

The Creation of a UK Criminal Code: 6 Acts

Fourth Act – Weapons

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This fourth article argues that all Weapons legislation should be consolidated into one Act. This includes legislation on knives, guns, explosives (bombs) and corrosive substances. It should be noted that large amounts of material on this can be placed in a SI - to enable easier updating - as opposed to general legislation.

1. Introduction

Three previous articles¹ have looked at the consolidation of all UK criminal law into 6 pieces of legislation *viz.* the first three (*italicized*) of the following Crime Acts:

- *Sex Crimes Act*
- *Property & Finance Crimes Act*
- *State Crimes Act*
- Weapons Act
- Public Order Crimes Act
- Crimes against the Person Act

This article looks at a Weapons Act. The intention is that - once all crimes are consolidated into these 6 Acts - the same can, then, be consolidated into a Criminal Code with 3 Parts. One dealing with *crimes against the person*, the second dealing with *crimes against public order* and the third dealing with *property and financial crimes*. This will reflect legal specialisms in the area of criminal lawyers, assisting them. Consolidation will, also, save huge sums of money for the taxpayer.

2. Offensive Weapons Legislation

There is legislation on offensive weapons which should be consolidated. This legislation is based around the Firearms Act 1968 which is the principal legislation. Presently, this legislation comprises the following:

| <u>Act</u> | | <u>No of Sections (total 155)</u> |
|---|---|--|
| • Prevention of Crime Act 1953 | (ss 1-1A) | 2 |
| • Restriction of Offensive Weapons Act 1959 | (s 1) | 1 |
| • Restriction of Offensive Weapons Act 1961 | (<i>amends, extends 1959 Act to NI</i>) | 1 |
| • Firearms Act 1968 | | 74 |
| • Firearms Act 1982 | (ss 1-3) | 3 |
| • Firearms (Amendment) Act 1988 | (ss 5-9,11-2,14-22,24-6) | 20 |
| • Criminal Justice Act 1988 | (ss 139-42) | 7 |
| • Criminal Justice and Public Order Act 1994 | (s 60) | 1 |
| • <i>Offensive Weapons Act 1996</i> | (<i>amends</i>) | |
| • Firearms (Amendment) Act 1997 | (ss 2-8, 15-8,32-6, 39, 44, 48, 50) | 20 |
| • <i>Firearms (Amendment) (No 2) Act 1997</i> | (<i>amends</i>) | |

¹ See G S McBain, *The Creation of a UK Criminal Code: 6 Acts. First Act - Sex Crimes* (2025) International Law Research ('ILR'), vol 14, no 1, pp 1-69 (*free online*). See also Ibid, *Second Act - Property and Finance Crimes* (2025) ILR, Vol 14, no 1, pp 70-105 (*free online*). Ibid, *Third Act - State Crimes* (2025) ILR, Vol 14, no 1, pp 106-138 (*free online*).

| | | |
|---|-------------------------------|---|
| • Anti-Terrorism, Crime and Security Act 2001 | (nuclear, ss 47-57,67, 113-5) | |
| • Knives Act 2003 | (ss 1-9) | 9 |
| • Violent Crime Reduction Act 2006 | (ss 28-9, 32, 35-9, 47) | 9 |
| • <i>Legal Aid, Sentencing and Punishment of Offenders Act 2012</i> (s 142, amends) | | |
| • Offensive Weapons Act 2019 | (ss 52,57-60,63-4,66) | 8 |

For the text of the above, see *Appendix 1*. In relation to consolidation, the following may be noted:

- **Terminology - Weapon.** The 1953 Act refers to an ‘*offensive weapon*’.² However, the epithet ‘*offensive*’ is superfluous and takes up text. So too, the older description ‘*dangerous weapon*’ (see 1959 Act). Further, today, people, tend to refer in ordinary parlance, to a ‘*weapon*.’ Finally, implicit within the word ‘*weapon*’ - and its usage - is that the object is designed (or adapted) to cause injury (i.e. it has an ‘*offensive*’ use, see 1953 Act, s 1). Thus, it is better to drop the word ‘*offensive*’ as superfluous. So too, the word ‘*dangerous*’. In short, the word ‘*weapon*’ is sufficient since legislation also goes on to describe the nature of the weapon, such as a flick knife *etc* (and, in the case of a gun, length of barrel *etc*);
- **Terminology - Firearm.** The Firearms Act 1968 used the word ‘*firearm*’. Today, most people in common parlance (and more modern legislation) use the word ‘*gun*’, which is shorter. This term should be used in any consolidation legislation - as opposed to the older term;
- **Terminology - Public Place - Standard Definition.** The term ‘*public place*’ is, also, defined in the 1953 Act.³ However, this definition is out of kilter with other definitions found in criminal legislation and generally. Thus, there should be a common definition throughout all criminal legislation as to ‘*public place*’ which term is constantly used;
- **Table Needed.** Present weapons legislation mainly deals with: (a) knives; and (b) guns. As to (a), it is a crime to possess (as well as sell) only certain types of knives. For example, flick knives and gravity knives. These require definition which definition should be set out in a Table to a Weapons Act and not in the Act itself (as presently occurs in criminal legislation) since the issue is, rarely, a material matter in a case. The same applies to guns;
- **Criminal Procedure Act (CPA).** As with the previous articles which have looked at sex crimes, property and finance crimes and state crimes, current weapons legislation stipulates powers of arrest/search/asset seizure/forfeiture. Also, with the power of the Secretary of State to make regulations. However, all this should be placed in a CPA instead of being endlessly repeated in specific criminal legislation, in different formulations;
- **Administrative Material.** A lot of current legislation on weapons is of an *administrative* nature. It should be in *Appendices* since it (often) does not apply to the case in hand. Also, it clogs up the text, which should only deal with *crimes*, in order to be more intelligible and user friendly;
- **Acronyms.** The Firearms Acts (almost endlessly) refer to ‘*the chief officer of police*’.⁴ Reference is, also, made to a ‘*senior officer of police*’, to a ‘*chief constable*’ and to a ‘*police officer*’ (present criminal legislation, also, employs older terms such as a ‘*constable*’ or ‘*police constable*’). These terms - as may be expected - are constantly used in criminal legislation. To prevent endless repetition - and to enable the text to be read more easily, acronyms should be used e.g. CPO (for ‘*chief police officer*’, also, sometimes, referred to as ‘*chief officer*’ in legislation), SPO (for ‘*senior police officer*’), CC (for ‘*chief constable*’), PO (for ‘*police officer*’). Further, often, firearms legislation refers to a CPO (or CC) when reference to a SPO would seem sufficient;
- **Sentences.** These should be set out in a *Table*. This will reveal that - at present - they are ‘*all over the shop*’.

As indicated in prior articles, the last 5 points apply to the consolidation of criminal legislation and not just to this Act. See also Archbold (2024) ch 24.

3. Formulation of the Prevention of Crime Act 1953 - Knife Crimes

The 1953 Act defines 2 crimes in respect of a weapon in an antiquated fashion. One not consonant with modern drafting or intelligibility. In the case of the first crime, the 1953 Act, s 1 (*possessing a weapon in a public place*) provides that:

Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence.

In modern times this can be expressed more effectively by specifying the *pre-requisites* succinctly and in a user friendly manner, *viz.*

² Prevention of Crime Act 1953, s 1 “*offensive weapon*” means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him or by some other person.’

³ Ibid “*public place*” includes any highway, or in Scotland any 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.’

⁴ However, this is not consistent. For example, some sections simply refer to ‘*chief officer*.’

(1) **Possessing [Having] a Weapon in a Public Place**. It is a crime if a person (A):⁵

- (a) possesses [has]⁶ a weapon
- (b) in a public place
- (c) without lawful authority or reasonable excuse.⁷

As to the second crime laid down in the 1953 Act, s 1 (*threatening with a weapon in a public place*) provides:

A person is guilty of an offence if that person (a) has an offensive weapon with him or her in a public place, (b) unlawfully and intentionally threatens another person (“A”) with the weapon, and (c) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.

This can, also, be stated more clearly *viz.*

1. It is a crime if a person (A):

- (a) possessing [having] a weapon
- (b) in a public place⁸
- (c) unlawfully⁹
- (d) threatens¹⁰
- (e) to injure another person (B) with it.

In this case, the issue should not be that of what a hypothetical ‘*reasonable person*’ might think. More appropriately, it is what the *actual fact scenario* is. In other words, there is no need to posit a ‘*reasonable man*’ (as the 1953 Act does) when the word ‘*threaten*’ is used since - whether such occurred in fact in the instant case - is the crucial matter.

4. Formulation of the 1959 Act - Knife Crimes

Similarly, the 1959 Act, s 1, stipulates a crime which today - with a more modern approach to drafting - can be better stated. The gravamen of s 1, presently, states:

Penalties for offences in connection with dangerous weapons. (1) Any person who manufactures, sells or hires or offers for sale or hire, or exposes or has in his possession for the purpose of sale or hire or lends or gives to any other person (a) any knife which has a blade which opens automatically (i) from the closed position to the fully opened position, or (ii) from a partially opened position to the fully opened position, by manual pressure applied to a button, spring or other device in or attached to the knife, and which is sometimes known as a “*flick knife*” or “*flick gun*”; or (b) any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever, or other device, sometimes known as a “*gravity knife*”, shall be guilty of an offence.

This can be stated more clearly *viz.*

1. **Flick and Gravity Knives**. It is a crime if a person (A):

- (a) manufactures
- (b) sells (or offers for sale)
- (c) hires (or offers for hire)
- (d) exposes (for the purpose of (b) or (c))¹¹
- (e) lends
- (f) gives or

⁵ Over the centuries of drafting there have been many formulations. However, the words ‘*It is a crime if a person:*’ are (it is suggested) by far the best. They are very simple, direct and clear and can be used for all crimes.

⁶ This word is, often, used in other legislation and it is simpler.

⁷ The burden of proof on the possessor (‘*the proof whereof shall lie upon him*’) only refers to 1(c). This should be dealt with in a sub-section.

⁸ This makes it clear that the second crime in the 1953 Act, s 1 is an *aggravated* crime. Therefore, these 2 crimes should be in the same section in a Weapons Act.

⁹ Obviously, a lawfully armed police officer (i.e. someone with lawful excuse to be armed) attending a man brandishing a knife and threatening injury, would not be acting unlawfully. However, a police officer threatening to shoot dead a little old lady who had evidenced no violence would be unlawful.

¹⁰ ‘*Threaten*’ has implicit within the word, intention.

¹¹ At present, the wording in the Act does not make it clear that the word ‘*expose*’ can only apply to (b) or (c) (i.e. expose for the purpose of sale or hire). So too, the word ‘*offer*’. A modern draftsman would be able to clear up these anomalies.

(g) possesses [has]

(h) a flick (or gravity) knife.¹²

5. Firearms Act 1968

This is the basic Act around which all the above material can be consolidated. For the text of current legislation dealing with gun crimes, see *Appendix 1*. Further - as with the 1953 and 1959 Acts on knives - stipulating the *pre-requisites* of the crimes relating to firearms (guns) produces a clearer and more intelligible result. The other points made in **2** above apply *a fortiori*. Further, large amounts of material currently in firearms legislation should be consolidated into a SI, to enable easier amendment and updating. It does not need to be in legislation. Also, acronyms would be useful e.g. 'FC' for 'firearms certificate', 'RFD' for 'registered firearms dealer', 'SGC' for 'shot gun certificate' etc.

In conclusion, legislation on weapons (guns, knives) should be consolidated into a Weapons Act.

6. Corrosive Substances (Acid etc)

These are dealt with in the Offensive Weapons Act 2019 (sections 1-13). These should be in a Weapons Act since the corrosive substance is used as a weapon. See also Archbold (2024) 24-221. See also Offences against the Person Act 1861 (OPA 1861), s 29 *re* corrosive substance. Also Archbold (2024) 19-269a.¹³ This s 29 provides:

S 29. Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm Whosoever shall unlawfully and maliciously [i.e. intentionally] cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing,

or put or lay at any place, or cast or throw at or upon or otherwise apply to any person, any corrosive fluid or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some [GBH] to any person, shall, whether any bodily injury be effected or not, be guilty ...etc

The wording in italics deals with a corrosive substance (for the remainder dealing with explosives, see **8** below).

In conclusion, legislation on corrosive substances should be consolidated into a Weapons Act.

7. Crossbows Act 1987/Spring Guns

Another weapon is a crossbow. Presently, this is contained in the Crossbows Act 1987. For the text see *Appendix 3*. This material should be in a Weapons Act. Incidentally, this Act shows that the wording in relation to weapons can be short and succinct, instead of a mass of prolixity, as at present. The OPA 1861, s 31 (*setting spring guns etc with intent to inflict GBH*), also, contains an antiquated section on spring guns (gin traps). In Victorian times, these were used to trap vermin but could be used to injure trespassers on land, when placed with that intention. S 31 provides:

Whosoever shall set or place, or cause to be set or placed, any *spring gun, man trap, or other engine calculated to destroy human life or inflict [GBH]*, with the intent that the same or whereby the same may destroy or inflict [GBH] upon a trespasser or other person coming in contact therewith, **shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude**; and whosoever shall knowingly and wilfully [intentionally] permit any such spring gun, man trap, or other engine which may have been set or placed in any place then being in or afterwards coming into his possession or occupation by some other person to continue so set or placed, shall be deemed to have set and placed such gun, trap, or engine with such intent as aforesaid:

provided, that nothing in this [s] contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin: provided also, that nothing in this [s] shall be deemed to make it unlawful to set or place, or cause to be set or placed, or to be continued set or placed, from sunset to sunrise, any spring gun, man trap, or other engine which shall be set or placed, or caused or continued to be set or placed, in a dwelling house, for the protection thereof. [*italics supplied*]

It is asserted that this crime is no longer needed since spring guns are illegal - apart from approved ones (which deal with small vermin) under the Pests Act 1954, s 8 - which section, also, expressly prohibits animal (and man, i.e. leghold) traps which were always designed to seize by the leg. Thus, s 8 (*restriction on type of trap in England and Wales*) states:

(1) Subject to the provisions of this [s], a person shall be guilty of an offence under this [ss] if, either (a) for the purpose of killing or taking animals, he uses, or knowingly permits the use of, any spring trap other than an approved trap, or uses, or knowingly permits the use of, an approved trap for animals or in circumstances for which it is not approved; or (b) he sells, or exposes or offers for sale,

¹² These should be defined in a *Table*.

¹³ OPA 1861, s 28

any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under the foregoing [para]; or (c) he has any spring trap in his possession for a purpose which is unlawful under this [ss]¹⁴ ...

(3A) An order made under [ss] (3) may not specify any type or make of trap as approved if the trap is a leghold trap. ..

(8A) In [ss] (3A), “leghold trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap. (*italics supplied*)

In conclusion, legislation on crossbows and spring guns should be consolidated into a Weapons Act.

8. Explosives

There is legislation dating from Victorian times still on the books in respect of the above, see *Appendix 2*. It (badly) needs modernizing. Also, the word ‘*explosive*’ is associated - both in older legislation (see the Explosive Acts 1875 and 1883) and in popular parlance - with gunpowder, gelignite, nitro-glycerin *etc.*¹⁵ In consolidation legislation, it is better to use the word ‘*bomb*’. This word is shorter. It can, also, cover other explosive material and chemicals. Current legislation on explosives comprises the following:

| <u>Act</u> | | <u>No of Sections (total 35)¹⁶</u> |
|---|--|---|
| • Offences against the Person Act 1861 | (ss 28-30, 64-5) | 4 |
| • <i>Explosives Act 1875</i> | (<i>mainly spent, cf. s 3, definition</i>) | 22 ¹⁷ |
| • Explosives Substances Act 1883 | | 9 |
| • Explosives (Age of Purchase) Act 1976 | (<i>amends</i>) | |

In conclusion, all explosives legislation should be modernized and placed in consolidation legislation (much could, also, be placed in a SI). See also Archbold 23-62 et seq.

9. Fireworks Act 2003

Fireworks were treated as an ‘*explosive*’ in UK legislation in that they used *saltpetre* as an ingredient. Thus, the Explosives Acts 1875 and 1883 treated them as such. Today, fireworks are a toy and not a ‘*weapon*’ as such since they do not use saltpetre. The principal legislation dealing with them is the Fireworks Act 2003, see *Appendix 4*. I have dealt with them in a Weapons Act due to the Explosives Act 1883. However, this can be changed when a Criminal Code amalgamates a Public Order Act, State Crimes Act and Weapons Act into Part 2 of a Criminal Code dealing with public order crimes. Then, it can be made clearer that they are not a *weapon* as such, but that there are crimes relating to them. Consideration might also be given to making private use of fireworks illegal, given environmental hazards, injuries *etc.*

10. Conclusion

The root problem with current legislation on weapons is the same as with all criminal legislation, *viz*: a conspicuous *failure* to:

- consolidate legislation
- remove obsolete material
- put all criminal sentences in a Table
- put procedural matters in a Criminal Procedure Act (*CPA*)
- use acronyms and common definitions
- put administrative material in Appendices
- express crimes in terms of their pre-requisites

¹⁴ It continues: ‘(2) A person guilty of an offence under the foregoing [ss] shall be liable on [SC] to a fine not exceeding level 3 [] or, if he has been previously convicted of such an offence, a fine not exceeding level 3 []. (3) In [ss] (1) of this [s] any reference to an approved trap refers to a trap of a type and make for the time being specified by order of the Minister of Agriculture and Fisheries as approved by him either generally or subject to conditions as to the animals for which or the circumstances in which it may be used, and any reference to the animals or circumstances for which a trap is approved shall be construed accordingly.’ Other ss not printed.

¹⁵ *Gunpowder* was developed in China in olden times and used in weapons of war. It reached the West by the 14th c. It was extensively used in the English civil war of 1642-9 (leading to the downfall, and execution, of Charles 1 (1625-49). *Dynamite* was developed in Italy in 1846. *Nitroglycerin* (a more stable form) was invented by Nobel in 1867. He, also, invented *gelignite* in 1875.

¹⁶ These apply to gunpowder, now rarely used, not least because gunpowder tends to be unstable in comparison with other forms of explosive. See ss 28 (*causing bodily injury by gunpowder*), 29 (*causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person with intent to do GBH*), 30 (*placing gunpowder near a building*), 64 (*making gunpowder etc.*).

¹⁷ Extant provisions of this Act would be better placed in regulations, see e.g. *Manufacture and Storage of Explosives Regulations 2005*.

- place a large amount of admin material on guns and knives in a SI (leaving the crimes to be stated in legislation).

All the above could easily be achieved by modern draftsmen if obsolete material was removed from criminal legislation and there was consolidation. Thus, an *Index* for a Weapons Act would be as follows:

- Part 1 - Knives
- Part 2 - Guns
- Part 3 - Corrosive Substances
- Part 4 - Crossbows
- Part 5 - Explosives
- Part 6 - Fireworks

Further, as indicated in prior articles:

- **Bail/Powers of Arrest/Search/Asset Seizure/Forfeiture/Consent of the A-G/DPP etc.**¹⁸ All this material should be in a *Criminal Procedure Act* since it is not specifying a crime as such. Also, it should now be governed by the PACE 1984 (as modernized) and not by older formulations. At present, this material is laboriously repeated in distinct criminal legislation with slips and variants in the wording. Having to repeat this time after time (with variations and anomalies) in criminal legislation is ludicrous and ‘clogs’ the text. The wording for these matters should be common to all crimes (and can be by making cross-reference to the same). *I have marked this with an * to identify it with regard to the legislation set out in the Appendices;*
- **Administrative Material.** There is, also, a large amount of administrative material at present in the text which should be in an *Appendix*, since it may not apply. For example, the large amount of *orders* which the police might secure. Such avoids clogging up the text and enables easy comparison between police orders (again, there are variations, anomalies and unnecessary repetitions). Another example is a section specifying the power of the Secretary of State to make regulations/orders by a SI. This is (endlessly) repeated.¹⁹ So too, with the consent of the DPP (or A-G) being required for prosecution. There needs to be only 1 section in a *Criminal Procedure Act*. *I have marked this with a ** to identify it with regard to the legislation set out in the Appendices;*
- **Companies.** These can be involved in crimes. As with powers of arrest *etc* above, often, the same wording is (endlessly) repeated (but with older variants) for distinct crimes. Such repetition is unnecessary. *I have marked this with a *** to identify it with regard to the legislation set out in the Appendices;*
- **‘Public Place’.** There are older definitions of ‘public place’ in the criminal legislation. They are not useful. For example, the Street Offences Act 1959, s 1 refers to a ‘street or public place’. However, the latter, as a matter of course, should include the former and it should be the same throughout criminal legislation. This applies to other definitions. The more modern definition of ‘public place’ is better (and, oddly, enough, accords with the original Anglo-Saxon view).

Appendix 1

Prevention of Crime Act 1953

S 1. **Prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse.** (1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months] or a fine not exceeding [£200], or both; (b) on conviction on indictment, to imprisonment for a term not exceeding [4] years or a fine not exceeding [100] pounds, or both. (2) *Where any person is convicted of an offence under [ss] (1) of this [s] the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.* (2ZA) See [s] 315 of the Sentencing Code for provision about the sentence which the court may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that [s]) is convicted of an offence under this [s]. (3) A [PO] may arrest without warrant any person whom he has reasonable cause to believe to be committing an offence under [ss] (1) of this [s], if the [PO] is not satisfied as to that person’s identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used. (4) In this [s] “public place” includes any highway, or in Scotland any 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; and “offensive weapon”

¹⁸ There are anomalies in that the consent of the A-G is required in the case of some matters, but that of the DPP in others. It would better for the DPP only to be involved.

¹⁹ For example, common wording (oft repeated in criminal legislation) is ‘Any regulations under [ss] shall be made by [SI] subject to annulment in pursuance of a resolution of either House of Parliament.’ See also ‘The power to make an order under this [s] is exercisable by [SI]. (5) No order may be made under this [s] unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.’

means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him or by some other person.*²⁰

S 1A. Offence of threatening with offensive weapon in public. (1) A person is guilty of an offence if that person (a) has an offensive weapon with him or her in a public place, (b) unlawfully and intentionally threatens another person (“A”) with the weapon, and (c) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B. (3) In this [s] “public place” and “offensive weapon” have the same meaning as in [s] 1. (4) A person guilty of an offence under this [s] is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates’ court or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both. (4A) For provision about the sentence which the court may be required to impose where a person aged 16 or over is convicted of an offence under this [s], see [s] 312 of the Sentencing Code. (8) In relation to an offence committed before 2 May 2022, the reference in [ss] (4)(a) to the general limit in a magistrates’ court is to be read as a reference to 6 months. (10) If on a person’s trial for an offence under this [s] (whether on indictment or not) the person is found not guilty of that offence but it is proved that the person committed an offence under [s] 1, the person may be convicted of the offence under that [s].

Restriction of Offensive Weapons Act 1959

S 1. Penalties for offences in connection with dangerous weapons. (1) Any person who manufactures, sells or hires or offers for sale or hire, or exposes or has in his possession for the purpose of sale or hire or lends or gives to any other person (a) any knife which has a blade which opens automatically (i) from the closed position to the fully opened position, or (ii) from a partially opened position to the fully opened position, by manual pressure applied to a button, spring or other device in or attached to the knife, and which is sometimes known as a “flick knife” or “flick gun”; or (b) any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever, or other device, sometimes known as a “gravity knife”, shall be guilty of an offence and shall be liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 4 [] or to both such imprisonment and fine. (1A) Any person who possesses any knife of a kind described in [ss] (1) is guilty of an offence. (1B) A person guilty of an offence under [ss] (1A) is liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding 51 weeks, to a fine or to both; (b) on [SC] in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 4 [] or to both. (1C) In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003, [ss] (1B) (a) has effect as if the reference to 51 weeks were to 6 months. (2) The importation of any knife of a kind described in [ss] (1) is hereby prohibited. (3) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in [ss] (1) (a) with an offence under [ss] (1), or (b) with an offence under [s] 50(2) or (3) of the Customs and Excise Management Act 1979, to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this [ss] applies. (4) It is a defence for a person charged with an offence under [ss] (1A) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery. (5) If the operator of, or a person acting on behalf of, a museum or gallery to which this [ss] applies is charged with hiring or lending a knife of a kind described in [ss] (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes. (6) [ss] (3) or (5) applies to a museum or gallery only if it does not distribute profits. (7) In this [s] “museum or gallery” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it. (8) A person is to be taken to have shown a matter mentioned in [ss] (3), (4) or (5) if (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (see also s 2, *Extent*).

Firearms Act 1968

S 1. Requirement of firearm certificate. (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 [s] 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 [s] 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 [s] 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 [s] 5(1) and which is not of a type declared by rules made by the [SS] under [s] 53 of this Act to be specially dangerous). (3A) A gun which has been adapted to have such a magazine as is mentioned in [ss] (3)(a)(ii) above shall not be regarded as falling within that provision unless the magazine bears a mark approved by the [SS] for denoting that fact and that mark has been made, and the adaptation 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 [s] 58(1) of this Act or by such other person as may be approved by him for that purpose. (4) This [s] 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 (c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge.

²⁰ Provisions on forfeiture *etc* should now be governed by PACE 1984.

S 2. **Requirement of certificate for possession of shot guns.** (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.

S 3. **Business and other transactions with firearms and ammunition.** (1) A person commits an offence if, by way of trade or business, he (a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition to which [s] 1 of this Act applies, or a shot gun; or (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 (c) 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, without being registered under this Act as a firearms dealer. (2) It is an offence for a person to sell or transfer to any other person in the [UK], other than a registered firearms dealer ['RFD'], any firearm or ammunition to which [s] 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 a person to undertake the repair, test or proof of a firearm or ammunition to which [s] 1 of this Act applies, or of a shot gun, for any other person in the [UK] other than a [RFD] as such, unless that other produces or causes to be produced a firearm 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) [ss] (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 [s] 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 knowingly or recklessly makes a statement false in any material particular. (6) It is an offence for a pawnbroker to take in pawn any firearm or ammunition to which [s] 1 of this Act applies, or a shot gun. (7) It is an offence for a pawnbroker to take in pawn an air weapon within the meaning of [s] 1 of the Air Weapons and Licensing (Scotland) Act 2015. (8) [ss] (7) applies to Scotland only.²¹

S 4. **Conversion of weapons.** (1) Subject to this [s], 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 [ss] (1) above for a registered firearms dealer to shorten the barrel of a shot 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. (3) It is an offence for a person other than a [RFD] 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 [s] 1 of this Act by having in his possession, or purchasing or acquiring, a shotgun which has been shortened contrary to [ss] (1) above or a firearm which has been converted as mentioned in [ss] (3) above (whether by a [RFD] 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 purposes of provisions of this Act relating to the punishment of offences as committing that offence in an aggravated form.

S 4A. **Possession of articles for use in connection with conversion.** (1) A person, other than a [RFD], commits an offence if (a) the person has in his or her possession or under his or her control an article that is capable of being used (whether by itself or with other articles) to convert an imitation firearm into a firearm, and (b) the person intends to use the article (whether by itself or with other articles) to convert an imitation firearm into a firearm. (2) A person guilty of an offence under this [s] is liable (a) on [SC] (i) in [E&W], to imprisonment for a term not exceeding the general limit in a magistrates' court (or, in relation to offences committed before 2 May 2022, 6 months) or to a fine, or to both; (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.

