
Status: Point in time view as at 17/12/1997. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Firearms (Amendment) Act 1997, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 52.

CONSEQUENTIAL AND MINOR AMENDMENTS

Firearms Act 1968 (c.27)

- 1 The Firearms Act 1968 shall be amended as follows.
- 2 (1) In section 3(5) (false statements with a view to purchasing or acquiring firearm etc.), for the words “makes any false statement” there shall be substituted the words “knowingly or recklessly makes a statement false in any material particular”.
- (2) In section 7(2), 9(3), 13(2) and 29(3) (all of which concern false statements), for the words “to make any statement which he knows to be false” there shall be substituted the words “knowingly or recklessly to make a statement false in any material particular”.
- (3) In section 39(1) (offences in connection with registration of dealers), for the words “makes any statement which he knows to be false” there shall be substituted the words “knowingly or recklessly makes a statement false in any material particular”.
- 3 In section 11(3), 23(2) and 54(5) (all of which refer to use of firearms or ammunition for target practice), for the words “target practice”, in each place where they occur, there shall be substituted the words “target shooting”.
- 4 (1) After section 28 there shall be inserted the following section—

“28A Certificates: supplementary.

- (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 officer of police for the area in which the holder resides.
- (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 so granted or last renewed.
- (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.
- (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.
- (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.

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- (6) A person aggrieved by the refusal of a chief officer of police to grant or to renew a certificate under this Act may in accordance 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.”
- (2) In Part I of Schedule 6 (prosecution and punishment of offences), in the entry relating to section 26(5) (making of false statement in order to procure grant or renewal of certificate) for the words “Section 26(5)” there shall be substituted the words “Section 28A(7)”.
- 5 In section 32 (exemption from fee for certificate in certain cases) for subsection (2) there shall be substituted the following subsections—
- “(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 in the 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.”.
- 6 In section 32A(4)(b) and 32C(7), for the words “section 4(2) of the Firearms (Amendment) Act 1988 (formalities on transfer of shot guns)” there shall be substituted the words “ section 32(2)(b) of the Firearms (Amendment) Act 1997 (requirements relating to transfers of firearms) ”.
- 7 In section 38(8) (surrender of register of transactions by dealer) after the words “this Act” there shall be inserted “ (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) ”.
- 8 In section 40 (compulsory register of transactions)—
- (a) in subsection (4)—
- (i) after the word “constable” (in both places it appears) there shall be inserted the words “ or a civilian officer ”;
- (ii) after the words “the register” there shall be inserted the words “ (or if the register is kept by means of a computer, a copy of

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the information comprised in that register in a visible and legible form); ”; and

(b) after that subsection there shall be inserted the following subsection—

“(4A) Every person keeping a register in accordance with this section by means of a computer shall secure that the information comprised in the register can readily be produced in a form in which it is visible and legible and can be taken away.”.

PROSPECTIVE

9 In section 50 (special powers of arrest) for subsection (2) there shall be substituted the following—

“(2) 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.”.

10 In section 54(1) (application of Parts I and II to the Crown) for the words “26 to 32” there shall be substituted the words “ 26A to 32 ”.

11 In section 54(2)(b), for the words “section 26” there shall be substituted the words “ section 26A ”.

12 In Schedule 5 (provisions as to appeals under section 44), in column 1 of Part I, in paragraph 1, for the words “26(4), 29(2) or 30(3)” there shall be substituted the words “ 28A(6), 29(2), 30A(6), 30B(3) or 30C(2) ”.

F113

Textual Amendments

F1 Sch. 2 para. 13 repealed (17.12.1997) by 1997 c. 64, s. 2(7), Sch.; S.I. 1997/3114, art. 3, Sch. Pt. I

14 In Part I of Schedule 6 (prosecution and punishment of offences), in the entry relating to section 30(4) (failure to surrender certificate on revocation) for the words “Section 30(4)” there shall be substituted the words “ Section 30D(3) ”.

Firearms (Amendment) Act 1988 (c.45)

15 The Firearms (Amendment) Act 1988 shall be amended as follows.

16 In section 7(1) (conversion not to affect classification), for paragraph (a) there shall be substituted the following paragraph—

“(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);”.

17 In section 11(1) (co-terminous certificates) for the words “subsection (3), or in an order made under subsection (3A) of section 26” there shall be substituted the words “ subsection (1), or in an order made under subsection (3) of section 28A ”.

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- 18 In section 12 (revocation of certificates) in subsection (1), for the words “under section 30(1)(a) or (2)”, there shall be substituted the words “ under section 30A(2), (3) or (4) or 30C ”.
- 19 In section 17(10) and paragraph 4(1) of the Schedule, for the words “to make any statement which he knows to be false” there shall be substituted the words “ knowingly or recklessly to make a statement false in any material particular ”.
- 20 In section 22(1)(c) (firearms consultative committee), for the words “the principal Act, the Firearms Act 1982 and this Act” there shall be substituted the words “ the Firearms Acts 1968 to 1997 ”.

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