

- in the case of a visitor's firearm permit, shall specify the number and description of the firearms to which it relates, including their identification numbers, and, as respects ammunition, the quantities authorised to be purchased or acquired and to be held at any one time;
- in the case of a visitor's shot gun permit, shall specify the number and description of the shot guns to which it relates, including, if known, their identification numbers.

(5) The chief officer of police by whom a permit under this section is granted may by notice in writing to the holder vary the conditions subject to which the permit is held but, in the case of a visitor's shot gun permit, no condition shall be imposed or varied so as to restrict the premises where the shot gun or guns to which the permit relates may be used.

(6) A permit under this section shall come into force on such date as is specified in it and continue in force for such period, not exceeding twelve months, as is so specified.

(7) A single application (a "group application") may be made under this section for the grant of not more than twenty permits to persons specified in the application if it is shown to the satisfaction of the chief officer of police that their purpose in having the weapons in question in their possession while visiting Great Britain is -

- using them for sporting purposes on the same private premises during the same period; or
- participating in the same competition or other event or the same series of competitions or other events.

(8) There shall be payable on the grant of a permit under this section a fee of £12 except that where six or more permits are granted on a group application the fee shall be £60 in respect of those permits taken together

(9) Subsection (8) above shall be included in the provisions that may be amended by an order under section 43 of the principal Act.

(10) It is an offence for a person -

- ~~to make any statement which he knows to be false knowingly or recklessly make a statement false in any material particular for the purpose of procuring the grant of a permit under this section; or~~ Schedule 2, Section 19 F(A)Act 1997
- to fail to comply with a condition subject to which such a permit is held by him;

and each of those offences 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.

Firearms
acquired for
export

18. - (1)

A person may, without holding a firearm or shot gun certificate, purchase a firearm from a registered firearms dealer if -

- that person has not been in Great Britain for more than

F(A)Act 1988

	thirty days in the preceding twelve months ; and	
	(b) the firearm is purchased for the purpose only of being exported from Great Britain without first coming into that person's possession.	
(1A)	A person shall not be entitled under subsection (1) above to purchase any firearm which falls within category B for the purposes of Annex I to the European weapons directive unless he-	Regulation 8(1) FA(A)Regs 1992
	(a) produces to the dealer from whom he purchases it a document which -	
	(i) has been issued under provisions which, in the member State where he resides, correspond to the provisions of the principal Act for the issue of Article 7 authorities: and	
	(ii) contains the prior agreement to the purchase of that firearm which is required by Article 7 of the European weapons directive.	
	(b) shows that he is purchasing the firearm exclusively in connection with the carrying on of activities in respect of which he, or the person on whose behalf he is purchasing the firearm, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons; or	
	(c) shows that he resides in the United Kingdom or outside the member States.	
(2)	A registered firearms dealer who sells a firearm to a person who shows that he is entitled by virtue of subsection (1) above to purchase it without holding a certificate shall within 48 hours from the transaction send a notice of the transaction to the chief officer of police in whose register the premises where the transaction took place are entered.	
(3)	The notice of a transaction under subsection (2) above shall contain the particulars of the transaction which the dealer is required to enter in the register kept by him under section 40 of the principal Act and every such notice shall be sent by registered post or the recorded delivery service.	
(4)	In the case of a transaction to which subsection (2) above applies the particulars to be entered in the register kept under section 40 of the principal Act (and accordingly contained in a notice under subsection (3) above) shall include the number and place of issue of the purchaser's passport, if any <u>and, in a case where the transaction is one for the purposes of which a document such as is mentioned in subsection (1A)(a) above is required to be produced, particulars of the agreement contained in that document.</u>	Regulation 8(2) SI 1992/2823
(5)	It is an offence for a registered firearms dealer to fail to comply with subsection (2) above; and that offence 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.	
(6)	In the case of any failure to comply with subsection (2) above which is confined to the omission from a notice of the particulars of an agreement contained in a document such as is mentioned in subsection (1A)(a) above, subsection (5) above shall have effect as if for 'six months' there were substituted 'three months'.	Regulation 8(3) SI 1992/2823

Purchase or acquisition of firearms in other member States	<p>18A.- (1) Subject to subsections (2) and (3) below, where</p> <ul style="list-style-type: none"> (a) a person who resides in Great Britain purchases or acquires a firearm in another member State; and (b) that firearm is a firearm which falls within category C for the purposes of Annex I to the European weapons directive, <p>he shall, within fourteen days of the transaction, send notice of the transaction to the chief officer of police for the area where he resides.</p> <p>(2) A person shall not be required to give notice under subsection (1) above of a transaction under which he acquires a firearm on terms which -</p> <ul style="list-style-type: none"> (a) restrict his possession of the firearm to the whole or part of the period of a visit to the member State where the transaction takes place; and (b) preclude the removal of the firearm from that member State. <p>(3) A person shall not be required to give notice under subsection (1) above of a transaction under which he purchases or acquires a firearm if -</p> <ul style="list-style-type: none"> (a) he is for the time being the holder of a certificate under the principal Act relating to that firearm and containing, in relation to that firearm, a condition that he may have the firearm in his possession only for the purpose of its being kept or exhibited as part of a collection; or (b) he would, if in Great Britain, be authorised by virtue of a licence under the Schedule to this Act to have that firearm in his possession <p>(4) A notice under subsection (1) above shall contain a description of the firearm (giving the identification number if any) and state the nature of the transaction and the address in Great Britain of the person giving the notice</p> <p>(5) A notice under subsection (1) above which is sent from a place in Great Britain shall be sent by registered post or by the recorded delivery service and, in any other case, shall be sent in such a manner as most closely corresponds to the use of registered post or the recorded delivery service</p> <p>(6) It is an offence for a person to fail to comply with this section; and that offence shall be punishable on summary conviction with imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale or both.</p>	Regulation 9 SI 1992/2823
Firearms and ammunition in museums	<p>19. - The Schedule to this Act shall have effect for exempting firearms and ammunition in museums from certain provisions of the principal Act.</p>	F(A)Act 1988

Prevention of crime and preservation of public safety

Possession of firearm with intent to injure	16. - It is an offence for a person to have in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property , or to enable another person by means thereof to endanger life or cause serious injury to property , whether any injury to person or property has been caused or not.	Schedule to Part I Criminal Damage Act 1971
Possession of firearm with intent to cause fear of violence.	16A.- It is an offence for a person to have in his possession any firearm or imitation firearm with intent - <ul style="list-style-type: none"> (a) by means thereof to cause, or (b) to enable another person by means thereof to cause, any person to believe that unlawful violence will be used against him or another person.	Section 1(1), F(A)Act 1994
Use of firearm to resist arrest	17. - <ul style="list-style-type: none"> (1) It is an offence for a person to make or attempt to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or another person. (2) If a person, at the time of his committing or being arrested for an offence specified in Schedule 1 to this Act, has in his possession a firearm or imitation firearm, he shall be guilty of an offence under this subsection unless he shows that he had it in his possession for a lawful object. (3) A firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purpose of section 23(1)(a) of the Larceny Act 1916 (armed robbery) and section 28(1) of that Act (going armed by night). (4) For purposes of this section, the definition of 'firearm' in section 57(1) of this Act shall apply without paragraphs (b) and (c) of that subsection, and 'imitation firearm' shall be construed accordingly. (5) In the application of this section to Scotland, a reference to Schedule 2 to this Act shall be substituted for the reference in subsection (2) to Schedule 1. and subsection (3) shall be omitted. 	Theft Act 1968
Carrying firearm with criminal intent	18. - <ul style="list-style-type: none"> (1) It is an offence for a person to have with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist arrest or prevent the arrest of another, in either case while he has the firearm or imitation firearm with him. (2) In proceedings for an offence under this section proof that the accused had a firearm or imitation firearm with him and intended to commit an offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so. (3) In the application of this section to Scotland, for the reference to an indictable offence there shall be substituted a reference to any offence specified in paragraphs 1 to 18 of Schedule 2 to this Act. 	Theft Act 1968
Carrying firearm in a public place	19. - A person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place a loaded shot gun or loaded air weapon, or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm. <ul style="list-style-type: none"> (a) <u>loaded shot gun,</u> (b) <u>an air weapon (whether loaded or not),</u> 	Section 37(1) ASB Act 2003

		<p>(c) <u>any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or</u></p> <p>(d) <u>an imitation firearm.</u></p>	
Having small calibre pistol outside premises of licensed pistol club	19A.- (1)	<p>It is an offence for any person to have a small calibre pistol with him outside licensed premises of a licensed pistol club.</p>	Section 11(1), F(A)Act 1997 – Repealed by Schedule to F(A)ActNo2 1997.
	(2)	<p>It is not an offence for a person to have with him a small calibre pistol if</p> <p>(a) he is permitted by virtue of any provision of this Act to have the pistol in his possession without holding a firearms certificate or a visitor's firearm permit;</p> <p>(b) 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</p> <p>(c) he is authorised to have the pistol in his possession by virtue of a firearms certificate or visitor's firearm permit which is not subject to a condition requiring it to be kept at a licensed pistol club.</p>	.
	(3)	<p>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.</p>	.
Trespassing with firearm	20. - (1)	<p>A person commits an offence if, while he has a firearm <u>or imitation firearm</u> with him, he enters or is in any building or part of a building as a trespasser and without reasonable excuse (the proof whereof lies on him).</p>	Section 2(1), F(A)Act 1994
	(2)	<p>A person commits an offence if, while he has a firearm <u>or imitation firearm</u> with him, he enters or is on any land as a trespasser and without reasonable excuse (the proof whereof lies on him).</p>	Section 2(1), F(A)Act 1994
	(3)	<p>In subsection (2) of this section the expression 'land' includes land covered with water.</p>	.
Possession of firearms by persons previously convicted of crime	21. - (1)	<p>A person who has been sentenced to <u>custody for life</u>, preventative detention, or to imprisonment or to corrective training for a term of three years or more, <u>or to youth custody or detention in a young offenders institution for such a term</u>, or who has been sentenced to be detained for such a term in a young offenders institution in Scotland, shall not at any time have a firearm or ammunition in his possession.</p>	Section 77 CJAct1982 Section 77 CJAct1982 Section 123(6) CJAct 1988
	(2)	<p>A person who has been sentenced to imprisonment for a term of three months or more but less than three years or to borstal training, to corrective training for less than three years youth custody or detention in a young offender institution for such a term or, or who has been sentenced to be detained for such a term in a detention centre or in a young offenders institution in Scotland, or <u>who has been subject to a secure training order, or a detention and training order</u>, shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.</p>	Section 123(6) CJAct 1988 Section 77 CJAct1982 Section 123(6) CJAct 1988 SI 1998/277 SI 1999/3426
	(2A)	<p>For the purposes of subsection (2) above, 'the date of his release' means- in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977, is the</p>	CLAct 1977

	<p>date on which he completes service of so much of the sentence as was by that order required to be served in prison</p> <p>(a) in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (prison sentence partly served and partly suspended), the date on which he completes service of so much of the sentence was by that order required to be served in prison;</p> <p>(b) in the case of a person who has been subject to a secure training order-</p> <p>(i) the date on which he is released from detention under the order;</p> <p>(ii) the date on which he is released from detention ordered under section 4 of the Criminal Justice and Public Order Act 1994; or</p> <p>(iii) the date halfway through the total period specified by the court in making the order,</p> <p><u>whichever is the later.</u></p> <p>(c) in the case of a person who has been subject to a detention and training order-</p> <p>(i) the date on which he is released from detention under the order;</p> <p>(ii) the date on which he is released from detention ordered under section 104 of the Powers of Criminal Courts (Sentencing) Act 2000; or</p> <p>(iii) the date of the halfway point of the term of the order</p> <p><u>whichever is the later.</u></p> <p>(c) in the case of a person who has been subject to a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates, the date of his final release.</p>	Schedule 10 Paragraph 24 CJ&POAct 1994
(2B)	A person who is serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates shall not during the licence period specified for the purposes of (1)(b)(i) of that section have a firearm or ammunition in his possession.	Section 304 CJ Act 2003
(3)	<p>A person who -</p> <p>(a) is the holder of a licence issued under section 53 of the Children and Young Persons Act 1953 or section 57 of the Children and Young Persons (Scotland) Act 1937 (which sections provide for the detention of children and young persons convicted of serious crime, but enable them to be discharged on licence by the Secretary of State); or</p> <p>(b) is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm, or is subject to a probation order (community order) containing a requirement that he shall not possess, use or carry a firearm; or</p> <p>(c) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm;</p> <p>shall not, at any time during which he holds the licence or is so subject or has been so ordained, have a firearm or ammunition in his possession.</p>	Section 304 CJ Act 2003
(3ZA)	<p>In subsection 3(b) above “community order” means-</p> <p>(i) a community order within the meaning of Part 12 of the</p>	Section 304 CJ Act 2003

		Criminal Justice Act 2003 made in England or Wales; or (ii) a probation order made in Scotland.	
	(3A)	Where by Section 19 of the Firearms Act (Northern Ireland) 1969, or by any other enactment for the time being in force in Northern Ireland and corresponding to this section, a person is prohibited in Northern Ireland from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any time when to have to in his possession in Northern Ireland would be a contravention of the said section 19 or corresponding enactment;	Section 29 and 67(a) CJAct 1972
	(4)	It is an offence for a person to contravene any of the foregoing provisions of this section.	
	(5)	It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this section from having a firearm or ammunition in his possession.	
	(6)	A person prohibited under subsection (1), (2), (2B), (3) or (3A) of this section from having in his possession a firearm or ammunition may apply to the Crown Court or, in Scotland, in accordance with Act of Sederunt to the sheriff for a removal of the prohibition; and if the application is granted that prohibition shall not then apply to him.	Section 304 CJ Act 2003 CJAct 1972 Section 56 C Act 1971
	(7)	Schedule 3 to this Act shall have effect with respect to the courts with jurisdiction to entertain an application under this section and to the procedure appertaining thereto.	
Firing an air weapon beyond premises	21A.- (1)	A person commits an offence if – (a) he has with him an air weapon on any premises; and (b) he uses it for firing a missile beyond those premises.	Section 34(2) VCR Act 2006
	(2)	In proceedings against a person for an offence under this section it shall be a defence to for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of general consent).	
Acquisition and possession of firearms by minors	22. - (1)	<u>It is an offence for a person under the age of seventeen to purchase or hire any firearm or ammunition.</u> <u>It is an offence-</u> (a) <u>for a person under the age of eighteen to purchase or hire an air weapon or ammunition for an air weapon;</u> (b) <u>for a person under the age of seventeen to purchase or hire a firearm or ammunition of any other description.</u>	Section 33, VCR Act 2006
	(1A)	Where a person under the age of eighteen is entitled, as the holder of a certificate under this Act, to have a firearm in his possession, it is an offence for that person to use that firearm for a purpose not authorised by the European weapons directive.	Regulation 4(1) SI 1992/2823
	(2)	It is an offence for a person under the age of fourteen to have in his possession any firearm or ammunition to which section 1 of this Act or section 15 of the Firearms (Amendment) Act 1988 applies, except in circumstances where under section 11(1), (3) or	Section 23(4) F(A)Act 1988

		(4) of this Act he is entitled to have possession of it without holding a firearm certificate.	
	(3)	It is an offence for a person under the age of fifteen to have with him an assembled shot gun except while under the supervision of a person of or over the age of twenty-one, or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.	
	(4)	Subject to section 23 below, it is an offence for a person under the age of fourteen seventeen eighteen to have with him an air weapon or ammunition for an air weapon.	Section 38(2)(a) ASBAct 2003
	(5)	Subject to section 23 below, it is an offence for a person under the age of seventeen to have an air weapon with him in a public place, except an air gun or air rifle which is so covered with a securely fastened gun cover that it cannot be fired.	Section 33, VCR Act 2006
Exceptions from s.22(4) and (5)	23. - (1)	<p>It is not an offence under section 22(4) of this Act for a person to have with him an air gun or ammunition while he is under the supervision of a person of or over the age of twenty-one; but where a person has with him an air weapon on any premises in circumstances where he would be prohibited from having it with him but for this subsection, it is an offence</p> <p>(a) for him to use it for firing any missile beyond those premises; or</p> <p>(d) for the person under whose supervision he is to allow him so to use it</p> <p>for the person under whose supervision he is to allow him to use it for firing any missile beyond those premises.</p>	Section 38(3) ASBAct 2003
	(1A)	In proceedings against a person for an offence under this subsection (1) it shall be a defence to for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of general consent).	Section 34 VCR Act 2006
	(2)	<p>It is not an offence under section 22(4) or (5) of this Act for a person to have with him an air weapon or ammunition at a time when -</p> <p>(a) being a member of a rifle club or miniature rifle club for the time being approved by the Secretary of State for the purposes of this section or section 15 of the Firearms (Amendment) Act 1988, he is engaged as such a member in or in connection with target practice shooting; or</p> <p>(b) he is using the weapon or ammunition at a shooting gallery where the only firearms used are either air weapons or miniature rifles not exceeding .23 inch calibre.</p>	Section 23(4) F(A)Act 1988 Schedule 2 Section 2(3) F(A)Act 1997
	(3)	It is not an offence under section 22(4) of this Act for a person of or over the age of fourteen to have with him an air weapon or ammunition on private premises with the consent of the occupier.	Section 38(3)(b) ASBAct 2003
	(4)	But where a person has with him an air weapon on premises in circumstances where he would be prohibited from having it with him but for subsection (3), it is an offence for him to use it for firing any missile beyond those premises.	Section 34 VCR Act 2006
Supplying firearms to minors	24. - (1)	<p>It is an offence to sell or let on hire any firearm or ammunition to a person under the age of seventeen.</p> <p>It is an offence –</p>	

