



# Firearms (Amendment) Act 1997

## 1997 CHAPTER 5

### PART III

#### REGULATION OF FIREARMS AND AMMUNITION

##### *Firearm and shot gun certificates*

### 37 Applications for certificates and referees.

For section 26 of the 1968 Act there shall be substituted the following sections—

**“26A Applications for firearm certificates.**

- (1) An application for the grant of a firearm 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 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.
- (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—
  - (a) verification in the prescribed manner of—
    - (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

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- (c) such other statements or information in connection with the application or the applicant as may be prescribed.

### **26B Applications for shot gun certificates.**

- (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.”

### **38 Grant of firearm certificates.**

For subsection (1) of section 27 of the 1968 Act (special provisions about the grant of firearms certificates) there shall be substituted the following subsection—

- “(1) A firearm certificate shall be granted where the chief officer of police is satisfied—
- (a) that the applicant is fit to be entrusted with a firearm to which section 1 of this Act applies and is not a person prohibited by this Act from possessing such a firearm;
  - (b) that he has a 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
  - (c) 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.”

### **39 [F1Computerised register of firearms and shot guns and their holders]**

- (1) There shall be established a central register of
  - [F2(a)] all persons who have applied for a firearm or shot gun certificate or to whom a firearm or shot gun certificate has been granted or whose certificate has been renewed[F3]; and
  - (b) each firearm to which a firearm certificate or a shot gun certificate relates]
- [F4(2) The register shall—
  - (a) record a suitable identifying number for each person to whom a certificate is issued;
  - (b) be kept by means of a computer which provides access on-line to all police forces;
  - (c) record for each firearm to which a firearm certificate or a shot gun certificate relates—

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- (i) the type, make, model, calibre and serial number of the firearm;
  - (ii) the name and address of the holder of the certificate who acquires or possesses the firearm;
  - (iii) the name and address of the person from whom the holder of that certificate purchased or acquired the firearm; and
  - (iv) where the holder of that certificate sells or transfers the firearm, the name and address of the person to whom it is sold or transferred; and
- (d) be structured so as to ensure that such records are maintained for not less than twenty years beginning with the date that they are first entered onto the register.
- (3) For the purposes of this section a firearm certificate or shot gun certificate does not relate to a firearm solely because it authorises the purchase or acquisition of the firearm by the holder of the certificate, if the holder of the certificate has not purchased or acquired the firearm.
- (4) In subsection (2)(c)(iii) and (iv) “name and address” means name and address at the time of the purchase, acquisition, sale or transfer.]

#### Textual Amendments

- F1 S. 39 heading substituted (16.4.2015) by [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1), 2(2)
- F2 Words in s. 39(1) renumbered as s. 39(1)(a) (16.4.2015) by [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1), 2(3)
- F3 S. 39(1)(b) and preceding word inserted (16.4.2015) by [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1), 2(3)
- F4 S. 39(2)-(4) substituted for s. 39(2) (16.4.2015) by [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1), 2(4) (with reg. 5)

#### 40 Revocation of certificates.

For section 30 (revocation of certificates) of the <sup>M1</sup>Firearms Act 1968 there shall be substituted the following sections—

##### “30A Revocation of firearm certificates.

- (1) A firearm 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.
- (2) The certificate may be revoked if the chief officer of police has reason to believe—
  - (a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
  - (b) that the holder can no longer be permitted to have the firearm 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.

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- (4) The certificate may be revoked if the chief officer of police is satisfied that the holder no longer has a 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 section may in accordance with section 44 of this Act appeal against the revocation.

### **30B Partial revocation of firearm certificates.**

- (1) The chief officer of police for the area in which the holder of a 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.
- (2) A firearm certificate may be partially revoked only if the chief officer of police is satisfied that the 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.

### **30C Revocation of shot gun certificates.**

- (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.
- (2) A person aggrieved by the revocation of a shot gun certificate may in accordance with section 44 of this Act appeal against the revocation.

### **30D Revocation of certificates: supplementary.**

- (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.
- (2) Where a 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 from the date 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

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(b) it 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.

(5) This section shall not apply in relation to—

- (a) the revocation of a firearm certificate on any ground mentioned in section 30A(2), (3) or (4) of this Act;
- (b) the revocation of a shot gun certificate,

if the chief officer of police serves a notice on the holder under section 12 of the <sup>M2</sup>Firearms Act 1988 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.”

**Marginal Citations**

- M1** 1968 c. 27.  
**M2** 1988 c. 45.

**41 Appeals.**

(1) For section 44 of the 1968 Act (appeals against police decisions) there shall be substituted the following section—

**“44 Appeals against police decisions.**

- (1) 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—
  - (a) in England and Wales, to the Crown Court; and
  - (b) in Scotland, to the sheriff.
- (2) An appeal shall be determined on the merits (and not by way of review).
- (3) 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.
- (4) 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.
- (5) In Schedule 5 to this Act—
  - (a) Part II shall have effect in relation to appeals to the Crown Court; and
  - (b) Part III shall have effect in relation to appeals to the sheriff.”

(2) In Schedule 5 to the 1968 Act (provisions as to appeals), after Part II there shall be inserted—

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### “PART III

#### APPEALS IN SCOTLAND

- 1 An appeal to the sheriff shall be by way of summary application.
- 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.
- 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.
- 4 The decision of the sheriff on an appeal may be appealed only on a point of law.”

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**Modifications etc. (not altering text)**

**C1** S. 41 excluded (10.6.1997) by S.I. 1997/1535, arts. 3(b), 6, Sch.

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