



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 8

FIREARMS

108 Offence of possessing firearm for supply etc

- (1) The Firearms Act 1968 is amended as set out in subsections (2) to (8).
- (2) In section 5 (which includes, in subsections (1) and (1A), offences of unauthorised possession etc of prohibited weapons and ammunition)—
 - (a) in subsection (1) the words “, or manufactures, sells or transfers” are omitted;
 - (b) in subsection (1A) the words “or sells or transfers” are omitted.
- (3) After subsection (2) of that section there is inserted—

“(2A) A person commits an offence if without authority—

 - (a) he manufactures any weapon or ammunition specified in subsection (1) of this section,
 - (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.”
- (4) For subsection (3) of that section there is substituted—

“(3) In this section “authority” means an authority given in writing by—

 - (a) the Secretary of State (in or as regards England and Wales), or
 - (b) the Scottish Ministers (in or as regards Scotland).”
- (5) In section 5A (exemptions from requirement of authority under section 5)—

Status: This is the original version (as it was originally enacted).

- (a) in subsections (1), (3), (4), (5), (6) and (7), the words “subsection (1A) of” are omitted;
 - (b) in subsections (1) and (3), for “any prohibited weapon or ammunition” there is substituted “any weapon, ammunition or missile specified in subsection (1A) of that section”.
- (6) In section 51A (minimum sentences for certain offences), in subsection (1A), before paragraph (a) there is inserted—
- “(za) section 5(2A) (manufacture, sale or transfer of firearm, or possession etc for sale or transfer);”.
- (7) In Schedule 6 (prosecution and punishment of offences), in Part 1 (table of punishments) the words “or distributing” are omitted in the entries for—
- (a) section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c),
 - (b) section 5(1)(b),
 - (c) section 5(1A)(a), and
 - (d) section 5(1A)(b), (c), (d), (e), (f) or (g).
- (8) In Part 1 of that Schedule, after the entry for section 5(1A)(b), (c), (d), (e), (f) or (g) there is inserted—

“Section 5(2A)	Manufacturing or distributing, or possessing for distribution, prohibited weapons or ammunition	On indictment	Imprisonment for life.”
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- (9) In section 1 of the Firearms (Amendment) Act 1997 (extension of section 5 of the 1968 Act to prohibit certain small firearms etc), after subsection (7) there is inserted—
- “(7A) In sections 2 to 7 below any reference to subsection (1)(aba) of section 5 of the 1968 Act shall include a reference to subsection (2A) of that section as it applies in relation to a firearm specified in subsection (1)(aba) of that section.
- (7B) In section 8 below the reference to subsection (1)(aba), (b) or (c) of section 5 of the 1968 Act shall include a reference to subsection (2A) of that section as it applies in relation to any weapon or ammunition specified in subsection (1)(aba), (b) or (c) of that section.”

109 Functions of Scottish Ministers under Firearms Acts

- (1) In section 5 of the Firearms Act 1968 (weapons subject to general prohibition)—
- (a) in subsections (1) and (1A), for the words between “commits an offence if,” and “, he has in his possession” there is substituted “without authority”;
 - (b) in subsection (4), for the words from the beginning to “the Scottish Ministers” there is substituted “An authority shall be subject to conditions specified in it, including such as the Secretary of State or the Scottish Ministers (as appropriate)”;
 - (c) in subsection (6), for the words before “revoke an authority” there is substituted “The Secretary of State or the Scottish Ministers (as appropriate) may at any time, if they think fit.”.

- (2) In section 5A of that Act (exemptions from requirement of authority under section 5) —
- (a) in subsections (1), (2)(a), (2)(b), (3), (4), (5), (6) and (7), for “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)” there is substituted “or the Scottish Ministers”;
 - (b) in subsection (6), for the words after “without the authority of the Secretary of State” there is substituted “or the Scottish Ministers (as appropriate)”.
- (3) In the Firearms (Amendment) Act 1997—
- (a) in sections 2, 3, 4, 5, 6, 7(1) and 8 (exemptions from prohibition on small firearms etc), for “The authority of the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)” there is substituted “The authority of the Secretary of State or the Scottish Ministers”;
 - (b) in section 7(3), for the words “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”, in the first place where they occur, there is substituted “or the Scottish Ministers”.
- (4) In the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750)—
- (a) in Schedule 1, in the entry for the Firearms Act 1968, the words “5 and” are omitted;
 - (b) in Schedule 5, paragraph 3 and paragraph 18(2) to (6), (7)(a) and (8) are omitted.