	<ul style="list-style-type: none"> (a) to sell or let on hire an air weapon or ammunition for an air weapon to a person under the age of eighteen; (b) to sell or let on hire a firearm or ammunition of any other description to a person under the age of seventeen. 	
(2)	<p>It is an offence -</p> <ul style="list-style-type: none"> (a) to make a gift of or lend any firearm or ammunition to which section 1 of this Act applies to a person under the age of fourteen; or (b) to part with the possession of any such firearm or ammunition to a person under that age, except in circumstances where that person is entitled under section 11(1), (3) or (4) of this Act <u>or section 15 of the Firearms (Amendment) Act 1988</u> to have possession thereof without holding a firearms certificate. 	Section 23(4) F(A)Act 1988
(3)	<p>It is an offence to make a gift of a shot gun or ammunition for a shot gun to a person under the age of fifteen.</p>	
(4)	<p>It is an offence -</p> <ul style="list-style-type: none"> (a) to make a gift of an air weapon or ammunition for an air weapon to a person under the age of <u>fourteen</u> <u>seventeen</u> <u>eighteen</u> or (b) to part with the possession of an air weapon or ammunition for an air weapon to a person under <u>that age</u> <u>the age of</u> <u>seventeen</u> <u>eighteen</u> except where by virtue of section 23 of this Act the person is not prohibited from having it with him. 	Section 38(4) (a) ASBAct 2003 Section 33 VCR Act 2006 Section 38(4) (b) ASBAct 2003 Section 33 VCR Act 2006
(5)	<p>In proceedings for an offence under any provision of this section it is a defence to prove that the person charged with the offence believed the other person to be of or over the age mentioned in that provision and had reasonable ground for the belief.</p>	
Supplying imitation firearms to minors	<p>24A.-</p> <ul style="list-style-type: none"> (1) It is an offence for a person under the age of eighteen to purchase an imitation firearm. (2) It is an offence to sell an imitation firearm to a person under the age of eighteen. (3) In proceedings for an offence under subsection (2) it is a defence to show that the person charged with the offence – <ul style="list-style-type: none"> (a) believed the other person to be aged eighteen or over; and (b) had reasonable ground for that belief. (4) For the purposes of this section a person shall be taken to have shown the matters specified in subsection (3) if- <ul style="list-style-type: none"> (a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and (b) the contrary is not proved beyond reasonable doubt. 	Section 40, VCR Act 2006
Supplying firearm to person drunk or insane	<p>25. - It is an offence for a person to sell or transfer any firearm or ammunition to, or to repair, prove or test any firearm or ammunition for, another person who he knows or has reasonable cause for believing to be drunk or of unsound mind.</p>	

Using someone to mind a weapon	28.-	(1) A person is guilty of an offence if –	VCR Act 2006
		(a) he uses another to look after, hide or transport a dangerous weapon for him; and	
		(b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.	
	(2)	For the purposes of this section the cases in which a dangerous weapon is to be regarded as available to a person for an unlawful purpose include any case where –	
		(a) the weapon is available for him to take possession of it at a time and place; and	
		(b) his possession of the weapon at that time and place would constitute, or be likely to involve or lead to, the commission by him of an offence.	
	(3)	In this section “dangerous weapon” means –	
		(a) a firearm other than an air weapon or a component part of, or accessory to, an air weapon; or	
		(b) a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (c.33) applies (specified offensive weapons, knives and bladed weapons).	
	(4)	In its application to Scotland, this section has effect with the omission of subsection (3)(b), and of the word “or” immediately preceding it.	
Penalties etc. for offences under s. 28.	29	(1) This section applies where a person (“the offender”) is guilty of an offence under section 28.	VCR Act 2006
	(2)	Where the dangerous weapon in respect of which the offence was committed is a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (specified offensive weapons, knives and bladed weapons) applies, the offender shall be liable, on conviction on indictment, to imprisonment for a period not exceeding 4 years or to a fine, or to both.	
	(3)	Where –	
		(a) at the time of the offence, the offender was aged 16 or over, and	
		(b) the dangerous weapon in respect of which the offence was committed was a firearm mentioned in section 5(1)(a) to (af) or (c) or section 5(1A)(a) of the Firearms Act 1968 (firearms possession of which attracts a minimum sentence),	
		the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both.	
	(4)	On a conviction in England and Wales, where –	
		(a) subsection (3) applies, and	
		(b) the offender is aged 18 or over at the time of conviction, the court must impose (with or without fine) a term of imprisonment of not less than 5 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.	

(5) In relation to times before the commencement of paragraph 180 of Schedule 7 to the Criminal Justice and Courts Services Act 2000 (c.43), the reference in subsection (4) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention at a young offender institution.

(6) On conviction in England and Wales, where –

- subsection (3) applies, and
- the offender is aged under 18 at the time of conviction, the court must impose (with or without a fine) a term of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(7) On a conviction in Scotland, where –

- subsection (3) applies, and
- the offender is aged 21 or over at the time of conviction, the court must impose (with or without a fine) a sentence of imprisonment of not less than 5 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or the offender which justify its not doing so.

(8) On a conviction in Scotland, where –

- subsection (3) applies, and
- the offender is aged under 21 at the time of conviction and is not a person in whose case subsection (9) applies, the court must impose (with or without a fine) a sentence of detention under section 207 of the Criminal Procedure (Scotland) Act 1995 (c.46) of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(9) On a conviction in Scotland, where-

- subsection (3) applies, and
- the offender is, at the time of the conviction, both aged under 18 and subject to a supervision requirement, the court must impose (with or without a fine) a sentence of detention under section 208 of the Criminal Procedure (Scotland) Act 1995 of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or the offender which justify its not doing so.

(10) In any case not mentioned in subsection (2) or (3), the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or to both.

(11) Where –

- a court is considering for the purpose of sentencing the seriousness of an offence under section 28, and
- at the time of the offence the offender was aged 18 or over and the person used to look after, hide or transport the weapon was not,

the court must treat the fact that that person was under the age of

18 at that time as an aggravating factor (that is to say, a factor increasing the seriousness of the offence).

(12) Where a court treats a person's age as an aggravating factor in accordance with subsection (11), it must state in open court that the offence was aggravated as mentioned in that subsection.

(13) Where-

- (a) an offence under section 28 of using another person for a particular purpose is found to have involved that other person's having possession of a weapon, or being able to make it available, over a period of two or more days, or at some time during a period of two or more days, and
- (b) on any day in that period, an age requirement was satisfied, the question whether subsection (3) applies or (as the case may be) the question whether the offence was aggravated under this section is to be determined as if the offence had been committed on that day.

(14) In subsection (13) the reference to an age requirement is a reference to either of the following-

- (a) the requirement of subsection (3) that the offender was aged 16 or over at the time of the offence;
- (b) the requirement of subsection (11) that the offender was aged 18 or over at that time and that the other person was not.

(15) In its application to Scotland, this section has effect with the omission of subsection (2), and the reference to it in subsection (10).

Part II

FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

Grant, renewal, variation and revocation of firearm and shot gun certificates

Applications for firearm certificates	<p>26A.- (1) An application for the grant of a firearms 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.</p> <p>(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.</p> <p>(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-</p> <ul style="list-style-type: none"> (a) verification in the prescribed manner of- <ul style="list-style-type: none"> (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 	<p>Section 37 F(A)Act 1997 (Replaces s.26)</p>
---------------------------------------	--	--

		(c) such other statements or information in connection with the application or the applicant as may be prescribed.	
Application for shot gun certificates	26B.-	(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.	Section 37 F(A)Act 1997 (Replaces s.26)
Special provisions about firearm certificates	27. -	(1) <u>A firearm certificate shall be granted where the chief officer of police is satisfied-</u> (a) <u>that the applicant is fit to be entrusted with a firearm to which section 1 of this Act applies and is not person prohibited by this Act from possessing such a firearm;</u> (b) <u>that he has 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</u> (c) <u>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.</u> (1A) For the purposes of subsection (1) above a person under the age of eighteen shall be capable of having a good reason for having a firearm or ammunition in his possession, or for purchasing or acquiring it, only if he has no intention of using the firearm or ammunition, at any time before he attains the age of eighteen, for a purpose not authorised by the European weapons directive. (2) A firearm certificate shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates <u>including, if known their identification numbers</u> and, as respects ammunition, the quantities authorised to be purchased <u>or acquired</u> and to be held at any one time thereunder. (3) This section applies to the renewal of a firearm certificate as it applies to a grant.	Section 38 F(A)Act 1997 Regulation 4(2) SI 1992/2823
Grant and renewal of shot gun certificates	28. -	(1) Subject to subsection (1A) below, a shot gun certificate shall be granted or, as the case may be, renewed by the chief officer of police if he is satisfied that the applicant can be permitted to possess a shot gun without danger to the public safety or to the peace. (1A) No such certificate shall be granted or renewed if the chief officer of police - (a) has reason to believe that the applicant is prohibited by this Act from possessing a shot gun; or	Section 3(1) F(A)Act 1988

		(b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one.	
	(1B)	For the purposes of paragraph (b) of subsection (1A) above an applicant shall, in particular, be regarded as having a good reason if the gun is intended to be used for sporting or competition purposes or for shooting vermin: and an application shall not be refused by virtue of that paragraph merely because the applicant intends neither to use the gun himself nor to lend it for anyone else to use.	
	(1C)	A person under the age of eighteen shall be regarded for the purposes of paragraph (b) of subsection (1A) above as not having a good reason for possessing, purchasing or acquiring a shot gun if it is his intention to use the shot gun, at any time before he attains the age of eighteen, for a purpose not authorised by the European weapons directive.	Regulation 4(3) SI 1992/2823
	(2)	A shot gun certificate shall be in the prescribed form and shall -	
	(a)	be granted or renewed subject to any prescribed conditions and no others; and	
	(b)	specify the conditions, if any, subject to which it is granted or renewed.	
	(2A)	A shot gun certificate shall specify the description of the shot guns to which it relates including, if known, the identification numbers of the guns.	Section 3(2) F(A)Act 1988
	(3)	Notwithstanding section 26(3) of this Act, a shot gun certificate issued before the expiration of six months from the date of commencement of this Act shall continue in force for such period from that date or from the date when it is granted, whichever is the later, as may be specified in the certificate by the chief officer of police (being a period of not less than one year but not more than five years).	Repealed by Schedule 3 F(A)Act 1997
Certificates: supplementary	28A.-	<p>(1) A certificate shall, unless previously revoked or cancelled, continue in force for five years from the date when it was granted or last renewed, but shall be renewable for a further period of five years by the chief office of police for the area in which the holder resides.</p> <p>(2) The provisions of this Act apply to the renewal of a certificate as they apply to a grant; but, subject to the power of renewal conferred by this subsection, a certificate granted or last renewed in Northern Ireland shall not continue in force for a period longer than that for which it was granted or last renewed.</p> <p>(3) The Secretary of State may by order amend subsection (1) above so as to substitute for any reference to a period for the time being specified in that subsection a reference to such other period as may be specified in the order.</p> <p>(4) An order made under subsection (3) above shall apply only to certificates granted or renewed after the date on which the order comes into force.</p> <p>(5) The power to make orders under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.</p> <p>(6) A person aggrieved by the refusal of the chief officer of police to grant or to renew a certificate under this Act may in accordance</p>	Schedule 2 Section 2(4) F(A)Act 1997

		with section 44 of this Act appeal against the refusal	
	(7)	It is an offence for a person knowingly or recklessly to make any statement which is false in any material particular for the purpose of procuring (whether for himself or another) the grant or renewal of a certificate under this Act.	
Grant of co-terminous certificates	11. -	<p>(1) Where a person who holds a firearm certificate applies for the grant or renewal of a shot gun certificate that certificate may, if he so requests, be granted or renewed for such period less than that specified in <u>subsection 1, or in an order made under subsection (3), of section 28A or subsection (3), or in an order made under subsection (3A), of section 26</u> of the principal Act as will secure that it ceases to be in force at the same time as the firearm certificate.</p> <p>(2) Where a person who holds a shot gun certificate, or both such a certificate and a firearm certificate, applies for the grant of a firearm certificate, or for the renewal of the firearm certificate held by him, he may, on surrendering his shot gun certificate, apply for a new shot gun certificate to take effect on the same day as that on which the firearm certificate is granted or renewed</p> <p>(3) Where a shot gun certificate is granted to a person or such a certificate held by him is renewed and on the same occasion he is granted a firearm certificate or such a certificate held by him is renewed the fee payable on the grant or renewal of the shot gun certificate shall be £5 £10 instead of that specified in section 32 of the principal Act.</p> <p>(4) Subsection (3) above shall be included in the provisions that may be amended by an order under section 43 of the principal Act.</p>	<p>F(A)Act 1988</p> <p>Schedule 2 Section 17 F(A)Act 1997 Schedule 3 F(A)Act 1997</p> <p>SI 2000/3148</p>
Variation of firearm certificates	29. -	<p>(1) The chief officer of police for the area in which the holder of a firearm certificate resides may at any time by notice in writing vary the conditions subject to which the certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.</p> <p>(2) A firearm certificate may also, on the application of the holder, be varied from time to time by the chief officer of police for the area in which the holder for the time being resides; and a person aggrieved by the refusal of a chief officer of police to vary a firearm certificate may in accordance with section 44 of this Act appeal against the refusal.</p> <p>(3) It is an offence for a person to <u>make any statement which he knows to be false knowingly or recklessly to make a statement false in any material particular</u> for the purpose of procuring, whether for himself or another person, the variation of a firearm certificate.</p>	<p>Schedule 2 Section 2(2) F(A)Act 1997</p>
Revocation of firearm certificates	30A.-	<p>(1) A firearms 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.</p> <p>(2) The certificate may be revoked if the chief officer of police has reason to believe-</p> <ul style="list-style-type: none"> (a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with such a firearm; or (b) that the holder can no longer be permitted to have the firearm 	Section 40 F(A)Act 1997

		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 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 Act may in accordance with section 44 of this Act appeal against the revocation.	
Partial revocation of firearm certificates.	30B.-	(1) The chief officer of police for the area in which the holder of the 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.	Section 40 F(A)Act 1997
	(2)	A firearm certificate may be partially revoked only if the chief officer of police is satisfied that 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.	
Revocation of shot gun certificates.	30C.-	(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.	Section 40 F(A)Act 1997
	(2)	A person aggrieved by the revocation of a shot gun certificate may in accordance with section 44 of the Act appeal against the revocation.	
Revocation of certificates: supplementary.	30D.-	(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.	Section 40 F(A)Act 1997
	(2)	Where the 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 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	

		<p>the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.</p> <p>(5) This section shall not apply in relation to-</p> <p>(a) the revocation of a firearm certificate on any ground mentioned in section 30A(2), (3) or (4) of this Act;</p> <p>(b) the revocation of a shot gun certificate,</p> <p>if the chief officer of police serves a notice on the holder under section 12 of the Firearms (Amendment) Act 1988 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.</p>	
Revocation of certificates	12. -	<p>(1) Where a certificate is revoked by the chief officer of police under <u>section 30A(2), (3) or (4) or 30C</u> of the principal Act he may by notice by writing require the holder of the certificate to surrender forthwith the certificate and any firearms and ammunition which are in the holder's possession by virtue of the certificate.</p> <p>(2) It is an offence to fail to comply with a notice under subsection (1) above; and that offence shall be punishable on summary conviction with imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.</p> <p>(3) Where a firearm or ammunition is surrendered in pursuance of a notice under subsection (1) above, then -</p> <p>(a) if an appeal against the revocation of the certificate succeeds, the firearm or ammunition shall be returned.</p> <p>(b) if such an appeal is dismissed, the court may make such order for the disposal of the firearm or ammunition as it thinks fit.</p> <p>(c) if no such appeal is brought or such an appeal is abandoned, the firearm or ammunition shall be disposed of -</p> <p>(i) in such manner as the chief officer of police and the owner may agree; or</p> <p>(ii) in default of agreement, in such manner as the chief officer may decide;</p> <p>but subject, in a case within sub-paragraph (ii), to the provisions of subsection (4) below.</p> <p>(4) The chief officer of police shall give the owner notice in writing of any decision under subsection (3)(c)(ii) above, the owner may appeal against that decision in accordance with section 44 of the principal Act and on such an appeal the court may either dismiss the appeal or make such order as to the disposal of the firearm or ammunition as it thinks fit.</p> <p>(5) Subsection (4) of section 30 of the principal Act (surrender of revoked certificate within twenty one days with extension in cases of appeal) shall not apply where the revocation is under subsection (1)(a) or (2) of that section and a notice is served under subsection (1) above; and paragraph 1 of Part I and paragraphs 1 to 5 of Part II of Schedule 5 to that Act (appeal jurisdiction and procedure) shall apply to an appeal under subsection (4) above as they apply to an appeal against the revocation of a certificate.</p>	F(A)Act 1988 Schedule 2, Section 18, F(A)Act 1997
Certificate for prohibited weapon.	31. -	<p>(1) A chief officer of police shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant for the</p>	Repealed by Schedule 3 F(A)Act 1997 SI 1968/1200

certificate is for the time being authorised by the Secretary of State under Section 5 of this Act to have possession of that weapon or ammunition.

