



# Firearms (Amendment) Act 1997

## 1997 CHAPTER 5

### PART I

#### PROHIBITION OF WEAPONS AND AMMUNITION AND CONTROL OF SMALL-CALIBRE PISTOLS

##### *General prohibition of small firearms etc.*

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

- (1) Section 5 of the Firearms Act 1968 (referred to in this Act as “the 1968 Act”) shall have effect with the following amendments.
- (2) In subsection (1) (which describes weapons which are prohibited by section 5), after paragraph (ab) there shall be inserted the following paragraph—
  - “(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, a small-calibre pistol, a muzzle-loading gun or a firearm designed as signalling apparatus;”.
- (3) In paragraph (ab) (self-loading or pump-action rifles) of that subsection, for the word “rifle” there shall be substituted the words “rifled gun”.
- (4) In paragraph (ac) (self-loading and pump-action smooth-bore guns) after the word “not” there shall be inserted the words “an air weapon or”.
- (5) In paragraph (ad) (smooth-bore revolver guns), for the words from “loaded” to the end there shall be substituted the words “a muzzle-loading gun”.
- (6) After subsection (7) there shall be inserted the following subsections—
  - “(8) For the purposes of subsection (1)(aba) and (ac) above, any detachable, folding, retractable or other movable butt-stock shall be disregarded in measuring the length of any firearm.

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*Status: This is the original version (as it was originally enacted).*

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- (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).”
- (7) The general prohibition by section 5 of the 1968 Act of firearms falling within subsection (1)(aba) of that section is subject to the special exemptions in sections 2 to 8 below.
- (8) In sections 2 to 8 below any reference to a firearm certificate shall include a reference to a visitor’s firearm permit.
- (9) In section 57 of the 1968 Act (interpretation), after subsection (1) there shall be inserted the following subsection—
- “(1A) In this Act “small-calibre pistol” means—
- (a) a pistol chambered for .22 or smaller rim-fire cartridges; or
  - (b) an air pistol to which section 1 of this Act applies and which is designed to fire .22 or smaller diameter ammunition.”

*Special exemptions from prohibition of small firearms*

**2 Slaughtering instruments**

The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act—

- (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 firearm 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.

**3 Firearms used for humane killing of animals**

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.

**4 Shot pistols used for shooting vermin**

- (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-bored gun which is chambered for .410 cartridges or 9mm rim-fire cartridges.

## **5 Races at athletic meetings**

The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act—

- (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.

## **6 Trophies of war**

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 which 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.

## **7 Firearms of historic interest**

- (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—
  - (a) was manufactured before 1st January 1919; and
  - (b) is of a 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.
- (2) The Secretary of State may by 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 purposes 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 Weapons and ammunition used for treating animals**

The authority of the Secretary of State is not required by virtue of subsection (1)(aba), (b) or (c) 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 firearm, weapon or ammunition subject to a condition restricting its use to use in connection with the treatment of animals.

*Prohibited ammunition: expanding ammunition and missiles for expanding ammunition*

**9 General prohibition of expanding ammunition etc**

In section 5(1A) of the 1968 Act (weapons and ammunition subject to general prohibition), for paragraph (f) there shall be substituted the following paragraph—

“(f) any ammunition which incorporates a missile designed or adapted to expand on impact;”.

**10 Expanding ammunition etc.: exemptions from prohibition**

(1) Section 5A of the 1968 Act (exemptions from requirement of authority under section 5) shall be amended as follows.

(2) In subsection (4) (shooting of animals)—

(a) after the word “acquire”, in the first place it appears, there shall be inserted the words “, or to sell or transfer;”, and

(b) for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) he is authorised by a firearm certificate or visitor’s firearm permit to possess, or purchase or acquire, any expanding ammunition; and

(b) 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—

(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.”.

(3) For subsection (7) (firearms dealers) there shall be substituted the following subsection—

“(7) The authority of the Secretary of State 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 any such ammunition in the ordinary course of that business.”.