S 5. **Weapons subject to general prohibition.** (1) A person commits an offence if, without authority, he has in his possession, or purchases or acquires (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 rifled gun 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, a muzzle-loading gun or a firearm designed as signalling apparatus; (ac) any self-loading or pump-action smooth-bore gun which is not an air weapon or chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or is less than 40 inches in length overall; (ad) any smooth-bore revolver gun other than one which is chambered for 9mm. rim-fire cartridges or a muzzle-loading gun; (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 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; (ag) any rifle with a chamber from which empty cartridge cases are extracted using (i) energy from propellant gas, or (ii) energy imparted to a spring or other energy storage device by propellant gas, other than a rifle which is chambered for .22 rim-fire cartridges; (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; (ba) any device (commonly known as a bump stock) which is designed or adapted so that (i) it is capable of forming part of or being added to a self-loading lethal barrelled weapon (as defined in [s] 57(1B) and (2A)), and (ii) if it forms part of or is added to such a weapon, it increases the rate of fire of the weapon by using the recoil from the weapon to generate repeated pressure on the trigger; and (c) any cartridge with a bullet 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 [para] (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. (1A) Subject to [s] 5A of this Act, a person commits an offence if, without authority, he has in his possession, or purchases or acquires, (a) any firearm which is disguised as another object; (b) any rocket or ammunition not falling within [para] (c) of [ss] (1) of this [s] 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

²¹ All these crimes could be placed in just 1 section.

within [para] (ae) of that [ss] which is designed to be used with any rocket or ammunition falling within [para] (b) above or with ammunition which would fall within that [para] but for its being ammunition falling within [para] (c) of that [ss]; (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; (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 [paras]; or (ii) any ammunition which would fall within any of those [paras] but for its being specified in [ss] (1) of this [s]. (2) The weapons and ammunition specified in [ss] (1) and (1A) of this [s] (including, in the case of weapons, any devices falling within [ss] (1) (ba) of this [s] and, in the case of ammunition, any missiles falling within [ss] (1A) (g) of this [s]) are referred to in this Act as “*prohibited weapons*” and “*prohibited ammunition*” respectively. (2A) A person commits an offence if without authority (a) he manufactures any weapon, device or ammunition specified in [ss] (1) of this [s], (b) he sells or transfers any prohibited weapon or prohibited ammunition, (c) he has in his possession for sale or transfer any prohibited weapon or prohibited ammunition, or (d) he purchases or acquires for sale or transfer any prohibited weapon or prohibited ammunition. (3) In this [s] “*authority*” means an authority given in writing by (a) the [SS] (in or as regards [E&W]), or (b) the Scottish Ministers (in or as regards Scotland). (4) An authority shall be subject to conditions specified in it, including such as the [SS] or the Scottish Ministers (as appropriate), 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. (5) It is an offence for a person to whom an authority is given under this [s] to fail to comply with any condition of the authority. (6) The [SS] or the Scottish Ministers (as appropriate) may at any time, if they think fit, revoke an authority given to a person under this [s] by notice in writing requiring him to deliver up the authority to such person as may be specified in the notice within [21] days from the date of the notice; and it is an offence for him to fail to comply with that requirement. (7) For the purposes of this [s] and [s] 5A of this Act (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 [ss] (1) (aba) and (ac) above, any detachable, folding, retractable or other movable butt-stock shall be disregarded in measuring the length of any firearm. (9) Any reference in this [s] 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).²²

S 5A. Exemptions from requirement of authority under s.5. (1) Subject to [ss] (2) below, the authority of the [SS] or the Scottish Ministers shall not be required by virtue of [s] 5 of this Act for any person to have in his possession, or to purchase, acquire, sell or transfer, any weapon, ammunition or missile specified in [ss] (1A) of that [s] 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. (2) No sale or transfer may be made under [ss] (1) above except to a person who (a) produces the authority of the [SS] or the Scottish Ministers under [s] 5 of this Act for his purchase or acquisition; or (b) shows that he is, under this [s] or a licence under the [sch] to the Firearms (Amendment) Act 1988 (*museums etc.*), entitled to make the purchase or acquisition without the authority of the [SS] or the Scottish Ministers (4) The authority of the [SS] or the Scottish Ministers shall not be required by virtue of [s] 5 of this Act for any person to have in his possession, or to purchase or acquire or to sell or transfer, any expanding ammunition or the missile for any such ammunition if (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. (5) The authority of the [SS] or the Scottish Ministers shall not be required by virtue of [s] 5 of this Act for any person to have in his possession any expanding ammunition or the missile for any such ammunition if (a) he is entitled, under [s] 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. (6) The authority of the [SS] or the Scottish Ministers shall not be required by virtue of [s] 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 certificate by virtue of which he is authorised under [ss] (4) above to purchase or acquire it without the authority of the [SS] or the Scottish Ministers (as appropriate). (7) The authority of the [SS] or the Scottish Ministers shall not be required by virtue of [s] 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. (8) In this [s] (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 [s] 5(1A) (g) of this Act.²³

S 6. Power to prohibit movement of arms and ammunition. (1) The [SS] may by order prohibit the removal of firearms or ammunition (a) from one place to another in Great Britain²⁴; or (b) from Great Britain to [NI]; or (c) for export from Great Britain, unless the removal is

²² This should be set out in a Table.

²³ Ibid.

²⁴ Probably, a reference to the UK can now be made.

authorised by the [CPO] 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. (1A) The [SS] may by order prohibit the removal of firearms or ammunition from Great Britain to [NI] unless (a) the removal is authorised by the [CPO] for the area from which they are to be removed and by the [CC] of the Royal Ulster Constabulary; and (b) such conditions as may be specified in the order or imposed by the [CPO] or the [CC] are complied with. (2) An order under this [s] 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 [s]; or (b) an order made under [s] 9 of the Firearms Act 1920 (the former enactment corresponding to [s] 18 of the Firearms Act 1937 and this [s]); or (c) any corresponding Northern Irish order, that is to say an order made under the said [s] 9 as extending to [NI] or under any enactment of the Parliament of [NI] repealing and re-enacting that [s], prohibiting the removal of firearms or ammunition from [NI] to Great Britain. (4) An order under this [s] shall be made by [SI] and may be varied or revoked by a subsequent order made thereunder by the [SS].

S 7. **Police permit.** (1) A person who has obtained from the [CPO] 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 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 [s].

S 8. **Authorised dealing with firearms.** (1) A person carrying on the business of a firearms dealer [RFD]²⁵ 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) [ss] (1) above applies to the possession, purchase or acquisition of a firearm or ammunition in the ordinary course of the business of a [FD] notwithstanding that the firearm 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 of [a FD] or which he has not registered as a place of business under [s] 33 or 37 of this Act. (2) It is not an offence under [s] 3(2) of this Act for a person (a) to part with the possession of any firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a 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.

S 9. **Carriers, auctioneers, etc.** (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. (2) It is not an offence under [s] 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 [CPO] 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. (3) It is an offence for a person 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 [ss] (2) of this [s]. (4) It is not an offence under [s] 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.

S 10. **Slaughter of animals.** (1) A person holding a relevant licence may, without holding a certificate under this Act, have in his possession a slaughtering instrument and ammunition therefor in any slaughterhouse or knacker's yard in which he is employed. (1B) For the purposes of [ss] (1), a person holds a relevant licence if that person (a) holds a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing (England) Regulations 2015, (b) holds a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing (Wales) Regulations 2014, or (c) holds a certificate of competence to kill animals under the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012. (2) The proprietor of a slaughterhouse or knacker's yard or a person appointed by him to take charge of slaughtering instruments and ammunition therefor 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 therefor for that purpose. (3) In [ss] (1), a "*relevant certificate of competence or licence*" means (a) a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing Regulations 2014; (b) a certificate of competence or licence to kill animals under the Welfare of Animals at the Time of Killing (Wales) Regulations 2014; or (c) a certificate of competence to kill animals under the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012.

S 11. **Sports, athletics and other approved activities.** (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; but where the person carrying the firearm or ammunition is under the age of [18], this [s] applies only if the other person is of or over the age of [18]. (2) A person of or over the age of [18] may, without holding a certificate, have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting. (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. (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 [CPO] for the area in which that place is situated.

²⁵ 'Firearms dealer' ('FD') should be a defined term.

S 11A. **Authorised lending and possession of firearms for hunting etc.** (1) A person (“*the borrower*”) may, without holding a certificate under this Act, borrow a rifle or shot gun from another person on private premises (“*the lender*”) and have the rifle or shot gun in his or her possession on those premises if (a) the [4] conditions set out in [ss] (2) to (5) are met, and (b) in the case of a rifle, the borrower is aged 17 or over. (2) The first condition is that the borrowing and possession of the rifle or shot gun are for either or both of the following purposes (a) hunting animals or shooting game or vermin; (b) shooting at artificial targets. (3) The second condition is that the lender (a) is aged 18 or over, (b) holds a certificate under this Act in respect of the rifle or shot gun, and (c) is either (i) a person who has a right to allow others to enter the premises for the purposes of hunting animals or shooting game or vermin, or (ii) a person who is authorised in writing by a person mentioned in sub-[para] (i) to lend the rifle or shot gun on the premises (whether generally or to persons specified in the authorisation who include the borrower). (4) The third condition is that the borrower’s possession and use of the rifle or shot gun complies with any conditions as to those matters specified in the lender’s certificate under this Act. (5) The fourth condition is that, during the period for which the rifle or shot gun is borrowed, the borrower is in the presence of the lender or (a) where a rifle is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that rifle and is a person described in [ss] (3)(c)(i) or (ii); (b) where a shot gun is borrowed, a person who, although not the lender, is aged 18 or over, holds a certificate under this Act in respect of that shot gun or another shot gun and is a person described in [ss] (3)(c)(i) or (ii).

(6) Where a rifle is borrowed on any premises in reliance on [ss] (1), the borrower may, without holding a firearm certificate, purchase or acquire ammunition on the premises, and have the ammunition in his or her possession on those premises for the period for which the firearm is borrowed, if (a) the ammunition is for use with the firearm, (b) the lender’s firearm certificate authorises the lender to have in his or her possession during that period ammunition of a quantity not less than that purchased or acquired by, and in the possession of, the borrower, and (c) the borrower’s possession and use of the ammunition complies with any conditions as to those matters specified in the certificate.

S 12. **Theatre and cinema.** (1) A person taking part in a theatrical performance or a rehearsal thereof, or in the production of a *cinematograph* [obs] film, may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production. (2) Where the Defence Council 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 prohibited weapon is required for the purpose of the performance, rehearsal or production, he may under [s] 5 of this Act, if he thinks fit, not only authorise that person to have possession of the weapon but also authorise such other persons as he may select to have possession of it while taking part in the performance, rehearsal or production.

S 13. **Equipment for ships and aircraft.** (1) A person may, without holding a certificate, (a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome; (b) remove a signalling apparatus or ammunition therefor, 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; and (c) if he has obtained from a [PO] 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. (2) It is an offence for a person 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 [ss] (1)(c) of this [s].

S 15. **Holder of Northern Irish certificate.** [s] 2(1) of this Act does not apply to a person holding a firearm certificate issued in [NI] authorising him to possess a shot gun.

S 16. **Possession of firearm with intent to injure.** 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.

S 16A. **Possession of firearm with intent to cause fear of violence.** It is an offence for a person to have in his possession any firearm or imitation firearm with intent (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.

S 17. **Use of firearm to resist arrest.** (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 [sch] 1 to this Act, has in his possession a firearm or imitation firearm, he shall be guilty of an offence under this [ss] unless he shows that he had it in his possession for a lawful object. (4) For purposes of this [s], the definition of “*firearm*” in [s] 57(1) of this Act shall apply without [paras] (b) and (c) of that [ss], and “*imitation firearm*” shall be construed accordingly. (5) In the application of this [s] to Scotland, a reference to [sch] 2 to this Act shall be substituted for the reference in [ss] (2) to [sch] 1.

S 18. **Carrying firearm with criminal intent.** (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 [s] 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 [s] to Scotland, for the reference to an indictable offence there shall be substituted a reference to any offence specified in [paras] 1 to 18 of [sch] 2 to this Act.

S 19. **Carrying firearm in a public place.** 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) a loaded shot gun, (b) an air weapon (whether loaded or not), (c) any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or (d) an imitation firearm.

S 20. **Trespassing with firearm.** (1) A person commits an offence if, while he has a firearm or imitation firearm 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). (2) A person commits an offence if,

while he has a firearm or imitation firearm with him, he enters or is on any land as a trespasser and without reasonable excuse (the proof whereof lies on him). (3) In [ss] (2) of this [s] the expression “*land*” includes land covered with water.

S 21. Possession of firearms by persons previously convicted of crime. (1) A person who has been sentenced to custody for life or to preventive detention, or to imprisonment or to corrective training for a term of [3] years or more or to youth custody or detention in a young offender institution for such a term, or who has been sentenced 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. (2) A person who has been sentenced to imprisonment for a term of [3] months or more but less than [3] years or to youth custody or detention in a young offender institution for such a term, 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 who has been subject to a secure training order or a detention and training order, shall not at any time before the expiration of the period of [5] years from the date of his release have a firearm or ammunition in his possession. (2A) For the purposes of [ss] (2) above, “*the date of his release*” means (a) in the case of a person sentenced to imprisonment with an order under [s] 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 as was by that order required to be served in prison; (b) in the case of a person who has been subject to a secure training order (i) the date on which he is released from detention under the order; (ii) the date on which he is released from detention ordered under [s] 4 of the Criminal Justice and Public Order Act 1994; or (iii) the date halfway through the total period specified by the court in making the order, whichever is the later; (c) in the case of a person who has been subject to a detention and training order (i) the date on which he is released from detention under the order; (ii) the date on which he is released from detention ordered under [s] 104 of the Powers of Criminal Courts (Sentencing) Act 2000 or [para] 3 of [sch] 12 to the Sentencing Code; or (iii) the date of the half-way point of the term of the order, whichever is the later. (2C) Where (a) a person has been sentenced to imprisonment, or detention in a young offender institution, for a term of [3] months or more, and (b) the sentence is suspended under [s] 189 of the Criminal Justice Act 2003 or [s] 264 or 277 of the Sentencing Code, the person shall not have a firearm or ammunition in his possession at any time during the period of [5] years beginning with the second day after the date on which the sentence is passed. (3) A person who (a) is the holder of a licence issued under [s] 53 of the Children and Young Persons Act 1933 or [s] 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 [SS] or (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 community order containing a requirement that he shall not possess, use or carry a firearm; or (c) has, in Scotland, been ordained to find caution a condition of which is that he shall not possess, use or carry a firearm; 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. (3ZA) In [ss] (3)(b) above, “*community order*” means (a) a community order within the meaning given by [s] 200 of the Sentencing Code, or a youth rehabilitation order within the meaning given by [s] 173 of that Code, made in [E&W], or (b) a community payback order under [s] 227A of the Criminal Procedure (Scotland) Act 1995 (c.46). (3A) Where by [s] 19 of the Firearms Act ([NI]) 1969, or by any other enactment for the time being in force in [NI] and corresponding to this [s], a person is prohibited in [NI] from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any time when to have it in his possession in [NI] would be a contravention of the said [s] 19 or corresponding enactment; (4) It is an offence for a person to contravene any of the foregoing provisions of this [s]. (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 [s] from having a firearm or ammunition in his possession. (6) A person prohibited under [ss] (1), (2) (2C), (3) or (3A) of this [s] 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. (7) [sch] 3 to this Act shall have effect with respect to the courts with jurisdiction to entertain an application under this[s] and to the procedure appertaining thereto.

S 21A. Firing an air weapon beyond premises. (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. (1A) A person commits an offence if the person (a) is supervising the use and possession of an air weapon on private premises by a person under the age of 18, and (b) allows the supervised person to fire any missile beyond those premises. (2) In proceedings against a person for an offence under this [s] it shall be a defence 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 a general consent).

S 22. Acquisition and possession of firearms by minors. (1) It is an offence for a person under the age of [18] to purchase or hire any firearm or ammunition. (2) It is an offence for a person under the age of [14] to have in his possession any firearm or ammunition to which [s] 1 of this Act applies, except in circumstances where under [s] 11(1), (3) or (4) of this Act or [s] 15 of the Firearms (Amendment) Act 1988 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 [15] to have with him an assembled shot gun except while under the supervision of a person of or over the age of [21] or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired. (4) Subject to [s] 23 below, it is an offence for a person under the age of [18] to have with him an air weapon or ammunition for an air weapon.

S 23. Exceptions from s. 22(4). (1) It is not an offence under [s] 22(4) of this Act for a person to have with him an air weapon or ammunition while he is under the supervision of a person of or over the age of [21]; 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 [ss], it is an offence for the person under whose supervision he is to allow him to use it for firing any missile beyond those premises. (1A) In proceedings against a person for an offence under [ss] (1) it shall be a defence 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 a general consent). (2) It is not an offence under [s] 22(4) of this Act for a person to

have with him an air weapon or ammunition at a time when (a) being a member of a rifle club or miniature rifle club for the time being approved by the [SS] for the purposes of this [s] or [s] 15 of the Firearms (Amendment) Act 1988, he is engaged as such a member in connection with target shooting; or (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. (3) It is not an offence under [s] 22(4) of this Act for a person of or over the age of [14] to have with him an air weapon or ammunition on private premises with the consent of the occupier.

S 24. **Supplying firearms to minors.** (1) It is an offence to sell or let on hire any firearm or ammunition to a person under the age of [18]. (2) It is an offence (a) to make a gift of or lend any firearm or ammunition to which [s]1 of this Act applies to a person under the age of [14]; 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 [s] 11(1), (3) or (4) of this Act or [s] 15 of the Firearms (Amendment) Act 1988 to have possession thereof without holding a firearm certificate. (3) 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 [15]. (4) It is an offence (a) to make a gift of an air weapon or ammunition for an air weapon to a person under the age of [18]; or (b) to part with the possession of an air weapon or ammunition for an air weapon to a person under the age of [18] except where by virtue of [s] 23 of this Act the person is not prohibited from having it with him the person holds an air weapon certificate granted under [s] 5 of the Air Weapons and Licensing (Scotland) Act 2015 or the possession is otherwise in accordance with Part 1 of that Act. (5) In proceedings for an offence under any provision of this [s] 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.

S 24ZA. **Failing to prevent minors from having air weapons.** (1) It is an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent any person under the age of [18] from having the weapon with him. (2) [ss] (1) does not apply where by virtue of [s] 23 of this Act the person under the age of [18] is not prohibited from having the weapon with him. (2) [ss] (1) does not apply where (a) the person under the age of 18 holds an air weapon certificate granted under [s] 5 of the Air Weapons and Licensing (Scotland) Act 2015, or (b) the use or possession of the weapon by the person under the age of 18 is otherwise in accordance with Part 1 of that Act. (3) In proceedings for an offence under [ss] (1) it is a defence to show that the person charged with the offence (a) believed the other person to be aged [18] or over; and (b) had reasonable ground for that belief. (4) For the purposes of this [s] a person shall be taken to have shown the matters specified in [ss] (3) if (a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and (b) the contrary is not proved beyond a reasonable doubt.

S 24A. **Supplying imitation firearms to minors** (1) It is an offence for a person under the age of [18] to purchase an imitation firearm. (2) It is an offence to sell an imitation firearm to a person under the age of [18]. (3) In proceedings for an offence under [ss] (2) it is a defence to show that the person charged with the offence (a) believed the other person to be aged [18] or over; and (b) had reasonable ground for that belief. (4) For the purposes of this [s] a person shall be taken to have shown the matters specified in [ss] (3) if (a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and (b) the contrary is not proved beyond a reasonable doubt.

S 25. **Supplying firearm to person drunk or insane.** 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 whom he knows or has reasonable cause for believing to be drunk or of unsound mind.

26A. **Applications for firearm certificates.** (1) An application for the grant of a firearm certificate shall be made in the prescribed form to the [CPO] 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 [SS] under [s] 53 of this Act may require any application for a firearm certificate to be accompanied by up to [4] photo[s] of the applicant and by the names and addresses of [2] persons who have agreed to act as referees. (3) The rules may require that, before considering an application for a firearm certificate, the [CPO] 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 photo[s] 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 (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 [SS] under [s] 53 of this Act may (a) require any application for a certificate to be accompanied by up to [4] photo[s] of the applicant; (b) require the verification in the prescribed manner of any prescribed particulars and of the likeness of those photo[s] to the applicant; (c) require any application for a certificate to be accompanied by a statement by the person verifying the matters mentioned in [para] (b) above to the effect that he knows of no reason why the applicant should not be permitted to possess a shot gun.

S 27. **Special provisions about firearm certificates.** (1) A firearm certificate shall be granted where the [CPO] is satisfied (a) that the applicant is fit to be entrusted with a firearm to which [s] 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. (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, including if known their identification numbers, and, as respects ammunition, the quantities authorised to be purchased or acquired and to be held at any one time thereunder. (3) This [s] applies to the renewal of a firearm certificate as it applies to a grant.

27A. **Conditions for storage etc of certain firearms.** (1) This [s] applies to a firearm if it is a rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged. (2) The [SS] must by rules under [s] 53 prescribe conditions (a) subject to which a firearm certificate relating to a firearm to which this [s] applies must be granted or renewed, and (b) which impose requirements as to the storage of a firearm to which this [s] applies and as to the security measures to be taken when such a firearm is in transit. (3) Before making rules under [s] 53 which prescribe conditions of the kind mentioned in [ss] (2) the [SS] must consult such persons likely to be affected by the rules as the [SS] considers appropriate.

S 28. **Special provisions about shot gun certificates.** (1) Subject to [ss] (1A) below, a shot gun certificate shall be granted or, as the case may be, renewed by the [CPO] 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 [CPO] (a) has reason to believe that the applicant is prohibited by this Act from possessing a shot gun; or (b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one. (1B) For the purposes of [para] (b) of [ss] (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 [para] merely because the applicant intends neither to use the gun himself nor to lend it for anyone else to use. (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.

28A. **Certificates: supplementary.** (1) A certificate shall, unless previously revoked or cancelled, continue in force for [5] years from the date when it was granted or last renewed, but shall be renewable for a further period of [5] years by the [CPO] for the area in which the holder resides. (1A) [ss] (1) is subject to the provision made by [s] 28B for circumstances in which a certificate may continue in force after the period of [5] years from the date when it was granted or last renewed.] (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 [ss], a certificate granted or last renewed in [NI] shall not continue in force for a period longer than that for which it was so granted or last renewed. (3) The [SS] may by order amend [ss] (1) above so as to substitute for any reference to a period for the time being specified in that [ss] a reference to such other period as may be specified in the order. (4) An order made under [ss] (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 [ss] (3) above shall be exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament. (6) A person aggrieved by the refusal of a [CPO] to grant or to renew a certificate under this Act may in accordance with [s] 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.

S 28B. **Certificates: limited extension.** (1) This [s] applies where (a) an application is made for the renewal of a certificate on or before the day which falls 8 weeks before the day at the end of which the certificate is due to expire, but (b) the [CPO] does not determine whether or not to grant the application before the certificate is due to expire. (2) The certificate continues in force by virtue of this [ss] until whichever of the following events occurs first (a) the chief officer determines whether or not to grant the application; (b) the extension period ends. (3) In [ss] (2), “the extension period” means the period of 8 weeks beginning with the day after the day at the end of which the certificate was due to expire. (4) If the event mentioned in [ss] (2)(a) occurs first, and the [CPO] grants the application, any period for which the certificate continued in force under [ss] (2) is to be treated for the purposes of [s] 28A(1) as part of the period for which the renewed certificate is in force. (5) This [s] does not apply in relation to the renewal of a certificate granted or last renewed in [NI].

S 29. **Variation of firearm certificates.** (1) The [CPO] 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 [21] days from the date of the notice for the purpose of amending the conditions specified therein. (2) A firearm certificate may also, on the application of the holder, be varied from time to time by the [CPO] for the area in which the holder for the time being resides; and a person aggrieved by the refusal of a [CPO] to vary a firearm certificate may in accordance with [s] 44 of this Act appeal against the refusal. (3) It is an offence for a person knowingly or recklessly to make a statement false in any material particular for the purpose of procuring, whether for himself or another person, the variation of a firearm certificate.

S 30A. **Revocation of firearm certificates.** (1) A firearm certificate may be revoked by the [CPO] for the area in which the holder resides on any of the grounds mentioned in [ss] (2) to (5) below. (2) The certificate may be revoked if the [CPO] 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 [CPO] is satisfied that the holder is prohibited by this Act from possessing a firearm to which [s] 1 of this Act applies. (4) The certificate may be revoked if the [CPO] 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 [s] 29(1) of this Act requiring him to deliver up the certificate. (6) A person aggrieved by the revocation of a certificate under [ss] (2), (3) or (4) of this [s] may in accordance with [s] 44 of this Act appeal against the revocation.

S 30B. **Partial revocation of firearm certificates.** (1) The [CPO] 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 [CPO] 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 [s] 44 of this Act appeal against the partial revocation.

S 30C. **Revocation of shot gun certificates.** (1) A shot gun certificate may be revoked by the [CPO] 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 [s] 44 of this Act appeal against the revocation.

S 30D. **Revocation of certificates: supplementary.** (1) Where a certificate is revoked under [s] 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 [s] 30B of this Act the [CPO] 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 [ss] (1) or (2) above within [21] days from the date of the notice. (4) If an appeal is brought against a revocation or partial revocation (a) this [s] 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 the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed. (5) This [s] shall not apply in relation to (a) the revocation of a firearm certificate on any ground mentioned in [s] 30A(2), (3) or (4) of this Act; (b) the revocation of a shot gun certificate, if the [CPO] serves a notice on the holder under [s] 12 of the Firearms Act 1988 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.

S 31. **Certificate for prohibited weapon.** (1) A [CPO] 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 certificate is for the time being authorised by the Defence Council under [s] 5 of this Act to have possession of that weapon or ammunition. (2) Where an authority of the Defence Council 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 [CPO] by whom it was granted.

S 32. **Fee for certificate and exemption from paying it in certain cases.** (1) Subject to this Act, there shall be payable (a) on the grant of a firearm certificate a fee of [£88]; (b) on the renewal of a firearm certificate a fee of [£62]; (c) on any variation of a firearm certificate (otherwise than when it is renewed at the same time) so as to increase the number of firearms to which the certificate relates, a fee of [£20]; (cc) on the replacement of a firearm certificate which has been lost or destroyed a fee of [£4]; (d) on the grant of a shot gun certificate a fee of [£79.50]; (e) on the renewal of a shot gun certificate a fee of [£49]; (f) on the replacement of a shot gun certificate which has been lost or destroyed a fee of [£4]. (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 [s] 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) [ss] (2) above (a) does not apply if the operation of [ss] (1) of [s] 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 [ss] (1) of that [s] 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. (3) No fee shall be payable on the grant, variation or renewal of a firearm certificate if the [CPO] 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 therefor, which the applicant requires as part of the equipment of an aircraft or aerodrome; or (c) a slaughtering instrument, or ammunition therefor, which the applicant requires for the purpose of the slaughter of animals. (3A) No fee shall be payable on the grant, variation or renewal of a firearm 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 [CPO] 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.²⁶

32ZA. **Fees in connection with authority under [s] 5.** (1) The [SS] may by regulations authorise the appropriate national authority to require payment of a fee before an authority under [s] 5 is granted, varied or renewed. (2) Regulations under [ss] (1) must specify the amount of any fee that may be charged. (3) The regulations may make different provision for different cases (including specifying different fees for different cases). (4) The regulations may include (a) incidental, supplementary or consequential provision; (b) transitional, transitory or saving provision. (5) Regulations under this [s] are to be made by [SI]. (6) A [SI] containing regulations under this [s] is subject to annulment in pursuance of a resolution of either House of Parliament. (7) In this [s], "the appropriate national authority" means (a) in or as regards [E&W], the [SS]; (b) in or as regards Scotland, the Scottish Ministers.²⁷

S 33. **Police register.** (1) For purposes of this Act, the [CPO] for every area shall keep in the prescribed form a register of firearms dealers. (2) Except as provided by [s] 34 of this Act, the [CPO] 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) An applicant for registration as a firearms dealer must furnish the [CPO]

²⁶ Fees should be in a SI (see s 43), as they are with so many other forms. This is to save constant amendment of legislation. Thus this and other sections should be removed from this older legislation.

²⁷ Ibid.

with the prescribed particulars, which shall include particulars of every place of business at which he proposes to carry on business in the area as a firearms dealer and, except as provided by this Act, the [CPO] shall if he registers the applicant as a firearms dealer enter every such place of business in the register. (4) When a person is registered, the [CPO] shall grant or cause to be granted to him a certificate of registration. (5) A person for the time being registered shall, on or before the expiration of the period of [3] years from the grant of the certificate of registration for the time being held by him (a) surrender his certificate to the [CPO]; and (b) apply in the prescribed form for a new certificate; and thereupon the [CPO] shall, subject to sections 35(3) and 38(1) below, grant him a new certificate of registration.

S 34. Grounds for refusal of registration. (1) The [CPO] 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 [s] 45 of this Act, or by order of a court in [NI] under [s] 8(5) of the Firearms Act 1920 or any enactment of the Parliament of [NI] amending or substituted for that [s]. (1A) The [CPO] 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 [s] (3) below, the [CPO] 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 Defence Council under [s] 5 of this Act to manufacture, sell or transfer prohibited weapons or ammunition, the [CPO] 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 [CPO], if he is satisfied that a place of business notified to him under [s] 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 a [CPO] to register him as a firearms dealer, or to enter in the register a place of business of his, may in accordance with [s] 44 of this Act appeal against the refusal.

S 35. Fee for registration and renewal thereof. (1) Subject to this Act, on the registration of a person as a firearms dealer there shall be payable by him a fee of £200. (1A) If the [CPO] 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 (b) that the applicant's principal place of business is entered in the register for another area, the fee payable shall be £13. (2) No fee shall be payable if the [CPO] 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 [s] 33(5) of this Act, he shall pay a fee of £200.²⁸

S 36. Conditions of registration. (1) The [CPO] 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 [CPO] shall specify the conditions for the time being in force under this [s] 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 [CPO] (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 [21] 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 [s] 44 of this Act appeal against the imposition, variation or refusal.

S 37. Registration of new place of business. (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 [CPO] for that area and furnish him with such particulars as may be prescribed; and the officer shall, subject to the provisions of this [s], enter that place of business in the register. (2) The [CPO], if he is satisfied that a place of business notified to him by a person under [s] (1) of this [s] 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 [CPO] to enter in the register a place of business of his may in accordance with [s] 44 of this Act appeal against the refusal.

S 38. Removal from register of dealer's name or place of business. (1) If the [CPO], after giving reasonable notice to a person whose name is on the register, is satisfied that the person (a) is no longer carrying on business as a firearms dealer; or (b) has ceased to have a place of business in the area; or (c) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace, he shall (subject to this [s]) cause the name of that person to be removed from the register. (2) In the case of a person for the time being authorised by the Defence Council under [s] 5 of this Act to manufacture, sell or transfer prohibited weapons or ammunition, the [CPO] 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. (3) If the [CPO] is satisfied that a person registered as a firearms dealer has failed to comply with any of the conditions of registration in force under [s] 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. (4) If the [CPO] 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. (5) The [CPO] shall cause the name of a person to be removed from the register if the person so desires. (6) If a person for the time being registered fails to comply with any requirement of [s] 33(5) of this Act, the [CPO] shall by notice in writing require him to comply with that requirement and, if the person fails to do so within [21] days from the date of the notice or within such further time as the [CPO] may in special circumstances allow, shall cause his name to be removed from the register. (7) A person aggrieved by the removal of his name from the

²⁸ Ibid.

register, or by the removal from the register of a place of business of his, may in accordance with [s] 44 of this Act appeal against the removal. (8) Where the [CPO] 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 and the register of transactions kept by him under [s] 40 of this Act (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); and it is an offence for the dealer to fail to do so within [21] days from the date of the notice: provided that, if an appeal is brought against the removal, this [ss] 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.