(2) Where an authority of the Secretary of State under that section to have possession of, or to purchase or acquire, a prohibited weapon or prohibited ammunition is revoked, the firearm certificate relating to that weapon or ammunition shall be revoked or varied accordingly by the chief officer of police by whom it was granted.

SI 1968/1200

Fee for certificate and exemption from paying it in certain cases.

32. -

(1) Subject to this Act, there shall be payable -

(a) on the grant of a firearm certificate a fee of £56 50;

(b) on the renewal of a firearm certificate a fee of £46 40;

(c) on any variation of a firearms certificate (otherwise than where it is renewed at the same time) so as to increase the number of firearms to which the certificate relates, a fee of £26;

(cc) on the replacement of a firearm certificate which has been lost or destroyed a fee of £9;

(d) on the grant of a shot gun certificate a fee of £43 50;

(e) on the renewal of a shot gun certificate a fee of £48 40; and

(f) on the replacement of a shot gun certificate which has been lost or destroyed a fee of £8.

(2) No fee shall be payable on the grant to a responsible officer of a rifle club, miniature rifle club, or muzzle-loading pistol club which is approved under section 15 of the Firearms (Amendment) Act 1988 of a firearm certificate in respect of rifles, miniature rifles or muzzle-loading pistols or ammunition, to be used solely for target shooting by the members of the club, or on the variation or renewal of a certificate so granted.

(2A) Subsection (2) above-

(a) does not apply if the operation of subsection (1) of section 15 of the Firearms (Amendment) Act 1988 is excluded in relation to the club by a limitation of approval; or

(b) if the operation of subsection (1) of that section in relation to the club is limited by the approval to target shooting with specified types of rifles, miniature rifles or muzzle-loading pistols, only applies to a certificate in respect of rifles, miniature rifles or pistols of those types.

(2B) ~~No fee shall be payable on the grant to a person acting in his capacity as the responsible officer of a licensed pistol club of a firearm certificate in respect of small calibre pistols or ammunition to be used solely for target shooting by members of the club, or on the variation or renewal of a certificate so granted.~~

(3) No fee shall be payable on the grant, variation or renewal of a firearm certificate if the chief officer of police is satisfied that the certificate relates solely to and, in the case of a variation, will continue when varied to relate solely to -

(a) a firearm or ammunition which the applicant requires as part of the equipment of a ship; or

(b) a signalling apparatus, or ammunition therefore, which the applicant requires as part of the equipment of an aircraft or aerodrome; or

(c) a slaughtering instrument, or ammunition therefore, which the applicant requires for the purpose of the slaughter

Fees in this section amended by SI 1994/2615 and SI 2000/3148

Schedule 2 Paragraph 2(5) F(A)Act 1997

Schedule 2 Paragraph 2(5) F(A)Act 1997

Repealed - Schedule F(A)No2 Act 1997

of animals.

(3A) No fee shall be payable on the grant, variation or renewal of a firearms certificate which relates solely to and, in the case of a variation, will continue when varied to relate solely to a signalling device which, when assembled and ready to fire, is not more than eight inches long and which is designed to discharge a flare, or to ammunition for such a device.

(4) No fee shall be payable -

- (a) on the grant or renewal of a firearm certificate relating solely to a firearm which is shown to the satisfaction of the chief officer of police to be kept by the applicant as a trophy of war; or
- (b) on any variation of a certificate the sole effect of which is to add such a firearm as aforesaid to the firearms to which the certificate relates,

if the certificate is granted, renewed or varied subject to the condition that the applicant shall not use the firearm.

SI 1994/2615

Documents for European purposes.	<p>32A.-</p> <p>(1) Where a person is granted, or is the holder of, a certificate under this Act, he shall be entitled to be issued by the chief officer of police for the area in which he resides with -</p> <ul style="list-style-type: none">(a) a document ("a European firearms pass") containing the required particulars; and(b) a document stating that, for the purposes of Article 7 of the European weapons directive, the holder of the certificate has the agreement of the United Kingdom authorities, for so long as the certificate remains in force, to any purchase or acquisition by him in another member State of any firearm or ammunition to which the certificate relates; and an application for the issue of a document falling within paragraph (a) or (b) above may be made at the same time as any application for a certificate the grant of which will entitle him to the issue of the document or subsequently while the certificate is in force. <p>(2) Where -</p> <ul style="list-style-type: none">(a) a person who resides in Great Britain is proposing to purchase or acquire any firearm or ammunition in another member State;(b) that person is not for the time being the holder of a certificate under this Act relating to that firearm or ammunition;(c) the firearm falls within category B for the purposes of Annex I to the European weapons directive or the ammunition is capable of being used with such a firearm; and(d) that person satisfies the chief officer of police for the area where he resides that he is not proposing to bring that firearm or ammunition into the United Kingdom, the chief officer of police may, if he thinks fit, issue that person with a document stating that, for the purposes of Article 7 of the European weapons directive, that person has the agreement of the United Kingdom authorities to any purchase or acquisition by him in another member State of that firearm or ammunition. <p>(3) For the purposes of subsection (1) above the required particulars,</p>	Regulation 5(1) SI 1992/2823
----------------------------------	--	---------------------------------

in relation to a person issued with a European firearms pass, are -

- (a) particulars identifying that person;
- (b) particulars identifying every firearm which -
 - (i) that person has applied to have included in a European firearms pass; and
 - (ii) is a firearm in relation to which a certificate granted to that person is for the time being in force;
- (c) a statement in relation to every firearm identified in the pass as to the category into which it falls for the purposes of Annex I to the European weapons directive;
- (d) the date of the issue of the pass and the period from its issue for which the pass is to be valid;
- (e) the statements required by paragraph (f) of Annex II to that directive (statements as to travel in the member States with the firearms identified in the pass).

(4) For the purposes of this section the particulars of the firearms to which a shot gun certificate relates which are to be contained in a European firearms pass by virtue of subsection (3)(b) above are -

- (a) a description of the shot guns to which that certificate relates; and
- (b) any identification numbers specified in or entered on that certificate in pursuance of section 28(2A) of this Act or in consequence of any person's compliance, in accordance with ~~section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns)~~ section 32(2)(b) of the ~~Firearms (Amendment) Act 1997 (requirements relating to transfers of firearms)~~, with any instructions contained in the certificate;

and, accordingly, references in this Act to a firearm identified in such a pass shall include references to any shot gun of a description specified in that pass.

(5) A European firearms pass shall contain space for the making of entries by persons authorised to do so under the law of any member State.

(6) The period specified in the European firearms pass as the period for which it is to be valid shall be whichever is the shorter of the following -

- (a) the period until the earliest time when a certificate relating to a firearm identified in the pass expires; and
- (b) the maximum period for the duration of that pass.

(7) For the purposes of subsection (6) above the maximum period for the duration of a European firearms pass is -

- (a) in the case of a pass identifying only a firearm or firearms stated in the pass to fall within category D for the purposes of Annex I to the European weapons directive, ten years; and
- (b) in any other case, five years.

Schedule 2
Section 6
F(A)Act 1997

Renewal of
European
firearms pass

32B.-

- (1) On an application for the renewal by a chief officer of police of a certificate under this Act relating to a firearm identified in a European firearms pass, the holder of the certificate may apply to the chief officer of police for the renewal of the pass.
- (2) Where -
 - (a) a certificate relating to a firearm identified in a European

Regulation
5(1)
SI 1992/2823

firearms pass is to expire without being renewed; but

(b) a certificate relating to another firearm identified in that pass will continue in force after the other certificate expires.

the holder of the pass may apply to the chief officer of police for the area in which he resides for the renewal of the pass subject to the deletion of the reference to any firearm to which the expiring certificate relates.

(3) Where, on an application to a chief officer of police under subsection (1) or (2) above -

(a) the pass in question is produced to him; and

(b) a certificate relating to a firearm identified in the pass is renewed or will continue in force after the time when the pass would (apart from its renewal) have ceased to be valid,

he shall renew that pass, subject to any appropriate deletion, from that time for whichever is the shorter of the periods specified in section 32A(6)(a) or (b) of this Act.

(4) Where a European firearms pass ceases to be valid without being renewed under this section, the chief officer of police for the area in which the person to whom it was issued resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to surrender the pass to him.

(5) It is an offence for any person to fail to comply with a notice given to him under subsection (4) above.

Variation,
endorsement
etc. of
European
documents

32C.- (1) Where -

(a) a certificate relating to a firearm identified in a European firearms pass or a certificate in respect of which an Article 7 authority has been issued is varied, revoked or cancelled under this Act;

(b) the Secretary of State gives notice that any European firearms pass needs to be modified by the addition or variation of any such statement as is mentioned in section 32A(3)(e) of this Act; or

(c) the holder of a European firearms pass applies to have particulars of another firearm added to the pass,

it shall be the duty of the chief officer of police for the area in which the holder of the pass or authority resides to make such variations of the pass or authority as are appropriate in consequence of the variation, revocation, cancellation, notice or application or, where appropriate, to cancel it.

(2) For the purpose of performing his duty under subsection (1) above the chief officer of police for the area in which any person who is or has been the holder of any certificate resides may, by notice in writing, require that person, within twenty-one days of the date of the notice, to produce or surrender to him any European firearms pass or Article 7 authority issued to that person.

(3) Where a person is for the time being the holder of an Article 7 authority issued under section 32A(2) of this Act by the chief officer of police for any area, the chief officer of police for that area may, if he thinks fit, at any time -

(a) revoke that authority, and

(b) by notice in writing require that person, within twenty-one days of the date of the notice, to surrender that authority to him.

Regulation
5(1)
SI 1992/2823

(4) Where a firearm identified in a European firearms pass which is for the time being valid, is lost or stolen, the holder of the pass shall immediately -

- (a) inform the chief officer of police for the area in which he resides about the loss or theft; and
- (b) produce the pass to that chief officer for him to endorse particulars of that loss or theft on the pass.

(5) Where a firearm to which an endorsement under subsection (4) above relates is returned to the possession of the holder of the pass in question, the chief officer of police for the area in which that person resides may, on production to him of that pass, make such further endorsement on that pass as may be appropriate.

(6) It is an offence for any person to fail to comply with a notice given to him under subsection (2) or (3) above with any obligation imposed on him by virtue of subsection (4)(a) or (b) above.

(7) Any reference in this section to the variation of a certificate includes a reference to the making of any entry on a shot gun certificate in pursuance of the requirement under ~~section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns) section 32(2)(b) of the Firearms (Amendment) Act 1997 (requirements relating to transfers of firearms)~~. to comply with instructions contained in the certificate.

Schedule 2
Section 6
F(A)Act 1997

Transfers and other events relating to firearms and ammunition

Transfers of firearms etc. to be in person

32. -

(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 and 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) shall be an offence.

Notification of Transfers involving firearms

33. -

(1) This section applies where in Great Britain-

- (a) any firearm to which section 1 of the 1968 Act applies is sold, let on hire, lent or given;
- (b) a 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-

- contain a description of the firearm in question (giving its identification number if any); and
- 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.

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

34. - (1) Where, in Great Britain- F(A)Act 1997

- a firearm to which a firearm or shot gun certificate relates; or
- a firearm to which a visitor's firearm or shot gun permit relates; or

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 his 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 that event give notice of it to the chief officer of police who granted his certificate or permit.

(3) A notice in this section shall-

- describe the firearm or ammunition in question (giving the identification number of the firearm if any);
- 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.

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

35. - (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 in question was authorised by a firearm certificate or shot gun certificate, the transferor shall within 4 days of the disposal give notice of it to the chief officer of police who granted his certificate F(A)Act 1997

(2) A failure to give 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 (giving 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 within the United Kingdom, by registered post or by the recorded delivery service; and
- (b) in any other case, in such a manner as most closely corresponds to the use of registered post or the recorded delivery service.

Penalty for
offences under
ss. 32 to 35.

36.- A offence under section 32, 33, 34 or 35 above shall-

F(A)Act 1997

- (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

Registration of firearms dealers

Police Register

33.- (1) For the purposes of this Act, the chief officer of police for every area shall keep in the prescribed form a register of firearms dealers.

(2) Except as provided by section 34 of this Act, the chief officer of police shall enter in the register the name of any person who, having or proposing to have a place of business in the area, applies to be registered as a firearms dealer.

(3) In order to be registered, the applicant An applicant for registration as a firearms dealer must furnish the chief officer of police with the prescribed particulars, which shall include particulars of every place of business at which he proposes to carry on business in the

Section
42(2)(a)
F(A)Act 1997

	area as a firearms dealer and, except as provided by this Act, the chief officer of police shall <u>(if he registers the applicant as a firearms dealer)</u> enter every such place of business in the register.	Section 42(2)(b) F(A)Act 1997
(4)	When a person is registered, the chief officer of police shall grant or cause to be granted to him a certificate of registration.	
(5)	A person for the time being registered shall, <u>on or before the expiration of the period of three years from the grant of the certificate of registration for the time being held by him,</u>	Section 13(1) F(A)Act 1988
	(a) surrender his certificate to the chief officer of police and (b) apply in the prescribed form for a new certificate: and thereupon the chief officer of police shall, subject to subsections 35(3) and 38(1) below, grant him a new certificate of registration.	
Grounds for the refusal of registration	34.- (1) The chief officer of police shall not register an applicant as a firearms dealer if he is prohibited to be so registered by order of a court in Great Britain made under section 45 of this Act, or by order of a court in Northern Ireland under section 8(5) of the Firearms Act 1920 or any enactment of the Parliament of Northern Ireland amending or substituted for that section. (1A) The chief officer of police may refuse to register an applicant unless he is satisfied that the applicant will engage in business as a firearms dealer to a substantial extent or as an essential part of another trade, business or profession. (2) Subject to subsection (3) below, the chief officer of police may refuse to register an applicant, if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace. (3) In the case of a person for the time being authorised by the <u>Secretary of State</u> under section 5 of this Act to manufacture, sell or transfer prohibited weapons or ammunition, the chief officer of police shall not refuse to enter his name in the register on the ground that he cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace. (4) The chief officer of police, if he is satisfied that a place of business notified to him under section 33(3) of this Act by an applicant for registration is a place at which the person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register. (5) A person aggrieved by the refusal of the chief officer of police to register him as a firearms dealer, or to enter in the register a place of business of his, may in accordance with section 44 of this Act appeal against the refusal	Section 13(2) F(A)Act 1988. SI 1968/1200
Fee for registration and renewal thereof	35.- (1) Subject to the Act, on the registration of a person as a firearms dealer there shall be payable by him a fee of £118 150 (1A) If the chief officer of police for the area in which the applicant has applied to be registered is satisfied - (a) that the only place of business in respect of which the application is made is at a game fair, trade fair or exhibition, agricultural show or an event of a similar character, and	SI 2000/3148 SI 1994/2615

(b) that the applicant's principal place of business is entered in the register for another area the fee payable shall be £12.

(2) No fee shall be payable if the chief officer of police for the area in which the applicant has applied to be registered is satisfied that the only place of business in respect of which the application is made -

- (a) has become situated in that area because of an alteration in the boundary of the area and was previously entered in the register for another area; or
- (b) is one to which the applicant proposes to transfer the business previously carried on by him at a place entered in the register for another area.

(3) Before a person for the time being registered as a firearms dealer can be granted a new certificate of registration under section 33(5) of this Act, he shall pay a fee of £50 150.

SI 2000/3148

Conditions of registration

36.- (1) The chief officer of police may at any time impose conditions subject to which the registration of a person as a firearms dealer is to have effect and may at any time, of his own motion or on the application of the dealer, vary or revoke any such condition.

(2) The chief officer of police shall specify the conditions for the time being in force under this section in the certificate of registration granted to the firearms dealer and, where any such condition is imposed, varied or revoked during the currency of the certificate of registration, the chief officer of police -

- (a) shall give to the dealer notice in writing of the condition or variation (giving particulars) or of the revocation, as the case may be; and
- (b) may by that notice require the dealer to deliver up to him his certificate of registration within twenty-one days from the date of the notice, for the purpose of amending the certificate.

(3) A person aggrieved by the imposition or variation of, or refusal to vary or revoke, any condition of a firearms dealer's registration may in accordance with section 44 of this Act appeal against the imposition, variation or refusal.

Registration of a new place of business

37.- (1) A person registered in any area as a firearms dealer and proposing to carry on business as such at a place of business in that area which is not entered in the register, shall notify the chief officer of police for that area and furnish him with such particulars as may be prescribed; and the officer shall, subject to the provisions of this section, enter that place of business in the register.

(2) The chief officer of police, if he is satisfied that a place of business notified to him by a person under subsection (1) of this section is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter it in the register.

(3) A person aggrieved by the refusal by a chief officer of police to enter in the register a place of business of his may in accordance with section 44 of this Act appeal against the refusal.