*Provisions relating to the control of small-calibre pistols*

## **11 Having small-calibre pistol outside licensed pistol club**

- (1) After section 19 of the 1968 Act (carrying firearm in a public place) there shall be inserted the following section—

### **“19A Having small-calibre pistol outside premises of licensed pistol club**

- (1) It is an offence for any person to have a small-calibre pistol with him outside licensed premises of a licensed pistol club.
- (2) It is not an offence for a person to have with him a small-calibre pistol if—
- (a) he is permitted by virtue of any provision of this Act to have the pistol in his possession without holding a firearm certificate or a visitor’s firearm permit;
  - (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
  - (c) he is authorised to have the pistol in his possession by virtue of a firearm certificate or visitor’s firearm permit which is not subject to a condition requiring it to be kept at a licensed pistol club.
- (3) 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.”
- (2) In Part I of Schedule 6 to the 1968 Act (prosecution and punishment of offences), after the entry for section 19 there shall be inserted the following entry—

“Section 19A.	Having small-calibre pistol outside premises of licensed pistol club.	(a) Summary	6 months or a fine of the statutory maximum; or both.	—
		(b) On indictment	10 years or a fine; or both.	—”

## **12 Firearm certificates for small-calibre pistols: special conditions**

- (1) If a chief officer of police is satisfied, on an application for the grant or renewal of a firearm certificate in respect of a small-calibre pistol, that the applicant’s only reason for having the pistol 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—
- (a) the pistol is only to be used for target shooting;
  - (b) the holder must be a member of a licensed pistol club specified in the certificate;
  - (c) the pistol must be kept at licensed premises of that club which are so specified.

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- (2) A person who commits an offence under section 1(2) of the 1968 Act by failing to comply with any of the conditions specified in subsection (1) above shall be treated for the purposes of provisions of that Act relating to the punishment of offences as committing that offence in an aggravated form.
- (3) Any firearm certificate in force immediately before the day on which this section comes into force which—
- (a) relates to a small-calibre pistol; and
  - (b) is subject to the condition that the pistol is only to be used on an approved range;
- shall be treated on and after that day as being held subject to a condition requiring the pistol to be kept at licensed premises of a licensed pistol club.
- (4) Subsections (1) and (3) above apply in relation to a visitor's firearm permit as they apply to a firearm certificate.
- (5) A holder of a visitor's firearm permit who commits an offence under section 17(10)(b) of the Firearms (Amendment) Act 1988 (in this Act referred to as "the 1988 Act") by failing to comply with any condition mentioned in subsection (1) or (3) above is punishable—
- (a) on conviction on indictment, with imprisonment for a term not exceeding seven years or a fine or both; and
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

### **13 Permits to have small-calibre pistols outside licensed pistol clubs**

- (1) A person whose firearm certificate for a small-calibre pistol is held subject to a condition that the pistol must be kept at licensed premises of a licensed pistol club may make an application in the prescribed form to the chief officer of police for the area in which he resides for a permit under this section authorising a person specified in the permit to have the pistol in his possession outside those premises for any proper purpose.
- (2) A permit under this section shall not, unless the circumstances appear to the chief officer of police to be exceptional, authorise any holder of a firearm certificate which relates to the pistol to have the pistol with him in any place other than the licensed premises of a licensed pistol club or the premises at which a designated target shooting competition specified in the permit is being held.
- (3) A proper purpose for having a small-calibre pistol outside the licensed premises at which it is required to be kept may be any of the following, namely—
- (a) conveying the pistol to those premises following—
    - (i) the release of the pistol from police custody under Schedule 1 to this Act;
    - (ii) the purchase or acquisition of the pistol; or
    - (iii) a change in the licensed premises at which the pistol is required to be kept;
  - (b) having the pistol repaired or maintained by a registered firearms dealer;
  - (c) enabling the pistol to be used at a designated target shooting competition;
  - (d) selling or otherwise disposing of the pistol; or

- (e) any other purpose which appears to the chief officer of police to be proper in all the circumstances.
- (4) Where a person makes an application under subsection (1) above in relation to a pistol, the chief officer of police may, if he thinks fit, grant a permit in the prescribed form; and any such permit—
- (a) shall specify the purpose for which it is granted and the name of any person who is authorised by the permit to have the pistol in his possession; and
  - (b) shall be granted subject to such conditions as the chief officer of police thinks necessary to secure that such possession will not endanger the public safety or the peace;
- and any conditions may include a time by which the pistol must be taken or returned to the licensed premises specified in the applicant's firearm certificate.
- (5) It is an offence—
- (a) for a person to fail to comply with any condition contained in a permit under this section which authorises him to have a small-calibre pistol in his possession; or
  - (b) for a person knowingly or recklessly to make any statement which is false in a material particular for the purpose of procuring (whether for himself or another) the grant of a permit under this section.
- (6) In proceedings against any person for an offence under subsection (5)(a) above, it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (7) An offence under subsection (5) 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.
- (8) Where any person authorised by a permit under this section to be in possession of a small-calibre pistol outside the licensed premises of a licensed pistol club has the pistol in his possession outside those premises for a purpose authorised by the permit—
- (a) he shall not be guilty of an offence under section 19A of the 1968 Act; and
  - (b) his possession of the pistol outside those premises shall not without more be regarded as a failure to comply with the conditions to which any firearm certificate relating to the pistol is subject.
- (9) The Secretary of State may by order designate such target shooting competitions as he thinks fit for the purposes of this section.
- (10) This section applies to a person holding a visitor's firearm permit relating to a small-calibre pistol as it applies to a person holding a firearm certificate, except that any application for a permit under this section by the holder of a visitor's firearm permit shall be made to the chief officer of police who granted the visitor's firearm permit.