S 39. Offences in connection with registration. (1) A person commits an offence if, for the purpose (a) of procuring the registration of himself or another person as a [FD]; or (b) of procuring, whether for himself or another person, the entry of any place of business in a register of firearms dealers, he knowingly or recklessly makes a statement false in any material particular. (2) A person commits an offence if, being a registered [FD], 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 [FD] at that place. (3) Without prejudice to [s] 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 [CPO] under [s] 36 of this Act.

S 40. Compulsory register of transactions in firearms. (1) Subject to [s] 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 [sch] 4 to this Act. (2) In [ss] (1) above and in the said [sch] 4, any reference to ammunition is to be construed as not including (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; or (c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge. (3) Every entry required by [ss] (1) of this [s] to be made in the register shall be made within [24] hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom that [ss] 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 [s] shall (unless required to surrender the register under [s] 38(8) of this Act) keep it for such a period that each entry made after the coming into force of this [ss] will be available for inspection for at least [5] years from the date on which it was made. (4) Every person keeping a register in accordance with this [s] shall on demand allow a [PO] or a civilian officer, duly authorised in writing in that behalf by the [CPO], to enter and inspect all stock in hand and shall on request by an [PO] 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 that register in a visible and legible form); for inspection: provided that, where a written authority is required by this [ss], the authority shall be produced on demand. (4A) Every person keeping a register in accordance with this [s] 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. (5) It is an offence for a person to fail to comply with any provision of this [s] or knowingly to make any false entry in the register required to be kept thereunder. (6) Nothing in this [s] applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under [s] 9(2) of this Act. (7) Rules made by the [SS] under [s] 53 of this Act may vary or add to [sch] 4 to this Act, and references in this [s] to that [sch] shall be construed as references to the [sch] as for the time being so varied or added to.

S 41. Exemption from s. 40 in case of trade in shot gun components. If it appears to the [CPO] that (a) a person required to be registered as a [FD] 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 that trade or business, the [CPO] 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 [s] 40 of this Act and [sch] 4 thereto.

S 42A. Information as to transactions under visitors' permits. (1) A person who sells, lets on hire, gives or lends a shot gun with a magazine to another person who (a) shows that he is entitled to purchase or acquire the weapon as the holder of a visitor's shot gun permit under [s] 17 of the Firearms (Amendment) Act 1988; but (b) fails to show that the purchase or acquisition falls within [ss] (1A)(c) of that [s] (*temporary acquisitions*) or that he resides outside Great Britain, shall, within [48] hours of the transaction, send by permitted means notice of the transaction to the [CPO] who granted that permit. (2) A notice under [ss] (1) above shall (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 on hire, given or lent, his address in Great Britain 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 [s] 1 of the Import, Export and Customs Powers (Defence) Act 1939 by virtue of which the transaction is authorised under [s] 17 of that Act of 1988. (2A) A notice is sent by permitted means for the purposes of [ss] (1) if it is sent (a) by registered post; (b) by the recorded delivery service; or (c) by permitted electronic means (see [s] 42B).] (3) It is an offence for a person to fail to comply with this [s].

S 42B. Permitted electronic means. (1) A notice is sent by permitted electronic means for the purposes of [s] 42A if (a) it is sent by an electronic form of communication which the [SS] has directed may be used for those purposes, (b) it is sent to an electronic address which has been published pursuant to [ss] (4), and (c) subject to [ss] (6), the electronic address has not been withdrawn in accordance with [ss] (5).

(2) Before giving a direction under [ss] (1)(a), the [SS] must consult (a) the Scottish Ministers, (b) the National Police Chiefs' Council, (c) the [CC] of the Police Service of Scotland, and (d) such other persons as the [SS] is satisfied should be consulted. (3) The [SS] must publish directions given under [ss] (1)(a). (4) A [CPO] must publish at least one electronic address for each form of electronic communication specified in a direction under [ss] (1)(a). (5) A [CPO] may withdraw an electronic address published under [ss] (4) by publishing a statement to that effect in the same manner as that in which the electronic address was published under [ss] (4); but a [CPO] may exercise the power to withdraw only if,

after the withdrawal, there will still be at least one electronic address available for the form of electronic communication concerned. (6) Where an electronic address has been withdrawn under [ss] (5), a notice sent to that electronic address before the end of the period of 28 days beginning with the day after the date of withdrawal is to be treated as complying with [ss](1)(b).

S 43. Power of [SS] to alter fees. (1) Sections 32 and 35 of this Act may be amended by an order made by the [SS] so as to vary any sum specified thereby, or so as to provide that any sum payable thereunder shall cease to be so payable. (2) An order made under this [s] 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 [s] shall be exercisable by [SI] and any [SI] containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.*

S 44. Appeals against police decisions. (1) An appeal against a decision of a [CPO] under [s] 28A, 29, 30A, 30B, 30C, 34, 36, 37 or 38 of this Act lies (a) in [E&W], 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 [CPO] was taken. (3A) The court or sheriff hearing an appeal must have regard to any guidance issued under [s] 55A that is relevant to the appeal. (4) In relation to an appeal specified in [col 1] of Part I of [sch] 5 to this Act, [col 3] shows the sheriff having jurisdiction to entertain the appeal. (5) In [sch] 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.

S 45. Consequences where registered dealer convicted of offence. (1) Where a [RFD] is convicted of an offence relevant for the purposes of this [s] the court may order (a) that the name of the [RFD] 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 [FD] convicted of the offence or any person who was knowingly a party to the offence, shall not be registered as a [FD] 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 [s] are: (a) all offences under this Act, except an offence under [s] 2, 22(3) or 24(3) or an offence relating specifically to air weapons; and (b) offences against the enactments for the time being in force relating to customs or excise in respect of the import or export of firearms or ammunition to which [s] 1 of this Act applies, or of shot guns. (3) A person aggrieved by an order made under this [s] 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.

S 46. Power of search with warrant. (1) If a [JP] or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting (a) that an offence relevant for the purposes of this [s] 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 [ss] (2) below. (2) A warrant under this [s] 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 [s] 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 [PO] or civilian officer under [ss] (2)(b) above to seize and detain anything found on any premises or place shall include power to require any information which is stored in any electronic form and is accessible from the premises or place to be produced in a form in which it is visible and legible or from which it can readily be produced in a visible and legible form and can be taken away. (4) The offences relevant for the purposes of this [s] are all offences under this Act except an offence under [s] 22(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 [s]. *²⁹

S 47. Powers of constables to stop and search. (1) A [PO] may require any person whom he has reasonable cause to suspect (a) of having a firearm, with or without ammunition, with him 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 [s], to hand over the firearm or any ammunition for examination by the [PO]. (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 [PO] under [ss] (1) of this [s]. (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 [s], the [PO] may search that person and may detain him for the purpose of doing so. (4) If a [PO] 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 [s] 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 [s] a [PO] may enter any place. (6) The offences relevant for the purpose of this [s] are those under sections 18(1) and (2) and 20 of this Act. ³⁰

S 48. Production of certificates. (1) A [PO] may demand, from any person whom he believes to be in possession of a firearm or ammunition to which [s] 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. (2) If a person upon whom a demand is made under this [s] fails to produce the certificate or to permit the [PO] to read it, or to show that he is entitled by

²⁹ This should now be linked into PACE 1984.

³⁰ Ibid.

virtue of this Act to have the firearm, ammunition or shot gun in his possession without holding a certificate, the [PO] 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) If under this [s] a person is required to declare to a [PO] 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.

S 49. Police powers in relation to arms traffic. (1) A [PO] 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 [s] 6 of this Act or of a corresponding Northern Irish order within the meaning of [ss] (3)(c) of that [s]. (2) A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a [PO], 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 [ss] (2) of this [s].

S 51. Prosecution and punishment of offences. (1) Part I of [sch] 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 [col 1] of the [sch] (the general nature of the offence being described in [col 2]), (a) [col 3] shows whether the offence is punishable on [SC] or on indictment or either in one way or the other; and (b) the [col 4] 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 [col 3] (that is to say, summarily or on indictment), any reference in the [col 4] 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 [sch] 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 [sch] as are indicated by entries against those offences in the [col 5] of that Part. (4) Notwithstanding [s] 127(1) of the Magistrates' Courts Act 1980 or [s] 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 [s] 22(3) or an offence relating specifically to air weapons, may be instituted at any time within [4] years after the commission of the offence: provided that no such proceedings shall be instituted in England after the expiration of [6] months after the commission of the offence unless they are instituted by, or by the direction of, the [DPP].

S 51A. Minimum sentence for certain offences under s. 5. (1) [ss] (2) to (5) apply where (a) an individual is convicted in Scotland of (i) an offence under [s] 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of this Act, (ii) an offence under [s] 5(1A)(a) of this Act, or (iii) an offence under any of the provisions of this Act listed in [ss] (1A) in respect of a firearm or ammunition specified in [s] 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or [s] 5(1A)(a) of this Act, and (b) the offence was committed after the commencement of this [s] and at a time when he was aged 16 or over. (1A) The provisions are (za) [s] 5(2A) (manufacture, sale or transfer of firearm, or possession etc for sale or transfer); (a) [s] 16 (possession of firearm with intent to injure); (b) [s] 16A (possession of firearm with intent to cause fear of violence); (c) [s] 17 (use of firearm to resist arrest); (d) [s] 18 (carrying firearm with criminal intent); (e) [s] 19 (carrying a firearm in a public place); (f) [s] 20(1) (trespassing in a building with firearm). (2) The court shall impose an appropriate custodial sentence (or order for detention) for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so. (3) Where an offence is found to have been committed over a period of [2] or more days, or at some time during a period of [2] or more days, it shall be taken for the purposes of this [s] to have been committed on the last of those days. (4) In this [s] "appropriate custodial sentence (or order for detention)" means (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-[para] (iii)), a sentence of detention under [s] 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 subject to a supervision requirement, an order for detention under [s] 44, or sentence of detention under [s] 208, of that Act. (5) In this [s] "the required minimum term" means (b) in relation to Scotland (i) in the case of an offender who was aged 21 or over when he committed the offence, [5] years, and (ii) in the case of an offender who was aged under 21 at that time, [3] years. (6) For the minimum sentence for certain offences under this Act where an individual is convicted in [E&W], see [s] 311 of the Sentencing Code.

S 52. Forfeiture and disposal of firearms; cancellation of certificate by convicting court. (1) Where a person (a) is convicted of an offence under this Act (other than an offence under [s] 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 in a young offenders' institution in Scotland or is subject to a 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 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. (1ZA) Where (a) a person is convicted as mentioned in [ss] (1)(a) by or before a court in [E&W], or (b) an order of the kind mentioned in [ss] (1)(b) or (c) is made in relation to a person by a court in [E&W], the court may cancel any air weapon certificate granted to the person under [s] 5 of the Air Weapons and Licensing (Scotland) Act 2015 which has not expired or been revoked or cancelled. (1ZB) Where a person is convicted of an offence under Part 1 of the Air Weapons and Licensing (Scotland) Act 2015, the court by or before which the person is convicted may make such order as to the forfeiture or disposal of any firearm (other than an air weapon within the meaning of [s] 1 of that Act) or ammunition found in the person's possession as the court thinks fit. (1A) In [ss](1)(c) "community order" means (a) a community order within [the meaning given by [s] 200 of the Sentencing Code, or a youth rehabilitation order within the meaning given by [s] 173 of that Code, made in [E&W], or (b) a community payback order under [s] 227A of the Criminal Procedure (Scotland) Act 1995 (c.46). (2) Where the court cancels a certificate under this [s] (a) the court shall cause notice to be sent to the [CPO] by whom the certificate was granted; and (b) the [CPO] shall by notice in writing

require the holder of the certificate to surrender it; and (c) it is an offence for the holder to fail to surrender the certificate within [21] days from the date of the notice given him by the [CPO]. (3) A [PO] may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this [s] (4) A court of summary jurisdiction or, in Scotland, the sheriff may, on the application of the [CPO], order any firearm or ammunition seized and detained by a [PO] under this Act to be destroyed or otherwise disposed of. (5) In this [s] references to ammunition include references to a primer to which [s] 35 of the Violent Crime Reduction Act 2006 applies and to an empty cartridge case incorporating such a primer.³¹

S 53. **Rules for implementing this Act.** (1) The [SS] may by [SI] make rules (a) prescribing the form of certificates under this Act, and the register required to be kept under [s] 40 of this Act and other documents; (b) prescribing any other thing which under this Act is to be prescribed; and (c) generally for carrying this Act into effect; and rules made under this [s] may make different provision for different cases. (2) A [SI] containing (whether alone or with other provision) rules under this [s] which prescribe conditions of the kind mentioned in [s] 27A(2) (conditions for storage etc of certain firearms) is subject to annulment in pursuance of a resolution of either House of Parliament. *

S 54. **Application of Parts I and II to Crown servants.** (1) Sections 1, 2, 7 to 13 and 26A to 32 of this Act apply, subject to the modifications specified in [ss] (2) of this [s], to persons in the service of [HM] in their capacity as such so far as those provisions relate to the purchase and acquisition, but not so far as they relate to the possession, of firearms.(2) The modifications referred to above are the following: (a) a person in the service of [HM] 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 [HM] shall, if he satisfies the [CPO] on an application under [s] 26A 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. (3) For the purposes of this [s] 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 [HM] if he is (a) a member of a police force, or (b) a civilian officer, (ba) a community support volunteer or a policing support volunteer designated under [s] 38 of the Police Reform Act 2002 by the [CC] of a police force in [E&W], or (e) a member of the [BTP] Force, or (f) a person employed by the [BTP] Authority who is under the direction and control of the [CC] of the [BTP] Force, or (g) a community support volunteer or a policing support volunteer designated under [s] 38 of the Police Reform Act 2002 (as it applies by virtue of [s] 28 of the Railways and Transport Safety Act 2003) by the [CC] of the [BTP] Force. (3AA) For the purposes of this [s] and of any rule of law whereby any provision of this Act does not bind the Crown (a) a member of the [CNC] shall be deemed to be a person in the service of [HM]; and (b) references to the public service shall be deemed to include references to use by a person in the exercise and performance of his powers and duties as a member of the [CNC]. (4) For the purposes of this [s] and any rule of law whereby any provision of this Act does not bind the Crown, the persons specified in [ss] (5) of this [s] shall be deemed to be in the naval, military or air service of [HM], insofar as they are not otherwise in, or treated as being in, any such service. (5) The persons referred to in [ss] (4) of this [s] are the following (a) members of any foreign force when they are serving with any of the naval, military or air forces of [HM]; (b) members of any cadet corps approved by the [SS] when (i) they are engaged as members of the corps in connection with, drill or target shooting; and (ii) in the case of possession of prohibited weapons or prohibited ammunition when engaged in target shooting, they are on service premises; and (c) persons providing instruction to any members of a cadet corps who fall within [para] (b).(6) In [ss] (5) of this [s] “foreign force” means any of the naval, military or air forces of a country other than the [UK]; and “service premises” means premises, including any ship or aircraft, used for any purpose of any of the naval, military or air forces of [HM].

S 55. **Exercise of police functions.** (1) Rules made under [s] 53 of this Act may (a) regulate the manner in which [CPO] are to carry out their duties under this Act; (b) enable all or any of the functions of a [CPO] to be discharged by a deputy in the event of his illness or absence, or of a vacancy in the office of [CPO]. (2) Without prejudice to [ss] (1)(b) of this [s], the functions of a [CPO] under this Act shall be exercisable on any occasion by a person, or a person of a particular class, authorised by the [CPO] to exercise that function on that occasion, or on occasions of that class or on all occasions.

S 55A. **Guidance as to exercise of police functions.** (1) The [HM] may issue guidance to [CPO] as to the exercise of their functions under, or in connection with, this Act. (2) The [SS] may revise any guidance issued under this [s]. (3) The [SS] must arrange for any guidance issued under this [s], and any revision of it, to be published. (4) A [CPO] must have regard to any guidance issued under this [s]. (5) Before issuing guidance under this [s], the [SS] must consult (a) the National Police Chiefs' Council, and (b) the [CC] of the Police Service of Scotland.

S 56. **Service of notices.** (1) Any notice required or authorised by this Act to be given to a person (A) may be sent (a) by registered post, (b) by the recorded delivery service, or (c) subject to [ss] (3) and (4), by electronic means. (2) For the purposes of [ss] (1)(a) or (b) the notice must be sent in a letter (a) addressed to A at A's last or usual place of abode, or (b) where A is a registered [FD], addressed to A at any place of business in respect of which A is registered. (3) [ss] (1)(c) applies only to notices required or authorised to be given by a chief officer of police, the [SS] or the Scottish Ministers. (4) A notice may be sent by electronic means only if (a) the person to whom the notice is to be sent (A) has given a written statement to the [CPO], the [SS] or the Scottish Ministers (as the case may be) consenting to receive notices under this Act in an electronic form, (b) that statement specifies the electronic form (or forms) that may be used and an electronic address for each form, (c) subject to [ss] (7), the statement has not been withdrawn in accordance with [ss] (5)(b), and (d) the notice is sent to the electronic address specified in the statement for that form. (5) A statement given for the purposes of [ss] (4)(a) may (a) be limited to notices of a description specified in the statement. (b) be withdrawn by giving a further written statement to the person to whom it was given. (6) A statement given for the purposes of [ss] (4)(a) or (5)(b) may not be given by electronic means. (7) Where a statement given for the purposes of [ss] (4)(a) has been withdrawn under [ss] (5)(b), a notice

³¹ Ibid.

sent in accordance with that statement before the end of the period of 28 days beginning with the day after the date of the withdrawal is to be treated as complying with [ss] (4)(c).

S 57. Interpretation. (1) In this Act, the expression “*firearm*” means (a) a lethal barrelled weapon (see [ss] (1B)); (b) a prohibited weapon; (c) a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon (see [ss] (1D)); (d) an accessory to a lethal barrelled weapon or a prohibited weapon where the accessory is designed or adapted to diminish the noise or flash caused by firing the weapon; and so much of [s] 1 of this Act as excludes any description of firearm from the category of firearms to which that [s] applies shall be construed as also excluding component parts of, and accessories to, firearms of that description. (1B) In [ss] (1)(a), “*lethal barrelled weapon*” means a barrelled weapon of any description from which a shot, bullet or other missile, with kinetic energy of more than one joule at the muzzle of the weapon, can be discharged. (1C) [ss] (1) is subject to [s] 57A (*exception for airsoft guns*). (1D) For the purposes of [ss] (1)(c), each of the following items is a relevant component part in relation to a lethal barrelled weapon or a prohibited weapon (a) a barrel, chamber or cylinder, (b) a frame, body or receiver, (c) a breech block, bolt or other mechanism for containing the pressure of discharge at the rear of a chamber, but only where the item is capable of being used as a part of a lethal barrelled weapon or a prohibited weapon. (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 as mentioned in [s] 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 forestock of the weapon. (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), 21A(1A), 24(4) and 24ZA(1). (4) In this Act “*acquire*” means hire, accept as a gift or borrow and “*acquisition*” shall be construed accordingly; “*air weapon*” has the meaning assigned to it by [s] 1(3)(b) of this Act; “*area*” means a police area; “*[BTP] Force*” means the constables appointed under [s] 53 of the British Transport Commission Act 1949; “*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 (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 [s] 1 of this Act applies and includes a certificate granted in [NI] under [s] 1 of the Firearms Act 1920 or under an enactment of the Parliament of [NI] amending or substituted for that [s]; and (b) “*shot gun certificate*” means a certificate granted by a [CPO] under this Act and authorising a person to possess shot guns; “*civilian officer*” means (a) as respects [E&W] (i) a person employed by a [CC] established under [s] 2 of the Police Reform and Social Responsibility Act 2011, (ii) a person employed by the Commissioner of Police of the Metropolis, or (iii) a person employed by the Corporation of the City of London who is under the direction and control of the Commissioner of Police for the City of London; (b) as respects Scotland, a member of police staff within the meaning of the Police and Fire Reform (Scotland) Act 2012; “*European weapons directive*” means the directive of the Council of the European Communities No.91/477/EEC (*directive on the control of the acquisition and possession of weapons*); “*firearms dealer*” means a person who, by way of trade or business (a) manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which [s] 1 of this Act applies or shot guns; or (b) sells or transfers manufactures, sells, transfers, repairs or tests air weapons, “*imitation firearm*” means any thing which has the appearance of being a firearm (other than such a weapon as is mentioned in [s] 5(1)(b) of this Act) whether or not it is capable of discharging any shot, bullet or other missile; “*member of a police force*” means (a) as respects [E&W], a constable who is a member of a police force or a special constable appointed under [s] 27 of the Police Act 1996; (b) as respects Scotland, a constable within the meaning of [s] 99 of the Police and Fire Reform (Scotland) Act 2012 (2012 asp 8); “*member of the [BTP] Force*” includes a special constable appointed under [s] 25 of the Railways and Transport Safety Act 2003; “*premises*” includes any land; “*prescribed*” means prescribed by rules made by the [SS] under [s] 53 of this Act; “*prohibited weapon*” and “*prohibited ammunition*” have the meanings assigned to them by [s] 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 [s] 33 of this Act, or (b) in [NI], under [s] 8 of the Firearms Act 1920 or any enactment of the Parliament of [NI] amending or substituted for that [s], and references to “*the register*”, “*registration*” and a “*certificate of registration*” shall be construed accordingly, except in [s] 40; “*rifle*” includes carbine; “*shot gun*” has the meaning assigned to it by [s] 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 firearm which is specially 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. (5) The definitions in [ss] (1) to (3) above apply to the provisions of this Act except where the context otherwise requires. (6) For purposes of this Act (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 (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.

S 57A. Exception for airsoft guns. (1) An “*airsoft gun*” is not to be regarded as a firearm for the purposes of this Act. (2) An “*airsoft gun*” is a barrelled weapon of any description which (a) is designed to discharge only a small plastic missile (whether or not it is also capable of discharging any other kind of missile), and (b) is not capable of discharging a missile (of any kind) with kinetic energy at the muzzle of the weapon that exceeds the permitted level. (3) “*Small plastic missile*” means a missile that (a) is made wholly or partly from plastics, (b) is spherical, and (c) does not exceed 8 millimetres in diameter. (4) The permitted kinetic energy level is (a) in the case of a weapon which is capable of discharging two or more missiles successively without repeated pressure on the trigger, 1.3 joules; (b) in any other case, 2.5 joules. (see also *Extent*).

Firearms Act 1982

S 1. Control of imitation firearms readily convertible into firearms to which [s] 1 of the 1968 Act applies.(1) This Act applies to an imitation firearm if (a) it has the appearance of being a firearm to which [s] 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 [s] applies. (2) Subject to [s] 2(2) of this Act and the following provisions of this [s], 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 [s] 1 of that Act applies. (3) Subject to the modifications in [ss] (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 [s] and the 1968 Act, as it applies by virtue of this [s] (a) the definition of air weapon in [s] 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 [SS] under [s] 53 of that Act to be specially dangerous; and (b) the definition of firearm in [s] 57(1) of that Act shall have effect without [paras] (b) and (c) of that [ss] (*component parts and accessories*). (5) In any proceedings brought by virtue of this [s] 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 [s] 1 of that Act applies. (6) For the purposes of this [s] an imitation firearm shall be regarded as readily convertible into a firearm to which [s] 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.

S 1A. Provisions supplementary to [s] 1. (1) Subject to [ss] (2) below, references in the 1968 Act, and in any order made under [s] 6 of that Act (orders prohibiting movement of firearms or ammunition) before this Act comes into force (a) to firearms (without qualification); or (b) to firearms to which [s] 1 of that Act applies; shall be read as including imitation firearms to which this Act applies. (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 (a) [s] 4(3) and (4) (*offence to convert anything having appearance of firearm into a firearm and aggravated offence under [s] 1 involving a converted firearm*); and (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; but without prejudice, in the case of the provisions mentioned in [para] (b) above, to the application to such an imitation firearm of such of those provisions as apply to imitation firearms apart from this Act. (3) The provisions referred to in [ss] (2)(b) above are sections 16 to 20 and [s] 47.

S 2. Corresponding provision for [NI]. *An Order in Council under [para] 1(1)(b) of [sch] 1 to the [NI] Act 1974 (legislation for [NI] in the interim period) which contains a statement that it is made only for purposes corresponding to the purposes of this Act (a) shall not be subject to [para] 1(4) and (5) of that [sch] (affirmative resolution of both Houses of Parliament); but (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament. (spent?)*

Firearms (Amendment) Act 1988

S 5. Restriction on sale of ammunition for smooth-bore guns. (1) This [s] applies to ammunition to which [s] 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 [s] applies. (2) It is an offence for a person to sell any such ammunition to another person in the [UK] 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 [ss] (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 [s] shall be punishable on [SC] with imprisonment for a term not exceeding [6] months or a fine not exceeding level 5 [1] or both.

S 6. Shortening of barrels. (1) Subject to [ss] (2) below, it is an offence to shorten to a length less than 24 inches the barrel of any smooth-bore gun to which [s] 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 (a) on [SC], with imprisonment for a term not exceeding [6] months or a fine not exceeding the statutory maximum or both; (b) on indictment, with imprisonment for a term not exceeding [5] years or a fine or both. (2) It is not an offence under this [s] 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.

S. 7. Conversion not to affect classification. (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 [s] 5(1) or (1A) of the principal Act (including any amendments to [s] 5(1) made under [s] 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 [s] 2 above been a weapon to which [s] 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 [s] 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 [ss] (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.

S 8. De-activated weapons. 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 [SS] for denoting that fact and which has been made either by one of the two companies mentioned in [s] 58(1) of the principal Act or by such other person as may be approved by the [SS] for the purposes of this [s]; 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 [SS] for rendering it incapable of discharging any shot, bullet or other missile.

8A. Controls on defectively deactivated weapons (1) It is an offence for a person who owns or claims to own a defectively deactivated weapon (a) to make the weapon available for sale or as a gift to another person, or (b) to sell it or give it (as a gift) to another person. (2) [ss] (1)(a) does not apply if (a) the weapon is made available for sale or as a gift only to a person who is outside the [UK] (or to persons all of whom are outside the [UK]) and (b) it is made so available on the basis that, if a sale or gift were to take place, the weapon would be transferred to a place outside the [UK]. (3) [ss] (1)(b) does not apply if (a) the weapon is sold or given to a person who is outside the [UK] (*or to persons all of whom are outside the [UK]*), and (b) in consequence of the sale or gift, it is (or is to be) transferred to a place outside [the [UK]]. (4) For the purpose of this section, something is a “*defectively deactivated weapon*” if (a) it was at any time a firearm, (b) it has been rendered incapable of discharging any shot, bullet or other missile (and, accordingly, has either ceased to be a firearm or is a firearm only by virtue of the Firearms Act 1982), but (c) it has not been rendered so incapable in a way that meets the technical specifications for the deactivation of the weapon that apply at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift. (5) The [SS] must publish a document setting out the technical specifications that apply for the purposes of [ss] (4)(c) (“*the technical specifications document*”). (6) The technical specifications document may set out different technical specifications for different kinds of weapon. (7) The [SS] (a) may from time to time revise the technical specifications document, and (b) where it is revised (i) must publish the document as revised, and (ii) specify in it the date on which any changes to the technical specifications that apply for the purposes of [ss] (4)(c) take effect. (8) In the case of a weapon rendered incapable as mentioned in [ss] (4)(b) before 8 April 2016, [ss](1)(a) or (b) does not apply if the weapon is made available for sale or as a gift, or (as the case may be) sold or given, by or on behalf of a museum in respect of which a museum firearms licence is in force to another museum in respect of which such a licence is in force. (9) References in this [s] to “*sale*” include exchange or barter (and references to sell are to be construed accordingly). (10) In this [s], “*museum firearms licence*” means a licence granted under the [sch] to the Firearms (Amendment) Act 1988. (11) A person guilty of an offence under this [s] is liable (a) on [SC] (i) in [E&W], to imprisonment for a term not exceeding the general limit in a magistrates’ court (or, in relation to offences committed before 2 May 2022, 6 months) or to a fine, or to both; (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.

S 9. **Photo[s] on certificates.** The power conferred by sections 27(2) and 28(2) of that Act to prescribe the form of a firearm or shot gun certificate shall include power to require the certificate to bear a photo[] of the holder.

S 11. **Grant of co-terminous certificates.** (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 [ss] (1), or in an order made under [s] (3) of [s] 28A of the principal Act as will secure that it ceases to be in force at the same time as the firearm certificate. (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. (3) *The following fees shall be payable in the following cases (a) where a shot gun certificate is granted to a person and on the same occasion the person is granted a firearm certificate, the fee payable on the grant of the shot gun certificate shall be £2 instead of that specified in [s] 32 of the principal Act; (b) where a shot gun certificate is granted to a person and on the same occasion a firearm certificate held by the person is renewed, the fee payable on the grant of the shot gun certificate shall be £28 instead of that specified in [s] 32 of the principal Act; (c) where a shot gun certificate held by a person is renewed and on the same occasion the person is granted a firearm certificate, the fee payable on the renewal of the shot gun certificate shall be £2 instead of that specified in [s] 32 of the principal Act; (d) where a shot gun certificate held by a person is renewed and on the same occasion a firearm certificate held by the person is renewed, the fee payable on the renewal of the shot gun certificate shall be £3 instead of that specified in [s] 32 of the principal Act.* (4) [ss] (3) above shall be included in the provisions that may be amended by an order under [s] 43 of the principal Act.³²

S 12. **Revocation of certificates.** (1) Where a certificate is revoked by the [CPO] under [s] 30A (2), (3) or (4) or 30C of the principal Act he may by notice in 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. (2) It is an offence to fail to comply with a notice under [ss] (1) above; and that offence shall be punishable on [SC] with imprisonment for a term not exceeding [3] months or a fine not exceeding level 4 on the standard scale or both. (3) Where a firearm or ammunition is surrendered in pursuance of a notice under [ss] (1) above, then (a) if an appeal against the revocation of the certificate succeeds, the firearm or ammunition shall be returned; (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; (c) if no such appeal is brought or such an appeal is abandoned, the firearm or ammunition shall be disposed of (i) in such manner as the [CPO] and the owner may agree; or (ii) in default of agreement, in such manner as the chief officer may decide; but subject, in a case within [sub-para] (ii), to the provisions of [ss] (4) below. (4) The [CPO] shall give the owner notice in writing of any decision under [ss] (3)(c)(ii) above, the owner may appeal against that decision in accordance with [s] 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. (5) and [para] 1 of Part I and [paras] 1 to 5 of Part II of [sch] 5 to that Act (*appeal jurisdiction and procedure*) shall apply to an appeal under [ss] (4) above as they apply to an appeal against the revocation of a certificate.