Removal from register of dealer's name or place of

38.- (1) If the chief officer of police, after giving reasonable notice to a person whose name is on the register, is satisfied that the person-

business	<p>(a) is no longer carrying on business as a firearms dealer; or</p> <p>(b) has ceased to have a place of business in the area; or</p> <p>(c) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace.</p> <p>he shall (subject to this section) cause the name of that person to be removed from the register.</p> <p>(2) In the case of a person for the time being authorised by the <u>Secretary of State</u> under section 5 of this Act to manufacture, sell or transfer prohibited weapons or ammunition, the chief officer of police shall not remove his name from the register on the ground that he cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace.</p> <p>(3) If the chief officer of police is satisfied that a person registered as a firearms dealer has failed to comply with any of the conditions of registration in force under section 36 of this Act, he may remove from the register either that person's name or any place of business of his to which the condition relates.</p> <p>(4) If the chief officer of police is satisfied that a place entered in the register as a person's place of business is one at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, he may remove that place from the register.</p> <p>(5) The chief officer of police shall cause the name of a person to be removed from the register if the person so desires</p> <p>(6) If a person for the time being registered fails to comply with any requirement of section 33(5) of this Act, the chief officer of police shall by notice in writing require him to comply with that requirement and, if the person fails to do so within twenty-one days from the date of the notice or within such further time as the chief officer of police may in special circumstances allow, shall cause his name to be removed from the register.</p> <p>(7) A person aggrieved by the removal of his name from the register, or by the removal from the register of a place of business of his, may in accordance with section 44 of this Act appeal against the removal.</p> <p>(8) Where the chief officer of police causes the name of a firearms dealer to be removed from the register he shall by notice in writing require the dealer to surrender his certificate of registration <u>and the register of transactions kept by him under section 40 of this Act, (or if the register is kept by means of a computer, a copy of that information comprised in that register in a visible and legible form)</u> and it is an offence for the dealer to fail to do so within twenty-one days from the date of the notice.</p> <p>Provided that, if an appeal is brought against the removal, this subsection shall not apply to that removal unless the appeal is abandoned or dismissed and 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.</p>	SI 1968/1200
Offences in connection with registration	<p>39.- (1) A person commits an offence if, for the purpose -</p> <p>(a) of procuring the registration of himself or another person as a firearms dealer; or</p> <p>(b) of procuring, whether for himself or another person, the entry</p>	Section 13(3) (A)Act 1988 Schedule 2, Section 7 F(A)Act 1997

of any place of business in a register of firearms dealers

~~he makes any statement which he knows to be false knowingly or recklessly makes a statement false in any material particular.~~

(2) A person commits an offence if, being a registered firearms dealer, he has a place of business which is not entered in the register for the area in which the place of business is situated and carries on business as a firearms dealer at that place.

(3) Without prejudice to section 38(3) above, a person commits an offence if he fails to comply with any of the conditions of registration imposed on him by the chief officer of police under section 36 of this Act.

Schedule 2,
Section 2(3)
F(A)Act 1997

Supplementary

Compulsory register of transactions in firearms

40. -

(1) Subject to section 41 of this Act, every person who by way of trade or business manufactures, sells or transfers firearms or ammunition shall provide and keep a register of transactions and shall enter or cause to be entered therein the particulars specified in Schedule 4 to this Act.

(2) In subsection (1) above and in the said Schedule 4, any reference to firearms is to be construed as not including a reference to air weapons or component parts of, or accessories to, air weapons; and any reference therein to ammunition is to be construed as not including -

(a) cartridges containing five or more shot, none of which exceeds .36 in diameter;

(b) ammunition for an air gun, air rifle or air pistol; or

(c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannelure of the base of the cartridge.

(3) Every entry required by subsection (1) of this section to be made in the register shall be made within twenty-four hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom that subsection applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.

(3A) Every person keeping a register in accordance with this section shall (unless required to surrender the register under section 38(8) of this Act) keep it for such a period that each entry made after the coming into force of this subsection will be available for inspection for at five years from the date on which it was made.

(4) Every person keeping a register (or if the register is kept by means of a computer, a copy of the information comprised in that register in a visible and legible form) in accordance with this section shall on demand allow a constable or civilian officer, duly authorised in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand and shall on request by an officer of police so authorised or by an officer of customs and excise produce the register or if the register is kept by means of a computer a copy of the information comprised in the register in a visible and legible form, for inspection.

(4A) Every person keeping a register in accordance with this section by means of a computer shall secure that the information comprised in

Sched.5 VCR
Act 2006

Section 13(4)
F(A)Act 1988

Section 23(3)
F(A)Act 1988
Schedule 2,
Section 8
F(A)Act 1997

Section 23(3)
F(A)Act 1988

Schedule 2,
Section 8(b)

		the register can readily be produced in a form in which it is visible and legible and can be taken away.	F(A)Act 1997
	(5)	It is an offence for a person to fail to comply with any provision of this section or knowingly to make any false entry in the register required to be kept there under.	
	(6)	Nothing in this section applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under section 9(2) of this Act.	
	(7)	Rules made by the Secretary of State under section 53 of this Act may vary or add to Schedule 4 to this Act, and references in this section to that Schedule shall be construed as references to the Schedule as for the time being so varied or added to.	
Exemption from s.40 in case of trade in shot gun components	41. -	If it appears to the chief officer of police that - <ul style="list-style-type: none"> (a) a person required to be registered as a firearms dealer carries on a trade or business in the course of which he manufactures, tests or repairs component parts or accessories for shot guns, but does not manufacture, test or repair complete shot guns; and (b) it is impossible to assemble a shot gun from the parts likely to come into that person's possession in the course of trade or business, <p>the chief officer of police may, if he thinks fit, by notice in writing given to that person exempt his transactions in those parts and accessories, so long as the notice is in force, from all or any of the requirements of section 40 of this Act and Schedule 4 thereto.</p>	
Information as to transactions under visitors' permits	42. -	Repealed	Schedule 3 F(A)Act 1997
	42A.-	<p>(1) A person who sells, lets on hire, gives or lends a shot gun with a magazine to another person who -</p> <ul style="list-style-type: none"> (a) shows that he is entitled to purchase or acquire the weapon as the holder of a visitors' shot gun permit under section 17 of the Firearms (Amendment) Act 1988; but (b) fails to show that the purchase or acquisition falls within subsection (1A)(c) or (d) or that section (temporary acquisitions or purchases or acquisitions by collectors etc.) or that he resides outside the member States. <p>shall, within forty-eight hours of the transaction, send by registered post or the recorded delivery service notice of the transaction to the chief officer of police who granted that permit.</p> <p>(2) A notice under subsection (1) above shall -</p> <ul style="list-style-type: none"> (a) contain a description of the shot gun (giving the identification number if any); (b) state the nature of the transaction (giving the name of the person to whom the gun has been sold, let of hire, given or lent, his address in the member State where he resides and the number and place of issue of his passport, if any); and (c) set out the particulars of any licence granted for the purposes of an order made under section 1 of the Import, Export and Customs Powers (Defence) Act 1939 by virtue of which the transaction is authorised under section 17 of that Act of 1988. <p>(3) It is an offence for a person to fail to comply with this section.</p>	Regulation 6(2) SI 1992/2823

Power of the Secretary of State to alter fees	43. -	(1) Sections 32 and 35 of this Act may be amended by an order made by the Secretary of State so as to vary any sum specified thereby, or so as to provide that any sum payable there under shall cease to be so payable.	
		(2) An order made under this section may -	
		(a) be limited to such cases as may be specified by the order and may make different provision for different cases so specified; and	
		(b) be revoked or varied by a subsequent order so made.	
		(3) The power to make orders under this sections shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.	
Appeals against police decisions	44. -	(1) <u>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-</u>	Section 41 F(A)Act 1997
		(a) <u>in England and Wales, to the Crown Court; and</u>	
		(b) <u>in Scotland, to the sheriff.</u>	
		(2) <u>An appeal shall be determined on the merits (and not by way of review).</u>	
		(3) <u>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.</u>	
		(4) <u>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.</u>	
		(5) <u>In Schedule 5 to this Act-</u>	
		(a) <u>Part II shall have effect in relation to appeals to the Crown Court; and</u>	
		(b) <u>Part III shall have effect in relation to appeals to the sheriff.</u>	
Consequences where registered dealer convicted of offence	45. -	(1) Where a registered firearms dealer is convicted of an offence relevant for the purposes of this section the court may order -	
		(a) that the name of the dealer be removed from the register; and	
		(b) that neither the dealer nor any person who acquires his business, nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer; and	
		(c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence or any person who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and	
		(d) that any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.	
		(2) The offences relevant for the purposes of this section are:-	
		(a) All offences under this Act, except an offence under section 2, 22(3) or 24(3) or an offence relating specifically to air weapons; and	
		(b) offences against the <u>enactments for the time being in force</u>	Section 177, C and EM Act

relating to customs or excise in respect of the import or export of firearms or ammunition to which section 1 of this Act applies, or of shot guns.

1979

(3) A person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

Restriction on
sale of
ammunition for
smooth-bore
guns

5. - **5. -** **(1)** This section applies to ammunition to which section 1 of the principal Act does not apply and which is capable of being used in a shot gun or in a smooth-bore gun to which that section applies. **F(A)Act 1988**

(2) It is an offence for a person to sell any such ammunition to another person in the United Kingdom who is neither a registered firearms dealer nor a person who sells such ammunition by way of trade or business unless that other person-

- (a) produces a certificate authorising him to possess a gun of a kind mentioned in subsection (1) above; or
- (b) shows that he is by virtue of that Act or this Act entitled to have possession of such a gun without holding a certificate; or
- (c) produces a certificate authorising another person to possess such a gun, together with that person's written authority to purchase the ammunition on his behalf.

(3) An offence under this section 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

Sales of air
weapons by
way of trade or
business to be
face to face

32. **(1)** This section applies where a person sells an air weapon by way of trade or business to an individual in Great Britain who is not registered as a firearms dealer. **VCR Act 2006**

(2) A person is guilty of an offence if, for the purposes of the sale, he transfers possession of the air weapon to the buyer to the buyer otherwise than at a time when both –

- (a) the buyer, and
- (b) either the seller or a representative of his, are present in person.

(3) The reference is subsection (2) to a representative of the seller is a reference to –

- (a) a person who is employed by the seller in his business as a registered firearms dealer;
- (b) a registered firearms dealer who has been authorised by the seller to act on his behalf in relation to the sale; or
- (c) a person who is employed by a person falling within paragraph (b) in his business as a registered firearms dealer.

(4) A person guilty of an offence under this section shall be liable –

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale, or to both; and
- (b) on summary conviction in Scotland, to imprisonment for a

Restriction on the sale and purchase of primers	35.-	<p style="text-align: center;">term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both.</p> <p>(5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c.44), the reference in subsection (4)(a) of this section to 51 weeks is to be read as a reference to 6 months.</p> <p>(1) This section applies to a cap-type primer designed for use in metallic ammunition for a firearm.</p> <p>(2) It is an offence to sell to another either –</p> <ul style="list-style-type: none"> (a) a primer to which this section applies, (b) an empty cartridge case incorporating such a primer, unless that person falls within subsection (3). <p>(3) A person falls within this subsection if –</p> <ul style="list-style-type: none"> (a) he is a registered firearms dealer; (b) he sells by way of any trade or business either primers or empty cartridge cases incorporating primers, or both; (c) he produces a certificate authorising him to possess a firearm of a relevant kind; (d) he produces a certificate authorising him to possess ammunition of a relevant kind; (e) he shows that he is a person in the service of Her Majesty who is entitled under subsection (6) to acquire a primer to which this section applies; (f) he shows that he is entitled, by virtue of the 1968 Act, the Firearms (Amendment) Act 1988 (c.45) or any other enactment and otherwise than by virtue of being a person in the service of Her Majesty, to have possession, without a certificate, of a firearm of a relevant kind or of ammunition of a relevant kind; (g) he produces a certificate authorising another person to have possession of such a firearm, or of such ammunition, together with that other person's authority to purchase the primer or empty cartridge case on his behalf; or (h) he shows that he is authorised by regulations made by the Secretary of State to purchase primers or cartridge cases of the type in question. <p>(4) It is an offence for a person to buy or to attempt to buy –</p> <ul style="list-style-type: none"> (a) a primer to which this section applies, or (b) an empty cartridge case incorporating such a primer, unless he falls within subsection (5) <p>(5) A person falls within this subsection if –</p> <ul style="list-style-type: none"> (a) he is a registered firearms dealer; (b) he sells by way of trade or business either primers or empty cartridge cases incorporating primers, or both; (c) he holds a certificate authorising him to possess a firearm of 	VCR Act 2006
---	-------------	---	--------------

the relevant kind;

- (d) he holds a certificate authorising him to possess ammunition of a relevant kind;
- (e) he is a person in the service of Her Majesty who is entitled under subsection (6) to acquire a primer to which this section applies;
- (f) he is entitled, by virtue of the 1968 Act, the Firearms(Amendment) Act 1988 or any other enactment and otherwise that by virtue of being a person in the service of Her Majesty, to have possession, without a certificate, of a firearm of a relevant kind or of ammunition of a relevant kind;
- (g) he is in possession of a certificate authorising another person to have possession of such a firearm, or of such ammunition, and has that other person's authority to purchase the primer or empty case cartridge case on his behalf; or
- (h) he is authorised by regulations made by the Secretary of State to purchase primers or cartridge cases of the type in question.

(6) A person who is in the service of Her Majesty is entitled to acquire a primer to which this section applies if-

- (a) he is duly authorised in writing to acquire firearms and ammunition for the public service; or
- (b) he is a person who is authorised to purchase a firearm or ammunition by virtue of a certificate issued in accordance with section 54(2)(b) of the 1968 Act (certificates for persons in naval, military or air service of Her Majesty).

(7) An offence under this section shall be punishable, on summary conviction –

- (a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and
- (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

(8) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c.44), the reference in subsection (7)(a) of this section to 51 weeks is to be read as a reference to 6 months.

(9) The power of the Secretary of State to make regulations for the purpose of subsection(3)(h) or (5)(h) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(10) That power includes power –

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(11) In this section –

“ammunition of a relevant kind” means ammunition for a firearm of a relevant kind;

“enactment” includes an enactment passed after the passing of this Act;

“firearm of a relevant kind” means a firearm other than a shotgun, an air weapon or a firearm chambered for rim-fire ammunition.

Part III

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

Power of search with warrant

46. - (1) If a justice of the peace or, in Scotland, the sheriff, is satisfied by information sworn on oath that there is reasonable grounds 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

(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 the premises or place shall include power to require any information which is kept by means of a computer stored in any electronic form and is accessible from the premises or place to be produced in a form which is visible and legible or from which it can be readily produced in a visible and legible form, 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 23(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.

47. - (1) A constable may require any person whom he has reasonable cause to suspect -

(a) of having a firearm, with or without ammunition, with him

Section 43(1)
F(A)Act 1997

Schedule 2(2)
Criminal
Justice and
Police Act
2001

Powers of constables to stop and search.

in a public place; or

(b) to be committing, or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section,

to hand over the firearm or any ammunition for examination by the constable.

(2) It is an offence for a person having a firearm or ammunition with him to fail to hand it over when required to do so by a constable under subsection (1) of this section.

(3) If a constable has reasonable cause to suspect a person of having a firearm with him in a public place, or to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section, the constable may search that person and may detain him for the purpose of doing so.

(4) If a constable has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence relevant for the purposes of this section elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.

(5) For the purpose of exercising the powers conferred by this section a constable may enter any place.

(6) The offences relevant for the purpose of this section are those under sections 18(1) and (2) and 20 of this Act.

Production of certificates	48. - (1) A constable may demand, from any person whom he believes to be in possession of a firearm or ammunition to which section 1 of this Act applies, or of a shot gun, the production of his firearm certificate or, as the case may be, his shot gun certificate.	Regulation 7(2) SI 1992/2823
	(1A) Where a person upon whom a demand has been made by a constable under subsection (1) above and whom the constable believes to be in possession of a firearm fails - <ul style="list-style-type: none"> (a) to produce a firearm certificate or, as the case may be, a shot gun certificate; (b) to show that he is a person who by reason of his place of residence or any other circumstances, is not entitled to be issued with a document identifying that firearm under any of the provisions which in the other member States correspond to the provisions of this Act for the issue of European firearms passes; or (c) to show that he is in possession of the firearm exclusively in connection with the carrying on of activities in respect of which, he or the person on whose behalf he has possession of the firearm, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons, <p style="margin-top: 10px;">the constable may demand from that person the production of a document which has been issued to that person in another member State under any such corresponding provisions, identifies that firearm as a firearm to which it relates and is for the time being valid.</p> 	Regulation 7(3) SI 1992/2823
	(2) If a person upon whom a demand is made under this section fails to produce the certificate <u>or document</u> or to permit the constable to read it, or to show that he is entitled by virtue of this Act to have	

		the firearm, ammunition or shotgun in his possession without holding a certificate, the constable may seize and detain the firearm, ammunition or shot gun and may require the person to declare to him immediately his name and address.	
	(3)	Under this section a person is required to declare to a constable his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.	
	(4)	It is an offence for a person who is in possession of a firearm to fail to comply with a demand under subsection (1A) above.	Regulation 7(4) SI 1992/2823
Police powers in relation to arms traffic	49. -	(1) <u>A constable may search for and seize any firearms or ammunition which he has reason to believe are being removed, or to have been removed, in contravention of an order made under section 6 of this Act or of a corresponding Northern Irish order within the meaning of subsection (3)(c) of that section.</u>	Section 23(3) F(A)Act 1988
	(2)	A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a constable, allow him all reasonable facilities for the examination and inspection thereof and shall produce any documents in his possession relating thereto.	
	(3)	It is an offence for a person to fail to comply with subsection (2) of this section.	
Special powers of arrest	50. -	(1) <u>A constable making a search of premises under the authority of a warrant under section 46 of this Act may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence relevant for the purposes of that section.</u>	Repealed by Schedule 7, Part I, PACE Act 1984
	(2)	<u>A constable may arrest without warrant any person whom he has reasonable cause to suspect to be committing an offence under section 4, 5, 18, 19, 19A, 20, 21 or 47(2) of this Act and, for the purpose of exercising the power conferred by this subsection, may enter any place.</u>	Repealed by Schedule 7, Part I, PACE Act 1984
		<u>In Scotland, this subsection shall have effect with the inclusion of a reference to an offence under section 4, 5 or 18 of this Act.</u>	
	(3)	<u>A constable may arrest without warrant a person who refuses to declare his name and address when required to do so under section 48(2) of this Act, or whom he in such a case suspects of giving a false name and address or of intending to abscond.</u>	Repealed by Schedule 7, Part I, PACE Act 1984
Prosecution and punishment of offences	51. -	(1) Part I of Schedule 6 to this Act shall have effect with respect to the way in which offences under this Act are punishable on conviction.	
	(2)	In relation to an offence under a provision of this Act specified in the first column of the Schedule (the general nature of the offence being described in the second column), -	
	(a)	the third column shows whether the offence is punishable on summary conviction or on indictment or either in one way or the other; and	
	(b)	the fourth column shows the maximum punishment by way of fine or imprisonment under this Act which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), any reference in the fourth column to a period of years or months being construed	

as a reference to a term of imprisonment of that duration.