110 Possession of firearms by persons previously convicted of crime

- (1) In section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime), before subsection (3) there is inserted—
- “(2C) Where—
- (a) a person has been sentenced to imprisonment for a term of three months or more, and
 - (b) the sentence is suspended under section 189 of the Criminal Justice Act 2003,
- the person shall not have a firearm or ammunition in his possession at any time during the period of five years beginning with the second day after the date on which the sentence is passed.”
- (2) In section 58(2) of that Act (saving for antique firearms), for “Nothing in this Act” there is substituted
- “Apart from—
- (a) section 21 and Schedule 3, and
 - (b) any other provision of this Act so far as it applies in relation to an offence under section 21,
- nothing in this Act”.
- (3) Where—
- (a) a person is in possession of a firearm or ammunition immediately before the day on which subsection (1) comes into force,

- (b) by reason of a sentence imposed before that day, subsection (1) would (but for this subsection) make the person's possession of the firearm or ammunition subject to a prohibition under section 21 of the Firearms Act 1968, and
- (c) the person's possession of the firearm or ammunition immediately before that day is authorised by a certificate within the meaning given in section 57(4) of that Act,

the prohibition does not apply while the certificate remains in force.

111 Increased penalty for improper importation of firearms etc

- (1) The Customs and Excise Management Act 1979 is amended as follows.
- (2) In section 50 (penalty for improper importation of goods), in subsection (5A) (firearms and counterfeit currency etc), for the words after "shall have effect" there is substituted "as if for the words "imprisonment for a term not exceeding 7 years" there were substituted the words "imprisonment for life"".
- (3) In that section—
 - (a) in subsection (4), after "(5A)," there is inserted "(5AA),";
 - (b) at the end of paragraph (a) of subsection (5A) there is inserted "or";
 - (c) paragraph (c) of that subsection and the word "or" before it are omitted;
 - (d) after that subsection there is inserted—

“(5AA) In the case of an offence under subsection (2) or (3) above committed in connection with the prohibition contained in section 20 of the Forgery and Counterfeiting Act 1981, subsection (4)(b) above shall have effect as if for the words “7 years” there were substituted the words “10 years”.”
- (4) In section 170 (penalty for fraudulent evasion of duty or prohibition, etc), in subsection (4A) (firearms and counterfeit currency etc)—
 - (a) in paragraph (a), for "subsection (2) or (3)" there is substituted "subsection (1) or (2)";
 - (b) for the words after "shall have effect" there is substituted "as if for the words "imprisonment for a term not exceeding 7 years" there were substituted the words "imprisonment for life"".
- (5) In that section—
 - (a) in subsection (3), after "(4A)," there is inserted "(4AA),";
 - (b) at the end of paragraph (a) of subsection (4A) there is inserted "or";
 - (c) paragraph (c) of that subsection and the word "or" before it are omitted;
 - (d) after that subsection there is inserted—

“(4AA) In the case of an offence under subsection (1) or (2) above committed in connection with the prohibitions contained in sections 20 and 21 of the Forgery and Counterfeiting Act 1981, subsection (3)(b) above shall have effect as if for the words “7 years” there were substituted the words “10 years”.”
- (6) In section 68 (offences in relation to exportation of prohibited or restricted goods), in subsection (4A) (firearms and counterfeit currency etc)—
 - (a) in paragraph (a) the words "or (3)" are omitted";

- (b) for the words after “shall have effect” there is substituted “as if for the words “imprisonment for a term not exceeding 7 years” there were substituted the words “imprisonment for life””.

(7) In that section—

- (a) in subsection (3), after “(4A)” there is inserted “, (4AA)”;
- (b) at the end of paragraph (a) of subsection (4A) there is inserted “or”;
- (c) paragraph (c) of that subsection and the word “or” before it are omitted;
- (d) after that subsection there is inserted—

“(4AA) In the case of an offence under subsection (2) above committed in connection with the prohibition contained in section 21 of the Forgery and Counterfeiting Act 1981, subsection (3)(b) above shall have effect as if for the words “7 years” there were substituted the words “10 years”.”

112 British Transport Police: Crown status under Firearms Act 1968

- (1) In section 54 of the Firearms Act 1968 (application to Crown servants), in subsection (3), at the end of paragraph (d) there is inserted “, or
 - (e) a member of the British Transport Police Force, or
 - (f) a person employed by the British Transport Police Authority who is under the direction and control of the Chief Constable of the British Transport Police Force.”
- (2) The following are repealed—
 - (a) subsections (3A) and (3B) of section 54 of the Firearms Act 1968, and
 - (b) paragraph 9 of Schedule 7 to the Anti-terrorism, Crime and Security Act 2001 (which inserted those subsections).