³² This should be in a SI.

S 14. **Auctioneers, carriers and warehousemen.** (1) It is an offence for an auctioneer, carrier or warehouseman (a) to fail to take reasonable precautions for the safe custody of any firearm or ammunition which, by virtue of [s] 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. (2) An offence under this [s] shall be punishable on summary conviction with imprisonment for a term not exceeding [6] months or a fine not exceeding level 5 [] or both.

S 15. **Approved rifle clubs and muzzle-loading pistol clubs.** (1) Subject to [ss] (4) below, a member of a rifle club approved by the [SS] or the Scottish Ministers (by virtue of provision made under [s] 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. (2) Any rifle club may apply for approval, whether or not it is intended that any club members will, by virtue of [ss] (1) above, have rifles or ammunition in their possession without holding firearm certificates. (3) The [SS] 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. (4) The application of [ss] (1) above to members of an approved rifle club may (a) be excluded in relation to the club, or (b) be restricted to target shooting with specified types of rifle, by limitations contained in the approval. (5) An approval (a) may be granted subject to such conditions specified in it as the [SS] thinks or, as the case may be, the Scottish Ministers think fit; (b) may at any time be varied or withdrawn by the [SS] or, as the case may be, the Scottish Ministers; and (c) shall (unless withdrawn) continue in force for [6] years from the date on which it is granted or last renewed. (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 rifle club and inspect those premises, and anything on them, for the purpose of ascertaining whether the provisions of this [s], and any limitations or conditions in the approval, are being complied with. (8) The power of a [PO] or civilian officer under [ss] (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 [ss] (7) above; and that offence shall be punishable on [SC] with a fine not exceeding level 3 []. (10) In this [s] and [s] 15A below “*approval*” means an approval under this [s]; 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 [s] applies in relation to a muzzle-loading pistol club and its members as it applies to a rifle club and its members with the substitution for any reference to a rifle of a reference to a muzzle-loading pistol. (12) In [ss] (11) above “*muzzle-loading pistol club*” means a club where muzzle-loading pistols 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 a separate ball (or other missile).

S 15B. **Fees in connection with approvals under [s] 15.** (1) *The [SS] may by regulations authorise the appropriate national authority to require payment of a fee before an approval under [s] 15 is granted, varied or renewed.* (2) *Regulations under [ss] (1) must specify the amount of any fee that may be charged.* (3) *The regulations may make different provision for different cases (including specifying different fees for different cases).* (4) *The regulations may include (a) incidental, supplementary or consequential provision; (b) transitional, transitory or saving provision.* (5) *Regulations under this [s] are to be made by [SI].* (6) *A [SI] containing regulations under this [s] is subject to annulment in pursuance of a resolution of either House of Parliament.* (7) *In this [s], “the appropriate national authority” means (a) in or as regards [E&W], the [SS]; (b) in or as regards Scotland, the Scottish Ministers.*³³

S 16A. **Possession of firearms on service premises.** (1) A person under the supervision of a member of the armed forces may, without holding a certificate or obtaining the authority of the [SS] under [s] 5 of the principal Act, have in his possession a firearm and ammunition on service premises. (2) [ss] (1) above does not apply to a person while engaged in providing security protection on service premises. (3) In this [s] “*armed forces*” means any of the naval, military or air forces of [HM]; and “*service premises*” means premises, including any ship or aircraft, used for any purpose of the armed forces.

S 16B. **Possession of firearms on [MOD] Police premises.** (1) A person who is being trained or assessed in the use of firearms under the supervision of a member of the [MOD] Police may, without holding a certificate or obtaining the authority of the [SS] under [s] 5 of the principal Act, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment. (2) In this [s] “*relevant premises*” means premises used for any purpose of the [MOD] Police.

S 17. **Visitors’ permits.** (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 [s] 1 of the principal Act applies; and (subject to [ss] (1A) below) 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. (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 (a) that person is for the time being the holder of a licence granted, for the purposes of any order made under [s] 1 of the Import, Export and Customs Powers (Defence) Act 1939, in respect of the exportation of that shot gun; (b) the shot gun is to be exported from Great Britain; or (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; (2) The [CPO] 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 [s] to the specified person if satisfied that he is visiting or intending to visit Great Britain and (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; (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

³³ See

possession, or for purchasing or acquiring it, while he is such a visitor. (3) No permit shall be granted under this [s] to a person if the [CPO] has reason to believe (a) that his possession of the weapons or ammunition in question would represent a danger to the public safety or to the peace; or (b) that he is prohibited by the principal Act from possessing them. (4) A permit under this [s] shall be in the prescribed form, shall specify the conditions subject to which it is held and (a) 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; (b) 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 [CPO] by whom a permit under this [s] 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 [s] shall come into force on such date as is specified in it and continue in force for such period, not exceeding [12] months, as is so specified. (7) A single application (a "group application") may be made under this [s] for the grant of not more than [20] permits to persons specified in the application if it is shown to the satisfaction of the [CPO] that their purpose in having the weapons in question in their possession while visiting Great Britain is (a) using them for sporting purposes on the same private premises during the same period; or (b) 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 [s] a fee of £20 except that where [6] or more permits are granted on a group application the fee shall be £100 in respect of those permits taken together.*³⁴ (9) [ss] (8) above shall be included in the provisions that may be amended by an order under [s] 43 of the principal Act. (10) It is an offence for a person (a) knowingly or recklessly to make a statement false in any material particular for the purpose of procuring the grant of a permit under this [s]; or (b) 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 [SC] with imprisonment for a term not exceeding [6] months or a fine not exceeding level 5 [] or both.

S 18. **Firearms acquired for export.** (1) A person may, without holding a firearm or shot gun certificate, purchase a firearm from a registered firearms dealer if (a) that person has not been in Great Britain for more than [30] days in the preceding [12] 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. (2) A [RFD] who sells a firearm to a person who shows that he is entitled by virtue of [ss] (1) above to purchase it without holding a certificate shall within [48] hours from the transaction send a notice of the transaction to the [CPO] in whose register the premises where the transaction took place are entered. (3) The notice of a transaction under [ss] (2) above shall contain the particulars of the transaction which the dealer is required to enter in the register kept by him under [s] 40 of the principal Act and every such notice shall be sent by permitted means (4) In the case of a transaction to which [ss] (2) above applies the particulars to be entered in the register kept under [s] 40 of the principal Act (and accordingly contained in a notice under [ss] (3) above) shall include the number and place of issue of the purchaser's passport, if any (4A). A notice is sent by permitted means for the purposes of [ss] (3) if it is sent (a) by registered post; (b) by the recorded delivery service; or (c) by permitted electronic means (see [s] 18B). (5) It is an offence for a registered firearms dealer to fail to comply with [ss] (2) above; and that offence shall be punishable on [SC] with imprisonment for a term not exceeding [6] months or a fine not exceeding level 5 [] or both.

S 18B. **Permitted electronic means** (1) A notice is sent by permitted electronic means for the purposes of [s] 18 if (a) it is sent by an electronic form of communication which the [SS] has directed may be used for the purposes of that [s], (b) it is sent to the electronic address which has been published pursuant to [ss] (4), and (c) subject to [ss] (6), the electronic address has not been withdrawn in accordance with [ss] (5). (2) Before giving a direction under [ss](1)(a), the [SS] must consult (a) the Scottish Ministers, (b) the National Police Chiefs' Council, (c) the [CC] of the Police Service of Scotland, and (d) such other persons as the [SS] is satisfied should be consulted. (3) The [SS] must publish directions given under [ss] (1)(a). (4) A [CPO] must publish at least one electronic address for each form of electronic communication specified in a direction under [ss] (1)(a). (5) A [CPO] may withdraw an electronic address published under [ss] (4) by publishing a statement to that effect in the same manner as that in which the electronic address was published under [ss] (4); but a [CPO] may exercise the power to withdraw only if, after the withdrawal, there will still be at least one electronic address available for the form of electronic communication concerned. (6) Where an electronic address has been withdrawn under [ss] (5), a notice sent to that electronic address before the end of the period of 28 days beginning with the day after the date of withdrawal is to be treated as complying with [ss] (1)(b).

S 19. **Firearms and ammunition in museums.** The [sch] to this Act shall have effect for exempting firearms and ammunition in museums from certain provisions of the principal Act.

S 22. **Firearms consultative committee.** (1) There shall be established in accordance with the provisions of this [s] a firearms consultative committee consisting of a chairman and not less than [12] other members appointed by the [SS], being persons appearing to him to have knowledge and experience of one or more of the following matters (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 Firearms Acts 1968 to 1997. (2) The reference in [ss](1)(a) above to the use of firearms includes in particular a reference to their use for sport or competition. (3) Subject to [ss] (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 [SS]; 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 [ss](1)(c) above and to make to the [SS] 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 [SS] 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 [SS] who shall lay copies of the report before Parliament. (7) The [SS] may make to

³⁴ See [].

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 [5] years beginning with the day on which this [s] comes into force unless the [SS] provides by an order made by [SI] for it to continue thereafter, but no such order shall continue the committee for more than [3] years at a time.

S 24. **Expenses and receipts.** (1) Any administrative expenses incurred by the [SS] under [s] 15 or 22 above or the [sch] to this Act and any sums required by him for making payments under [s] 21 or 22 above shall be paid out of money provided by Parliament. (2) Any fees received by the [SS] under [s] 15 above or the [sch] to this Act shall be paid into the Consolidated Fund.

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S 139. **Offence of having article with blade or point in public place.** (1) Subject to [ss] (4) and (5) below, any person who has an article to which this [s] applies with him in a public place shall be guilty of an offence. (2) Subject to [ss] (3) below, this [s] applies to any article which has a blade or is sharply pointed except a folding pocketknife. (3) This [s] applies to a folding pocketknife if the cutting edge of its blade exceeds 3 inches. (4) It shall be a defence for a person charged with an offence under this [s] to prove that he had good reason or lawful authority for having the article with him in a public place. (5) Without prejudice to the generality of [ss] (4) above, it shall be a defence for a person charged with an offence under this [s] to prove that he had the article with him (a) for use at work; (b) for religious reasons; or (c) as part of any national costume. (6) A person guilty of an offence under [ss] (1) above shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months, or a fine not exceeding the statutory maximum, or both; (b) on conviction on indictment, to imprisonment for a term not exceeding [4] years, or a fine, or both. (6ZA) See [s] 315 of the Sentencing Code for provision about the sentence which a court in [E&W] may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that [s]) is convicted of an offence under this [s]. (7) In this [s] “*public place*” includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise. (8) This [s] shall not have effect in relation to anything done before it comes into force.³⁵

S 140. **Offence of having article with blade or point (or offensive weapon) on education premises.** (1) Any person who has an article to which [s] 139 of this Act applies with him on school premises or further education premises shall be guilty of an offence. (2) Any person who has an offensive weapon within the meaning of [s] 1 of the Prevention of Crime Act 1953 with him on school premises or further education premises shall be guilty of an offence. (3) It shall be a defence for a person charged with an offence under [ss] (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question. (4) Without prejudice to the generality of [ss] (3) above, it shall be a defence for a person charged with an offence under [ss] (1) or (2) above to prove that he had the article or weapon in question with him (a) for use at work, (b) for educational purposes, (c) for religious reasons, or (d) as part of any national costume. (5) A person guilty of an offence under [ss] (1) or (2) is liable (a) on [SC] in [E&W] to imprisonment for a term not exceeding the general limit in a magistrates’ court or to a fine, or to both; (b) on [SC] in [NI], to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both; (c) on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both. (5ZA) In relation to an offence committed before the coming into force of [s] 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on [SC] of offence triable either way) the reference in [s] (5)(a) to the general limit in a magistrates’ court is to be read as a reference to 6 months. (5ZB) See [s] 315 of the Sentencing Code for provision about the sentence which a court in [E&W] may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that [s]) is convicted of an offence under this [s]. (6) In this [s] and [s] 139B “*school premises*” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “*school*” has the meaning given by (a) in relation to land in [E&W], [s] 4 of the Education Act 1996; (b) in relation to land in [NI], [art] 2(2) of the Education and Libraries ([NI]) Order 1986 (SI 1986/594 (NI 3)). (6A) In this [s] and [s] 139B “*further education premises*” means (a) in relation to [E&W], land used solely for the purposes of (i) an institution within the further education sector (within the meaning of [s] 91 of the Further and Higher Education Act 1992), or (ii) a 16 to 19 Academy (within the meaning of [s] 1B of the Academies Act 2010), excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy; (b) in relation to [NI], land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education ([NI]) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution. (7) In the application of this [s] to [NI] (a) the reference in [ss] (2) above to [s] 1 of the Prevention of Crime Act 1953 is to be construed as a reference to [art] 22 of the Public Order ([NI]) Order 1987; and (b) the reference in [ss] (6) above to [s] 4 of the Education Act 1996 is to be construed as a reference to [art] 2(2) of the Education and Libraries ([NI]) Order 1986.³⁶

139AA. **Offence of threatening with article with blade or point or offensive weapon.** (1) A person is guilty of an offence if that person (a) has an article to which this [s] applies with him or her in a public place or on school premises, (b) unlawfully and intentionally threatens another person (“A”) with the article, and (c) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B. (1A) A person is guilty of an offence if that person (a) has an article to which this [s] applies with them on further education premises, (b) unlawfully and intentionally threatens another person (“A”) with the article, and (c) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B. (2) In relation to a public place this [s] applies to an article to which [s] 139 applies. (3) In relation to school premises this [s] applies to each of these (a) an article to which [s] 139 applies; (b) an offensive weapon within the meaning of [s] 1 of the Prevention of Crime Act 1953. (3A) In relation to further education premises this [s] applies to each of these (a) an article to which [s] 139 applies; (b) an offensive

³⁵ Note, there are variant ss for NI and Scotland in some of this material.

³⁶ There is a separate version for NI.

weapon within the meaning of [s] 1 of the Prevention of Crime Act 1953. (5) In this [s] “*further education premises*” means land used solely for the purposes of (a) an institution within the further education sector (within the meaning of [s] 91 of the Further and Higher Education Act 1992), or (b) a 16 to 19 Academy (within the meaning of [s] 1B of the Academies Act 2010), excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy; “*public place*” has the same meaning as in [s] 139; “*school premises*” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “*school*” has the meaning given by [s] 4 of the Education Act 1996. (6) A person guilty of an offence under this [s] is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates’ court or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both. (6A) For provision about the sentence which the court may be required to impose where a person aged 16 or over is convicted of an offence under this [s], see [s] 312 of the Sentencing Code. (10) In relation to an offence committed before the commencement of [s] 154(1) of the Criminal Justice Act 2003, the reference in [ss] (6)(a) to the general limit in a magistrates’ court is to be read as a reference to 6 months. (12) If on a person's trial for an offence under this [s] (whether on indictment or not) the person is found not guilty of that offence but it is proved that the person committed an offence under [s] 139 or 139A, the person may be convicted of the offence under that [s].

139B. Power of entry to search for articles with a blade or point and offensive weapons. (1) A [PO] may enter school premises or further education premises and search those premises and any person on those premises for (a) any article to which [s] 139 of this Act applies, or (b) any offensive weapon within the meaning of [s] 1 of the Prevention of Crime Act 1953, if he has reasonable grounds for suspecting that an offence under [s] 139A or 139AA of this Act is being, or has been, committed. (2) If in the course of a search under this [s] a [PO] discovers an article or weapon which he has reasonable grounds for suspecting to be an article or weapon of a kind described in [ss] (1) above, he may seize and retain it. (3) The [PO] may use reasonable force, if necessary, in the exercise of the power of entry conferred by this [s]. (4) In the application of this [s] to [NI] (a) the reference in [ss] (1)(b) above to [s] 1 of the Prevention of Crime Act 1953 is to be construed as a reference to [art] 22 of the Public Order ([NI]) Order 1987, and (b) the reference in ss (1) to [s] 139AA is omitted. S 140. Extension of constable’s power to stop and search (amends)

S 141. **Offensive weapons.** (1) Any person who manufactures, sells or hires or offers for sale or hire, exposes or has in his possession for the purpose of sale or hire, or lends or gives to any other person, a weapon to which this [s] applies shall be guilty of an offence and liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 5 [] or both (a) on [SC], to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both. (1A) Any person who possesses a weapon to which this [s] applies in private is guilty of an offence and liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding 51 weeks, to a fine or to both; (b) on [SC] in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 [] or to both; (c) on [SC] in [NI], to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both; (d) on conviction on indictment in [NI], to imprisonment for a term not exceeding 4 years, to a fine or to both. (1B) In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003, [ss] (1A) (a) has effect as if the reference to 51 weeks were to 6 months. (1C) For the purposes of [ss] (1A) as it has effect in relation to [E&W], a person possesses a weapon to which this [s] applies in private if the person possesses the weapon in a place other than (a) a public place, (b) school premises, (c) further education premises, or (d) a prison. (1D) For the purposes of [ss] (1A) as it has effect in relation to Scotland, a person possesses a weapon to which this [s] applies in private if the person possesses the weapon on domestic premises. (1E) For the purposes of [ss] (1A) as it has effect in relation to [NI], a person possesses a weapon to which this [s] applies in private if the person possesses the weapon in a place other than (a) a public place, (b) school premises, or (c) further education premises. (1F) In [ss] (1C) to (1E) “*domestic premises*” means premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling); “*further education premises*”, in relation to [E&W], means land used solely for the purposes of (a) an institution within the further education sector (within the meaning of [s] 91 of the Further and Higher Education Act 1992), or (b) a 16 to 19 Academy (within the meaning of [s] 1B of the Academies Act 2010), excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy; “*further education premises*”, in relation to [NI], means land used solely for the purposes of an institution of further education within the meaning of [art] 2 of the Further Education ([NI]) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution; “*prison*” includes (a) a young offender institution, (b) a secure training centre, and (c) a secure college; “*public place*” includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise; “*school premises*” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “*school*” has the meaning given by (a) in relation to land in [E&W], [s] 4 of the Education Act 1996; (b) in relation to land in [NI], [art] 2(2) of the Education and Libraries ([NI]) Order 1986 (SI 1986/594 (NI 3)). (2) The [SS] may by order made by [SI] direct that this [s] shall apply to any description of weapon specified in the order except (a) any weapon subject to the Firearms Act 1968; and (b) crossbows. (4) The importation of a weapon to which this [s] applies is hereby prohibited. (5) It shall be a defence for any person charged in respect of any conduct of his relating to a weapon to which this [s] applies (a) with an offence under [ss] (1) [or (1A) above; or (b) with an offence under [s] 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation), to show that his conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force.

(6) In this [s] the reference to the Crown includes the Crown in right of [HMs] Government in [NI]; and “*visiting force*” means any body, contingent or detachment of the forces of a country (a) mentioned in [ss] (1)(a) of [s] 1 of the Visiting Forces Act 1952; or (b) designated for the purposes of any provision of that Act by Order in Council under [ss] (2) of that [s], which is present in the [UK] (including [UK] territorial waters) or in any place to which [ss] (7) below applies on the invitation of [HMs] Government in the [UK]. (7) This [ss] applies to any place on, under or above an installation in a designated area within the meaning of [s] 1(7) of the Continental Shelf Act 1964 or any waters within 500 metres of

such an installation. (7A) It is a defence for a person charged with an offence under [ss] (1A) to show that the weapon in question is one of historical importance. (8) It shall be a defence for any person charged in respect of any conduct of his relating to a weapon to which this [s] applies (a) with an offence under [ss] (1) above; or (b) with an offence under [s] 50(2) or (3) of the Customs and Excise Management Act 1979, to show that the conduct in question was only for the purposes of making the weapon available to a museum or gallery to which this [ss] applies. (8A) It is a defence for a person charged with an offence under [ss] (1A) to show that they possessed the weapon in question only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery. (9) If a person acting on behalf of the operator of, or a person acting on behalf of, a museum or gallery to which [ss] (8) above applies is charged with hiring or lending a weapon to which this [s] applies, it shall be a defence for him to show that he had reasonable grounds for believing that the person to whom he lent or hired it would use it only for cultural, artistic or educational purposes. (10) [ss] (8) above applies to a museum or gallery only if it does not distribute profits. (11) In this [s] “*museum or gallery*” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it. (11ZA) It is a defence for a person charged with an offence under [ss] (1A) to show that they possessed the weapon in question for educational purposes only. (11A) Subject to [ss] (11C), where a person is charged with an offence under [ss] (1) or (1A) above in respect of conduct of his relating to a weapon to which this [s] applies, it shall be a defence to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in [ss] (11B). (11AA) It is a defence for a person charged with an offence under [ss] (1A) to show that the person possessed the weapon in question only for one or more of the purposes specified in [ss] (11B) (11B) Those purposes are (a) the purposes of theatrical performances and of rehearsals for such performances; (b) the production of films (as defined in [s] 5B of the Copyright, Designs and Patents Act 1988 (c. 48)); (c) the production of television programmes (as defined in [s] 405(1) of the Communications Act 2003 (c. 21)). (11C) Where (a) a person is charged with an offence under [ss] (1) above in respect of conduct of his relating to a weapon to which this [s] applies (a “*relevant weapon*”), and (b) the relevant weapon is one the importation of which is prohibited, [ss] (11A) does not apply unless the condition in [ss] (11D) is satisfied. (11D) The condition is that there is in force as respects Scotland provision to the effect that it is a defence for a person (“A”) charged with a relevant offence in respect of A’s conduct relating to a relevant weapon to show that A’s conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in [ss] (11B). (11E) In [ss] (11D), “*relevant offence*” means an offence under [s] 50(2) or (3) of the Customs and Excise Management Act 1979 (c. 2) (*penalty for improper importation of goods*). (11F) For the purposes of this [s], a person shall be taken to have shown a matter specified in [ss] (5), (7A), (8), (8A), (9), (11ZA), (11A) or (11AA) above if (a) sufficient evidence of the matter is adduced to raise an issue with respect to it; and (b) the contrary is not proved beyond a reasonable doubt. (11G) The Scottish Ministers may by order made by [SI] modify the application of this [s] in relation to any description of weapon specified in the order. (11H) An order under [ss] (11G) may make different provision for different purposes. (11J) A [SI] containing an order under this [s] shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament. (11A) It shall be a defence for a person charged in respect of conduct of his relating to a weapon to which this [s] applies (a) with an offence under [ss] (1) or (1A) above, or (b) with an offence under [s] 50(2) or (3) of the Customs and Excise Management Act 1979, to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in [ss] (11B). (11AA) It is a defence for a person charged with an offence under [ss] (1A) to show that they possessed the weapon in question only for one or more of the purposes specified in [ss] (11B). (11B) Those purposes are (a) the purposes of theatrical performances and of rehearsals for such performances; (b) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 see [s] 5B of that Act); (c) the production of television programmes (within the meaning of the Communications Act 2003 see [s] 405(1) of that Act). (11C) For the purposes of this [s] a person shall be taken to have shown a matter specified in [ss] (5), (7A), (8), (8A), (9), (11ZA), (11A) or (11AA) if (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and (b) the contrary is not proved beyond a reasonable doubt. (11D) The [SS] may by order made by [SI] (a) provide for exceptions and exemptions from the offence under [ss] (1) or (1A) above or from the prohibition in [ss] (4) above; and (b) provide for it to be a defence in proceedings for such an offence, or for an offence under [s] 50(2) or (3) of the Customs and Excise Management Act 1979, to show the matters specified or described in the order. (11E) A [SI] containing an order under this [s] shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House. (12) This [s] shall not have effect in relation to anything done before it comes into force. (12A) An order under this [s] which has the effect that possession in private of a weapon of a particular description is, or is to become, an offence under [ss] (1A) may make provision (a) enabling arrangements to be made for the surrender of weapons of that description; (b) as to the procedure to be followed in relation to the surrender of such weapons; (c) for the payment of compensation in respect of weapons surrendered in accordance with the arrangements; (d) as to the requirements that must be met by a person making a claim for compensation; (e) as to the procedure to be followed in respect of a claim and for the determination of a claim; (f) enabling a person to exercise a discretion in determining whether to make a payment in response to a claim and the amount of such a payment. (13) In the application of this [s] to [NI] in [ss] (2) above the reference to the [SS] shall be construed as a reference to the Department of Justice in [NI] and the reference to the Firearms Act 1968 shall be construed as a reference to the Firearms ([NI]) Order 2004. (14) In the application of this [s] to [NI], the power under [ss] (11D) above to provide by order (a) for exceptions and exemptions from the offence under [ss] (1) above; and (b) for it to be a defence in proceedings for such an offence to show the matters specified or described in the order, is exercisable by the Department of Justice in [NI] (and not by the [SS]). (15) Any power of the Department of Justice in [NI] to make an order under this [s] shall be exercisable by statutory rule for the purposes of the Statutory Rules ([NI]) Order 1979 (and not by [SI]). (16) No order shall be made by the Department of Justice under this [s] unless a draft of the order has been laid before, and approved by a resolution of, the [NI] Assembly. (17) [s] 41(3) of the Interpretation Act ([NI]) 1954 applies for the purposes of [ss] (16) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.

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S 142. **Power of [JP] to authorise entry and search of premises for offensive weapons.** (1) If on an application made by a [PO] a [JP] (including, in Scotland, the sheriff) is satisfied that there are reasonable grounds for believing (a) that there are on premises specified in the application (i) knives such as are mentioned in [s] 1(1) of the Restriction of Offensive Weapons Act 1959; or (ii) weapons to which [s] 141 above applies; and (b) that an offence under [s] 1 of the Restriction of Offensive Weapons Act 1959 or [s] 141 above has been or is being committed in relation to them; and (c) that any of the conditions specified in [ss] (3) below applies, he may issue a warrant authorising a constable to enter and search the premises. (2) A [PO] may seize and retain anything for which a search has been authorised under [ss] (1) above. (3) The conditions mentioned in [ss] (1)(c) above are (a) that it is not practicable to communicate with any person entitled to grant entry to the premises; (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the knives or weapons to which the application relates; (c) that entry to the premises will not be granted unless a warrant is produced; (d) that the purpose of a search may be frustrated or seriously prejudiced unless a [PO] arriving at the premises can secure immediate entry to them. (4) [ss] (1)(a) (i) shall be omitted in the application of this [s] to [NI].³⁷ **

Criminal Justice and Public Order Act 1994

S 60. **Powers to stop and search in anticipation of, or after violence.** (1) If a police officer of or above the rank of inspector reasonably believes (a) that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give an authorisation under this [s] to prevent their occurrence, (aa) that (i) an incident involving serious violence has taken place in [E&W] in his police area; (ii) a dangerous instrument or offensive weapon used in the incident is being carried in any locality in his police area by a person; and (iii) it is expedient to give an authorisation under this [s] to find the instrument or weapon; or (b) that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason, he may give an authorisation that the powers conferred by this [s] are to be exercisable at any place within that locality for a specified period not exceeding 24 hours. (3) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which have, or are reasonably suspected to have, been committed in connection with any activity falling within the authorisation, he may direct that the authorisation shall continue in being for a further 24 hours. (3A) If an inspector gives an authorisation under [ss] (1) he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed. (4) This [s] confers on any [PO] in uniform power (a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments; (b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments. (5) A [PO] may, in the exercise of the powers conferred by [ss] (4) above, stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind. (6) If in the course of a search under this [s] a [PO] discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it. (7) This [s] applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles. (8) A person who fails (a) to stop, or to stop a vehicle; when required to do so by a constable in the exercise of his powers under this [s] shall be liable on [SC] to imprisonment for a term not exceeding [1] month or to a fine not exceeding level 3 [1] or both. (9) Subject to [ss] (9ZA), any authorisation under this [s] shall be in writing signed by the officer giving it and shall specify the grounds on which it is given and the locality in which and the period during which the powers conferred by this [s] are exercisable and a direction under [ss] (3) above shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so. (9ZA) An authorisation under [ss] (1)(aa) need not be given in writing where it is not practicable to do so but any oral authorisation must state the matters which would otherwise have to be specified under [ss] (9) and must be recorded in writing as soon as it is practicable to do so. (9A) The preceding provisions of this [s], so far as they relate to an authorisation by a member of the [BTP] Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if the references to a locality in his police area were references to a place in [E&W] specified in [s] 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 and as if the reference in [ss] (1)(aa)(i) above to his police area were a reference to any place falling within [s] 31(1)(a) to (f) of the Act of 2003. (10) Where a vehicle is stopped by a constable under this [s], the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this [s] if he applies for such a statement not later than the end of the period of [12] months from the day on which the vehicle was stopped. (10A) A person who is searched by a [PO] under this [s] shall be entitled to obtain a written statement that he was searched under the powers conferred by this [s] if he applies for such a statement not later than the end of the period of [12] months from the day on which he was searched. (11) In this [s] “dangerous instruments” means instruments which have a blade or are sharply pointed; “offensive weapon” has the meaning given by [s] 1(9) of the Police and Criminal Evidence Act 1984 or, in relation to Scotland, [s] 47(4) of the Criminal Law (Consolidation) (Scotland) Act 1995; but in [ss] (1) (aa), (4), (5) and (6) above and [ss] (11A) below includes, in the case of an incident of the kind mentioned in [ss] (1)(aa)(i) above, any article used in the incident to cause or threaten injury to any person or otherwise to intimidate; and “vehicle” includes a caravan as defined in [s] 29(1) of the Caravan Sites and Control of Development Act 1960. (11A) For the purposes of this [s], a person carries a dangerous instrument or an offensive weapon if he has it in his possession. (12) The powers conferred by this [s] are in addition to and not in derogation of, any power otherwise conferred.³⁸ **

Firearms (Amendment) Act 1997

S 2. **Slaughtering instruments.** The authority of the [SS] or the Scottish Ministers is not required by virtue of [ss] (1)(aba) of [s] 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

³⁷ This should be linked into PACE 1984.