(3) The provisions contained in Part II of Schedule 6 to this Act (being provisions as to the inclusion in an indictment in Scotland of certain summary offences, the punishments which may be imposed when a person is convicted of more than one offence arising out of the same set of circumstances, alternative verdicts and the orders which, in certain cases, a court may make when a person is convicted by or before it) shall have effect in relation to such of the offences specified in Part I of that Schedule as are indicated by entries against those offences in the fifth column of that Part.

(4) Notwithstanding section 127(1) of the Magistrates' Courts Act 1952 1980 or section 331 of the Criminal Procedure (Scotland) Act 1975 (limitation of time for taking proceedings) summary proceedings for an offence under this Act, other than an offence under section 22(3) or an offence relating specifically to air weapons, may be instituted at any time within four years after the commission of the offence:

Section 154
and Schedule
7, MCA 1980
C P (Scotland)
Act 1975

Provided that no such proceedings shall be instituted in England after the expiration of six months after the commission of the offence unless they are instituted by, or by the direction of, the Director of Public Prosecutions.

Minimum sentence for certain offences under s.5	<p>51A.- (1) This section applies where –</p> <p>(a) an individual is convicted of –</p> <ul style="list-style-type: none"> (i) an offence under section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of this Act, or (ii) an offence under section 5(1A)(a) of this Act, and or (iii) <u>an offence under any of the provisions of this Act listed in subsection (1A) in respect of a firearm or ammunition in section 5(1)(a), (ab), (aba), (ac), (ad), (af) or (c) or section 5(1A)(a) of this Act, and</u> <p>(b) the offence was committed after the commencement of this section and at a time when he was sixteen or over.</p> <p>(1A) The provisions are –</p> <ul style="list-style-type: none"> (a) section 16 (possession of firearm with intent to injure); (b) section 16A (possession of firearm with intent to cause fear of violence); (c) section 17 (use of firearm to resist arrest); (d) section 18 (carrying a firearm with criminal intent); (e) section 19 (carrying a firearm in a public place); (f) section 20(1) (trespassing in a building with a firearm). <p>(2) The court shall impose an appropriate custodial sentence (or order for detention) for a term or at least the required minimum term (with or without a fine) unless the court is of the opinion that there were exceptional circumstances relating to the offence or to the offender which justify its not doing so.</p> <p>(3) Where an offence is found to have been committed over a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.</p> <p>(4) In this section “appropriate custodial sentence (or order for detention) means -</p> <ul style="list-style-type: none"> (a) in relation to England and Wales - (i) in the case of an offender who is aged 18 21 or over when convicted a sentence of imprisonment, and (ia) in the case of an offender who is aged at least 18 but 	<p>Section 287 CJA 2003</p> <p>Schedule 5 VCR Act 2006</p> <p>Section 30 VCR Act 2006</p> <p>Section 30 VCR Act 2006</p> <p>Section 30 VCR Act 2006</p> <p>S.I.2007:1324</p>
---	---	--

under 21 at that time, a sentence of detention under section 96 of the Powers of Criminal Courts (Sentencing) Act 2000; and

- (ii) in the case of an offender who is aged under 18 or over at that time, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;

(b) In relation to Scotland –

- (i) in the case of an offender who is aged 21 or over when convicted, a sentence of imprisonment,
- (ii) in the case of an offender who is aged under 21 at that time (not being an offender mentioned in sub-paragraph (iii)), a sentence of detention under section 207 of the Criminal Procedure (Scotland) Act 1995, and
- (iii) in the case of an offender who is aged under 18 at that time and is not subject to a supervision requirement, an order for detention under section 44, or sentence of detention under section 208, of that Act.

(5) In this section “the required minimum term” means -

(a) in relation to England and Wales -

- (i) In the case of an offender who was aged 18 or over when he committed the offence, five years, and
- (ii) In the case of an offender who was under 18 at that time, three years, and

(b) in relation to Scotland -

- (i) in the case of an offender who was aged 21 or over when he committed the offence, five years, and
- (ii) in the case of an offender who was aged under 21 at that time, three years.

Forfeiture and disposal of firearms; cancellation of certificate by convicting court

52.- (1) Where a person -

(a) is convicted of an offence under this Act (other than an offence under section 22(3) or an offence relating specifically to air weapons) or is convicted of a crime for which he is sentenced to imprisonment, or detention in a detention centre or young offenders' institution in Scotland or is subject to a secure training order detention and training order; or

(b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or

(c) is subject to a probation order (community order) containing a requirement that he shall not possess, use or carry a firearm; or

(d) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm,

the court by or before which he is convicted, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate or shot gun certificate held by him.

(1A) In subsection (1)(c) “community order” means –

(a) a community order within the meaning of the Criminal Justice Act 2003 made in England and Wales; or

Section 123(6)
CJA 1988

Schedule 10
Criminal
Justice &
Public Order
Act 1994

Section 119
Crime &
Disorder Act
1998

Sections 304,
336(3)
Criminal
Justice Act
2003

Section 304,
Schedule 32,
Part I
Criminal
Justice Act

<p>(b) a probation order made in Scotland.</p> <p>(2) Where the court cancels a certificate under this section -</p> <p>(a) the court shall cause notice to be sent to the chief officer of police by whom the certificate was granted; and</p> <p>(b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it; and</p> <p>(c) it is an offence for the holder to fail to surrender the certificate within twenty-one days from the date of the notice given him by the chief officer of police.</p> <p>(3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this section.</p> <p>(4) A court of summary jurisdiction or, in Scotland, the sheriff may, on the application of the chief officer of police, order any firearm or ammunition seized and detained by a constable under this Act to be destroyed or otherwise disposed of.</p>	2003
---	------

<p>Increase of maximum sentence for possessing an imitation firearm</p>	<p>41.- (2) An offence in England and Wales under section 19 of the 1968 Act in respect of an imitation firearm which is triable either way by virtue of this section is to be treated-</p> <p>(a) as an offence to which section 282(3) of the Criminal Justice Act 2003 (c.44) (increase of maximum sentence on conviction of an either way offence) applies; and</p> <p>(b) as not being an offence to which section 281(5) of that Act (increase of maximum sentence on conviction of a summary only offence) applies.</p> <p>(3) This section-</p> <p>(a) applies only to offences committed after the commencement of this section; and</p> <p>(b) so far as it relates to subsection (3) of section 282 of the Criminal Justice Act 2003 or subsection (5) of section 281 of that Act, does not have effect in relation to offences committed before the commencement of that subsection.</p>	VCR Act 2006
---	---	-----------------

Part IV

MISCELLANEOUS AND GENERAL

<p>Rules for implementing this Act.</p>	<p>53.- The secretary of State may by statutory instrument make rules –</p> <p>(a) prescribing the form of certificates under this Act, and the register required to be kept under section 40 of this Act and other documents;</p> <p>(b) prescribing any other thing which under this Act is to be prescribed; and</p> <p>(c) generally for carrying this Act into effect;</p> <p>and rules made under this section may make different provision for different cases.</p>	
<p>Application of Parts I and II to Crown servants</p>	<p>54.- (1) Sections 1, 2, 7 to 13 and <u>26A to 32</u> of this Act apply, subject to the modifications specified in subsection (2) of this section, to persons in the service of Her Majesty in their capacity as such so</p>	Schedule 2, Paragraph 10 F(A)Act 1997 Section 54

	far as those provisions relate to the purchase and acquisition, but not so far as they relate to the possession, of firearms.	extended with modification by AEA (Special Constables) Act 1976
(2)	The modifications referred to above are the following: -	
	(a) a person in the service of Her Majesty duly authorised in writing in that behalf may purchase or acquire firearms and ammunition for the public service without holding a certificate under this Act;	
	(b) a person in the naval, military or air service of her Majesty shall, if he satisfies the chief officer of police on an application under <u>section 26A</u> of this act that he is required to purchase a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorising the purchase or acquisition or, as the case may be, to the grant of a shot gun certificate.	Schedule 2 Paragraph 11 F(A)Act 1997
(3)	<u>For the purposes of this section and of any rule of law whereby any provision of this Act does not bind the Crown, a person shall be deemed to be in the service of her Majesty if he is -</u>	
	(a) <u>a member of a police force</u>	Section 37 P and MC Act 1994
	(b) <u>a person employed by a police authority who is under the direction and control of a chief officer of police; or</u>	Section 59 SOC&P Act 2005
	(c) <u>a member of the staff of the serious Organised Crime Agency</u>	
(3AA)	For the purpose of this section and any rule of law whereby any provision of this Act does not bind the Crown –	Section 69(1) E Act 2004
	(a) a member of the Civil Nuclear Constabulary shall be deemed to be a person in the service of Her Majesty; and	
	(b) references to the public service shall be deemed to include references for use by a person in the exercise and performance of his powers and duties as a member of the Civil Nuclear Constabulary.	
(3A)	An appropriately authorised person who is either a member of the British Transport Police Force or an associated civilian employee does not commit any offence under this Act by reason of having in his possession, or purchasing or acquiring for use by that Force anything which is –	
	(a) a prohibited weapon by virtue of paragraph (b) of section 5(1) of this Act; or	
	(b) ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in that paragraph.	
(3B)	In subsection (3A) of this section –	
	(a) “appropriately authorised” means authorised in writing by the Chief Constable of the British Transport Police Force or, if he is not available by a member of that force who is of at least the rank of assistant chief constable; and	
	(b) “associated civilian employee” means a person employed by the British Transport Police Authority who is under the direction and control of the Chief Constable of the British Transport Police Force.	
(4)	For the purposes of this section and any rule of law whereby any provision of this Act does not bind the Crown, the persons specified in subsection (5) of this section shall be deemed to be in the naval, military or air service of Her Majesty, insofar as they are	Section 25(1) AF Act 1996

		not otherwise in, or treated as being in, any such service.	
	(5)	The persons referred to in subsection (4) of this section are the following-	
	(a)	members of any foreign force when they are serving with any of the naval, military or air forces of Her Majesty;	
	(b)	members of any cadet corps approved by the Secretary of State when-	
	(i)	they are engaged as members of the corps in, or in connection with, drill or target <u>practisee shooting</u> ; and	Schedule 3 F(A)Act 1997
	(ii)	in the case of possession of prohibited weapons or prohibited ammunition when engaged in target <u>practisee shooting</u> , they are on service premises; and	Schedule 2 Section 2(3) F(A)Act 1997
	(c)	persons providing instruction to any members of a cadet corps who fall within paragraph (b).	
	(6)	In subsection (5) of this section-	
		"foreign force" means any of the naval, military or air forces of a country other than the United Kingdom; and	
		"service premises" means premises, including any ship or aircraft, used for any purpose of any of the naval, military or air forces of Her Majesty.	
Exercise of police function	55.- (1)	Rules made under section 53 of this Act may -	
	(a)	regulate the manner in which chief officers of police are to carry out their duties under this Act;	
	(b)	enable all or any of the functions of a chief officer of police to be discharged by a deputy in the event of his illness or absence, or of a vacancy in the office of chief officer of police.	
	(2)	Without prejudice to subsection (1)(b) of this section, the functions of a chief officer of police under this Act shall be exercisable on any occasion by a person, or a person of a particular class, authorised by the chief officer of police to exercise that function on that occasion, or on occasions of that class or on all occasions.	
Service of notices	56.-	Any notice required or authorised by this Act to be given to a person may be sent by registered post or by the recorded delivery service in a letter addressed to him at his last or usual place of abode or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.	
Interpretation	57.- (1)	In this Act, the expression "firearm" means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes -	
	(a)	any prohibited weapon, whether it is such a lethal weapon as aforesaid or not; and	
	(b)	any component part of such a lethal or prohibited weapon; and	
	(c)	any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;	
		and so much of section 1 of this Act as excludes any description of firearm from the category of firearms to which that section applies shall be construed as also excluding component parts of, and accessories to, firearms of that description.	

(1A)	<p><u>In this Act "small calibre pistol" means-</u></p> <p>(a) a pistol chambered for .22 or smaller rim fire cartridges; or</p> <p>(b) an air pistol to which section 1 of this Act applies and which is designed to fire .22 or smaller diameter ammunition.</p>	Section 1(9) F(A)Act 1997 Repealed- Schedule F(A)No2 Act 1997
(2)	In this Act, the expression "ammunition" means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition.	
(2A)	In this Act "self-loading" and "pump-action" in relation to any weapon mean respectively that it is designed or adapted (otherwise than is mentioned in section 5(1)(a)) so that it is automatically re-loaded or that it is so designed or adapted that it is re-loaded by the manual operation of the fore-end or fore-stock of the weapon.	Section 25(2) F(A)Act 1988
(2B)	In this Act "revolver", in relation to a smooth-bore gun, means a gun containing a series of chambers which revolve when the gun is fired.	
(3)	For purposes of sections 45, 46, 50, 51(4) and 52 of this Act, the offences under this Act relating specifically to air weapons are those under sections 22(4), 22(5), 23(1) and 24(4).	
(4)	<p>In this Act-</p> <p>"acquire" means hire, accept as a gift or borrow and "acquisition" shall be construed accordingly;</p> <p>"air weapon" has the meaning assigned to it by section 1(3)(b) of this Act;</p> <p><u>"another member State" means a member State other than the United Kingdom, and "other member States" shall be construed accordingly;</u></p> <p>"area" means a police area;</p> <p><u>"Article 7 authority" means a document issued by virtue of section 32A(1)(b) or (2) or this Act;</u></p> <p><u>"British Transport Police Force" means the constables appointed under section 53 of the British Transport Commission Act 1949;</u></p> <p>"certificate" (except in a context relating to the registration of firearms dealers) and "certificate under this Act" mean a firearm certificate or a shot gun certificate and –</p> <p>(a) "firearm certificate" means a certificate granted by a chief officer of police under this Act in respect of any firearm or ammunition to which section 1 of this Act applies and includes a certificate granted in Northern Ireland under section 1 of the Firearms Act 1920 or under an enactment of the parliament of Northern Ireland amending or substituted for that section; and</p> <p>(b) "shot gun certificate" means a certificate granted by a chief officer of police under this Act and authorising a person to possess shot guns</p> <p><u>"civilian officer" means-</u></p> <p>(a) <u>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</u></p> <p>(b) <u>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.</u></p>	<p>Regulation 5(2)(a) SI 1992/2823</p> <p>Section 5(2)(b) SI 1992/2823</p> <p>Section 101 Criminal Justice & Police Act 2001</p> <p>Section 43(2) F(A) 1997</p> <p>Section 325 Greater London Authority Act 1999</p> <p>Regulation</p>

"European firearms pass" means a document to which the holder of a certificate under this Act is entitled by virtue of section 32A(1)(a) of this Act; 5(2)(c)
SI 1992/2823

"European weapons directive" means the directive of the Council of the European Communities No. 91/477/EEC(a) (directive on the control of the acquisition and possession of weapons);

"firearms dealer" means a person who, by way of trade or business, manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 of this Act applies, or shot guns;

"imitation firearm" means any thing which has the appearance of being a firearm (other than such a weapon as is mentioned in section 5(1)(b) of this Act) whether or not it is capable of discharging any shot, bullet or other missile;

~~"indictable offence" has the same meaning in the Magistrates' Courts Act 1952, except that it does not include an offence which is triable on indictment only after one or more previous summary convictions thereof;~~ Repealed by CL Act 1977

"premises" includes any land;

"prescribed" means prescribed by rules made by the Secretary of State under section 53 of this Act;

"prohibited weapon" and "prohibited ammunition" have the meanings assigned to them by section 5(2) of this Act;

"public place" includes any highway, road within the meaning of the Roads (Scotland) Act 1984 and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise;

"registered", in relation to a firearms dealer, means registered either-

- (a) in Great Britain, under section 33 of this Act, or
- (b) in Northern Ireland, under section 8 of the Firearms Act 1920 or any enactment of the Parliament of Northern Ireland amending or substituting for that section.

and references to "the register", "registration" and a "certificate of registration" shall be construed accordingly, except in section 40; Section 25(3)
F(A)Act 1988

"rifle" includes carbine;

"shot gun" has the meaning assigned to it by section 1(3)(a) of this Act and, in sections 3(1) and 45(2) of this Act and in the definition of "firearms dealer", includes any component part of a shot gun and any accessory to a shot gun designed or adapted to diminish the noise or flash caused by firing the gun;

"slaughtering instrument" means a firearms which is specifically designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them; and

"transfer" includes let on hire, give, lend and part with possession, and "transferee" and "transferor" shall be construed accordingly.

