



Policing and Crime Act 2017

2017 CHAPTER 3

PART 6

FIREARMS AND PYROTECHNIC ARTICLES

Firearms

126 Firearms Act 1968: meaning of “antique firearm”

- (1) Section 58 of the Firearms Act 1968 (particular savings) is amended in accordance with subsections (2) and (3).
- (2) After subsection (2) (which makes provision about antique firearms) insert—
- “(2A) For the purposes of subsection (2), a firearm is an “antique firearm” if—
- (a) either the conditions in subsection (2B) are met or the condition in subsection (2C) is met, and
 - (b) if an additional condition is specified in regulations under subsection (2D), that condition is also met.
- (2B) The conditions in this subsection are that—
- (a) the firearm’s chamber or, if the firearm has more than one chamber, each of its chambers is either—
 - (i) a chamber that the firearm had when it was manufactured, or
 - (ii) a replacement for such a chamber that is identical to it in all material respects;
 - (b) the firearm’s chamber or (as the case may be) each of the firearm’s chambers is designed for use with a cartridge of a description specified in regulations made by statutory instrument by the Secretary of State (whether or not it is also capable of being used with other cartridges).

Status: This is the original version (as it was originally enacted).

- (2C) The condition in this subsection is that the firearm’s propulsion system is of a description specified in regulations made by statutory instrument by the Secretary of State.
- (2D) The Secretary of State may by regulations made by statutory instrument specify either of the following conditions for the purposes of subsection (2A) (b)—
- (a) a condition that a number of years specified in the regulations has elapsed since the date on which the firearm was manufactured;
 - (b) a condition that the firearm was manufactured before a date specified in the regulations.
- (2E) In its application to Scotland, subsection (2C) does not apply in relation to a firearm that is an air weapon.
- (2F) Regulations under subsection (2B), (2C) or (2D) may make different provision for different purposes.
- (2G) Subject to subsection (2H), a statutory instrument containing regulations under subsection (2B), (2C) or (2D) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (2H) A statutory instrument containing regulations under subsection (2B) or (2C) which contain only provision amending regulations previously made under that subsection so as to remove a description of cartridge or a description of propulsion system from the descriptions specified in those regulations is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In subsection (2)—
- (a) in paragraph (a), for “section 21” substitute “sections 19, 20 and 21”;
 - (b) in paragraph (b), for “section 21” substitute “section 19, 20 or 21”.
- (4) Subsections (5) to (7) apply where—
- (a) immediately before the coming into force of regulations under section 58(2B), (2C) or (2D) of the Firearms Act 1968 (as inserted by subsection (2) above), a person has in his or her possession a firearm that is an antique firearm for the purposes of section 58(2) of that Act, and
 - (b) in consequence of the coming into force of the regulations, the firearm ceases to be an antique firearm for those purposes.
- (5) Section 5 of the Firearms Act 1968 does not apply in relation to the possession of the firearm by the person unless—
- (a) the person carries on a business as a firearms dealer, and
 - (b) the firearm is in his or her possession for the purpose of the business.
- (6) An application by the person for a certificate under section 1 or 2 of that Act in respect of possession of the firearm may not be refused on the ground that the person does not have a good reason for having the firearm in his or her possession.
- (7) An application by the person for the renewal of a certificate issued under section 1 or 2 of that Act in respect of possession of the firearm may not be refused on the ground that the person does not have a good reason for having the firearm in his or her possession.

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

- (8) The provision made by subsections (4) to (7) does not prevent additional transitional provision being made (under the power conferred by section 183(9)) in connection with the coming into force of this section (including provision for enabling certificates and authorisations under the Firearms Act 1968 to be issued or granted before this section comes fully into force).