

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8: Firearms

Section 108: New offence of possessing firearm for supply etc

252. *Subsections (2) and (3)* amend section 5 of the Firearms Act 1968 (“the 1968 Act”), subsections (1) and (1A) of which makes it an offence to possess, purchase, acquire, manufacture, sell or transfer, without the authority of the Secretary of State, or Scottish Ministers in Scotland, firearms or ammunition of particular types (such as handguns, sub-machine guns and assault rifles). The offence attracts a maximum sentence of 10 years. *Subsections (2) and (3)* separate the existing section 5(1) and (1A) offences into two component parts. One component part covers simple possession, purchase or acquisition of an unauthorised firearm or ammunition, which will carry the existing maximum penalty of 10 years. The other component part covers the manufacture, sale or transfer, or purchasing or acquiring for sale or transfer of an unauthorised firearm or ammunition, which will carry a maximum penalty of life imprisonment (see new section 5(2A)(a), (b) and (d) of the 1968 Act inserted by *subsection (3)* of the section). In addition, new section 5(2A)(c) of the 1968 Act creates a new offence of possession for sale or transfer of an unauthorised firearm or ammunition, which will similarly carry a maximum penalty of life imprisonment (as provided for by the amendment to Part 1 of Schedule 6 to the 1968 Act made by *subsection (8)*).
253. *Subsection (4)* amends section 5(3) of the 1968 Act to define “authority” as meaning an authority given in writing by the Secretary of State in or as regards England and Wales or by the Scottish Ministers in or as regards Scotland.
254. *Subsection (5)* makes consequential amendments to section 5A of the 1968 Act, to delete the references to section 5(1A). This is necessary to reflect the changes that subsections (2) and (3) of that section make to section 5 of the 1968 Act. For example, the requirement to have an authority to sell or transfer will be located in section 5(2A), not section 5(1A).
255. *Subsection (6)* amends section 51A of the 1968 Act so that the offences in new section 5(2A) of that Act attract the mandatory minimum sentences provided for in that section, namely five years imprisonment in the case of an offender aged 18 years or over when he or she committed the offence (21 years or over in Scotland) or three years imprisonment in the case of an offender under 18 years (21 years in Scotland).