(4A) For the purposes of any reference in this Act to the use of any firearm or ammunition for a purpose not authorised by the European weapons directive, the directive shall be taken to authorise the use of the firearm or ammunition as or with a slaughtering instrument and the use of a firearm and ammunition-

- (a) for sporting purposes;
- (b) for the shooting of vermin, or, in the course of carrying on activities in connection with the management of any estate of, or other wildlife; and

Regulation 3(5),
SI 1992/2823

		<p>(c) for competition purposes and target shooting outside competitions.</p>
	(5)	The definitions in subsection (1) to (3) above apply to the provisions of this Act except where the context otherwise requires.
	(6)	<p>For the purposes of this Act –</p> <p>(a) the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing; and</p> <p>(b) a shot gun or an air weapon shall be deemed to be loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.</p>
Particular savings	58.- (1)	<p>Nothing in this Act shall apply to the proof houses of the Master, Wardens and Society of the Mystery of Gunmakers of the City of London and the guardians of the Birmingham proof house or the rifle range at Small Heath in Birmingham where firearms are sighted and tested, so as to interfere in any way with the operations of those two companies in proving firearms under the provisions of the Gun Barrel Proof Act 1868 or any other Acts for the time being in force, or to any person carrying firearms to or from any such proof house when being taken to such proof house for the purposes of proof or being removed therefrom after proof.</p> <p>(2) Nothing in this Act relating to firearms shall apply to an antique firearm which is sold, transferred, purchased, acquired or possessed as a curiosity or ornament.</p> <p>(3) The provisions of this act relating to ammunition shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.</p> <p>(4) The powers of arrest and entry conferred by Part III of this Act shall be without prejudice to any power of arrest or entry which may exist apart from this Act; and section 52(3) of this Act is not to be taken as prejudicing the power of a constable, when arresting a person for an offence, to seize property found in his possession or any other power of a constable to seize firearms, ammunition or other property, being a power exercisable apart from that subsection.</p> <p>(5) Nothing in this Act relieves any person using or carrying a firearm from his obligation to take out a licence to kill game under the enactments requiring such a licence.</p>
Repeals and general savings.	59.- (1)	<p>The enactments specified in the second column of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule.</p> <p>(2) In so far as any certificate, authority or permit granted, order or rule made, registration effected, or other thing done under an enactment repealed by this Act could have been granted, made, effected or done under a corresponding provision of this Act, it shall not be invalidated by the repeal of that enactment but shall have effect as if granted, made, effected or done under that corresponding provision; and for the purposes of this provision anything which under section 33(1) or (2) of the Firearms Act 1937 had effect as if done under any enactment in that Act shall, so far as may be necessary for the continuity of the law, be treated as</p>

		done under the corresponding enactment in this Act.	
	(3)	Any document referring to an enactment repealed by this Act or by the Firearms Act 1937 shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding enactment in this Act.	
	(4)	The mention of particular matters in this section shall not be taken to affect the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.	
Short title, commencement and extent	60.- (1)	This Act and the Firearms Acts 1968 and 1997 may be cited together as the Firearms Acts 1968 to 1997.	Section 27(2) F(A)Act 1988, Section 3(1) F(A)Act 1992, Section 53(2) F(A)Act 1997, Section 27(4) F(A)Act 1988, Section 1(3) FA(A)Regs 1992, Section 53(5) F(A)Act 1997
Firearms consultative committee	(2)	These Acts and Regulations do not extend to Northern Ireland.	
	22.- (1)	There shall be established in accordance with the provisions of this section a firearms consultative committee consisting of a chairman and not less than twelve other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters -	F(A)Act 1988
	(a)	the possession, use or keeping of, or transactions in, firearms;	
	(b)	weapon technology; and	
	(c)	the administration or enforcement of the provisions of the principal Act, the Firearms Act 1982 and this Act the Firearms Acts 1968 to 1997.	Schedule 2 Section 20 F(A)Act 1997
	(2)	The reference in subsection (1)(a) above to the use of firearms includes in particular a reference to their use for sport or competition.	
	(3)	Subject to subsection (4) below, a member of the committee shall hold and vacate office in accordance with the terms of his appointment.	
	(4)	Any member of the committee may resign by notice in writing to the Secretary of State; and the chairman may by such a notice resign his office as such.	
	(5)	It shall be the function of the committee -	
	(a)	to keep under review the working of the provisions mentioned in subsection (1)(c) above and to make to the Secretary of State such recommendations as the committee may from time to time think necessary for the improvement of the working of those provisions;	
	(b)	to make proposals for amending those provisions if it thinks fit; and	
	(c)	to advise the Secretary of State on any other matter relating to those provisions which he may refer to the committee.	
	(6)	The committee shall in each year make a report on its activities to the Secretary of State who shall lay copies of the report before	

		Parliament.	
	(7)	The Secretary of State may make to members of the committee such payments as he may determine in respect of expenses incurred by them in the performance of their duties.	
	(8)	The committee shall cease to exist at the end of the period of five years beginning with the day on which this section comes into force unless the Secretary of State provides by an order made by statutory instrument for it to continue thereafter, but no such order shall continue the committee for more than three years at a time.	
Interpretation and supplementary provisions	25.-	(1) In this Act "the principal Act" means the Firearms Act 1968 and any expression which is also used in that Act has the same meaning as in that Act.	F(A)Act 1988
	(2)	(Amendment inserted.)	
	(3)	(Amendment inserted.)	
	(4)	Any reference in the principal Act to a person who is by virtue of that Act entitled to possess, purchase or acquire any weapon or ammunition without holding a certificate shall include a reference to a person who is so entitled by virtue of any provision of this Act.	
	(5)	Section 46, 51(4) and 52 of the principal Act (powers of search, time-limit for prosecutions and forfeiture and cancellation orders on conviction) shall apply also to offences under this Act except that on the conviction of a person for an offence under the Schedule to this Act no order shall be made for the forfeiture of anything in his possession for the purposes of the museum in question.	
	(6)	Sections 53 to 56 and section 58 of the principal Act (rules, Crown application, service of notices and savings) shall have effect as if this Act were contained in that Act.	
	(7)	The provisions of this Act other than sections 15 and 17 shall be treated as contained in the principal Act for the purposes of the Firearms Act 1982 (imitation firearms readily convertible into firearms to which section 1 of the principal Act applies).	
Exchange of information	10.-	(1) No obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise shall preclude -	SI 1992/2823
	(a)	the disclosure by the Secretary of State or an officer of his to the competent authorities of a member State other than the United Kingdom of any information which is required to be disclosed in pursuance of the directive of the Council of the European Communities No. 91/477/EEC(a) (directive on the control of the acquisition and possession of weapons); or	
	(b)	the disclosure to the Secretary of State or any officer of his by a chief officer of police, or by any government department or officer of a government department, of any information required by the Secretary of State for the purpose of facilitating the communication or exchange of information in pursuance of that directive.	
	(2)	The reference in paragraph (1) above to the competent authorities of a member State is a reference to the persons appointed by that member State to deal with the communication or exchange of information in pursuance of the directive mentioned in that paragraph.	

Interpretation and supplementary provisions	50.- (1)	<p>In this Act -</p> <p>"licensee", "licensed pistol club" and "licensed premises" have the meanings given by section 19 above;</p> <p>"small calibre pistol" means</p> <p class="list-item-l1">(a) a pistol chambered for .22 or smaller rim fire cartridges; or</p> <p class="list-item-l1">(b) an air pistol to which section 1 of the 1968 Act applies and which is designed to fire .22 or smaller diameter ammunition;</p> <p>"the 1968 Act" means the Firearms Act 1968</p> <p>"the 1988 Act" means the Firearms (Amendment) Act 1988</p> <p>(2) Any expression used in this Act which is also used in the 1968 Act or the 1988 Act has the same meaning as in that Act.</p> <p>(3) Any reference to the 1968 Act to a person who is by virtue of that Act entitled to possess, purchase or acquire any weapon or ammunition without holding a certificate shall include a reference to a person who is so entitled by virtue of any provision of this Act.</p> <p>(4) Sections 46, 51(4) and 52 of the 1968 Act (powers of search, time-limit for prosecutions and forfeiture and cancellation orders on conviction) shall apply also to offences under this Act.</p> <p>(5) Sections 53 to 56 and section 58 of the 1968 Act (rules, Crown application, service of notice and savings) shall have effect as if this Act were contained in that Act.</p> <p>(6) The provisions of this Act shall be treated as contained in the 1968 Act for the purposes of the Firearms Act 1982 (imitation firearms readily convertible into firearm to which section 1 of the 1968 Act applies).</p>	F(A)Act 1997
Power to make transitional, consequential etc. provisions	51.- (1)	<p>The Secretary of State may by regulations make such transitional and consequential provisions and such savings as he considers necessary or expedient in preparation for, or in connection with, or in consequence of-</p> <p class="list-item-l1">(a) the coming into force of any provision of this Act; or</p> <p class="list-item-l1">(b) the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.</p> <p>(2) Regulations under this section may make modifications of any enactment contained in this or in any other Act.</p>	F(A)Act 1997
Minor and consequential amendments and repeals.	52.- (1)	<p>Schedule 2 (minor and consequential amendments) shall have effect.</p> <p>(2) The enactments mentioned in Schedule 3 (which include spent enactments) are repealed to the extent specified in the third column of that Schedule.</p>	F(A)Act 1997

SCHEDULES

List of Statutes, Statutory Instruments, Orders & Rules

Transfer of Functions (Prohibited Weapons) Order 1968	SI 1968/1200
Criminal Damage Act 1971	
Crown Courts Act 1971	
Crown Court Rules 1971	SI 1971/1292
Road Traffic Act 1972	
Criminal Law Act 1977	
Criminal Justice (Scotland) Act 1980	
Criminal Attempts Act 1981	
Civic Government (Scotland) Act 1982	
Child Abduction Act 1984	
Firearms (Amendment) Act 1988	
Firearms (Amendment) Regulations 1992	SI 1992/2823
Criminal Justice and Public Order Act 1994	
Firearms (Amendment) Act 1994	
Police Act 1996	
Firearms (Amendment) Act 1997	
Firearms (Amendment) (No 2) Act 1997	
Firearms Rules 1998	SI 1998/1941
Immigration and Asylum Act 1999	
Anti-social Behaviour Act 2003	
Criminal Justice Act 2003	
Sexual Offences Act 2003	
Violent Crime Reduction Act 2006	
Firearms (Amendment) Rules 2007	SI 2007/2605

Note: The Statutory Instrument (SI) reference is used in preference to extra long titles

SCHEDULE 1

Offences to which section 17(2) applies

1	Offences under section 1 of the Criminal Damage Act 1971.	Section 11(7) Criminal Damage Act 1971
2	Offences under any of the following provisions of the Offences Against the Person Act 1861:- sections 20 to 22 (inflicting bodily injury; garrotting; criminal use of stupefying drugs); section 30 (laying explosive to building etc.); section 32 (endangering railway passengers by tampering with track); section 38 (assault with intent to commit a felony or resist arrest); section 47 (criminal assaults); section 56 (child stealing and abduction).	Repealed by Section 11(5)(c)Child Abduction Act 1984
2A	Offences under Part 1 of the Child Abduction Act 1984 (abduction of children).	Section 11(2)Child Abduction Act 1984
3	Offences under such of the provisions of section 4 of the Vagrancy Act 1824 as are referred to in and amended by section 15 of the Prevention of Crimes Act 1871 and section 7 of the Penal Servitude Act 1891 (suspected persons and reputed thieves being abroad with criminal intent).	Repealed by Section 10, Criminal Attempts Act 1981
4	<u>Theft, robbery, burglary, blackmail and any offence under section 12(1) (taking of motor vehicle or other conveyance without owner's consent) of the Theft Act 1968.</u>	Schedule 2 Part III Theft Act 1968
5	Offences under section <u>51(1) of the Police Act 1964</u> <u>89(1) of the police Act 1996</u> or section 41 of the Police (Scotland) Act 1967 (assaulting constable in execution of his duty).	Sections 103 & 104, Police Act 1996
5A	An offence under section 90(1) Criminal Justice Act 1991 (assaulting prison custody officer)	Section 168(1) CJ&POAct 1994
5B	An offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting secure training centre custody officer)	Section 168(1) CJ&POAct 1994
5C	An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer)	I&AAct 1999
6	<u>Offences under any of the following provisions of the Sexual Offences Act 1956:-</u> section 1 (rape); sections 17, 18 & 20 (abduction of women). <u>Offences under any of the following provisions of the Sexual Offences Act 2003:-</u> (a) <u>section 1 (rape);</u> (b) <u>section 2 (assault by penetration);</u> (c) <u>section 4 (causing a person to engage in sexual activity without</u>	Section 139, Sexual Offences Act 2003

consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;

- (d) section 5 (rape of a child under 13);
- (e) section 6 (assault of a child under 13 by penetration);
- (f) section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
- (g) section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within section (3)(a) to (d) of that section;
- (h) section 31 (causing or inciting a person, with mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

7	<u>Offences under section 217 of the Road traffic Act 1960 (taking and driving away a motor vehicle).</u>	Repealed by Schedule 2 Part II, Theft Act 1968
8	Aiding or abetting the commission of any offence specified in <u>paragraphs 1 to 6</u> of this Schedule.	Schedule 2 Part II, Theft Act 1968
9	Attempting to commit any offence so specified <u>other than an attempt under section 8 (arson of buildings), section 27 (arson of mines) or section 38 (sabotage of telegraphs) of the Malicious Damage Act 1861.</u>	Schedule to Part I Criminal Damage Act 1971

SCHEDULE 2
Offences to which sections 17(2) and 18 apply in Scotland

Common Law Offences

- 1 Abduction.
- 2 Administration of drugs with intent to enable or assist the commission of a crime.
- 3 Assault.
- 4 Housebreaking with intent to steal.
- 5 Malicious mischief.
- 6 Mobbing and rioting.
- 7 Perverting the course of justice.
- 8 Prison breaking and breaking into prison to rescue prisoners.
- 9 Rape.
- 10 Robbery.
- 11 Theft.
- 12 Use of threats with intent to extort money or property.
- 13 Wilful fireraising and culpable and reckless fireraising.

Statutory Offences

13A	Offences against section 57 of the Civil Government (Scotland) Act 1982.	Section 137(2) Civic Government (Scotland) Act 1982
13B	An offence under paragraph 4 of Schedule II to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer)	Sections 169(1) & 170(4) CJ&POAct 1994
14	Offences against such of the provisions of section 4 of the Vagrancy Act 1824 as are extended to Scotland by section 15 of the Prevention of Crimes Act 1871.	Section 137(2) Civic Government (Scotland) Act 1982
15	Offences against the third and fourth paragraphs of section 7 of the Prevention of Crimes Act 1871.	
16	Offences against sections 2, 3 or 4 of the Explosive Substances Act 1883.	
17	Offences against section 175 of the Road Traffic Act 1972.	Schedule 7, Road Traffic Act 1972
18	Offences against section 41 of the Police (Scotland) Act 1967.	

Attempts

- 19 Attempt to commit any of the offences mentioned in this Schedule.

SCHEDULE 3
Jurisdiction and Procedure on Application under section 21(6)

PART I

Application to the Crown Court (England and Wales)

1	<p><u>The application shall be made out to the court of quarter sessions having jurisdiction in the place where the applicant resides.</u></p>	Section 56(2) Crown Courts Act 1971 Schedule 11, Part IV, Crown Courts Act 1971
2	<p>Notice of the application, signed by the applicant or by his agent on his behalf and stating the general grounds of the application, shall be given by him to the <u>appropriate officer of the Crown Court</u> and also to the chief officer of police for the area in which the applicant resides.</p>	Schedule 8, Part I Crown Courts Act 1971
3	<p>On receiving notice of the application the <u>appropriate officer of the Crown Court</u> shall enter the application and give notice to the applicant, and to the chief officer of police to whom the notice of the application is required by paragraph 2 of this Schedule to be given, of the date, time and place fixed for the hearing; but the date shall not be less than twenty-one clear days after the date when the <u>appropriate officer of the Crown Court</u> received the notice of the application.</p>	Schedule 8, Part I Crown Courts Act 1971
4	<p>The applicant may at any time, not less than two clear days before the date fixed for the hearing, abandon his application by giving notice in writing to the <u>appropriate officer of the Crown Court</u> and to the chief officer of police; and if he does so the <u>Crown Court</u> (hereafter in this schedule referred to as "the court") may order the applicant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the application before notice of abandonment was given to him.</p>	Schedule 8, Part I Crown Courts Act 1971
5	<p>The chief officer of police may appear and be heard on the hearing of the application.</p>	
6	<p>The court may from time to time adjourn the hearing of the application.</p>	
7	<p>On the determination of the application, the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered to be paid by the court may be recovered summarily as a civil debt and shall not be recoverable in any other manner:</p>	

Provided that the chief officer of police shall not under this paragraph be ordered to pay the costs of the applicant.