³⁸ Ibid.

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 [s] 10 of the 1968 Act, to have it in his possession without a firearm certificate.

S 3. **Firearms used for humane killing of animals.** The authority of the [SS] or the Scottish Ministers is not required by virtue of [ss] (1)(aba) of [s] 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.

S 4. **Shot pistols used for shooting vermin.** (1) The authority of the [SS] or the Scottish Ministers is not required by virtue of [ss] (1)(aba) of [s] 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 [s], “*shot pistol*” means a smooth-bored gun which is chambered for .410 cartridges or 9mm rim-fire cartridges.

S 5. **Races at athletic meetings.** The authority of the [SS] or the Scottish Ministers is not required by virtue of [ss] (1)(aba) of [s] 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.

S 6. **Trophies of war.** The authority of the [SS] or the Scottish Ministers is not required by virtue of [ss] (1)(aba) of [s] 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.

S 7. **Firearms of historic interest.** (1) The authority of the [SS] or the Scottish Ministers is not required by virtue of [ss] (1)(aba) of [s] 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 [ss] (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 [SS] may by order made by [SI] specify a description of firearm for the purposes of [ss] (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 [SS] or the Scottish Ministers is not required by virtue of [ss] (1) (aba) of [s] 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 [ss] by the [SS] or the Scottish Ministers (by virtue of provision made under [s] 63 of the Scotland Act 1998). (4) This [s] has effect without prejudice to [s] 58(2) of the 1968 Act (*antique firearms*).

S 8. **Weapons and ammunition used for treating animals.** The authority of the [SS] or the Scottish Ministers is not required by virtue of [ss] (1) (aba), (b) or (c) of [s] 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.

S 15. **Surrender of prohibited small firearms and ammunition.** (1) The [SS] 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 [s] 1 or 9 above. (2) The [CPO] 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. (3) This [s] applies in relation to small-calibre pistols with the substitution for the reference in [ss] (1) above to [s] 1 above of a reference to [s] 1 of the Firearms (Amendment) (No. 2) Act 1997 (*prohibition of small-calibre pistols*).

S 16. **Payments in respect of prohibited small firearms and ammunition.** (1) The [SS] 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 [s] 15 above. (2) A scheme under [ss] (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 [s] 1(2) or 9 above. (3) A scheme under [ss] (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. (4) This [s] applies in relation to small-calibre pistols surrendered at designated police stations in accordance with the arrangements made under [s] 15 above with the substitution (a) for the reference in [para] (a) of [ss] (2) above to 16th October 1996 of a reference to 14th May 1997; and (b) for the reference in that [ss] to [s] 1(2) above of a reference to [s] 1 of the Firearms (Amendment) (No. 2) Act 1997 (*prohibition of small-calibre pistols*).

S 17. **Payments in respect of ancillary equipment.** (1) The [SS] 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 [ss] (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 [s] 1(2) above; and (b) has no practicable use in connection with any firearm which is not a prohibited weapon. (3) A scheme under [ss] (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 [ss] (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 [ss] (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 [ss] (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. (7) This [s] applies in relation to equipment designed or adapted for use in connection with small-calibre pistols with the substitution (a) for the reference in [ss] (2)(a) above to firearms prohibited by virtue of [s] 1(2) above of a reference to small-calibre pistols; and (b) for the reference in [ss](3)(a) above to 16th October 1996 of a reference to 14th May 1997.

S 18. **Parliamentary control of compensation schemes.** (1) *Before making a compensation scheme the [SS] shall lay a draft of it before Parliament.* (2) *The [SS] shall not make the scheme unless the draft has been approved by resolution of each House.* (3) [ss] (1) and (2) above apply to an alteration to a compensation scheme as they apply to a compensation scheme. (4) In this [s] “*compensation scheme*” means a scheme under [s] 16 or 17 above.

S 32. **Transfers of firearms etc. to be in person.** (1) This [s] applies where, in Great Britain (a) a firearm or ammunition to which [s] 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 [s] 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 or ammunition to the transferee, and the transferee must receive it, in person. (3) A failure by the transferor or transferee to comply with [ss] (2) above shall be an offence.

S 33. **Notification of transfers involving firearms.** (1) This [s] applies where in Great Britain (a) any firearm to which [s] 1 of the 1968 Act applies is sold, let on hire, lent or given; (b) any 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 [s] 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 [7] days of the transfer give notice to the [CPO] who granted his certificate or permit. (3) A notice required by [ss] (2) above shall (a) contain a description of the firearm in question (giving its identification number if any); and (b) state the nature of the transaction and the name and address of the other party; and any such notice shall be sent by permitted means. (3A) A notice is sent by permitted means for the purposes of [ss] (3) if it is sent (a) by registered post; (b) by the recorded delivery service; or (c) by permitted electronic means (see [s] 35A). (4) A failure by a party to a transaction to which this [s] applies to give the notice required by this [s] shall be an offence.

S 34. **Notification of de-activation, destruction or loss of firearms etc.** (1) Where, in Great Britain (a) a firearm to which a firearm or shot gun certificate relates; or (b) a firearm to which a visitor’s firearm or shot gun permit relates, 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 [7] days of that event give notice of it to the [CPO] who granted the certificate or permit. (2) Where, in Great Britain, any ammunition to which [s] 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 [7] days of the loss give notice of it to the chief officer of police who granted the certificate or permit. (3) A notice required by this [s] shall (a) describe the firearm or ammunition in question (giving the identification number of the firearm if any); (b) state the nature of the event; and any such notice shall be sent by permitted means (3A) A notice is sent by permitted means for the purposes of [ss] (3) if it is sent (a) by registered post; (b) by the recorded delivery service; or (c) by permitted electronic means (see [s] 35A). (4) A failure, without reasonable excuse, to give a notice required by this [s] shall be an offence. (5) For the purposes of this [s] and [s] 35 below a firearm is de-activated if it would, by virtue of [s] 8 of the 1988 Act be presumed to be rendered incapable of discharging any shot, bullet or other missile.

S 35. **Notification of events taking place outside Great Britain involving firearms etc.** (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 was authorised by a firearm certificate or shot gun certificate, the transferor shall within 14 days of the disposal give notice of it to the [CPO] who granted his certificate. (2) A failure to give a notice required by [ss] (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 [s] 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 [CPO] who granted the certificate. (4) A failure, without reasonable excuse, to give a notice required by [ss] (3) above shall be an offence. (5) A notice required by this [s] shall (a) contain a description of the firearm or ammunition in question (including 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 [s] must be sent within 14 days of the disposal or other event and must be sent (a) by registered post, (b) by the recorded delivery service, (c) in a case where it is sent from outside the [UK] otherwise than by electronic means, in such manner as most closely corresponds to that described in [para] (a) or (b), or (d) by permitted electronic means (see [s] 35A).

35A. **Permitted electronic means.** (1) A notice is sent by permitted electronic means for the purposes of [s] 33, 34 or 35 if (a) it is sent by an electronic form of communication which the [SS] has directed may be used for the purposes of the [s] concerned, (b) it is sent to the electronic address which has been published pursuant to [ss] (4), and (c) subject to [ss] (6), the electronic address has not been withdrawn in accordance with [ss] (5). (2) Before giving a direction under [ss] (1)(a), the [SS] must consult (a) the Scottish Ministers, (b) the National Police Chiefs' Council, (c) the [CC] of the Police Service of Scotland, and (d) such other persons as the [SS] is satisfied should be consulted. (3) The [SS] must publish directions given under [ss] (1)(a). (4) A [CPO] must publish at least one electronic address for each form of electronic communication specified in a direction under [ss] (1)(a). (5) A [CPO] may withdraw an electronic address published under [ss] (4) by publishing a statement to that effect in the same manner as that in which the electronic address was published under [ss] (4); but a [CPO] may exercise the power to withdraw only if, after the withdrawal, there will still be at least one electronic address available for the form of electronic communication concerned. (6) Where an electronic address has been withdrawn under [ss] (5), a notice sent to that electronic address before the end of the period of 28 days beginning with the day after the date of withdrawal is to be treated as complying with [ss](1)(b).

S 36. **Penalty for offences under ss. 32 to 35.** An offence under [s] 32, 33, 34 or 35 above shall (a) if committed in relation to a transfer or other event involving a firearm or ammunition to which [s] 1 of the 1968 Act applies be punishable (i) on [SC] with imprisonment for a term not exceeding [6] months or a fine not exceeding the statutory maximum or both; (ii) on conviction on indictment with imprisonment for a term not exceeding [5] years or a fine or both; (b) if committed in relation to a transfer or other event involving a shot gun be punishable on [SC] with imprisonment for a term not exceeding [6] months or a fine not exceeding level 5 [] or both.

S 44. **Firearm certificates for certain firearms used for target shooting: special conditions.** (1) If a [CPO] 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 (a) the rifle or pistol is only to be used for target shooting; and (b) the holder must be a member of an approved rifle club or, as the case may be, muzzle-loading pistol club specified in the certificate. (2) In this [s], "*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).

S 48. **Firearms powered by compressed carbon dioxide.** Any reference to an air rifle, air pistol or air gun (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.

S 50. **Interpretation and supplementary provisions.** (1) 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 [s] 1 of the 1968 Act applies and which is designed to fire .22 or smaller diameter ammunition; "*the 1968 Act*" means the Firearms Act 1968; "*the 1988 Act*" means the Firearms (Amendment) Act 1988. (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. (3) Any reference in 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. (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. (5) Sections 53 to 56 and [s] 58 of the 1968 Act (*rules, Crown application, service of notices and savings*) shall have effect as if this Act were contained in that Act. (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 firearms to which [s] 1 of the 1968 Act applies*).

Anti-Terrorism, Crime and Security Act 2001

[Deals with nuclear weapons, see 47-57,67,113-5. No printed here for reasons of space]

Knives Act 2003

S 1. **Unlawful marketing of knives.** (1) A person is guilty of an offence if he markets a knife in a way which (a) indicates, or suggests, that it is suitable for combat; or (b) is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon. (2) "*Suitable for combat*" and "*violent behaviour*" are defined in [s] 10.(3) For the purposes of this Act, an indication or suggestion that a knife is suitable for combat may, in particular, be given or made by a name or description (a) applied to the knife; (b) on the knife or on any packaging in which it is contained; or (c) included in any advertisement which, expressly or by implication, relates to the knife. (4) For the purposes of this Act, a person markets a knife if (a) he sells or hires it; (b) he offers, or exposes, it for sale or hire; or (c) he has it in his possession for the purpose of sale or hire. (5) A person guilty of an offence under this [s] shall be liable (a) on [SC], to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.

S 2. **Publications.** (1) A person is guilty of an offence if he publishes any written, pictorial or other material in connection with the marketing of any knife and that material (a) indicates, or suggests, that the knife is suitable for combat; or (b) is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon. (2) A person guilty of an offence under this [s] shall be liable (a) on [SC], to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.

S 3. **Exempt trades.** (1) It is a defence for a person charged with an offence under [s] 1 to prove that (a) the knife was marketed (i) for use by the armed forces of any country; (ii) as an antique or curio; or (iii) as falling within such other category (if any) as may be prescribed; (b) it was reasonable for the knife to be marketed in that way; and (c) there were no reasonable grounds for suspecting that a person into whose possession the knife might come in consequence of the way in which it was marketed would use it for an unlawful purpose. (2) It is a defence for a person charged with an offence under [s] 2 to prove that (a) the material was published in connection with marketing a knife (i) for use by the armed forces of any country; (ii) as an antique or curio; or (iii) as falling within such other category (if any) as may be prescribed; (b) it was reasonable for the knife to be marketed in that way; and (c) there were no reasonable grounds for suspecting that a person into whose possession the knife might come in consequence of the publishing of the material would use it for an unlawful purpose. (3) In this [s] “prescribed” means prescribed by regulations made by the [SS].

S 4. **Other defences.** (1) It is a defence for a person charged with an offence under [s] 1 to prove that he did not know or suspect, and had no reasonable grounds for suspecting, that the way in which the knife was marketed (a) amounted to an indication or suggestion that the knife was suitable for combat; or (b) was likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon. (2) It is a defence for a person charged with an offence under [s] 2 to prove that he did not know or suspect, and had no reasonable grounds for suspecting, that the material (a) amounted to an indication or suggestion that the knife was suitable for combat; or (b) was likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon. (3) It is a defence for a person charged with an offence under [s] 1 or 2 to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

S 5. **Supplementary powers of entry, seizure and retention.** (1) If, on an application made by a constable, a [JP] or sheriff is satisfied that there are reasonable grounds for suspecting (a) that a person (“the suspect”) has committed an offence under [s] 1 in relation to knives of a particular description, and (b) that knives of that description and in the suspect’s possession or under his control are to be found on particular premises, the [JP] or sheriff may issue a warrant authorising a constable to enter those premises, search for the knives and seize and remove any that he finds. (2) If, on an application made by a constable, a [JP] or sheriff is satisfied that there are reasonable grounds for suspecting (a) that a person (“the suspect”) has committed an offence under [s] 2 in relation to particular material, and (b) that publications consisting of or containing that material and in the suspect’s possession or under his control are to be found on particular premises, the [JP] or sheriff may issue a warrant authorising a constable to enter those premises, search for the publications and seize and remove any that he finds. (3) A constable, in the exercise of his powers under a warrant issued under this [s], may if necessary use reasonable force. (4) Any knives or publications which have been seized and removed by a constable under a warrant issued under this [s] may be retained until the conclusion of proceedings against the suspect. (5) For the purposes of this [s], proceedings in relation to a suspect are concluded if (a) he is found guilty and sentenced or otherwise dealt with for the offence; (b) he is acquitted; (c) proceedings for the offence are discontinued; or (d) it is decided not to prosecute him. (6) In this [s] “premises” includes any place and, in particular, any vehicle, vessel, aircraft or hovercraft and any tent or movable structure.^{39*}

S 6. **Forfeiture of knives and publications.** (1) If a person is convicted of an offence under [s] 1 in relation to a knife of a particular description, the court may make an order for forfeiture in respect of any knives of that description (a) seized under a warrant issued under [s] 5; or (b) in the offender’s possession or under his control at the relevant time. (2) If a person is convicted of an offence under [s] 2 in relation to particular material, the court may make an order for forfeiture in respect of any publications consisting of or containing that material which (a) have been seized under a warrant issued under [s] 5; or (b) were in the offender’s possession or under his control at the relevant time. (3) The court may make an order under [ss] (1) or (2)(a) whether or not it also deals with the offender in respect of the offence in any other way; and (b) without regard to any restrictions on forfeiture in any enactment. (4) In considering whether to make an order, the court must have regard (a) to the value of the property; and (b) to the likely financial and other effects on the offender of the making of the order (taken together with any other order that the court contemplates making). (5) In this [s] “relevant time” (a) in relation to a person convicted in [E&W] or [NI] of an offence under [s] 1 or 2, means the time of his arrest for the offence or of the issue of a summons in respect of it; (b) in relation to a person so convicted in Scotland, means the time of his arrest for the offence or of his being cited as an accused in respect of it.

S 7. **Effect of a forfeiture order.** (1) An order under [s] 6 (a “forfeiture order”) operates to deprive the offender of his rights, if any, in the property to which it relates. (2) The property to which a forfeiture order relates must be taken into the possession of the police (if it is not already in their possession). (3) The court may, on an application made by a person who (a) claims property to which a forfeiture order applies, but (b) is not the offender from whom it was forfeited, make an order (a “recovery order”) for delivery of the property to the applicant if it appears to the court that he owns it. (4) An application to a sheriff must be made in such manner as may be prescribed by act of adjournal. (5) No application may be made after the end of the period of 6 months beginning with the date on which the forfeiture order was made. (6) No application may succeed unless the claimant satisfies the court (a) that he had not consented to the offender having possession of the property; or (b) that he did not know, and had no reason to suspect, that the offence was likely to be committed. (7) If a person has a right to recover property which is in the possession of another in pursuance of a recovery order, that right (a) is not affected by the making of the recovery order at any time before the end of the period of 6 months beginning with the date on which the order is made; but (b) is lost at the end of that period. (8) The [SS] may make regulations, in relation to property forfeited under this [s], for disposing of the property and dealing with the proceeds in cases where (a) no application has been made before the end of the period of 6 months beginning with the date on which the forfeiture order was made; or (b) no such application has succeeded. (9) The regulations may also provide for investing money and auditing accounts. (10) In this [s], “application” means an application under [ss] (3).

³⁹ This should be generalized with other criminal legislation which uses the word ‘premises’.

S 8. **Offences by bodies corporate.** (1) If an offence under this Act committed by a body corporate is proved (a) to have been committed with the consent or connivance of an officer, or (b) to be attributable to any neglect on his part, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly. (2) In [ss] (1) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity. (3) If the affairs of a body corporate are managed by its members, [ss] (1) applies 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. (4) If an offence under this Act committed by a partnership in Scotland is proved (a) to have been committed with the consent or connivance of a partner, or (b) to be attributable to any neglect on his part, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly. **

S 9. **Interpretation.** In this Act “the court” means (a) in relation to [E&W] or [NI], the Crown Court or a magistrate’s court; (b) in relation to Scotland, the sheriff; “knife” means an instrument which has a blade or is sharply pointed; “marketing” and related expressions are to be read with [s] 1(4); “publication” includes a publication in electronic form and, in the case of a publication which is, or may be, produced from electronic data, any medium on which the data are stored; “suitable for combat” means suitable for use as a weapon for inflicting injury on a person or causing a person to fear injury; “violent behaviour” means an unlawful act inflicting injury on a person or causing a person to fear injury. See also s 10 (Extent).

Violent Crime Reduction Act 2006

S 28. **Using someone to mind a weapon.** (1) A person is guilty of an offence if (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 [s] 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 to lead to, the commission by him of an offence. (3) In this [s] “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 [s] 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 [s] has effect with the omission of [ss] “(3)(b)”, and of the word “or” immediately preceding it. (amends)*

S 29. **Penalties etc. for offence under s. 28.** (1) This [s] applies where a person (“the offender”) is guilty of an offence under [s] 28. (2) Where the dangerous weapon in respect of which the offence was committed is a weapon to which [s] 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 term 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 [s] 5(1)(a) to (af) or (c) or [s] 5(1A)(a) of the 1968 Act (*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. (3A) For the minimum sentence which applies where a person is convicted in [E&W] of an offence under [s] 28, see [s] 311 of the Sentencing Code. (7) On a conviction in Scotland, where (a) [ss] (3) applies, and (b) 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 to the offender which justify its not doing so. (8) On a conviction in Scotland, where (a) [ss] (3) applies, and (b) the offender is aged under 21 at the time of conviction and is not a person in whose case [ss] (9) applies, the court must impose (with or without a fine) a sentence of detention under [s] 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 (a) [ss] (3) applies, and (b) the offender is, at the time of 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 [s] 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 to the offender which justify its not doing so. (10) In any case not mentioned in [ss] (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) a court in Scotland is considering for the purposes of sentencing the seriousness of an offence under [s] 28, and (b) 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 [ss] (11), it must state in open court that the offence was aggravated as mentioned in that [ss]. (12A) For the requirement for a court in [E&W] considering for the purposes of sentencing the seriousness of an offence under [s] 28 to treat certain matters as aggravating factors, see [s] 70 of the Sentencing Code. (13) Where (a) an offence under [s] 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 [2] or more days, or at some time during a period of [2] or more days, and (b) on any day in that period, an age requirement was satisfied, the question whether [ss] (3) applies or (as the case may be) the question whether the offence was aggravated under this [s] is to be determined as if the offence had been committed on that day. (14) In [ss] (13) the reference to an age requirement is a reference to either of the following (a) the requirement of [ss] (3) that the offender was aged 16 or over at the time of the offence; (b) the requirement of [ss] (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 [s] has effect with the omission of [ss] (2), and of the reference to it in [ss] (10).

S 32. **Sales of air weapons by way of trade or business to be face to face.** (1) This [s] 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 [FD]. (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 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 in [ss] (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 [FD]; (b) a registered [FD] 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 [para] (b) in his business as a registered [FD]. (4) A person guilty of an offence under this [s] shall be liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 [], or to both; and (b) on [SC] in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 [], or to both. (5) (amends)

S 35. Restriction on sale and purchase of primers. (1) This [s] applies to a cap-type primer designed for use in metallic ammunition for a firearm. (2) It is an offence for a person to sell to another either (a) a primer to which this [s] applies, (b) an empty cartridge case incorporating such a primer, unless that other person falls within [ss] (3). (3) A person falls within this [ss] if (a) he is a registered [FD]; (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 [HM] who is entitled under [ss] (6) to acquire a primer to which this [s] 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 [HM], 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 [SS] to purchase primers or cartridge cases of the type in question. (4) It is an offence for a person to buy or to attempt to buy (a) a primer to which this [s] applies, or (b) an empty cartridge case incorporating such a primer, unless he falls within [ss] (5). (5) A person falls within this [ss] if (a) he is a registered [FD]; (b) he sells by way of any 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 a 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 [HM] who is entitled under [ss] (6) to acquire a primer to which this [s] applies; (f) he is entitled, by virtue of the 1968 Act, the Firearms (Amendment) Act 1988 or any other enactment and otherwise than by virtue of being a person in the service of [HM], 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 cartridge case on his behalf; or (h) he is authorised by regulations made by the [SS] to purchase primers or cartridge cases of the type in question. (6) A person who is in the service of [HM] is entitled to acquire a primer to which this [s] 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 [s] 54(2)(b) of the 1968 Act (*certificates for persons in naval, military or air service of [HM]*). (7) An offence under this [s] shall be punishable, on [SC] (a) in [E&W], with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 [], or with both; and (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 [], or with both. (8) In relation to an offence committed before the commencement of [s] 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in [ss] (7)(a) of this [s] to 51 weeks is to be read as a reference to 6 months. (9) *The power of the [SS] to make regulations for the purposes of [ss] (3)(h) or (5)(h) shall be exercisable by [SI] 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 [SS] thinks fit; and (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.* (11) In this [s] “*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 shot gun, an air weapon or a firearm chambered for rim-fire ammunition. *

S 36. Manufacture, import and sale of realistic imitation firearms. (1) A person is guilty of an offence if (a) he manufactures a realistic imitation 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) [ss] (1) has effect subject to the defences in [s] 37. (3) The [SS] may by regulations (a) provide for exceptions and exemptions from the offence under [ss] (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 [ss] (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 be given in relation to particular cases or in relation 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 [SS] thinks fit. (5) *The power of the [SS] to make regulations under [ss] (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 [SS] 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 [ss] (7) “*the customs and excise Acts*” has the meaning given by [s] 1 of the Customs and Excise Management Act 1979 (c. 2). (9) An offence under this [s] shall be punishable, on [SC] (a) in [E&W], with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 [], or with both; and (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 [], or with both. (10) In relation to an offence committed before the commencement of [s] 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in [ss] (9)(a) of this [s] to 51 weeks is to be read as a reference to 6 months. (11) In this [s] “*realistic imitation firearm*” has the meaning given by [s] 38. *

S 37. Specific defences applying to the offence under s. 36. (1) It shall be a defence for a person charged with an offence under [s] 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 [ss] (2). (2) Those purposes are (a) the purposes of a museum or gallery; (b) the purposes of theatrical performances and of

rehearsals for such performances; (c) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48) see [s] 5B of that Act); (d) the production of television programmes (within the meaning of the Communications Act 2003 (c. 21) see [s] 405(1) of that Act); (e) the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this [s] by regulations made by the [SS]; (f) the purposes of functions that a person has in his capacity as a person in the service of [HM]. (3) It shall also be a defence for a person charged with an offence under [s] 36 in respect of conduct falling within [ss] (1)(d) of that [s] to show that the conduct (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 a way which would result in its ceasing to be a realistic imitation firearm. (4) For the purposes of this [s] a person shall be taken to have shown a matter specified in [ss] (1) or (3) if (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and (b) the contrary is not proved beyond a reasonable doubt. (5) *The power of the [SS] to make regulations under this [s] 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 [SS] thinks fit; and (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.* (7) In this [s] “*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; “*museum or gallery*” includes any institution which (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. *

S 38. **Meaning of “realistic imitation firearm”.** (1) In sections 36 and 37 “*realistic imitation firearm*” means an imitation firearm which (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 [s], an imitation firearm is not (except by virtue of [ss] (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 to fire it. (3) In determining for the purposes of this [s] 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 [SS] may by regulations provide that, for the purposes of [Ss] (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 to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations. (5) *The power of the [SS] to make regulations under this [s] shall be exercisable by [SI] 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 [SS] thinks fit; and (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.* (7) In this [s] “*colour*” is to be construed in accordance with [ss] (9); “*de-activated 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 no longer to 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, the firearms falling within a category of actual modern firearms which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or a similar appearance. (8) In [ss] (7) “*modern firearm*” means any firearm other than one the appearance of which 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 [s], in relation to an imitation firearm or a real firearm, to its colour include references to its being made of transparent material. (10) [s] 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 [s] as it applies for the purposes of the 1968 Act. *

S 39. **Specification for imitation firearms.** (1) The [SS] may by regulations 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 [s]; (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 [s] shall be punishable, on [SC] (a) in [E&W], with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 [], or with both; and (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 [], or with both. (4) In relation to an offence committed before the commencement of [s] 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in [ss] (3)(a) of this [s] to 51 weeks is to be read as a reference to 6 months. (5) Regulations under this [s] may provide that, in proceedings for an offence under this [s], 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 certified as so conforming by a person who is (a) specified in the regulations; or (b) determined for the purpose in accordance with 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 [s] shall be liable to forfeiture under the customs and excise Acts. (7) In [ss] (6) “*the customs and excise Acts*” has the meaning given by [s] 1 of the Customs and Excise Management Act 1979 (c. 2). (8) *The power of the [SS] to make regulations under this [s] shall be exercisable by [SI] subject to annulment in pursuance of a resolution of either House of Parliament.* (9) That power includes power (a) to make different provision for different cases; (b) to make provision subject to such exemptions and exceptions as the [SS] thinks fit; and (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

S 47. **Power to search persons in attendance centres for weapons** (1) A member of staff of an attendance centre who has reasonable grounds for suspecting that a relevant person may have with him or in his possessions (a) an article to which [s] 139 of the Criminal Justice Act 1988 (c. 33)

applies (knives and blades etc.), or (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953 (c. 14)), may search the relevant person or his possessions for such articles and weapons. (2) A search under this [s] may be carried out only where the member of staff and the relevant person are on the premises of the attendance centre. (3) A person may carry out a search under this [s] only if (a) he is the officer in charge of the attendance centre; or (b) he has been authorised by the officer in charge to carry out the search. (4) A person who carries out a search of a relevant person under this [s] (a) may not require the relevant person to remove any clothing other than outer clothing; (b) must be of the same sex as the relevant person; and (c) may carry out the search only in the presence of another member of staff who is also of the same sex as the relevant person. (5) A relevant person's possessions may not be searched under this [s] except in his presence and in the presence of another member of staff. (6) If, in the course of a search under this [s], the person carrying out the search finds (a) anything which he has reasonable grounds for suspecting falls within [ss] (1)(a) or (b), or (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence, he may seize and retain it. (7) A person who exercises a power under this [s] may use such force as is reasonable in the circumstances for exercising that power. (8) A person who seizes anything under [ss] (6) must deliver it to a police constable as soon as reasonably practicable. (9) The Police (Property) Act 1897 (c. 30) (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this [s] as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act. (10) An authorisation for the purposes of [ss] (3)(b) may be given either in relation to a particular search or generally in relation to searches under this [s] or to a particular description of such searches. (11) In this [s] "attendance centre" has the same meaning as in Part 12 of the Criminal Justice Act 2003 (c. 44) (see [s] 221 of that Act); "officer in charge", in relation to an attendance centre, means the member of staff for the time being in charge of that centre; "outer clothing" means (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or (b) a hat, shoes, boots, gloves or a scarf; "possessions", in relation to a person, includes any goods over which he has or appears to have control; "relevant person", in relation to an attendance centre, means a person who is required to attend at that centre by virtue of (a) a relevant order (within the meaning given by [S] 397(1) of the Sentencing Code); or (b) a youth rehabilitation order under Chapter 1 of Part 9 of that Code; (12) The powers conferred by this [s] are in addition to any powers exercisable by the member of staff of an attendance centre in question apart from this [s] and are not to be construed as restricting such powers.*

Offensive Weapons Act 2019

S 1. Sale of corrosive products to persons under 18. (1) A person commits an offence if they sell a corrosive product to a person who is under the age of 18. (2) Subject to [s] 2, it is a defence for a person charged in [E&W] or [NI] with an offence under [ss] (1) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. (3) Except where [s] 2 applies, it is a defence for a person ("the accused") charged in Scotland with an offence under [ss] (1) to show that (a) the accused believed the person to whom the corrosive product was sold ("the purchaser") to be aged 18 or over, and (b) either the accused had taken reasonable steps to establish the purchaser's age or no reasonable person could have suspected from the purchaser's appearance that the purchaser was under the age of 18. (4) For the purposes of [ss] (3)(b), the accused is to be treated as having taken reasonable steps to establish the purchaser's age if and only if (a) the accused was shown any of the documents mentioned in [ss] (5), and (b) the document would have convinced a reasonable person. (5) Those documents are any document bearing to be (a) a passport, (b) a [EU] photocard driving licence, or (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order. (6) The accused is to be taken to have shown a matter mentioned in [ss] (3) if (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (7) A person guilty of an offence under [ss] (1) is liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding 51 weeks, to a fine or to both; (b) on [SC] in Scotland or [NI], to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 [] or to both. (8) In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003, the reference in [ss] (7)(a) to 51 weeks is to be read as a reference to 6 months. (9) In Scotland, proceedings for an offence under [ss] (1) may be commenced within the period of 12 months beginning with the commission of the offence. (10) [s] 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of [ss] (9) as it applies for the purposes of that [s]. (11) Subject to [ss] (15), in this [s] and sections 2 to 4 "corrosive product" means (a) a substance listed in the [1st col] of [sch] 1, or (b) a product which contains a substance listed in the [1st col] of that [sch] in a concentration higher than the limit set out for that substance in the second column of that [sch]. (12) The appropriate national authority may by regulations amend [sch] 1 by adding, modifying or removing a reference to a substance or a concentration limit. (13) Before making regulations under [ss] (12) the appropriate national authority must consult such persons likely to be affected by the regulations as the authority considers appropriate. (14) In this [s] "the appropriate national authority" means (a) in relation to [E&W] and Scotland, the [SS], and (b) in relation to [NI], the Department of Justice in [NI]. (15) References to a corrosive product in this [s] and sections 2 to 4 do not include a substance or product which is contained in a battery. (16) See [s] 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

S 2. Defence to remote sale of corrosive products to persons under 18. (1) This [s] applies if (a) a person ("the seller") is charged with an offence under [s] 1 (sale of corrosive products to persons under 18), and (b) the seller was not in the presence of the person ("the buyer") to whom the product to which the charge relates was sold at the time of the sale. (2) For the purposes of [ss] (1)(b) the seller was not in the presence of the buyer at the time of the sale if (a) where the seller is an individual, the seller or a person acting on the seller's behalf was not in the presence of the buyer at that time; (b) where the seller is not an individual, a person acting on the seller's behalf was not in the presence of the buyer at that time. (3) If the seller is charged with the offence in [E&W] or [NI], the seller is not to be regarded as having proved that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, they prove that the conditions in [ss] (6) to (9) are met. (4) If the seller is charged with the offence in Scotland, it is a defence for the seller to show that the conditions in [ss] (6) to (9) are met. (5) For the purposes of [ss] (4) the seller is to be taken to have shown a matter mentioned in [ss] (6) to (9) if (a) sufficient evidence of the

matter is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (6) Condition A is that, at the time the offence is alleged to have been committed (a) the seller operated a system for checking that persons who bought corrosive products by the same or a similar method of purchase to that used by the buyer were not under the age of 18, and (b) that system was likely to prevent persons under the age of 18 from buying corrosive products by that method. (7) Condition B is that when the package containing the corrosive product was dispatched by the seller, it was clearly marked to indicate (a) that it contained a corrosive product, and (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over. (8) Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over. (9) Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker. (10) Where the corrosive product was dispatched by the seller to a place from which it was to be collected by the buyer or a person acting on behalf of the buyer, references in [ss] (7) and (8) to the final delivery of the product are to be read as its supply to the buyer or a person acting on behalf of the buyer from that place. (11) In [ss] (9) "locker" means a lockable container to which the package was delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.