#### **14 Transitional arrangements for certain small-calibre pistols**

Schedule 1 (which enables a small-calibre pistol to be delivered to a police station and held in police custody for a limited period after section 11 above comes into force) shall have effect.

*Surrender of firearms, etc. and compensation*

**15 Surrender of prohibited small firearms and ammunition**

- (1) The Secretary of State may make such arrangements as he thinks fit to secure the orderly surrender at designated police stations of firearms or ammunition the possession of which will become or has become unlawful by virtue of section 1 or 9 above.
- (2) The chief officer of police for any area may designate any police station in his area as being suitable for the receipt of surrendered firearms or ammunition or surrendered firearms or ammunition of any description.

**16 Payments in respect of prohibited small firearms and ammunition**

- (1) The Secretary of State shall, in accordance with a scheme made by him, make payments in respect of firearms and ammunition surrendered at designated police stations in accordance with the arrangements made by him under section 15 above.
- (2) A scheme under subsection (1) above shall provide only for the making of payments to persons making claims for such payments in respect of firearms or ammunition—
  - (a) which they had, and were entitled to have in their possession on or immediately before 16th October 1996 by virtue of firearm certificates held by them or by virtue of their being registered firearms dealers; or
  - (b) which on or before that date they had contracted to acquire and were entitled to have in their possession after that date by virtue of such certificates held by them or by virtue of their being registered firearms dealers,and their possession of which will become, or has become, unlawful by virtue of section 1(2) or 9 above.
- (3) A scheme under subsection (1) above may—
  - (a) restrict eligibility for receipt of payments to claims made in respect of firearms or ammunition surrendered within a period specified in the scheme;
  - (b) provide for the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims under the scheme and for the determination of such claims;
  - (c) make different provision for different descriptions of firearm or ammunition or for different descriptions of claimant.

**17 Payments in respect of ancillary equipment**

- (1) The Secretary of State shall, in accordance with any scheme which may be made by him, make payments in respect of ancillary equipment of any description specified in the scheme.
- (2) For the purposes of subsection (1) above “ancillary equipment” means equipment, other than prohibited ammunition, which—
  - (a) is designed or adapted for use in connection with firearms prohibited by virtue of section 1(2) above; and
  - (b) has no practicable use in connection with any firearm which is not a prohibited weapon.



- (3) A scheme under subsection (1) above shall provide only for the making of payments to persons making claims for such payments in respect of ancillary equipment—
  - (a) which they had in their possession on 16th October 1996; or
  - (b) which they had in their possession after that date, having purchased it by virtue of a contract entered into before that date.
- (4) No payment shall be made under a scheme under subsection (1) above in relation to any ammunition unless its possession or, as the case may be, purchase by any person claiming a payment in respect of it was, at all material times, lawful by virtue of a firearm certificate held by him or by virtue of his being a registered firearms dealer.
- (5) A scheme under subsection (1) above may require, as a condition of eligibility for receipt of payments under the scheme in respect of any equipment—
  - (a) the surrender (whether to the police or any other person) of that equipment in accordance with the scheme within a period specified by the scheme; or
  - (b) the disposal of that equipment by way of sale within a period so specified; or
  - (c) either such surrender or such disposal of the equipment within a period so specified.
- (6) A scheme under subsection (1) above may—
  - (a) provide for the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims under the scheme and for the determination of such claims;
  - (b) make different provision for different descriptions of equipment or for different descriptions of claimant.

## **18 Parliamentary control of compensation schemes**

- (1) Before making a compensation scheme the Secretary of State shall lay a draft of it before Parliament.
- (2) The Secretary of State shall not make the scheme unless the draft has been approved by resolution of each House.
- (3) This section applies to any alteration to the scheme as it applies to a compensation scheme.
- (4) In this section “compensation scheme” means a scheme under section 16 or 17 above.