PART II

Application to sheriff (Scotland)

8 The application shall be made to the sheriff within whose jurisdiction the applicant resides.

9 Not less than twenty-one days' notice of the application shall be given to the chief officer of police for the area in which the applicant resides.

SCHEDULE 4

Particulars to be Entered by Firearms Dealer in Register of Transactions

Part 1

PARTICULARS RELATING TO FIREARMS (OTHER THAN AIR WEAPONS) AND AMMUNITION

Note: in this part references to firearms do not include any firearm to which Part 2 of this Schedule applies.

- 1 The quantities and description of firearms and ammunition manufactured and the dates thereof.
- 2 The quantities and description of firearms and ammunition purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions.
- 3 The quantities and description of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions.
- 4 The quantities and description of firearms and ammunition sold or transferred with the names and addresses of the purchasers or transferees and (except in cases where the purchaser or transferee is a registered firearms dealer) the areas in which the firearms were issued, and the dates of the several transactions.
- 5 The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register

Rule 10(5)
F Rules
1998

Part 2

PARTICULARS RELATING TO AIR WEAPONS

Note: In this Part "air weapon" includes any component of, or accessory to, an air weapon.

- 1 The quantities and description of air weapons purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions. F(A)Rules 2007
- 2 The quantities and description of air weapons sold or transferred with the names and addresses of the purchasers or transferees and the dates of the several transactions. F(A)Rules 2007
- 3 The quantities and description of air weapons in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register. F(A)Rules 2007

SCHEDULE 5
Provisions as to Appeals under section 44 of this Act

PART I
Courts with Jurisdiction to Entertain Appeal

	Nature of Appeal	Quarter Sessions Jurisdiction	Sheriff's Jurisdiction
1.	Appeal under section 26(4), 28A(6), 29(2), 30(3), 30A(6), 30B(3) or 30C(2) or (against refusal to grant or renew, or to vary, or against revocation of, a certificate).	The court having jurisdiction in the place where the appellant resides.	The sheriff within whose jurisdiction the appellant resides.
2.	Appeal under section 34(5) by a person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer.	The court having jurisdiction in the place in which there is situated any place of business in respect of which the appellant has applied to be registered.	The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has applied to be registered.
3.	Appeal under section 34(5) or 37(3) by a person aggrieved by the refusal of a chief officer of police to enter a place of business of his in the register.	The court having jurisdiction in the place in which there is situated the place of business to which the appeal relates.	The sheriff within whose jurisdiction there is situated the place of business to which the appeal relates.
4.	Appeal under section 36(3) (against imposition or variation of condition of registration, or refusal to vary or revoke such a condition).	The court having jurisdiction in the place in which is situated the appellant's place of business in respect of which the condition is in force.	The sheriff within whose jurisdiction is situated the appellant's place of business in respect of which the condition is in force.
5.	Appeal under section 38(7) by a person aggrieved by the removal of his name from the register.	The court having jurisdiction in the place in which is situated any place of business in respect of which the appellant has been registered	The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has been registered.
6.	Appeal under section 38(7) by a person aggrieved by the removal from the register of a place of business of his.	The court having jurisdiction in the place in which is situated the place of business to which the appeal relates.	The sheriff within whose jurisdiction is situated the place of business to which the appeal relates.

(Column 2 repealed by Schedule II Part IV of
Courts Act 1971)

SCHEDULE 5 (continued)

PART 11

Procedural Provisions for Appeal to the Crown Court

Section 56(2)
Schedule 9 Part I
Courts Act 1971

1	Notice of an appeal, signed by the appellant or by his agent on his behalf and stating the general grounds of the appeal, shall be given by him to the <u>appropriate officer of the Crown Court</u> and also to the chief officer of police by whose decision the appellant is aggrieved.	Schedule 8 Part I, Courts Act 1971
2	A notice of appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the chief officer of police by which he is aggrieved.	
3	On receiving notice of an appeal the <u>appropriate officer of the Crown Court</u> shall enter the appeal and give notice to the appellant and to the chief officer of police to whom the notice of the appeal is required by paragraph 1 of this Part of this Schedule to be given, of the date, time and place fixed for the hearing.	Schedule 8 Part I, Courts Act 1971
4	An appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal by giving notice in writing to the <u>appropriate officer of the Crown Court</u> and to the chief officer of police; and if he does so the court of quarter sessions (hereafter referred to in this schedule as "the court") may order the appellant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal before notice of abandonment was given to him.	Schedule 8 Part I, Courts Act 1971 Repealed by SI 1971/1292 Sch. 3
5	The chief officer of police may appear and be heard on the hearing of an appeal.	
6	<u>The court may from time to time adjourn the hearing of an appeal.</u>	Repealed by SI 1971/1292 Sch. 3
7	On the hearing of an appeal the court may either dismiss the appeal or give the chief officer of police such direction as it thinks fit as respects the certificate or register which is the subject of the appeal.	
8	<u>On the determination of an appeal the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered by the court to be paid may be recovered summarily a civil debt and shall not be recoverable in any other manner.</u>	Repealed by SI 1971/1292 Sch. 3

PART III

APPEALS IN SCOTLAND

1	An appeal to the sheriff shall be made by way of summary application.	Section 41(2), F(A)Act 1997
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.	Section 41(2), F(A)Act 1997
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.	Section 41(2), F(A)Act 1997
4	The decision of the sheriff on an appeal may be appealed only on point of law.	Section 41(2), F(A)Act 1997

SCHEDULE 6
Prosecution and Punishment of Offences
PART I
Table of Punishments

amended by the Criminal Justice Acts 1972, 1982 and 1988, the Criminal Law Act 1977, the Magistrates' Courts Act 1980 and Criminal Justice and Public Order Act 1994

Notes

1. Under section 1 of the criminal Justice Act 1982, no offender under 21 may be given a sentence of imprisonment. A custodial sentence in a detention centre may be given to male offenders under 21 but not less than 14 and a sentence of youth custody can be given to male offenders under 21 but not less than 15 and female offenders under 21 but not less than 17.
2. Penalties are shown as levels not to be exceeded on the standard scale. The standard scale applies as follows;

Level 1	£50	Level 4	£1,000
Level 2	£100	Level 5	£2,000
Level 3	£400		

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 1(1)	Possessing etc. firearm or ammunition without firearm certificate	(a) Summary (b) On indictment	6 months or a fine of £400; or both. (i) where the offence is committed in an aggravated form within the meaning of section 4(4) of this Act, 5 years, or a fine; or both, (ii) in any other case, 3 years or a fine; or both	CJ&PO Act 1994
Section 1(2)	Non-compliance with condition of firearm certificate.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 2(1)	Possessing etc. shot gun without shot gun certificate.	(a) Summary (b) On indictment	6 months or the statutory maximum fine; or both. 3 years or a fine or both.	CJ&PO Act 1994
Section 2(2)	Non-compliance with condition of shot gun certificate.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 3(1)	Trading in firearms without being registered as firearms dealer.	(a) Summary (b) On indictment	6 months or a fine of £400; or both. 3 years or a fine or both.	CJ&PO Act 1994

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 3(2)	Selling firearm to person without a certificate.	(a) Summary (b) On indictment	6 months or a fine of £400; or both. ≥ 5 years or a fine; or both.	CJ&PO Act 1994
Section 3(3)	Repairing, testing etc. firearm for person without a certificate.	(a) Summary (b) On indictment	6 months or a fine of £400; or both. ≥ 5 years or a fine; or both.	CJ&PO Act 1994
Section 3(5)	Falsifying certificate, etc. with view to acquisition of firearm.	(a) Summary (b) On indictment	6 months or a fine of £400; or both. ≥ 5 years or a fine; or both.	CJ&PO Act 1994
Section 3(6)	Pawnbroker taking firearm in pawn	Summary	3 months or a fine of £400; or both.	
Section 4(1) or (3)	Shortening a shot gun; conversion of firearms.	(a) Summary (b) On indictment	6 months or a fine of £400; or both. ≤ 7 years or a fine; or both.	
Section 5(1)	<u>Possessing or distributing prohibited weapons or ammunition.</u>	(a) <u>Summary</u> (b) <u>On indictment</u>	<u>6 months or the statutory maximum; or both.</u> <u>5-10 years or a fine; or both</u>	Repealed CJ Act 2003 Repealed CJ Act 2003
<u>Section 5(1A)</u>	<u>Possessing or distributing other prohibited weapons or ammunition.</u>	(a) <u>Summary</u> (b) <u>On indictment</u>	<u>3-6 months or a fine of the statutory maximum; or both</u> <u>2-10 years or a fine; or both</u>	Repealed CJ Act 2003 Repealed CJ Act 2003
Section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c)	Possessing or distributing prohibited weapons or ammunition	On indictment only	10 years or a fine, or both Minimum sentence: 16 to 18 = 3 years >18 = 5 years	Sec 288, CJ Act 2003
Section 5(1)(b)	Possessing or distributing prohibited weapon designed for discharge of noxious liquid etc.	(a) Summary (b) On indictment	6 months or a fine of the statutory maximum, or both 10 years or a fine, or both	Sec 288, CJ Act 2003
Section 5(1A)(a)	Possessing or distributing firearm disguised as another object.	On indictment only	10 years or a fine, or both. Minimum sentence: 16 to 18 = 3 years	Sec 288, CJ Act 2003

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 5(1A)(b), (c), (d), (e), (f) or (g)	Possessing or distributing other prohibited weapons.	(a) Summary (b) On indictment	>18 = 5 years 6 months or a fine of the statutory maximum, or both. 10 years or a fine, or both.	Sec 288, CJ Act 2003
Section 5(5)	Non-compliance with condition of <u>Secretary of State's authority</u> .	Summary	6 months or a fine at level 5 on the standard scale; or both.	SI 1968/1200
Section 5(6)	Non-compliance with requirement to surrender authority to possess etc. prohibited weapon or ammunition	Summary	A fine at level 3 on the standard scale.	
Section 6(3)	Contravention of order under s.6 (or corresponding Northern Irish order) restricting removal of arms.	Summary	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine at level 3 on the standard scale; or both.	Para 2 of Part II of this Schedule applies
Section 7(2)	Making false statement in order to obtain police permit.	Summary	6 months or a fine at level 5 on the standard scale; or both	
Section 9(3)	Making false statement in order to obtain permit for auction of firearms etc.	(a) Summary (b) On indictment	6 months or a fine of £200; or both not exceeding level 5 on the standard scale or both 3 years or the statutory maximum fine; or both.	Section 23(7) F(A)Act 1988 Section 23(7) F(A)Act 1988
Section 13(2)	Making false statement in order to obtain permit for removal of signalling apparatus.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 16	Possession of firearm with intent to endanger life or injure property.	On indictment	Life imprisonment or a fine; or in England or Wales, both	Section 28(1) & (2) and section 66(7), CJ Act 1972
Section 16A	Possession of a firearm with intent to cause fear of violence.	On indictment	10 years or a fine; or both.	Section 1(2) F(A)Act 1994
Section 17(1)	Use of firearm to resist arrest.	On indictment	Life imprisonment or a fine; or in England or Wales both	Paragraphs 3 to 5 of Part II of this Schedule apply.
Section 17(2)	Possessing firearm while committing an offence specified in Schedule 1 or, in Scotland, an offence specified in Schedule 2.	On indictment	Life imprisonment or a fine; or both.	Paragraphs 3 to 5 of Part II of this Schedule apply.

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 18(1)	Carrying firearms or imitation firearm with intent to commit indictable offence (or, in Scotland, an offence specified in Schedule 2) or to resist arrest.	On indictment	<u>Life imprisonment</u> or a fine; or both.	
Section 19	Carrying <u>loaded</u> firearm or imitation firearm in public place.	<p>(a) Summary <u>except if the firearm is a firearm specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae) or (af) or section 5(1A)(a) of this Act</u></p> <p>(b) On indictment (but not <u>in the case of an imitation firearm</u> or if the firearm is an air weapon).</p>	<p>6 months or a fine of £400; or both.</p> <p>5-7 years or a fine; or both.</p> <p>(a) if the weapon is an imitation firearm, 12 months or a fine, or both.</p> <p>(b) In any other case, 7 years or a fine, or both.</p>	<p>CJ&PO Act 1994 Sec 30(4) VCR Act 2006</p> <p>Section 37(2) A-SB Act 2003.</p> <p>Section 41, VCR Act 2006</p>
Section 19A	Having small calibre pistol outside premises of licensed pistol club	<p>(a) Summary</p> <p>(b) On indictment</p>	<p>6 months or a fine of the statutory maximum; or both.</p> <p>10 years or a fine; or both.</p>	<p>Section 11(2) F(A)Act 1997 Repealed-Schedule F(A)No2 Act 1997</p> <p>Section 11(2) F(A)Act 1997 Repealed-Schedule F(A)No2 Act 1997</p>
Section 20(1)	Trespassing with firearm or imitation firearm in a building	<p>(a) Summary <u>except if the firearm is a firearm specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae) or (af) or section 5(1A)(a) of this Act</u></p> <p>(b) On indictment (but not <u>in the case of an imitation firearm</u> or if the</p>	<p>6 months or a fine of £400; or both.</p> <p>5-7 years or a fine; or both.</p>	<p>Section 2(3)(a) F(A)Act 1994 Sec 30(4) VCR Act 2006</p> <p>CJ&PO Act 1994 Sec 2(3)(a) F(A)Act 1994</p>

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 20(2)	Trespassing with firearm or imitation firearm on land.	firearm is an air weapon). Summary	3 months or a fine at level 4 on the standard scale; or both.	Section 2(3)(b) F(A)Act 1994
Section 21(4)	Contravention of provisions denying firearms to ex-prisoners and the like.	(a) Summary (b) On indictment	6 months or a fine of £400; or both. 3 5 years or a fine; or both.	CJ&PO Act 1994
Section 21(5)	Supplying firearms to person denied them under section 21.	(a) Summary	6 months or the statutory maximum fine; or both.	
Section 21A	Person making improper use of an air weapon	Summary (b) On indictment	A fine of level 3 on the standard scale 3 5 years or a fine; or both.	Paragraphs 7 and 8 of Part 11 of this Schedule apply. Section 34 VCR Act 2006 CJ&PO Act 1994
Section 22(1)	Person under 17 acquiring firearm or person under 18 acquiring air weapon.	Summary	6 months or a fine at level 5 on the standard scale; or both.	Section 33 VCR Act 2006
<u>Section 22(1A)</u>	<u>Person under 18 using certificated firearm for unauthorised purpose.</u>	<u>Summary</u>	<u>3 months or a fine of level 5 on the standard scale or both.</u>	Regulation 4(4) SI 1992/2823
Section 22(2)	Person under 14 having firearm in his possession without lawful authority.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 22(3)	Person under 15 having with him a shot gun without adult supervision.	Summary	A fine at level 3 on the standard scale.	Paragraph 8 of Part II of this Schedule applies.
Section 22(4)	Person under 14-17 18 having with him an air weapon or ammunition therefore.	Summary	A fine at level 3 on the standard scale.	Paragraphs 7 and 8 of Part II of this Schedule applies. Section 5 A-SB Act 2003 Section 33 VCR Act 2006
<u>Section 22(5)</u>	<u>Person under 17 having with him an air weapon in a public place.</u>	<u>Summary</u>	<u>A fine at level 3.</u>	<u>Paragraphs 7 and 8 of Part II of this Schedule applies</u> Section 38, A-SB Act 2003
Section 23(1)	Person supervising a person under 18 and allowing him to make improper use of an air	Summary	A fine at level 3 on the standard scale.	Paragraph 7 and 8 of Part II of this Schedule applies.