S 3. Delivery of corrosive products to residential premises etc. (1) This [s] applies if (a) a person ("the seller") sells a corrosive product to another person ("the buyer"), and (b) the seller and the buyer are not in each other's presence at the time of the sale. (2) The seller commits an offence if, for the purposes of supplying the corrosive product to the buyer, the seller delivers the product, or arranges for its delivery, to residential premises. (3) The seller commits an offence if, for the purposes of supplying the corrosive product to the buyer, the seller delivers the product, or arranges for its delivery, to a locker. (4) For the purposes of [ss] (1)(b) a person ("A") is not in the presence of another person ("B") at any time if (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time; (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time. (5) In [ss] (2) "residential premises" means premises used solely for residential purposes. (6) The circumstances where premises are not residential premises for the purposes of that [ss] include, in particular, where a person carries on a business from the premises. (7) In [ss] (3) "locker" means a lockable container to which the corrosive product is delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer. (8) It is a defence for a person charged in [E&W] or [NI] with an offence under this [s] to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. (9) It is a defence for a person charged in Scotland with an offence under this [s] to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. (10) A person is to be taken to have shown a matter mentioned in [ss] (9) if (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (11) A person guilty of an offence under this [s] is liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding 51 weeks, to a fine or to both; (b) on [SC] in Scotland or [NI], to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 [] or to both. (12) In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003, the reference in [ss] (11)(a) to 51 weeks is to be read as a reference to 6 months. (13) In Scotland, proceedings for an offence under this [s] may be commenced within the period of 12 months beginning with the commission of the offence. (14) [s] 136(3) of the Criminal Procedure (Scotland) Act 1995 (*date when proceedings deemed to be commenced*) applies for the purposes of [ss] (13) as it applies for the purposes of that [s]. (15) See [s] 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

S 4. Delivery of corrosive products to persons under 18. (1) This [s] applies if (a) a person ("the seller") sells a corrosive product to another person ("the buyer"), (b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is outside the [UK] at that time, (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver corrosive products for the seller, (d) that person was aware when they entered into the arrangement that it covered the delivery of corrosive products, and (e) that person delivers the corrosive product pursuant to that arrangement. (2) For the purposes of [ss] (1)(b) a person ("A") is not in the presence of another person ("B") at any time if (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time; (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time. (3) For the purposes of [ss] (1)(b) a person other than an individual is outside the [UK] at any time if the person does not carry on a business of selling articles of any kind from premises in any part of the [UK] at that time. (4) The person mentioned in [ss] (1)(e) commits an offence if, when they deliver the corrosive product, they do not deliver it into the hands of a person aged 18 or over. (5) It is a defence for a person charged in [E&W] or [NI] with an offence under [ss] (4) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. (6) It is a defence for a person ("the accused") charged in Scotland with an offence under [ss] (4) to show that (a) the accused believed the person into whose hands the corrosive product was delivered to be aged 18 or over, and (b) either the accused had taken reasonable steps to establish the person's age or no reasonable person could have suspected from the person's appearance that the person was under the age of 18. (7) For the purposes of [ss] (6)(b), the accused is to be treated as having taken reasonable steps to establish the person's age if and only if (a) the accused was shown any of the documents mentioned in [ss] (8), and (b) the document would have convinced a reasonable person. (8) Those documents are any document bearing to be (a) a passport, (b) a [EU] photocard driving licence, or (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order. (9) The accused is to be taken to have shown a matter mentioned in [ss] (6) if (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (10) A person guilty of an offence under [ss] (4) is liable (a) on [SC] in [E&W], to a fine; (b) on [SC] in Scotland or [NI], to a fine not exceeding level 5 []. (11) In Scotland, proceedings for an offence under this [s] may be commenced within the period of 12 months beginning with the commission of the offence. (12) [s] 136(3) of the Criminal Procedure (Scotland) Act 1995 (*date when proceedings deemed to be commenced*) applies for the purposes of [ss] (11) as it applies for the purposes of that [s]. (13) See [s] 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

S 5. **Presumptions in proceedings in Scotland for offence under [s] 1, 3 or 4.** (1) This [s] applies for the purposes of any trial in proceedings for an alleged offence under [s] 1(1), 3(2) or (3) or 4(4). (2) Where (a) a substance is found in a container (whether open or sealed), and (b) there is on the container a description of the contents of the container, the substance found is to be presumed to be a substance of that description. (3) Where an open container is found which (a) is empty or contains an amount of a substance which is insufficient to allow analysis of it, (b) was sealed at the time it was sold or delivered, and (c) has on it a description of the contents of the container, the container is to be presumed to have contained, at the time it was sold or delivered, a substance of that description. (4) At the trial, any party to the proceedings may rebut the presumption mentioned in [ss] (2) or (3) by proving that, at the time of its sale or delivery, the substance in the container was not of the description on the container. (5) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.

S 6. **Offence of having a corrosive substance in a public place.** (1) A person commits an offence if they have a corrosive substance with them in a public place. (2) It is a defence for a person charged in [E&W] or [NI] with an offence under [ss] (1) to prove that they had good reason or lawful authority for having the corrosive substance with them in a public place. (3) Without prejudice to the generality of [ss] (2), it is a defence for a person charged in [E & W] or [NI] with an offence under [ss] (1) to prove that they had the corrosive substance with them for use at work. (4) It is a defence for a person charged in Scotland with an offence under [ss] (1) to show that they had a reasonable excuse or lawful authority for having the corrosive substance with them in a public place. (5) Without prejudice to the generality of [ss] (4), it is a defence for a person charged in Scotland with an offence under [ss] (1) to show that they had the corrosive substance with them for use at work. (6) A person is to be taken to have shown a matter mentioned in [ss] (4) or (5) if (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (7) A person guilty of an offence under [ss] (1) is liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding the general limit in a magistrates' court, to a fine or to both; (b) on [SC] in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both; (c) on [SC] in [NI], to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both; (d) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both. (8) In relation to an offence committed before 2 May 2022 the reference in [ss] (7)(a) to the general limit in a magistrates' court is to be read as a reference to 6 months. (9) In this [s] "*corrosive substance*" means a substance which is capable of burning human skin by corrosion; "*public place*", in relation to [E&W] or [NI], includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise; "*public place*", in relation to Scotland, means any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling). (10) See (a) [s] 7 for provisions about presumptions as to the content of containers in proceedings in Scotland; (b) sections 8 and 9 for provisions requiring a court in [E&W] to impose an appropriate custodial sentence in certain cases.

S 7. **Presumptions in proceedings in Scotland for offence under [s] 6.** (1) This [s] applies for the purposes of any trial in proceedings for an alleged offence under [s] 6(1). (2) Where (a) a substance is found in a container (whether open or sealed), and (b) there is on the container a description of the contents of the container, the substance found is to be presumed to be a substance of that description. (3) [ss] (4) applies where (a) an open container is found, (b) a substance has been poured out of, or otherwise removed from, the container, (c) the container is empty or contains an amount of the substance mentioned in [para] (b) which is insufficient to allow analysis of it, and (d) the container has on it a description of its contents. (4) The container is to be presumed to have contained, immediately before the action mentioned in [para] (b) of [s] (3) was taken, a substance of the description mentioned in [para] (d) of that [ss]. (5) At the trial, any party to the proceedings may rebut the presumption mentioned in [ss] (2) or (4) by proving that, at the time the offence is alleged to have been committed, the substance in the container was not of the description on the container. (6) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.

S 11. **Search for corrosive substances: Scotland.** (1) *This [s] applies if a constable has reasonable grounds for suspecting that a person (a) is carrying a corrosive substance, and (b) has committed or is committing an offence under [s] 6.* (2) *The [PO] may search the person without warrant, and detain the person for such time as is reasonably required to permit the search to be carried out.* (3) *If in the course of the search the constable finds a substance which the [PO] reasonably suspects to be a corrosive substance, the constable may seize and retain the substance and any article in which it is contained.* (4) If a constable detains a person under this [s] the [PO] must inform the person of the reason for doing so. (5) A person commits an offence if the person (a) intentionally obstructs a [PO] in the exercise of the [P's] powers under this [s], or (b) conceals a corrosive substance from a [PO] acting in the exercise of those powers. (6) A person guilty of an offence under [ss] (5) is liable on [SC] to a fine not exceeding level 4 []. (7) In this [s] "*corrosive substance*" has the same meaning as in [s] 6. *⁴⁰

S 14. **Knife crime prevention order [KCPO] made otherwise than on conviction** (1) A court may make a [KCPO] under this [s] in respect of a person aged 12 or over (the "*defendant*") if the following conditions are met. (2) The first condition is that a person has, by complaint to the court, applied for a [KCPO] under this [s] in accordance with [s] 15. (3) The second condition is that the court is satisfied on the balance of probabilities that, on at least two occasions in the relevant period, the defendant had a bladed article with them without good reason or lawful authority (a) in a public place in [E&W], (b) on school premises, or (c) on further education premises. (4) In [ss] (3) "*the relevant period*" means the period of [2] years ending with the day on which the order is made; but an event may be taken into account for the purposes of that [ss] only if it occurred after the coming into force of this [s]. (5) Without prejudice to the generality of [ss] (3), a person has good reason for having a bladed article with them in a place mentioned in that [ss] if the person has the article with them in that place (a) for use at work, (b) for educational

⁴⁰ This should be linked into PACE 1984.

purposes, (c) for religious reasons, or (d) as part of any national costume. (6) The third condition is that the court thinks that it is necessary to make the order (a) to protect the public in [E&W] from the risk of harm involving a bladed article, (b) to protect any particular members of the public in [E&W] (including the defendant) from such risk, or (c) to prevent the defendant from committing an offence involving a bladed article. (7) A [KCPO] under this [s] is an order which, for a purpose mentioned in [ss] (6) (a) requires the defendant to do anything described in the order; (b) prohibits the defendant from doing anything described in the order. (8) See also (a) [s] 21 (which makes further provision about the requirements and prohibitions which may be imposed by a knife crime prevention order under this [s]), (b) [s] 22 (which makes further provision about the inclusion of requirements in a [KCPO] under this [s]), and (c) [s] 23 (which makes provision about the duration of a knife crime prevention order under this [s]). (9) [s] 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under this [s]. (10) In this [s] "court" (a) in the case of a defendant who is under the age of 18, means a magistrates' court which is a youth court, and (b) in any other case, means a magistrates' court which is not a youth court; "further education premises" means land used solely for the purposes of (a) an institution within the further education sector (within the meaning of [s] 91 of the Further and Higher Education Act 1992), or (b) a 16 to 19 Academy (within the meaning of [s] 1B of the Academies Act 2010), excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy; "public place" includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise; "school premises" means any land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and "school" has the meaning given by [s] 4 of the Education Act 1996.

S 15. **Requirements for application for order under [s] 14.** (1) An application for a [KCPO] under [s] 14 may be made only by (a) a relevant [CPO], (b) the [CC] of the [BTP] Force, or (c) the chief constable of the [MOD] Police. (2) For the purposes of [ss] (1)(a) a [CPO] is a relevant [CPO] in relation to an application for a [KCPO] in respect of a defendant if (a) the defendant lives in the [CPO's] area, or (b) the [CPO] believes that the defendant is in, or is intending to come to, the [CPO's] area. (3) An application for a [KCPO] under [s] 14 made by a [CPO] for a police area may be made only to a court acting for a local justice area that includes any part of that police area. (4) [ss] (5) and (6) apply if a person proposes to apply for a [KCPO] under [s] 14 in respect of a defendant who (a) is under the age of 18, and (b) will be under that age when the application is made. (5) Before making the application the person must consult the youth offending team established under [s] 39 of the Crime and Disorder Act 1998 in whose area it appears to the person that the defendant lives. (6) If it appears to the person that the defendant lives in the area of two or more youth offending teams, the obligation in [ss] (5) is to consult such of those teams as the person thinks appropriate.

S 16. **Application without notice.** (1) An application for a [KCPO] under [s] 14 may be made without the applicant giving notice to the defendant. (2) [s] 15(4) to (6) (*consultation requirements*) does not apply to an application made without notice. (3) If an application is made without notice the court must (a) adjourn the proceedings and make an interim [KCPO] under [s] 17, (b) adjourn the proceedings without making an interim knife crime prevention order under that [s], or (c) dismiss the application. (4) If the court acts under [ss] (3)(a) or (b), the applicant must comply with [s] 15(4) to (6) before the date of the first full hearing. (5) In this [s] "full hearing" means a hearing of which notice has been given to the applicant and the defendant in accordance with rules of court.

S 17. **Interim [KCPO]: application without notice.** (1) Where an application for a [KCPO] in respect of a defendant is made without notice by virtue of [s] 16, the court may make an interim [KCPO] under this [s] in respect of the defendant if the first and second conditions are met. (2) The first condition is that the proceedings on the [KCPO] are adjourned (otherwise than at a full hearing within the meaning of [s] 16). (3) The second condition is that the court thinks that it is necessary to make an interim [KCPO] under this [s]. (4) An interim [KCPO] under this [s] is an order which imposes on the defendant such of the prohibitions that may be imposed by a [KCPO] under [s] 14 as the court thinks are required in relation to the defendant. (5) An interim [KCPO] under this [s] may not impose on the defendant any of the requirements that may be imposed by a [KCPO] under [s] 14. (6) See also (a) [s] 21 (which makes further provision about the prohibitions which may be imposed by an interim [KCPO] under this [s]), and (b) [s] 23 (which makes provision about the duration of an interim [KCPO] under this [s]).

S 18. **Interim [KCPO]: application not determined.** (1) This [s] applies if (a) an application is made to a court for a [KCPO] under [s] 14 in respect of a defendant, (b) the defendant is notified of the application in accordance with rules of court, and (c) the application is adjourned. (2) The court may make an interim [KCPO] in respect of the defendant if (a) the first or second condition is met, and (b) the third condition is met. (3) The first condition is that, by the complaint by which the application mentioned in [ss] (1) is made, the applicant also applies for an interim [KCPO] in respect of the defendant. (4) The second condition is that, by complaint to the court, the applicant for the order mentioned in [ss] (1) subsequently applies for an interim [KCPO] in respect of the defendant. (5) The third condition is that the court thinks that it is just to make the order. (6) An interim [KCPO] under this [s] is an order which (a) imposes on the defendant such of the requirements that may be imposed by a [KCPO] under [s] 14 as the court thinks appropriate; (b) imposes on the defendant such of the prohibitions that may be imposed by a [KCPO] under that [s] as the court thinks appropriate. (7) See also (a) [s] 21 (which makes further provision about the requirements and prohibitions that may be imposed by an interim [KCPO] under this [s]), (b) [s] 22 (*which makes further provision about the inclusion of requirements in an interim [KCPO] under this [s]*), and (c) [s] 23 (*which makes provision about the duration of an interim [KCPO] under this [s]*). (8) [s] 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under this [s].

S 19. **[KCPO] made on conviction.** (1) This [s] applies where (a) a person aged 12 or over (the "defendant") is convicted of an offence which was committed after the coming into force of this [s], and (b) a court dealing with the defendant in respect of the offence is satisfied on the balance of probabilities that the offence is a relevant offence. (2) The court may make a [KCPO] under this [s] in respect of the defendant if the following conditions are met. (3) The first condition is that the prosecution applies for a [KCPO] to be made under this [s]. (4) The second condition is that the court thinks that it is necessary to make the order (a) to protect the public in [E&W] from the risk of harm involving a bladed article, (b) to protect any particular members of the public in [E&W] (including the defendant) from such risk, or (c) to prevent the defendant from committing an offence involving a bladed article. (5) A [KCPO] under this [s] is an order which, for a purpose mentioned in [ss] (4) (a)

requires the defendant to do anything described in the order; (b) prohibits the defendant from doing anything described in the order. (6) See also (a) [s] 21 (which makes further provision about the requirements and prohibitions that may be imposed by a [KCPO] under this [s]), (b) [s] 22 (which makes further provision about the inclusion of requirements in a [KCPO] under this [s]), and (c) [s] 23 (which makes provision about the duration of a [KCPO] under this [s]). (7) The court may make a [KCPO] under this [s] in respect of the defendant only if it is made in addition to (a) a sentence imposed in respect of the offence, or (b) an order discharging the offender conditionally. (8) For the purposes of deciding whether to make a [KCPO] under this [s] the court may consider evidence led by the prosecution and evidence led by the defendant. (9) It does not matter whether the evidence would have been admissible in the proceedings in which the defendant was convicted. (9A) The court may adjourn any proceedings on an application for a [KCPO] even after sentencing the defendant. (9B) If the defendant does not appear for any adjourned proceedings the court may (a) further adjourn the proceedings, (b) issue a warrant for the defendant's arrest, or (c) hear the proceedings in the defendant's absence. (9C) The court may not act under [ss] (9B) (b) unless it is satisfied that the defendant has had adequate notice of the time and place of the adjourned proceedings. (9D) The court may not act under [ss] (9B) (c) unless it is satisfied that the defendant (a) has had adequate notice of the time and place of the adjourned proceedings, and (b) has been informed that if the defendant does not appear for those proceedings the court may hear the proceedings in the defendant's absence. (10) For the purposes of this [s] an offence is a relevant offence if (a) the offence involved violence, (b) a bladed article was used, by the defendant or any other person, in the commission of the offence, or (c) the defendant or another person who committed the offence had a bladed article with them when the offence was committed. (11) In [ss] (10) "violence" includes a threat of violence.

S 20. Requirement to consult on application for order under [s] 19. (1) This [s] applies if the prosecution proposes to apply for a [KCPO] under [s] 19 in respect of a defendant who (a) is under the age of 18, and (b) will be under that age when the application is made. (2) Before making the application, the prosecution must consult the youth offending team established under [s] 39 of the Crime and Disorder Act 1998 in whose area it appears to the prosecution that the defendant lives. (3) If it appears to the prosecution that the defendant lives in the area of [2] or more youth offending teams, the obligation in [ss] (2) is to consult such of those teams as the prosecution thinks appropriate.

S 21. Provisions of [KCPO]. (1) The only requirements and prohibitions that may be imposed on a defendant by a [KCPO] are those which the court making the order thinks are necessary (a) to protect the public in [E&W] from the risk of harm involving a bladed article; (b) to protect any particular members of the public in [E&W] (including the defendant) from such risk, or (c) to prevent the defendant from committing an offence involving a bladed article. (2) The requirements imposed by a [KCPO] on a defendant may, in particular, have the effect of requiring the defendant to (a) be at a particular place between particular times on particular days; (b) be at a particular place between particular times on any day; (c) present themselves to a particular person at a place where they are required to be between particular times on particular days; (d) participate in particular activities between particular times on particular days. (3) [s] 22 makes further provision about the inclusion of requirements in a [KCPO]. (4) The prohibitions imposed by a [KCPO] on a defendant may, in particular, have the effect of prohibiting the defendant from (a) being in a particular place; (b) being with particular persons; (c) participating in particular activities; (d) using particular articles or having particular articles with them; (e) using the internet to facilitate or encourage crime involving bladed articles. (5) References in [ss] (4) to a particular place or particular persons, activities or articles include a place, persons, activities or articles of a particular description. (6) A [KCPO] which imposes prohibitions on a defendant may include exceptions from those prohibitions. (7) Nothing in [ss] (2) to (6) affects the generality of [s]14(7) or [s] 19(5). (8) The requirements or prohibitions which are imposed on the defendant by a [KCPO] must, so far as practicable, be such as to avoid (a) any conflict with the defendant's religious beliefs, and (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment.

S 22. Requirements included in [KCPO] etc. (1) A knife crime prevention order or interim [KCPO] which imposes a requirement on a defendant must specify a person who is to be responsible for supervising compliance with the requirement. (2) That person may be an individual or an organisation. (3) Before including a requirement, the court must receive evidence about its suitability and enforceability from (a) the individual to be specified under [ss] (1), if an individual is to be specified; (b) an individual representing the organisation to be specified under [ss] (1), if an organisation is to be specified. (4) Before including two or more requirements, the court must consider their compatibility with each other. (5) It is the duty of a person specified under [ss] (1) (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the "relevant requirements"); (b) to promote the defendant's compliance with the relevant requirements; (c) if the person considers that the defendant (i) has complied with all of the relevant requirements, or (ii) has failed to comply with a relevant requirement, to inform the appropriate [CPO]. (6) In [ss] (5)(c) "the appropriate [CPO]" means (a) the [CPO] for the police area in which it appears to the person specified under [ss] (1) that the defendant lives, or (b) if it appears to that person that the defendant lives in more than one police area, whichever of the [CPOs] of those areas the person thinks it is most appropriate to inform. (7) A defendant subject to a requirement in a [KCPO] or interim [KCPO] must (a) keep in touch with the person specified under [ss] (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and (b) notify that person of any change of the defendant's home address. (8) The obligations mentioned in [ss] (7) have effect as if they were requirements imposed on the defendant by the order.

S 23. Duration of [KCPO] etc (1) A [KCPO] or an interim [KCPO] under [s] 18 takes effect on the day on which it is made, subject to [ss] (6) and (7). (2) An interim [KCPO] under [s]17 takes effect when it is served on the defendant, subject to [ss] (6) and (7). (3) A [KCPO] must specify the period for which it has effect, which must be a fixed period of at least 6 months, and not more than 2 years, beginning with the day on which it takes effect. (4) An interim [KCPO] under [s] 17 has effect until the determination of the application mentioned in [ss] (1) of that [s], subject to [s] 27 (variation, S renewal or discharge). (5) An interim [KCPO] under [s] 18 has effect until the determination of the application mentioned in [ss](1) of that [s], subject to [s] 27. (6) [ss] (7) applies if a [KCPO] or an interim [KCPO] is made in respect of (a) a defendant who has been remanded in or committed to custody by an order of a court, (b) a defendant on whom a custodial sentence has been imposed or who is serving or

otherwise subject to such a sentence, or (c) a defendant who is on licence for part of the term of a custodial sentence. (7) The order may provide that it does not take effect until (a) the defendant is released from custody, (b) the defendant ceases to be subject to a custodial sentence, or (c) the defendant ceases to be on licence. (8) A [KCPO] or an interim [KCPO] may specify periods for which particular prohibitions or requirements have effect. (9) Where a court makes a [KCPO] or an interim [KCPO] in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect. (10) In this [s] “*custodial sentence*” means (a) a sentence of imprisonment or any other sentence or order mentioned in [s] 76(1) of the Powers of Criminal Courts (Sentencing) Act 2000 or [s] 222 of the Sentencing Code, or (b) a sentence or order which corresponds to a sentence or order within [para] (a) and which was imposed or made under an earlier enactment.

S 24. **Notification requirements.** (1) [ss] (2) applies if (a) a [KCPO] is made in respect of a defendant (other than an order which replaces an interim [KCPO]), or (b) an interim [KCPO] is made in respect of a defendant. (2) The defendant must notify the information mentioned in [ss] (3) to the police within the period of 3 days beginning with the day on which the order takes effect. (3) That information is (a) the defendant's name on the day on which the notification is given and, where the defendant uses one or more other names on that day, each of those names, and (b) the defendant's home address on that day. (4) [ss] (5) applies to a defendant who is subject to (a) a [KCPO], or (b) an interim [KCPO]. (5) The defendant must notify the information mentioned in [ss] (6) to the police within the period of 3 days beginning with the day on which the defendant (a) uses a name which has not previously been notified to the police under [ss] (2) or this [para], (b) changes their home address, or (c) decides to live for a period of [1] month or more at any premises the address of which has not been notified to the police under [ss] (2) or this [para]. (6) That information is (a) in a case within [ss] (5)(a), the name which has not previously been notified; (b) in a case within [ss] (5)(b), the new home address; (c) in a case within [ss] (5)(c), the address at which the defendant has decided to live. (7) A defendant gives a notification under [ss] (2) or (5) by (a) attending at a police station in a police area in which the defendant lives, and (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

S 25. **Offences relating to notification.** (1) A person commits an offence if the person (a) fails, without reasonable excuse, to comply with [s] 24(2) or (5), or (b) notifies to the police, in purported compliance with [s] 24(2) or (5), any information which the person knows to be false. (2) A person guilty of an offence under [ss] (1) is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates' court, to a fine or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both. (3) In relation to an offence committed before 2 May 2022 the reference in [s] (2)(a) to the general limit in a magistrates' court is to be read as a reference to 6 months. (4) A person commits an offence under [ss] (1)(a) on the day on which the person first fails, without reasonable excuse, to comply with [s] 24(2) or (5). (5) The person continues to commit the offence throughout any period during which the failure continues. (6) But the person may not be prosecuted more than once in respect of the same offence. (7) Proceedings for an offence under this [s] may be commenced in any court having jurisdiction in any place where the person charged with the offence lives or is found.

S 26. **Review of [KCPO].** (1) This [s] applies where a court has made a [KCPO] in respect of a defendant. (2) The court may order the applicant and the defendant to attend one or more review hearings on a specified date or dates. (3) [ss] (4) applies if any requirement or prohibition imposed by the [KCPO] is to have effect after the end of the period of 1 year beginning with the day on which the order takes effect. (4) The court must order the applicant and the defendant to attend a review hearing on a specified date within the last 4 weeks of the 1 year period (whether or not the court orders them to attend any other review hearings). (5) A review hearing under this [s] is a hearing held for the purpose of considering whether the [KCPO] should be varied or discharged. (6) [ss] (7) to (9) of [s] 27 (*variation, renewal or discharge*) apply to the variation of a [KCPO] under this [s] as they apply to the variation of an order under that [s].