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 23(4)	<p><u>weapon.</u></p> <p>Person supervising a person under 18 and allowing him to make improper use of air weapon.</p> <p><u>Person under 17 making improper use of air weapon on private premises.</u></p>	Summary	A fine at level 3.	<p>Section 34(5) VCR Act 2006</p> <p>Paragraph 7 and 8 of Part II of this Schedule applies.</p> <p>Sched. 5 VCR Act 2006</p>
Section 24(1)	Selling or letting on hire a firearm to person under 17, <u>or an air weapon to a person under 18..</u>	Summary	6 months or a fine at level 5 on the standard scale; or both.	Section 33 VCR Act 2006
Section 24(2)	Supplying firearm or ammunition (being of a kind to which section 1 of the Act applies) to a person under 14.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 24(3)	Making gift of shot gun to a person under 15.	Summary	A fine at level 3 on the standard scale.	Paragraph 9 of Part II of this Schedule applies.
Section 24(4)	Supplying air weapon to person under 14.17.18	Summary	A fine at level 3 on the standard scale.	<p>Paragraphs 7 and 8 of Part II of this Schedule apply.</p> <p>Section 37(5)(e) A-SB Act 2003.</p>
Section 24A(1) or (2)	Acquisition by a minor of an imitation firearm and supplying him.	Summary	In England and Wales, 51 weeks or a fine of level 5 on the standard scale, or both. In Scotland, 6 months, or a fine of level 5 on the standard scale, or both.	Section 40(2), VCR Act 2006
Section 25	Supplying firearm to person drunk or insane.	Summary	3 months or a fine at level 3 on the standard scale; or both.	
Section 28A(7)	Making false statement in order to procure grant or renewal of a firearm or shot gun certificate.	Summary	6 months or a fine at level 5 on the standard scale; or both.	Schedule 2 Paragraph 2(4) F(A)Act 1997
Section 29(3)	Making false statement in order to procure variation of a firearm certificate.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 30D(3)	Failing to surrender certificate on revocation.	Summary	A fine at level 3 on the standard scale.	
Section 32B(5)	Failure to surrender expired European firearms pass,	Summary	A fine at level 3 on the standard scale.	Regulation 5(3) SI 1992/2823

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 32C(6)	Failure to produce European firearms pass or Article 7 authority for variation or cancellation etc. failure to notify loss or theft of firearm identified in pass or to produce pass for endorsement.	Summary	<u>3 months or a fine of level 5 on the standard scale; or both</u>	Regulation 5(3) SI 1992/2823
Section 38(8)	Failure to surrender certificate of registration <u>or register of transactions</u> on removal of firearms dealer's name from register.	Summary	A fine at level 3 on the standard scale.	Section 13(5) F(A)Act 1988
Section 39(1)	Making false statement in order to secure registration or entry in register of a place of business.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 39(2)	Registered firearms dealer having place of business not entered in register.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 39(3)	Non-compliance with conditions of registration.	Summary	6 months or a fine at level 5; or both.	
Section 40(5)	Non-compliance by firearms dealer with provisions as to register of transactions; making false entry in register.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
<u>Section 42</u>	<u>Failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police.</u>	(a) Summary	<u>6 months or a fine of £400; or both.</u>	CJ&PO Act 1994 Schedule 3 Firearms (Amendment) Act 1997
		(b) On indictment	3 years or a fine; or both.	CJ&PO Act 1994
<u>Section 42A(3)</u>	<u>Failure to report transaction authorised by visitor's shot gun permit.</u>	<u>Summary</u>	<u>3 months or a fine of level 5 on the standard scale; or both.</u>	Regulation 6(3) SI 1992/2823
<u>Section 46(5)</u>	<u>Obstructing constable or civilian officer in exercise of search powers</u>	<u>Summary</u>	<u>6 months or a fine of level 5 on the standard scale; or both.</u>	Section 43 (3) F(A)Act 1997
Section 47(2)	Failure to hand over firearm or ammunition on demand by constable.	Summary	3 months or a fine at level 4 on the standard scale; or both.	
Section 48(3)	Failure to comply with requirement of a constable that a person shall declare his name and address.	Summary	A fine at level 3 on the standard scale.	

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 48(4)	<u>Failure to produce firearms pass issued in another member State.</u>	Summary	<u>A fine of level 3 on the standard scale</u>	Regulation 7(5) SI 1992/2823
Section 49(3)	Failure to give constable facilities for examination of firearms in transit, or to produce papers.	Summary	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine at level 3 on the standard scale; or both.	Paragraph 2 of Part II of this Schedule applies.
Section 52(2)(c)	Failure to surrender firearm or shot gun certificate cancelled by court on conviction.	Summary	A fine at level 3 on the standard scale.	

SCHEDULE 6 (continued)

Table of Punishments under the Firearms (Amendment) Act 1988

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 4(4)	Failure to comply with instructions in shot gun certificate when transferring shot guns to person other than a registered firearms dealer; failure to report transaction to police.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 5(2)	Selling shot gun ammunition (not subject to control under section 1) to an unauthorised person.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 6(1)	Shortening a smooth bore gun to which section 1 of the Act applies other than one with a bore exceeding two inches.	(a) Summary	6 months or a fine of £400; or both.	
		(b) On indictment	5 years or a fine; or both.	
Section 12(2)	Failure to surrender certificate and firearms on revocation.	Summary	3 months or a fine at level 4 on the standard scale; or both.	
Section 14(1)	Failure by auctioneer, carrier or warehouseman to safeguard firearms in his possession; failure to report loss or theft of firearm.	Summary	6 months or a fine at level 5 on the standard scale; or both.	
Section 15(9)	Obstructing a constable authorised to inspect an approved club's premises.	Summary	A fine at level 3 on the standard scale.	
Section 17(10)	Making false statement in order to obtain visitor's permit; non-compliance with condition of visitor's permit.	Summary	6 months or a fine at level 5 on the standard scale; or both	
Section 18(5)	Failure by firearms dealer to report to police sale of firearm to non-certificate holder for export.	Summary	6 months or a fine at level 5 on the standard scale; or both	

Section of Act creating the offence	General nature of offence	Mode of prosecution	Punishment	Additional provision
Section 19 paragraph 4(1)	Making a false statement in order to obtain Museum firearms licence; non-compliance with condition of Museum's firearms licence.	Summary	6 months or a fine at level 5 on the standard scale; or both	
Section 19, paragraph 4(3)	Failure to surrender Museum firearms licence on revocation	Summary	A fine at level 3 on the standard scale	

CJ&PO Act 1994 relates to Schedule 8 Part III of the Criminal Justice and Public Order Act 1994.

SCHEDULE 6

PART II

Supplementary Provisions as to Trial and Punishment of Offences

1. ~~In Scotland a contravention of section 1(1) or (2) or section 2(1) or (2) of this Act which, if it had been triable on indictment, could competently have been labelled as an additional or alternative charge in an indictment charging a person with an offence involving any injury or attempted injury of, or any threat or intent to injure, any person or property by the use or attempted use of a firearm, may, notwithstanding anything in those sections or in Part 1 of this Schedule, be so labelled and tried.~~

2. In the case of an offence against section 6(3) or 49(3) of this Act, the court before which the offender is convicted may, if the offender is the owner of the firearms or ammunition, make such order as to the forfeiture of the firearms or ammunition as the court thinks fit.

3. (1) Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates' court with an offence triable either way listed in ~~Schedule 3 to the Criminal Law Act 1977 Schedule 1 to the Magistrates Court Act 1980~~ ('the listed offence') and is also charged before that court with an offence under section 17(1) or (2) of this Act, the following provisions of this paragraph shall apply.

(2) Subject to the following sub-paragraph the court shall proceed as if the listed offence were triable only on indictment and sections ~~19 to 24 of the said Act of 1977 Schedule 1 to the Magistrates Courts Act 1980~~ (procedure for determining mode of trial of offences triable either way) shall not apply in relation to that offence.

(3) If the court determines not to commit the accused for trial in respect of the offence under section 17(1) or (2), or if proceedings before the court for that offence are otherwise discontinued, the preceding sub-paragraph shall cease to apply as from the time when this occurs and-

(a) if at that time the court has not yet begun to inquire into the listed offence as examining justices, the court shall, in the case of the listed offence, proceed in the ordinary way in accordance with the said sections 19 to 24; but

(c) ~~if at that time the court has begun to inquire into the listed offence, those sections shall continue not to apply and the court shall proceed with its inquiry into that offence as examining justices, but shall have power in accordance with section 25(3) and (4) of the said Act of 1977 to change to summary trial with the accused's consent.~~

4. Where a person commits an offence under section 17(1) of this Act in respect of the lawful arrest or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by Part I of this Schedule in addition to any penalty to which he may be sentenced for the other offence.

5. If on the trial of a person for an offence under section 17(1) of this Act the jury are not satisfied that he is guilty of that offence but are satisfied that he is guilty of an offence under section 17(2), the jury may find him guilty of the offence under section 17(2) and he shall then be punishable accordingly.

6. The punishment to which a person is liable for an offence under section 17(2) of this Act shall be in addition to any punishment to which he may be liable for the offence first referred to in section 17(2).

7. The court by which a person is convicted of an offence under section 21A, 22(4) or (5), 23(1) or (4) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the air weapon or ammunition in respect of which the offence was committed.

8. The court by which a person is convicted of an offence under section 21A, 22(3), or (4) or (5), 23(1) or (4) may make such order as it thinks fit as to the forfeiture or disposal of any firearm or ammunition found in his possession.

Repealed by
Section 83(3)
Criminal Justice
(Scotland) Act
1980

Schedule 12
Criminal Law Act
1977

Section 6(a) A-S
B Act 2003
Sched. 5 VCR Act
2006

Section 6(b) A-S
B Act 2003
Sched. 5 VCR Act
2006

9. The court by which a person is convicted of an offence under section 24(3) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed.

SCHEDEULE 7

Repeals

Chapter	Short Title	Extent of Repeal
1 Edw. 8 &1 Geo.6 c.12	The Firearms Act 1937	The whole Act.
11 &12 Geo.6 c.58	The Criminal Justice Act 1948	In Schedule 9, the entry relating to the Firearms Act 1937.
12, 13 & 14 Geo. 6. c.94	The Criminal Justice (Scotland) Act 1949	In schedule 11, the entry relating to the Firearms Act 1937.
15 & 16 Geo.6 & 1 Eliz. 2. c.55	The Magistrates' Courts Act 1952	In Schedule 5, the entry relating to section 23(4) of the Firearms Act 1937.
15 & 16 Geo.6 & 1 Eliz. 2. c.52	The Prison Act 1952	In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.
15 & 16 Geo.6 & 1 Eliz. 2. c.61	The Prisons (Scotland) Act 1952	In Schedule 3, the entry relating to section 21(2) of the Firearms Act 1937.
4 & 5 Eliz. 2. c.69	The Sexual Offences Act 1956	In Schedule 3, the entry relating to the Firearms Act 1937.
10 & 11 Eliz. 2. c. 49	The Air Guns and Shot Guns, etc.	The whole Act.
1964 c.48	The Police Act 1964	In Schedule 9, the entry relating to the Firearms Act 1937.
1965 c. 44	The Firearms Act 1965	The whole Act.
1966 c. 42	The Local Government Act 1966	In Part II of Schedule 3, the entry (numbered 19) relating to the Firearms Act 1937.
1966 c. 51	The Local Government (Scotland) Act 1966	In Part II of Schedule 4, the entry (numbered 17) relating to the Firearms Act 1937.
1967 c. 77	The Police (Scotland) Act 1967	In Schedule 4, the entry relating to the Firearms Act 1937.
1967 c. 80	The Criminal Justice Act 1967	Part V (that is to say, sections 85 to 88).

Specifies enactments repealed by section 59(1)

THE FIREARMS (DANGEROUS AIR WEAPONS) RULES 1969
as amended by
THE FIREARMS (DANGEROUS AIR WEAPONS) (AMENDMENT) RULES 1993

- 1. -
 - (1) These Rules may be cited as the Firearms (Dangerous Air Weapons) Rules 1969.
 - (2) These Rules shall not extend to Scotland
 - (3) The Interpretation Act 1889 applies for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.
 - (4) These Rules shall come into operation on 1st May 1969.
- 2. -
 - (1) Subject to paragraph (2) below, rule 3 of these Rules applies to an air weapon (that is to say, an air rifle, air gun or air pistol)-
 - (a) which is capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess, in the case of an air pistol, of 6ft. lb. or, in case of an air weapon other than an air pistol, of 12ft. lb., or
 - (b) which is disguised as another object.
 - (2) Rule 3 of these Rules does not apply to a weapon which only falls within paragraph (1)(a) above and which is designed for use only when submerged in water.
- 3. - An air weapon to which this Rule applies is hereby declared to be specially dangerous.

F(DAW)(A)
Rules 1993

F(DAW)(A)
Rules 1993

Note: The Firearms (Dangerous Air Weapons) (Amendment) Rules 1993 may be cited as such and came into force on 1st July 1993.

Firearms (Amendment) Act 1988

Section 19

SCHEDE

FIREARMS AND AMMUNITION IN MUSEUMS

Museum firearms licence

1. - (1) The Secretary of State may, on an application in writing made on behalf of a museum to which this Schedule applies, grant a museum firearms licence in respect of that museum.

(2) While a museum firearms licence (in this Schedule referred to as a "licence" is in force in respect of a museum the persons responsible for its management and their servants—

(a) may, without holding a firearm certificate or shot gun certificate, have in their possession, and purchase or acquire, for the purposes of the museum firearms and ammunition which are or are to be normally exhibited or kept on its premises or on such of them as are specified in the licence; and

(b) if the licence so provides, may, without the authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) under section 5 of the principal Act, have in their possession, purchase or acquire for those purposes any prohibited weapons and ammunition which are or are to be normally exhibited or kept as aforesaid.

(3) The Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) shall not grant a licence in respect of a museum unless, after consulting the chief officer of police for the area in which the premises to which the licence is to apply are situated, he or they is satisfied that the arrangements for exhibiting and keeping the firearms and ammunition in question are or will be such as not to endanger the public safety or the peace.

(4) A licence shall be in writing and be subject to such conditions specified in it as the Secretary of State thinks necessary, or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) think necessary, for securing the safe custody of the firearms and ammunition in question.

(5) A licence shall, unless previously revoked or cancelled, continue in force for five years from the date on which it is granted but shall be renewable for further periods of five years at a time and sub-paragraph (3) above shall apply to the renewal of a licence as it applies to a grant.

(6) The Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) may by order substitute for the periods mentioned in sub-paragraph (5) above such longer or shorter periods as are specified in the order.

(7) The power to make an order under sub-paragraph (6) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

SI 1999/1759

SI 1999/1759

SI 1999/1750

Variation and revocation

2. - (1) The Secretary of State may by notice in writing to the persons responsible for

the management of a museum—

- (a) vary the conditions specified in a licence held in respect of the museum; or
- (b) vary the licence so as to extend or restrict the premises to which it applies.

(2) A notice under sub-paragraph (1) above may require the persons in question to deliver up the licence to the Secretary of State or, in the case of a notice being given by them (by virtue of provision made under section 63 of the Scotland Act 1998) the Scottish Ministers, within twenty-one days of the date of the notice for the purpose of having it amended in accordance with the variation.

(3) The Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) may by notice in writing to the persons responsible for the management of a museum revoke a licence held in respect of the museum if—

- (a) at any time, after consulting the chief officer of police for the area in which the premises to which it applies are situated, he is satisfied that the continuation of the exemption conferred by the licence would result in danger to the public safety or to the peace; or
- (b) those persons or any of them or any servant of theirs has been convicted of an offence under this Schedule; or
- (c) those persons have failed to comply with a notice under this paragraph requiring them to deliver up the licence.

(4) Where a licence is revoked the Secretary of State or in the case of a revocation made by them, (by virtue of provision made under section 63 of the Scotland Act 1998) the Scottish Ministers, shall by notice in writing require the persons responsible for the management of the museum in question to surrender the licence to him or them.

SI 1999/1750

SI 1999/1750

SI 1999/1750

Fees

3. - (1) There shall be payable—

- (a) on the grant or renewal of a licence a fee of £200 or of such lesser amount as the Secretary of State may in any particular case determine;
- (b) on the extension of a licence to additional premises, a fee of £75

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

Offences and enforcement

4. - (1) It is an offence—

- (a) for a person knowingly or recklessly to make a statement false in any particular to make any statement which he knows to be false for the purpose of procuring the grant, renewal or variation of a licence;
- (b) for the persons or any of the persons responsible for the management of a museum to fail to comply or to cause or permit another person to fail to comply with any condition specified in the licence held in respect of that museum.

- (2) An offence under sub-paragraph (1) 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.
- (3) It is an offence for a person to fail to comply with a notice under paragraph 2(4) above; and that offence shall be punishable on summary conviction with a fine not exceeding level 3 on the standard scale.
- (4) In proceedings against any person for an offence under sub-paragraph (1)(b) above it is a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (5) Where an offence under this paragraph committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (6) Where the affairs of a body corporate are managed by its members sub-paragraph (5) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

5.- This Schedule applies to the following Museums-

The Armouries, HM Tower of London
 The National Army Museum
 The National Museum of Wales
 The Royal Air Force Museum
 The Science Museum
 The Victoria and Albert Museum
 The Royal Marines Museum
 The Fleet Air Arm Museum
 The Royal Navy Museum
 The Royal Navy Submarine Museum
 The British Museum
 The Imperial War Museum
 The National Maritime Museum
 The National Museums of Scotland
 The National Museums and Galleries on Merseyside
 The Wallace Collection

- (1) Any other museum or similar institution in Great Britain which has as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historical, artistic or scientific interest which includes or is to include firearms and which is maintained wholly or mainly out of money provided by Parliament or by a local authority.
- (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 or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) and whose collection includes or is to include firearms.
- (3) An order under sub-section (2) above may specify any description of museum or similar institution which appears to the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) to have for 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 exercised by statutory instrument.

Section 47
 F(A)Act 1997

SI 1999/1750

SI 1999/1750

Interpretation

6.- In this Schedule references to the persons responsible for the management of a museum are to the board of trustees, governing body or other person or persons (whether or not incorporated) exercising corresponding functions.

The Firearms (Removal to Northern Ireland) Order 1990

1. ~~This Order may be cited as the Firearms (Removal to Northern Ireland) Order 1990 and shall come into force on 2nd April 1994~~ SI 2003/3228
2. ~~This Order applies to any firearm or ammunition to which section 1 of the Firearms Act 1968 (firearms and ammunition requiring firearm certificate) applies.~~
3.
 - (1) ~~Subject to paragraph (2) below, the removal of firearms or ammunition to which this Order applies from Great Britain to Northern Ireland is hereby prohibited unless—~~
 - (a) ~~the removal is authorised by the chief officer of police for the area from which they are to be removed and by the Chief Constable of the Royal Ulster Constabulary; and~~
 - (b) ~~such conditions as may be imposed by the chief officer of police or the Chief Constable are complied with.~~
 - (2) ~~This Order does not prohibit the holder of a firearm certificate (whether issued in Great Britain or Northern Ireland) from carrying with him any firearm or ammunition authorised by the certificate to be so carried.~~
4. The Firearms (Removal to Northern Ireland) Order 1975 is hereby revoked.