S 27. **Variation, renewal or discharge of [KCPO] etc.** (1) A person within [ss] (2) may apply to the appropriate court for (a) an order varying, renewing or discharging a [KCPO], or (b) an order varying or discharging an interim [KCPO]. (2) Those persons are (a) the defendant; (b) the [CPO] for a police area in which the defendant lives; (c) a [CPO] who believes that the defendant is in, or is intending to come to, the [CPOs] area; (d) if the application for the order was made by a [CPO] other than one within [para] (b) or (c), the [CPO] by whom the application was made; (e) if the order was made on an application by the [CC] of the [BTP] Force, that [CC]; (f) if the order was made on an application by the [CC] of the [MOD] Police, that [CC]. (3) An application under [ss] (1) may be made (a) where the appropriate court is the Crown Court, in accordance with rules of court; (b) in any other case, by complaint. (4) Before a person other than the defendant makes an application under [ss] (1), the person must notify the persons consulted under [s] 15(5) or [s] 20(2). (5) Before making a decision on an application under [ss] (1), the court must hear (a) the person making the application, and (b) any other person within [ss] (2) who wishes to be heard. (6) Subject as follows, on an application under [ss] (1) (a) the court may make such order varying or discharging the order as it thinks appropriate; (b) in the case of an application under [para] (a) of that [ss], the court may make such order renewing the order as it thinks appropriate. (7) The court may renew a [KCPO], or vary such an order or an interim knife crime prevention order so as to impose an additional prohibition or requirement on a defendant, only if it is satisfied that it is necessary to do so (a) to protect the public in [E&W] from the risk of harm involving a bladed article, (b) to protect any particular members of the public in [E&W] (including the defendant) from such risk, or (c) to prevent the defendant from committing an offence involving a bladed article. (8) The provisions mentioned in [ss] (9) have effect in relation to the renewal of a [KCPO], or the variation of a [KCPO] or interim [KCPO] so as to impose a new requirement or prohibition, as they have effect in relation to the making of such an order. (9) Those provisions are (a) [s] 21 (*provisions of [KCPO]*), (b) [s] 22 (*requirements included in [KCPO] etc.*), and (c) [s] 23 (*duration of [KCPO] etc.*). (10) The court may not discharge a [KCPO] before the end of the period of 6 months beginning with the day on which the order takes effect without the consent of the defendant and (a) where the application under this [s] is made by a [CPO], that [CPO], (b) if [para] (a) does not apply but the application for the order was made by a [CPO], that [CPO] and (if different) each [CPO] for an area in which the defendant lives, or (c) in any other case, each [CPO] for an area in which the defendant lives. (11) In this [s] the “*appropriate court*” means (a) where the Crown Court or the Court of Appeal made the [KCPO] or the interim [KCPO], the Crown Court; (b) where an adult magistrates' court made the order, that court,

an adult magistrates' court for the area in which the defendant lives or, where the application is made by a [CPO], any adult magistrates' court acting for a local justice area that includes any part of the [CPOs] area; (c) where a youth court made the order and the defendant is under the age of 18, that court, a youth court for the area in which the defendant lives or, where the application is made by a [CPO], any youth court acting for a local justice area that includes any part of the [CPOs] area; (d) where a youth court made the order and the defendant is aged 18 or over, an adult magistrates' court for the area in which the defendant lives or, where the application is made by a [CPO], any adult magistrates' court acting for a local justice area that includes any part of the [CPOs] area. (12) In [ss] (11) "*adult magistrates' court*" means a magistrates' court that is not a youth court.

S 28. **Appeal against [KCPO] etc.** (1) A defendant may appeal to the Crown Court against (a) the making of a [KCPO] under [s] 14 (*order made otherwise than on conviction*), or (b) the making of an interim [KCPO]. (2) A person who applied for a [KCPO] under [s] 14 or an interim [KCPO] may appeal to the Crown Court against a refusal to make the order. (3) A defendant may appeal against the making of a [KCPO] under [s] 19 (*order made on conviction*) as if the order were a sentence passed on the defendant for the offence. (4) Where an application is made for an order under [s] 27 (*variation, renewal or discharge*) (a) the person who made the application may appeal against a refusal to make an order under that [s]; (b) the defendant may appeal against the making of an order under that [s] which was made on the application of a person other than the defendant; (c) a person within [ss] (2) of that [s] other than the defendant may appeal against the making of an order under that [s] which was made on the application of the defendant. (5) An appeal under [ss] (4) (a) is to be made to the Court of Appeal if the application for the order under [s] 27 was made to the Crown Court; (b) is to be made to the Crown Court in any other case. (6) On an appeal under [ss] (1) or (2), or an appeal under [ss] (4) to which [ss] (5)(b) applies, the Crown Court may make (a) such orders as may be necessary to give effect to its determination of the appeal, and (b) such incidental and consequential orders as appear to it to be appropriate.

S 29. **Offence of breaching [KCPO] etc.** (1) A person commits an offence if, without reasonable excuse, the person breaches a [KCPO] or an interim [KCPO]. (2) A person guilty of an offence under [ss] (1) is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates' court, to a fine or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both. (3) In relation to an offence committed before 2 May 2022 the reference in [ss] (2)(a) to the general limit in a magistrates' court is to be read as a reference to 6 months. (4) Where a person is convicted of an offence under this [s], it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

S 30. **Guidance.** (1) The [SS] may from time to time issue guidance relating to the exercise by a relevant person of functions in relation to [KCPO] and interim [KCPO]. (2) In this [s] "*relevant person*" means a person who is capable of making an application for a [KCPO] or an interim [KCPO] (3) A relevant person must have regard to any guidance issued under [ss] (1) when exercising a function to which the guidance relates. (4) The [SS] must arrange for any guidance issued under this [s] to be published in such manner as the [SS] thinks appropriate.

S 31. **Piloting.** (1) The [SS] may exercise the power in [s] 70(1) so as to bring all of the provisions of this Part into force for all purposes and in relation to the whole of [E&W] only if the following conditions are met. (2) The first condition is that the [SS] has brought some or all of the provisions of this Part into force only (a) for one or more specified purposes, or (b) in relation to one or more specified areas in [E&W]. (3) The second condition is that the [SS] has laid before Parliament a report on the operation of some or all of the provisions of this Part (a) for one or more of those purposes, or (b) in relation to one or more of those areas. (4) Regulations under [s] 70(1) which bring any provision of this Part into force only for a specified purpose or in relation to a specified area may (a) provide for that provision to be in force for that purpose or in relation to that area for a specified period; (b) make transitional or saving provision in relation to that provision ceasing to be in force at the end of the specified period. (5) Regulations containing provision by virtue of [ss] (4)(a) may be amended by subsequent regulations under [s] 70(1) so as to continue any provision of this Part in force for the specified purpose or in relation to the specified area for a further specified period. (6) In this [s] "specified" means specified in regulations under [s] 70(1). (7) References in this [s] to this Part do not include [s] 30 or this [s] (which by virtue of [s] 70(5)(a) come into force on the day on which this Act is passed). (probably spent)

S 33. **Interpretation of Part.** (1) In this Part "*applicant*" means an applicant for a [KCPO]; "*bladed article*" means an article to which [s] 139 of the Criminal Justice Act 1988 applies; "*defendant*" (a) in relation to a [KCPO] under [s] 14 (*order made otherwise than on conviction*), has the meaning given by [ss] (1) of that [s]; (b) in relation to a [KCPO] under [s] 19 (*order made on conviction*), has the meaning given by [ss] (1) of that [s]; "*harm*" includes physical and psychological harm; "*home address*", in relation to a defendant, means (a) the address of the defendant's sole or main residence, or (b) if the defendant has no such residence, the address or location of a place where the defendant can regularly be found and, if there is more than one such place, such one of those places as the defendant may select. (2) A reference in this Part to a [KCPO] which is not expressed as a reference to an order under [s] 14 or 19 is a reference to an order under either of those sections. (3) A reference in this Part to an interim [KCPO] which is not expressed as a reference to an order under [s] 17 or 18 is a reference to an order under either of those sections.

S 38. **Delivery of bladed products to residential premises etc.** (1) This [s] applies if (a) a person ("*the seller*") sells a bladed product to another person ("*the buyer*"), and (b) the seller and the buyer are not in each other's presence at the time of the sale. (2) The seller commits an offence if, for the purposes of supplying the bladed product to the buyer, the seller delivers the bladed product, or arranges for its delivery, to residential premises. (3) The seller commits an offence if, for the purposes of supplying the bladed product to the buyer, the seller delivers the bladed product, or arranges for its delivery, to a locker. (4) For the purposes of [ss] (1)(b) a person ("*A*") is not in the presence of another person ("*B*") at any time if (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time; (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time. (5) In [ss] (2) "*residential premises*" means premises used solely for residential purposes. (6) The circumstances where premises are not residential premises for the purposes of that subsection include, in particular, where a person carries on a business from the premises. (7) In [ss] (3) "*locker*" means a lockable container to which the bladed product is delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between

the seller and the buyer. (8) A person guilty of an offence under this [s] is liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding 51 weeks, to a fine or to both; (b) on [SC] in Scotland or [NI], to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 [] or to both. (9) In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003, the reference in [ss] (8)(a) to 51 weeks is to be read as a reference to 6 months. (10) This [s] is subject to [s] 40 (*defences*).

S 39. **Delivery of bladed products to persons under 18.** (1) This [s] applies if (a) a person (“*the seller*”) sells a bladed product to another person (“*the buyer*”), (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is within the [UK] at that time, (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver bladed products for the seller, (d) that person was aware when they entered into the arrangement that it covered the delivery of bladed products, and (e) that person delivers the bladed product to residential premises pursuant to that arrangement. (2) For the purposes of [ss] (1)(b) a person (“*A*”) is not in the presence of another person (“*B*”) at any time if (a) where *A* is an individual, *A* or a person acting on behalf of *A* is not in the presence of *B* at that time; (b) where *A* is not an individual, a person acting on behalf of *A* is not in the presence of *B* at that time. (3) For the purposes of [ss](1)(b) a person other than an individual is within the [UK] at any time if the person carries on a business of selling articles of any kind from premises in any part of the [UK] at that time. (4) In [ss] (1)(e) “*residential premises*” means premises used solely for residential purposes. (5) The circumstances where premises are not residential premises for the purposes of [ss] (1)(e) include, in particular, where a person carries on a business from the premises. (6) The person mentioned in [ss] (1)(e) commits an offence if, when they deliver the bladed product, they do not deliver it into the hands of a person aged 18 or over. (7) A person guilty of an offence under [ss] (6) is liable (a) on [SC] in [E&W], to a fine; (b) on [SC] in Scotland or [NI], to a fine not exceeding level 5 []. (8) This [s] is subject to [s] 40 (*defences*).

S 40. **Defences to offence under [s] 38 or 39.** (1) It is a defence for a person charged with an offence under [s] 38 to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. (2) It is a defence for a person (“*the seller*”) charged with an offence under [s] 38(2) of delivering a bladed product to residential premises to prove that (a) at the time the offence is alleged to have been committed, the seller had procedures in place which were likely to ensure that any bladed product delivered by the seller to residential premises would be delivered into the hands of a person aged 18 or over, and (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product to which the charge relates would be delivered into the hands of a person aged 18 or over. (3) It is a defence for a person (“*the seller*”) charged with an offence under [s] 38(2) of arranging for the delivery of a bladed product to residential premises to prove that (a) the arrangement required the person with whom it was made to have procedures in place which were likely to ensure that any bladed products delivered to residential premises pursuant to the arrangement would be delivered into the hands of a person aged 18 or over, and (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product to which the charge relates would be delivered into the hands of a person aged 18 or over. (4) It is a defence for a person charged with an offence under [s] 38 to prove that the bladed product was designed or manufactured for the buyer in accordance with specifications provided by the buyer. (5) It is a defence for a person charged with an offence under [s] 38 to prove that (a) the bladed product was adapted for the buyer before its delivery in accordance with specifications provided by the buyer, and (b) the adaptations were made to enable or facilitate the use of the product by the buyer or its use for a particular purpose. (6) It is a defence for a person charged with an offence under [s] 38 to prove that they reasonably believed that the buyer bought the bladed product for use for relevant sporting purposes or for the purposes of historical re-enactment. (7) It is a defence for a person charged in [E&W] or [NI] with an offence under [s] 39 to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. (8) It is a defence for a person (“*the accused*”) charged in Scotland with an offence under [s] 39 to show that (a) the accused believed the person into whose hands the bladed product was delivered to be aged 18 or over, and (b) either the accused had taken reasonable steps to establish the person’s age or no reasonable person could have suspected from the person’s appearance that the person was under the age of 18. (9) For the purposes of [ss] (8)(b), the accused is to be treated as having taken reasonable steps to establish the person’s age if and only if (a) the accused was shown any of the documents mentioned in [ss] (10), and (b) the document would have convinced a reasonable person. (10) Those documents are any document bearing to be (a) a passport, (b) a [EU] photocard driving licence, or (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order. (11) In the application of this [s] to Scotland references to a person proving a matter are to be read as references to a person showing a matter. (12) A person is to be taken to have shown a matter for the purposes of [ss] (8) or (11) if (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (13) The appropriate national authority may by regulations provide for other defences to an offence under [s] 38 or 39. (14) In this [s] “*the appropriate national authority*” means (a) in relation to {E&W}, the [SS], (b) in relation to Scotland, the Scottish Ministers, and (c) in relation to [NI], the Department of Justice in [NI]; “*the buyer*” has the same meaning as in [s] 38; “*historical re-enactment*” means a 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; “*residential premises*” has the same meaning as in [s] 38. (15) For the purposes of this [s] a bladed product is used by a person for relevant sporting purposes if and only if (a) the product is used by the person to participate in a competitive sport involving combat between individuals, and (b) use of the product is an integral part of that sport.

S 41. **Meaning of “bladed product” in sections 38 to 40.** (1) Subject to [ss] (2) to (4), in sections 38 to 40 “*bladed product*” means an article which (a) is or has a blade, and (b) is capable of causing a serious injury to a person which involves cutting that person’s skin. (2) In sections 38 to 40 so far as they apply to [E&W], “*bladed product*” does not include an [art] described in (a) [s] 1 of the Restriction of Offensive Weapons Act 1959, or (b) an order made by the [SS] under [s] 141A(3)(c) of the Criminal Justice Act 1988. (3) In sections 38 to 40 so far as they apply to Scotland, “*bladed product*” does not include an article described in (a) [s] 1 of the Restriction of Offensive Weapons Act 1959, (b) an order made by the [SS] under [s] 141A(3)(c) of the Criminal Justice Act 1988 which applies to Scotland, or (c) an order made by the Scottish Ministers under [s] 141A(3)(c) of that Act. (4) In sections 38 to 40 so far as they apply to [NI], “*bladed product*” does not include an article described in (a) [art] 53 of the Criminal Justice ([NI]) Order 1996 (SI 1996/3160 (NI 24)), or (b) an order under [art] 54 of that Order.

S 42. Delivery of bladed articles to persons under 18. (1) This [s] applies if (a) a person (“*the seller*”) sells a bladed article to another person (“*the buyer*”), (b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is outside the [UK] at that time, (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver bladed articles for the seller, (d) that person was aware when they entered into the arrangement that it covered the delivery of bladed articles, and (e) that person delivers the bladed article pursuant to that arrangement. (2) For the purposes of [ss] (1)(b) a person (“*A*”) is not in the presence of another person (“*B*”) at any time if (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time; (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time. (3) For the purposes of [ss] (1)(b) a person other than an individual is outside the [UK] at any time if the person does not carry on a business of selling articles of any kind from premises in any part of the [UK] at that time. (4) The person mentioned in [ss] (1)(e) commits an offence if, when they deliver the bladed article, they do not deliver it into the hands of a person aged 18 or over. (5) It is a defence for a person charged in [E&W] or [NI] with an offence under [ss] (4) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. (6) It is a defence for a person (“*the accused*”) charged in Scotland with an offence under [ss] (4) to show that (a) the accused believed the person into whose hands the bladed article was delivered to be aged 18 or over, and (b) either the accused had taken reasonable steps to establish the person's age or no reasonable person could have suspected from the person's appearance that the person was under the age of 18. (7) For the purposes of [ss] (6)(b), the accused is to be treated as having taken reasonable steps to establish the person's age if and only if (a) the accused was shown any of the documents mentioned in [ss] (8), and (b) the document would have convinced a reasonable person. (8) Those documents are any document bearing to be (a) a passport, (b) a [EU] photocard driving licence, or (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order. (9) The accused is to be taken to have shown a matter mentioned in [ss] (6) if (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (10) A person guilty of an offence under [ss] (4) is liable (a) on [SC] in [E&W], to a fine; (b) on [SC] in Scotland or [NI], to a fine not exceeding level 5 []. (11) In this [s] “*bladed article*” (a) in relation to [E&W], means an article to which [s] 141A of the Criminal Justice Act 1988 applies (as that [s] has effect in relation to [E&W]); (b) in relation to Scotland, means an article to which [s] 141A of the Criminal Justice Act 1988 applies (as that [s] has effect in relation to Scotland and disregarding [ss] (3A) of that [s]); (c) in relation to [NI], means an article to which [art] 54 of the Criminal Justice ([NI]) Order 1996 (SI 1996/3160 (NI 24)) applies.

S 48. Surrender of prohibited offensive weapons. (1) *The [SS] may make such arrangements as the [SS] thinks fit to secure the orderly surrender at designated police stations in [E&W] of weapons the possession of which will become unlawful by virtue of (a) [s] 44 (by itself or in combination with [s] 43), or (b) [s] 46 (by itself or in combination with [s] 47).* (2) *The Scottish Ministers may make such arrangements as they think fit to secure the orderly surrender at designated police stations in Scotland of weapons the possession of which will become unlawful by virtue of (a) [s] 44 (by itself or in combination with [s] 43), or (b) [s] 46 (by itself or in combination with [s] 47).* (3) *The Department of Justice in [NI] may make such arrangements as it thinks fit to secure the orderly surrender at designated police stations in [NI] of weapons the possession of which will become unlawful by virtue of (a) [s] 44 (by itself or in combination with [s] 43), or (b) [s] 46 (by itself or in combination with section 47).* (4) *The [CPO] for any area may designate any police station in the [CPOs] area as being suitable for the receipt of (a) surrendered weapons, or (b) surrendered weapons of a particular description.* (5) *The [CC] of the Police Service of [NI] may designate any police station in [NI] as being suitable for the receipt of (a) surrendered weapons, or (b) surrendered weapons of a particular description.*^{41*}

S 49. Payments in respect of surrendered offensive weapons. (1) *[ss] (2) applies if the [SS] makes arrangements for the surrender of weapons under [s] 48(1).* (2) *The [SS] must by regulations provide for payments to be made in respect of weapons which are surrendered in accordance with the arrangements.* (3) *[ss] (4) applies if the Scottish Ministers make arrangements for the surrender of weapons under [s] 48(2).* (4) *The Scottish Ministers must by regulations provide for payments to be made in respect of weapons which are surrendered in accordance with the arrangements.* (5) *[ss] (6) applies if the Department of Justice in [NI] makes arrangements for the surrender of weapons under [s] 48(3).* (6) *The Department of Justice in [NI] must by regulations provide for payments to be made in respect of weapons which are surrendered in accordance with the arrangements.* (7) *Regulations under [ss] (2), (4) or (6) must provide that a payment may only be made to a person making a claim which meets (a) condition A, and (b) condition B or C.* (8) *Condition A is that possession of the weapon to which the claim relates will become unlawful by virtue of [s] 44 (by itself or in combination with [s] 43) or [s] 46 (by itself or in combination with [s] 47).* (9) *Condition B is that the person making the claim owned the weapon on the relevant date.* (10) *Condition C is that on or before the relevant date the person making the claim had contracted to acquire the weapon.* (11) *The provision that may be made by regulations under [ss] (2), (4) or (6) includes (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of weapons surrendered within a period specified in the regulations; (b) provision about the procedure to be followed in respect of claims and for the determination of claims (including any time within which claims must be made, any evidence and other information to be provided in support of a claim and the burden of proof in relation to a claim); (c) provision enabling a person to exercise a discretion in determining (i) whether to make a payment in response to a claim, and (ii) the amount of such a payment.* (12) *In this [s] “the relevant date” (a) in relation to a weapon to which [s] 141 of the Criminal Justice Act 1988 is to apply by virtue of [s] 47(3) or (12) of this Act, means 22nd January 2019; (b) in any other case, means 20th June 2018.* *

S 52. Offence of threatening with an offensive weapon etc in a private place. (1) A person (“*A*”) commits an offence if (a) while A is in a private place, A unlawfully and intentionally threatens another person (“*B*”) with an article or substance to which this [ss] applies, and (b) A does so in such a way that there is an immediate risk of serious physical harm to B. (2) [ss] (1) applies to an article or substance if it is (a) an offensive

⁴¹ This should be linked in to PACE 1984.

weapon within the meaning of [s] 1 of the Prevention of Crime Act 1953, (b) an article to which [s] 139 of the Criminal Justice Act 1988 (*offence of having article with blade or point in public place*) applies, or (c) a corrosive substance. (3) In the application of [ss] (1) to an article within [ss] (2)(a) or (b), “private place” means a place other than (a) a public place, (b) a place which is part of school premises, or (c) a place which is part of further education premises. (4) In the application of [ss] (1) to a corrosive substance, “private place” means a place other than a public place. (5) For the purposes of [ss] (1) physical harm is serious if it amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861. (6) A person guilty of an offence under [ss] (1) is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both. (7) In relation to an offence committed before May 2022, the reference in [ss] (6)(a) to the general limit in a magistrates’ court is to be read as a reference to 6 months. (8) In this [s] and [s] 53 “corrosive substance” means a substance that is capable of burning human skin by corrosion; “further education premises” means land used solely for the purposes of (a) an institution within the further education sector (within the meaning of [s] 91 of the Further and Higher Education Act 1992), or (b) a 16 to 19 Academy (within the meaning of [s] 1B of the Academies Act 2010), excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy; “public place” includes any place to which, at the time in question, the public have or are permitted to have access, whether on payment or otherwise; “school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by [s] 4 of the Education Act 1996.

S 53. Search for corrosive substance on school or further education premises. (1) This [s] applies if a [PO] has reasonable grounds for suspecting that an offence under [s] 52, as that [s] applies to corrosive substances, is being or has been committed on school premises or further education premises. (2) The [PO] may enter and search the premises and any person on them for a corrosive substance. (3) If in the course of a search under this [s] a [PO] discovers a substance which the [PO] has reasonable grounds for suspecting to be a corrosive substance, the [PO] may seize and retain it. (4) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this [s]. *

S 57. Surrender of prohibited firearms etc. (1) The [SS] may make such arrangements as the [SS] thinks fit to secure (a) the orderly surrender at designated police stations of firearms the possession of which will become unlawful by virtue of [s] 54 or 55; (b) the orderly surrender at designated police stations or other places of ancillary equipment. (2) The [CPO] for any area may designate any police station in the [CPOs] area as being suitable for the receipt of (a) surrendered firearms or ancillary equipment, or (b) surrendered firearms or ancillary equipment of a particular description. (3) The [CC] of the Police Service of [NI] may designate any police station in [NI] as being suitable for the receipt of (a) surrendered firearms or ancillary equipment, or (b) surrendered firearms or ancillary equipment of a particular description. (4) In this [s] “ancillary equipment” has the meaning given by [s] 60(2).*

S 58. Payments in respect of surrendered firearms other than bump stocks. (1) This [s] applies to firearms of the kind referred to in (a) the paragraph to be inserted into [s] 5(1) of the Firearms Act 1968 by [s] 54(2), or (b) the [sub-para] to be inserted into [art] 45(1) of the Firearms ([NI] Order 2004 (SI 2004/702 (NI 3)) by [s] 55(2). (2) This [s] applies if the [SS] makes arrangements under [s] 57 for the surrender of firearms to which this [s] applies. (3) The [SS] must by regulations provide for payments to be made in respect of such firearms which are surrendered in accordance with the arrangements. (4) Regulations under [ss] (3) must provide that a payment may only be made to a person making a claim which meets (a) condition A, and (b) condition B or C. (5) Condition A is that possession of the firearm to which the claim relates will become unlawful by virtue of [s] 54 or 55. (6) Condition B is that the person making the claim had and was entitled to have the firearm in their possession on or immediately before 20th June 2018 by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer. (7) Condition C is that (a) on or before 20th June 2018 the person making the claim had contracted to acquire the firearm, and (b) that person was entitled to have the firearm in their possession after that date by virtue of a firearm certificate held by them or by virtue of being a [RFD]. (8) The provision that may be made by regulations under [s] (3) includes (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of firearms surrendered within a period specified in the regulations; (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims; (c) provision enabling a person to exercise a discretion in determining (i) whether to make a payment in response to a claim, and (ii) the amount of such a payment. *

S 59. Payments in respect of prohibited firearms which are bump stocks. (1) This [s] applies to firearms of the kind referred to in (a) the [para] to be inserted into [s] 5(1) of the Firearms Act 1968 by [s] 54(3), or (b) the [sub-para] to be inserted into [art] 45(1) of the Firearms ([NI] Order 2004 (SI 2004/702 (NI 3)) by [s] 55(3). (2) This [s] applies if the [SS] makes arrangements under [s] 57 for the surrender of firearms to which this [s] applies. (3) The [SS] must by regulations provide for payments to be made in respect of such firearms which are surrendered in accordance with the arrangements. (4) Regulations under [ss] (3) must provide that a payment may only be made to a person making a claim which meets (a) condition A, (b) condition B or C, and (c) condition D. (5) Condition A is that possession of the firearm to which the claim relates will become unlawful by virtue of [s] 54 or 55. (6) Condition B is that the person making the claim had the firearm in their possession on or immediately before 20th June 2018. (7) Condition C is that on or before 20th June 2018 the person making the claim had contracted to acquire the firearm. (8) Condition D is that the person making the claim did not import the firearm into the [UK] on or after 4th December 2017. (9) The provision that may be made by regulations under [ss] (3) include (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of firearms surrendered within a period specified in the regulations; (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims; (c) provision enabling a person to exercise a discretion in determining (i) whether to make a payment in response to a claim, and (ii) the amount of such a payment. *

S 60. **Payments in respect of ancillary equipment.** (1) The [SS] may by regulations provide for payments to be made in respect of ancillary equipment of any description specified in the regulations. (2) In [ss] (1) “ancillary equipment” means equipment, other than prohibited ammunition, which (a) is designed or adapted for use in connection with firearms prohibited by virtue of [s] 54 or 55, and (b) has no practicable use in connection with any firearm which is not a prohibited weapon. (3) Regulations under [ss] (1) must provide that a payment may only be made to a person making a claim which meets (a) condition A, and (b) where the claim is made in respect of ancillary equipment which is ammunition, condition B. (4) Condition A is that the person making the claim had the ancillary equipment to which the claim relates in their possession (a) on or immediately before 20th June 2018, or (b) after that date because they purchased it by virtue of a contract entered into on or before that date. (5) Condition B is that the possession of the ammunition by the person making the claim was, at all material times, lawful by virtue of a firearm certificate held by them or by virtue of being a [RFD]. (6) Regulations under [ss] (1) may require, as a condition of eligibility for receipt of payments in respect of any equipment (a) the surrender (whether to the police or any other person) of that equipment in accordance with the regulations within a period specified in the regulations, (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. (7) The provision that may be made by regulations under [s] (1) includes (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of ancillary equipment surrendered or disposed of within a period specified in the regulations; (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims; (c) provision enabling a person to exercise a discretion in determining (i) whether to make a payment in response to a claim, and (ii) the amount of such a payment. *

S 63. **Interpretation of Part.** (1) Any expression used in this Part as it applies in relation to [E&W] and Scotland and which is defined in the Firearms Act 1968 has the same meaning as in that Act. (2) Any expression used in this Part as it applies in relation to [NI] and which is defined in the Firearms ([NI]) Order 2004 (SI 2004/702 (NI 3)) has the same meaning as in that Order.

S 64. **Enforcement of offences relating to sale etc of offensive weapons.** (1) A local weights and measures authority may enforce within its area a provision listed in [ss] (2). (2) The provisions mentioned in [ss] (1) are (a) [s] 1(1) of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons), (b) [s] 1 of the Crossbows Act 1987 (sale etc of crossbows to persons under 18), (c) [s] 141(1) of the Criminal Justice Act 1988 (offensive weapons), (d) [s] 141A of that Act (sale etc of bladed articles to persons under 18), (e) [s] 1 of the Knives Act 1997 (unlawful marketing of knives), (f) [s] 2 of that Act (publication of unlawful marketing material relating to knives), (g) [s] 1 of this Act (sale of corrosive products to persons under 18), (h) [s] 3 of this Act (delivery of corrosive products to residential premises etc), (i) [s] 4 of this Act (delivery of corrosive products to persons under 18), (j) [s] 38 of this Act (delivery of bladed products to residential premises etc), (k) [s] 39 of this Act (delivery of bladed products to persons under 18), and (l) [s] 42 of this Act (delivery of bladed articles to persons under 18). (3) For the investigatory powers available to a local weights and measures authority for the purposes of enforcing a provision listed in [ss] (2), see [sch] 5 to the Consumer Rights Act 2015. (4) Nothing in this [s] is to be construed as authorising a local weights and measures authority to bring proceedings in Scotland for an offence. (5) (amends)

S 66. **Guidance on offences relating to offensive weapons etc.** (1) The [SS] may from time to time issue guidance about (a) [s] 1 of the Prevention of Crime Act 1953 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse), (b) [s] 1 of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons) as it has effect in relation to (i) [E&W], or (ii) the importation of a knife to which that [s] applies into any other part of the [UK], (c) [s] 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) as it has effect in relation to [E&W], (d) [s] 139A of that Act (offence of having article with blade or point (or offensive weapon) on educational premises) as it has effect in relation to [E&W], (e) [s] 141 of that Act (offensive weapons) as it has effect in relation to [E&W], (f) [s] 141A of that Act (sale of bladed articles to persons under 18) as it has effect in relation to [E&W], (g) [s] 141B of that Act (limitations on defence to offence under [s] 141A: [E&W]), (h) any of sections 1 to 4 of this Act (sale and delivery of corrosive products) as they have effect in relation to [E&W] or Scotland, (i) [s] 6 of this Act (offence of having a corrosive substance in a public place) as it has effect in relation to [E&W], or (j) any of sections 38 to 42 of this Act (sale and delivery of knives etc) as they have effect in relation to [E&W]. (2) The Scottish Ministers may from time to time issue guidance about (a) [s] 1 of the Restriction of Offensive Weapons Act 1959 as it has effect in relation to Scotland and other than in relation to the importation of a knife to which that [s] applies, (b) [s] 141 of the Criminal Justice Act 1988 as it has effect in relation to Scotland, (c) [s] 141A of that Act as it has effect in relation to Scotland, (d) [s] 141C of that Act (defence to offence under [s] 141A where remote sale or letting on hire: Scotland), (e) [s] 6 of this Act as it has effect in relation to Scotland, or (f) any of sections 38 to 42 of this Act as they have effect in relation to Scotland. (3) The Department of Justice in [NI] may from time to time issue guidance about (a) [art] 22 of the Public Order ([NI]) Order 1987 (SI 1987/463 (NI 7)) (carrying of offensive weapon in public place), (b) [s] 139 of the Criminal Justice Act 1988 as it has effect in relation to [NI], (c) [s] 139A of that Act as it has effect in relation to [NI], (d) [s] 141 of that Act as it has effect in relation to [NI], (e) [art] 53 of the Criminal Justice ([NI]) Order 1996 (SI 1996/3160 (NI 24)) (manufacture or sale of certain knives), (f) [art] 54 or 54A of that Order (sale of bladed articles to persons under 18), (g) any of sections 1 to 4 of this Act as they have effect in relation to [NI], (h) [s] 6 of this Act as it has effect in relation to [NI], or (i) any of sections 38 to 42 of this Act as they have effect in relation to [NI]. (4) A national authority who issues guidance under this [s] may from time to time revise it. (5) [ss] (6) applies if a national authority proposes to issue guidance under this [s] (a) on a matter on which the authority has not previously issued such guidance, or (b) which the authority considers to be substantially different from guidance previously issued under this [s]. (6) Before the national authority issues the guidance, the authority must consult such persons likely to be affected by it as the authority considers appropriate. (7) A national authority must arrange for any guidance issued by the authority under this [s] to be published in such manner as the authority thinks appropriate. (8) This [s] does not permit a national authority to give guidance to a court or tribunal. (9) In this [s] “national authority” means (a) the [SS], (b) the Scottish Ministers, or (c) the Department of Justice in [NI]. (10) (spent)

Appendix 2

Offences against the Person Act 1861

S 28. **Causing bodily injury by gunpowder.** Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any [GBH] to any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life [obs] or to be imprisoned (*place in a Weapons Act*)

S 29. **Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm.** Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon or otherwise apply to any person, any corrosive fluid or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some [GBH] to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude [obs] for life or to be imprisoned (*place in a Weapons Act*)

S 30. **Placing gunpowder near a building, with intent to do bodily injury to any person.** Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, ship, or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude [obs] for any term not exceeding [14] years or to be imprisoned (*place in a Weapons Act*)

S 64. **Making or having gunpowder, &c., with intent to commit any felony against this Act.** Whosoever shall knowingly have in his possession, or make or manufacture, any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in this Act mentioned shall be guilty of a misdemeanor [obs], and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding [2] years,

S 65. **Justices may issue warrants for searching houses, &c. in which explosive substances are suspected to be made for the purpose of committing felonies against this Act.** Where any such gunpowder, or other explosive, dangerous, or noxious substance or thing, or any such machine, engine, instrument or thing, is suspected to be made, kept, or carried for the purpose of being used in committing any of the felonies in this Act mentioned, a [JP], upon reasonable cause assigned upon oath by any person, may issue a warrant for searching, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, waggon, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purpose as herein-before mentioned; and every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining all such gunpowder, explosive, dangerous, or noxious substances, machines, engines, instruments, or things, found upon such search, which he shall have good cause to suspect to be intended to be used in committing any such offences, and the barrels, packages, cases and other receptacles in which the same shall be, the same powers and protections which are given to persons searching for unlawful quantities of gunpowder under the warrant of a [JP] by the Act passed in the session holden in the 23 and 24] years of the reign of Her present Majesty, chapter [139], intituled, "*An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.*"⁴²

Explosives Act 1875

S 1. **Substances to which this Act applies.** This Act shall apply to gunpowder and other explosives as defined by this section. The term "*explosive*" in this Act (1) means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and (2) Includes fog-signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.⁴³

Explosive Substances Act 1883

S 2. **Causing explosion likely to endanger life or property.** A person who in the [UK] or (being a citizen of the [UK] and *Colonies*) (obs) in the Republic of Ireland unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be guilty of an offence and on conviction on indictment shall be liable to imprisonment for life.

S 3. **Attempt to cause explosion, or making or keeping explosive with intent to endanger life or property.** (1) A person who in the [UK] or a dependency or (being a citizen of the [UK] and *Colonies*) [obs] elsewhere unlawfully and maliciously (a) does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a nature likely to endanger life, or cause serious injury to property, whether in the [UK] or elsewhere, or (b) makes or has in his possession or under his control an explosive substance with intent by means thereof to endanger life, or cause serious injury to property, whether in the [UK] or elsewhere, or to enable any other person so to do, shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not, be guilty of an offence and on conviction on

⁴² It is unclear whether this s has been repealed. The government website indicates not.

⁴³ Ss 23, 30-2, 34, 39, 61, 67,69,74,80,83,89,90-1,95-7,100,102,104,108,110-11,114-8 are not reproduced here.

indictment shall be liable to imprisonment for life, and the explosive substance shall be forfeited. (2) In this [s] “dependency” means the Channel Islands, the Isle of Man and any colony, [obs] other than a colony for whose external relations a country other than the [UK] is responsible.

S 4. **Punishment for making or possession of explosive under suspicious circumstances.** (1) Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be guilty of an offence. (1A) A person who is guilty of an offence under [ss] (1) is liable, on conviction on indictment, to imprisonment for life. (1B) Where a person is convicted of an offence under [ss] (1) the explosive substance is to be forfeited. (2) In any proceeding against any person for a crime under this [s], such person and his wife, or husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.

S 5. **Punishment of accessories.** Any person who within or (being a subject of [HM]) without [HM’s] dominions by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any crime under this Act, shall be guilty of felony (obs), and shall be liable to be tried and punished for that crime, as if he had been guilty as a principal.

S 6. **Inquiry by [AG], and apprehension of absconding witnesses.** (1) *Where the [AG] has reasonable ground to believe that any crime under this Act has been committed, he may order an inquiry under this [s], and thereupon any justice for the county, borough, or place in which the crime was committed or is suspected to have been committed, who is authorised in that behalf by the [AG], may, although no person may be charged before him with the commission of such crime, sit at a police court, or petty sessional or occasional court-house, or police station in the said county, borough, or place, and examine on oath concerning such crime any witness appearing before him, and may take the deposition of such witness, and, if he see cause, may bind such witness by recognizance to appear and give evidence at the next petty sessions, or a magistrates’ court when called upon within [6] months from the date of such recognizance; and the law relating to the compelling of the attendance of a witness before a justice, and to a witness attending before a justice and required to give evidence concerning the matter of an information or complaint, shall apply to compelling the attendance of a witness for examination and to a witness attending under this [s].* (2) *A witness examined under this [s] shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate, himself that witness or the spouse or civil partner of that witness; but any statement made by any person in answer to any question put to him or her on any examination under this [s] shall not, except in the case of an indictment or other criminal proceeding for perjury, be admissible in evidence against him against that person or the spouse or civil partner of that person in any proceeding, civil or criminal.* (3) *A justice who conducts the examination under this [s] of a person concerning any crime shall not take part in the committing for trial of such person for such crime.* (4) *Whenever any person is bound by recognizance to give evidence before justices, or any criminal court, in respect of any crime under this Act, any justice, if he sees fit, upon information being made in writing and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person, and if such person is arrested any justice, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognizance to give evidence, unless in the meantime he produces sufficient sureties: Provided that any person so arrested shall be entitled on demand to receive a copy of the information upon which the warrant for his arrest was issued.*⁴⁴*

S 7. **No prosecution except by leave of [A-G]. Procedure and saving.** (1) *Proceedings for a crime under this Act shall not be instituted except by or with the consent of the [AG].* (2) *In framing an indictment the same criminal act may be charged in different counts as constituting different crimes under this Act, and upon the trial of any such indictment the prosecutor shall not be put to his election as to the count on which he must proceed.* (3) *For all purposes of and incidental to arrest, trial, and punishment, a crime for which a person is liable to be punished under this Act, when committed out of the [UK], shall be deemed to have been committed in the place in which such person is apprehended or is in custody.* (4) *This Act shall not exempt any person from any indictment or proceeding for a crime or offence which is punishable at common law, or by any Act of Parliament other than this Act, but no person shall be punished twice for the same criminal act. **

S 8. **Search for and seizure of explosive substances.** (1) *[ss 73, 74, 75, 89 and 96] of the Explosives Act 1875 (which [ss] relate to the search for, seizure, and detention of explosive substances, and the forfeiture thereof, and the disposal of explosive substances seized or forfeited), shall apply in like manner as if a crime or forfeiture under this Act were an offence or forfeiture under the Explosives Act 1875.* (2) *Where the master or owner of any vessel has reasonable cause to suspect that any dangerous goods or goods of a dangerous nature which, if found, he would be entitled to throw overboard in pursuance of the safety regulations under [s] 85 of the Merchant Shipping Act 1995, are concealed on board his vessel, he may search any part of such vessel for such goods, and for the purpose of such search may, if necessary, break open any box, package, parcel, or receptacle on board the vessel, and such master or owner, if he finds any such dangerous goods or goods of a dangerous nature, shall be entitled to deal with the same in manner provided by the said Act, and if he do not find the same, he shall not be subject to any liability, civil or criminal, if it appears to the tribunal before which the question of his liability is raised that he had reasonable cause to suspect that such goods were so concealed as aforesaid. **

S 9. **Definitions, and application to Scotland.** (1) In this Act, unless the context otherwise requires. The expression “explosive substance” shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement. The expression “[AG]” means [HM’s AG] for England or Ireland, as the case may be. (2) In the application of this Act

⁴⁴ This is probably obsolete.

to Scotland the following modifications shall be made [s] 7(1) shall be omitted. The expression “[AG]” shall be deemed to mean the Lord Advocate, and in case of his inability or of a vacancy in the office, [HM’s] Solicitor General for Scotland. The expression “*magistrates’ court*” shall be deemed to mean the sheriff court. *The expression “felony” shall be deemed to mean a high crime and offence.* The expression “*recognizance*” shall be deemed to mean jury duty caution. The expression “*justice*” shall include sheriff principal and sheriff.

Appendix 3

Crossbows Act 1987

S 1. **Sale and letting on hire.** A person who sells or lets on hire a crossbow or a part of a crossbow to a person under the age of [18] is guilty of an offence, unless he believes him to be [18] years of age or older and has reasonable ground for the belief.

S 1A. **Defences.** (1) It is a defence for a person charged with an offence under [s] 1 (referred to in this [s] as “*the accused*”) to show that (a) the accused believed the person to whom the crossbow or part was sold or let on hire (referred to in this [s] as “*the purchaser or hirer*”) to be aged 18 or over, and (b) either (i) the accused had taken reasonable steps to establish the purchaser or hirer’s age, or (ii) no reasonable person could have suspected from the purchaser or hirer’s appearance that the purchaser or hirer was under the age of 18. (2) For the purposes of [ss] (1)(b)(i), the accused is to be treated as having taken reasonable steps to establish the purchaser or hirer’s age if and only if (a) the accused was shown any of the documents mentioned in [ss] (3), and (b) the document would have convinced a reasonable person. (3) Those documents are any document bearing to be (a) a passport, (aa) a UK driving licence, (b) a photocard driving licence, or (c) such other document, or a document of such other description, as the Scottish Ministers may by order made by [SI] prescribe. (4) A [SI] containing an order under [ss]2. (3)(c) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

S 2. **Purchase and hiring.** A person under the age of [18] who buys or hires a crossbow or a part of a crossbow is guilty of an offence.

S 3. **Possession.** A person under the age of [18] who has with him (a) a crossbow which is capable of discharging a missile, or (b) parts of a crossbow which together (and without any other parts) can be assembled to form a crossbow capable of discharging a missile, is guilty of an offence, unless he is under the supervision of a person who is [21] years of age or older.

S 4. **Test Purchasing.** (1) A person under the age of 18 who buys or hires, or attempts to buy or hire, a crossbow or a part of a crossbow does not commit an offence under [s] 2 or 3 if the person is authorised to do so by the [CC] for the purpose of determining whether an offence is being committed under [s] 1. (2) A [CC] may authorise a person under the age of 18 to buy or hire, or attempt to buy or hire, a crossbow or a part of a crossbow only if satisfied that all reasonable steps have been or will be taken to (a) ensure the person’s safety, and (b) avoid any risk to the person’s welfare.

S 4. **Powers of search and seizure etc.** (1) *If a constable suspects with reasonable cause that a person is committing or has committed an offence under [s] 3, the constable may (a) search that person for a crossbow or part of a crossbow; (b) search any vehicle, or anything in or on a vehicle, in or on which the constable suspects with reasonable cause there is a crossbow, or part of a crossbow, connected with the offence.* (2) *A constable may detain a person or vehicle for the purpose of a search under [ss] (1).* (3) *A constable may seize and retain for the purpose of proceedings for an offence under this Act anything discovered by him in the course of a search under [ss] (1) which appears to him to be a crossbow or part of a crossbow.* (4) *For the purpose of exercising the powers conferred by this [s] a constable may enter any land other than a dwelling-house.* ^{*45}

S 5. **Exception.** This Act does not apply to crossbows with a draw weight of less than 1.4 kilograms.

S 6. **Punishments.** (1) A person guilty of an offence under [s] 1 shall be liable, on [SC], to imprisonment for a term not exceeding [6] months, to a fine not exceeding level 5 [], or to both. (2) A person guilty of an offence under [s] 2 or 3 shall be liable, on [SC], to a fine not exceeding level 3 []. (3) The court by which a person is convicted of an offence under this Act may make such order as it thinks fit as to the forfeiture or disposal of any crossbow or part of a crossbow in respect of which the offence was committed.

S 7. **Corresponding provision for [NI].** An Order in Council under [para] 1(1)(b) of [sch] 1 to the [NI] Act 1974 (legislation for [NI] in the interim period) which contains a statement that it is made only for purposes corresponding to the purposes of this Act (a) shall not be subject to [para] 1(4) and (5) of that [sch] (*affirmative resolution of both Houses of Parliament*), but (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament. See also s 8 (*Extent*).

Appendix 4

Fireworks Act 2003

S. 1. **Introduction.** (1) In this Act “*fireworks*” means devices which (a) are fireworks for the purposes of the British Standard Specification relating to fireworks published on 30th November 1988 (BS 7114) or any British Standard Specification replacing it, or (b) would be fireworks for those purposes if they were intended as a form of entertainment. (2) The [SS] may by regulations substitute a new definition of “*fireworks*” for the definition in [ss] (1). (3) References in this Act to supplying fireworks include (a) selling them, (b) exchanging them for any consideration other than money, and (c) giving them as a prize or otherwise making a gift of them, but do not include supplying them otherwise than in the course of a business.

S 2. **Power to make regulations about fireworks.** (1) The [SS] may by regulations (“*fireworks regulations*”) make any provision which the [SS] considers appropriate (a) for securing that there is no risk that use of fireworks will have the consequences specified in [ss] (2), or (b) for securing

⁴⁵ This should be linked in to PACE 1984.

that the risk that the use of fireworks will have those consequences is the minimum that is compatible with their being used. (2) The consequences are (a) death of persons or injury, alarm, distress or anxiety to persons, (b) death of animals or injury or distress to animals, and (c) destruction of, or damage to, property. (3) Before making fireworks regulations the [SS] must consult (a) the Health and Safety Executive, (b) organisations which appear to the [SS] to be representative of interests substantially affected by the proposal, and (c) other persons whom the [SS] considers it appropriate to consult. (4) Before making fireworks regulations the [SS] must issue a full regulatory impact assessment setting out details of the costs and benefits and the wider economic, social and environmental impact of the proposed regulations. (5) But [ss] (3) does not apply if the regulations are to (a) cease to have effect at the end of the period of not more than [12] months beginning with the day on which they come into force, and (b) contain a statement that it appears to the [SS] that the need to protect the public requires that the regulations should be made without delay. (6) The power to make fireworks regulations includes power (a) to make different provision for different cases, and (b) to make any incidental, supplementary, consequential and transitional provision which the [SS] considers appropriate. (7) [s] 18 of the Consumer Protection Act 1987 (c. 43) (*power to require information for deciding whether to make, vary or revoke regulations under [s] 11 of that Act*) applies in relation to fireworks regulations as in relation to regulations under [s] 11 of that Act. (8) Nothing in this Act shall be construed as in any way limiting the provision that may be made in regulations under [s] 11 of the Consumer Protection Act 1987

S 3. Prohibition of supply etc. to young persons. (1) Fireworks regulations may include provision prohibiting persons from (a) supplying, or (b) offering or agreeing to supply, fireworks, or fireworks of a description specified in the regulations, to persons who are below an age so specified. (2) Fireworks regulations may include provision prohibiting the purchase or possession of fireworks, or fireworks of a description specified in the regulations, by persons who are below an age so specified. (3) If fireworks regulations impose any prohibition by virtue of this section, they may contain (a) exceptions from the prohibition, or (b) provision for the granting of dispensations from the prohibition.

S 4. Prohibition of supply etc. in certain circumstances. (1) Fireworks regulations may include provision prohibiting persons from supplying, purchasing, possessing or using fireworks, or fireworks of a description specified in the regulations, during hours of the day so specified. (2) Fireworks regulations may include provision prohibiting persons from supplying, exposing for supply, purchasing, possessing or using fireworks, or fireworks of a description specified in the regulations (a) in places or places of a description, or (b) in circumstances, specified in the regulations. (3) If fireworks regulations impose any prohibition by virtue of this [s], they may contain (a) exceptions from the prohibition, or (b) provision for the granting of dispensations from the prohibition.

S 5. Prohibition of supply etc. of certain fireworks. (1) Fireworks regulations may include provision (a) prohibiting persons from supplying, or offering or agreeing to supply, fireworks of a description specified in the regulations, or (b) prohibiting persons from supplying, or offering or agreeing to supply, fireworks of a description specified in the regulations to persons of a description so specified. (2) Fireworks regulations may include provision (a) prohibiting the purchase or possession of fireworks of a description specified in the regulations, or (b) prohibiting the purchase or possession of fireworks of a description specified in the regulations by persons of a description so specified. (3) [ss] (1) and (2) shall not apply to class I and class II fireworks. (4) The descriptions of persons which may be specified in fireworks regulations by virtue of [ss] (1) or (2) include in particular persons who do not satisfy any conditions which are specified in the regulations and relate to any of the matters mentioned in [ss] (5). (5) Those matters are (a) the satisfactory completion of a course, or courses, of training relating to fireworks and the means of proving the satisfactory completion of such a course or courses, (b) proficiency or experience in the use of fireworks and the means of proving such proficiency or experience, and (c) the possession of insurance cover against liability arising from the use of fireworks and the means of proving possession of such cover. (6) If fireworks regulations impose any prohibition by virtue of this [s], they may contain (a) exceptions from the prohibition, or (b) provision for the granting of dispensations from the prohibition.

S 6. Public fireworks displays. (1) Fireworks regulations may include provision prohibiting persons from operating a public fireworks display unless (a) notice of the display has been given in accordance with the regulations to any local or other authority to which the regulations require it to be given, (b) any other information relating to the display which is required by the regulations to be given to any local or other authority has been so given, (c) any fee imposed by any local or other authority in accordance with the regulations has been paid, and (d) such other conditions relating to the holding of public fireworks displays as are specified in the regulations have been complied with. (2) Fireworks regulations may include provision prohibiting persons from operating public fireworks displays unless they satisfy (a) any conditions which are specified in the regulations and relate to the satisfactory completion of a course, or courses, of training relating to fireworks and to the means of proving the satisfactory completion of such a course or courses, or (b) any other conditions which are so specified. (3) Fireworks regulations may include provision prohibiting persons from operating, or assisting in the operation of, public fireworks displays if they are below an age specified in the regulations. (4) If fireworks regulations impose any prohibition by virtue of this [s], they may contain (a) exceptions from the prohibition, or (b) provision for the granting of dispensations from the prohibition. (5) In this [s] “*public fireworks display*” means a fireworks display at which the public, or any section of the public, are present (whether or not they have paid to be).

S 7. Licensing of suppliers. (1) Fireworks regulations may include provision prohibiting persons, or persons of a description specified in the regulations, from supplying, exposing for supply or possessing for supply fireworks, or fireworks of a description so specified, unless (a) they are licensed in accordance with the regulations, and (b) the fireworks are supplied, exposed for supply or kept at premises which are so licensed. (2) If fireworks regulations impose any prohibition by virtue of [ss] (1), they may contain provision (a) specifying the local or other authority by which a licence relating to any person or premises may be granted, varied and revoked, (b) relating to the grant, variation and revocation of licences, (c) about conditions which may be attached to licences (including, in particular, conditions as to the time of year for which persons or premises are licensed), (d) for the charging of fees for the grant or variation of licences, and (e) about appeals against refusals to grant or vary, or variations of, licences. (3) The provision that may be contained in fireworks regulations by virtue of [ss] (1) includes, in particular, provision that

a person may not be licensed unless any conditions which are specified in the regulations are satisfied by the person or his employees (or both).(4) Those conditions may include conditions relating to the satisfactory completion of a course, or courses, of training about fireworks and the means of proving the satisfactory completion of such course or courses. (5) If fireworks regulations impose any prohibition by virtue of this section, they may contain (a) exceptions from the prohibition, or (b) provision for the granting of dispensations from the prohibition.

S 8. Information about fireworks. (1) Fireworks regulations may include provision for securing that (a) appropriate information is, and (b) inappropriate information is not, given in relation to fireworks, or fireworks of a description specified in the regulations. (2) The provision that may be contained in fireworks regulations by virtue of [ss] (1) includes, in particular, provision (a) requiring that a mark, warning or instruction relating to the fireworks be put on or accompany the fireworks, or (b) requiring that information specified in the regulations be given to any person so specified. (3) If fireworks regulations impose any requirement by virtue of this [s], they may contain (a) exceptions from the requirement, or (b) provision for the granting of dispensations from the requirement. (4) If fireworks regulations impose any requirement by virtue of this [s], they may contain provision requiring the keeping of records by any person to whom information is given under the regulations.

S 9. Prohibition of importation etc. of fireworks. (1) Fireworks regulations may include provision prohibiting persons from (a) importing, (b) completing the manufacture of, or (c) placing on the market, fireworks, or fireworks of a description specified in the regulations, unless they have complied with any requirement imposed by the regulations for the giving of information. (2) If fireworks regulations impose any prohibition by virtue of [ss] (1)(b) or (c), they shall specify the circumstances in which (a) (if the prohibition is imposed by virtue of [ss] (1)(b)) a person completes the manufacture of fireworks, or (b) (if the prohibition is imposed by virtue of [ss] (1)(c)) a person places fireworks on the market. (3) If fireworks regulations impose any prohibition by virtue of this [s], they may contain (a) exceptions from the prohibition, or (b) provision for the granting of dispensations from the prohibition. (4) If fireworks regulations impose any prohibition by virtue of this [s], they may contain provision requiring the keeping of records by any person to whom information is given under the regulations.

S 10. Training courses. (1) If fireworks regulations specify conditions relating to the satisfactory completion of a course, or courses, of training about fireworks, they may make provision for courses to be provided by (a) the [SS], (b) a body or bodies established or recognised by the [SS], or (c) licensed persons. (2) If fireworks regulations make provision for courses to be provided by licensed persons, they may (a) make provision for the licensing of persons by the [SS] or by any body or bodies established or recognised by the [SS], (b) authorise the making by the [SS] of provision about the charging of fees for the grant or variation of licences, and (c) authorise the making by the [SS], or by any such body or bodies, of provision about any of the matters mentioned in [ss] (3). (3) Those matters are (a) the grant, variation and revocation of licences, (b) conditions which may be attached to licences, and (c) appeals against refusals to grant or vary, or variations of, licences. (4) Fireworks regulations may authorize (a) the making by the [SS] of provision about the charging of fees for attendance at courses of training about fireworks, and (b) the making by the [SS], or by any body or bodies established or recognised by the [SS] under this [s], of provision about any of the matters mentioned in [ss] (5). (5) Those matters are (a) the descriptions of persons who are to be eligible to attend courses of training about fireworks, (b) the subject matter to be covered by courses and the conduct of courses, (c) the criteria to be applied in determining whether persons have satisfactorily completed courses, (d) the form and content of certificates to be awarded to persons who have satisfactorily completed courses, (e) appeals against refusals to award certificates to persons who have attended courses, and (f) the keeping of records about persons who have attended courses.

S 11. Offences. (1) Any person who contravenes a prohibition imposed by fireworks regulations is guilty of an offence. (2) Any person who fails to comply with a requirement imposed by or under fireworks regulations to give or not to give information is guilty of an offence. (3) Where a requirement to give information is imposed by or under fireworks regulations, a person is guilty of an offence if, in giving the information, he (a) makes a statement which he knows is false in a material particular, or (b) recklessly makes a statement which is false in a material particular. (4) A person guilty of an offence under this [s] is liable on [SC] to (a) imprisonment for a term not exceeding [6] months, or (b) a fine not exceeding level 5 [], or to both. (5) Fireworks regulations may not provide for any contravention of the regulations to be an offence. (6) [paras] (c), (e) and (f) of [s] 11(3) of the Consumer Protection Act 1987 (c. 43) (provision about offences which may be included in regulations) apply in relation to fireworks regulations as to regulations under [s] 11 of that Act, but as if references to an offence under [s] 12 of that Act were references to an offence under this [s]. (7) [S] 39 of that Act (*defence of due diligence*) applies to offences under [ss] (1) and (2) of this [s]; and [s] 40(1) of that Act (*liability of persons other than the principal offender*) has effect accordingly. (8) In proceedings against any person for an offence of contravening a prohibition imposed by fireworks regulations made by virtue of [s] 3(1) it is a defence for that person to show that he had no reason to suspect that the person to whom he supplied, offered to supply or agreed to supply the fireworks was below the age specified in the regulations. (9) [s] 40(2) and (3) of the Consumer Protection Act 1987 (c. 43) (*offences by bodies corporate*) applies to an offence under this [s] as to an offence under that Act.

11A. Prohibitions on possession of fireworks - power of search: Scotland. (1) A [PO] may search a person without warrant if the constable has reasonable grounds for suspecting that the person possesses a firework in contravention of a prohibition imposed by fireworks regulations. (2) A [PO] may detain a person for such time as is reasonably required to permit a search of the person under [ss] (1) to be carried out. (3) A constable who detains a person under [ss] (2) must inform the person of the reason for the detention. (4) If in the course of a search under this [s], a [PO] discovers a firework which the constable has reasonable grounds for suspecting is being possessed by the person in contravention of a prohibition imposed by fireworks regulations, the [PO] may seize it. (5) A person who (a) intentionally obstructs a [PO] in the exercise of the constable's power under [ss] (1) or (2); or (b) conceals from a constable acting in the exercise of the [POs] power under [ss] (1) any firework whose possession contravenes a prohibition imposed by fireworks regulations, commits an offence. (7) A person who commits an offence under [ss] (5) is liable on [SC] to a fine not exceeding level 5 [].*

S 12. **Enforcement.** (1) [S] 27 of the Consumer Protection Act 1987 (*enforcement authorities*), apart from [ss] (1)(b), applies in relation to fireworks regulations as to regulations under [s] 11 of that Act. (2) The following provisions of that Act (b) [s] 29(4) and (7)] and [s] 30(1) to (9) (*powers of search etc.*), apart from the references to forfeiture and suspension notices, (c) [s] 32 (*obstruction of officer*). (d) [s] 33 (*appeals against detention*), apart from [ss] (2)(a)(ii) and (3)(a)(ii), (e) [s] 34 (*compensation for seizure and detention*), (f) [s] 35 (*recovery of enforcement expenses*), apart from [ss] (1)(b) and (2)(b), (g) [s] 37 (*disclosure of information by Customs and Excise*), (h) [s] 41 (*civil proceedings*), and (i) [s] 44 (*service of documents*), apply in relation to fireworks regulations as to regulations under [s] 11 of that Act. (2A) For the investigatory powers available to a person for the purposes of the duty to enforce imposed by virtue of [ss] (1) (in addition to the powers in Part 4 of the Consumer Protection Act 1987), see [sch] 5 to the Consumer Rights Act 2015. (3) (*amends*)

S 13. **Savings for certain privileges.** [s] 47 of the Consumer Protection Act 1987 (savings for privileges) applies in relation to this Act.

S 14. **Prohibition of supply etc. of other explosives.** (1) The power to make regulations under [s] 3 or 4(2) applies to explosives other than fireworks as to fireworks; and regulations made by virtue of this [ss] are fireworks regulations for all the purposes of this Act.

(2) In [ss] (1) “*explosives*” has the same meaning as in the Explosives Regulations 2014. (3) The [SS] may by regulations substitute a new definition of “*explosives*” for the definition in [ss] (2).

S 15. **Parliamentary procedure for regulations.** (1) Any power to make regulations under this Act is exercisable by [SI]. (2) Regulations under [s] 1(2) or 14(3) must not be made unless a draft of the [SI] containing them has been laid before Parliament and approved by a resolution of each House. (3) A [SI] containing fireworks regulations is subject to annulment in pursuance of a resolution of either House of Parliament. See also s 17 (*Financial Provisions*) and s 18 (*Extent*).*

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