

Firearms Act 1965

1965 CHAPTER 44

An Act to amend the law relating to firearms, imitation Firearms and ammunition; and for connected purposes.
[5th August 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Any person who has with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist arrest or to prevent the arrest of another, in either case while he has the firearm or imitation firearm with him, shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.

Carrying
firearms
with intent
to commit
a serious
offence or
prevent
arrest.

(2) In proceedings for an offence under this section proof that the accused had a firearm or imitation firearm with him and intended to commit an offence or to resist or prevent arrest shall be evidence that he intended to have it with him while doing so.

(3) In the application of this section to Scotland, for the reference to an indictable offence there shall be substituted a reference to any offence specified in paragraph 1 or paragraph 2 of Schedule 1 to this Act.

2. Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in a public place any loaded shot gun or loaded air weapon or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm shall—

Carrying
firearms in
a public place

(a) be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding two hundred pounds or both;

(b) unless the firearm is an air weapon, be liable on conviction on indictment to imprisonment for a term not exceeding five years or a fine or both.

3. Any person who, while he has a firearm with him, enters or is in any building or part of a building as a trespasser and without reasonable excuse, the proof whereof shall lie on him, shall—

Trespassing
with firearms
in a building.

- (a) be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding two hundred pounds or both,
- (b) unless the firearm is an air weapon, be liable on conviction on indictment to imprisonment for a term not exceeding five years or a fine or both.

4. Any person who, while he has a firearm with him, enters or is on any land as a trespasser and without reasonable excuse, the proof whereof shall lie on him, shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both.

Trespassing
with firearms
on land.

5.—(1) A constable may require any person whom he has reasonable cause to suspect of having a firearm, with or without ammunition, with him in a public place, or to be committing or about to commit an offence under the foregoing provisions of this Act elsewhere than in a public place, to hand over the firearm and any ammunition for examination by the constable, and any person having a firearm or ammunition with him who fails to hand over the firearm or ammunition when required to do so under this subsection shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or both.

Powers of
constables.

(2) If a constable has reasonable cause to suspect any person of having a firearm with him in a public place or to be committing or about to commit an offence under the foregoing provisions of this Act elsewhere than in a public place, the constable may search that person and may detain him for the purpose of searching him.

(3) If a constable 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 under the foregoing provisions of this Act 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.

(4) A constable may arrest without warrant any person whom he has reasonable cause to suspect to be committing an offence under the foregoing provisions of this Act or under section 17 (prohibited weapons and ammunition), section 21 (prohibition on ex-prisoners and others from possessing firearms and ammunition) or section 24 (shortened shot guns) of the principal Act.

(5) For the purpose of exercising the powers conferred by the foregoing provisions of this section a constable may enter any place.

(6) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under section 25

of the principal Act (power of court to order forfeiture of firearms or ammunition on conviction for certain offences).

(7) Subsection (5) of this section shall not be construed as prejudicing any power of entry exercisable by a constable apart from the provisions of that subsection and subsection (6) of this section shall not be construed as prejudicing the power of a constable, when arresting a person for an offence, to seize property found in his possession or any other power exercisable by a constable apart from that subsection of seizing firearms, ammunition or other property.

6.—(1) Section 23 of the principal Act (illegal use and possession of firearms or imitation firearms) except subsections (4) and (5) thereof, shall extend to Scotland; and accordingly at the beginning of subsection (7) of that section there shall be inserted the words “Subsections (4) and (5) of”.

Extension
to Scotland
of section 23
of principal
Act.

(2) In the application to Scotland of subsection (2) of the said section 23 for any reference to Schedule 3 to the principal Act there shall be substituted a reference to Schedule 1 to this Act.

7. A person who after the coming into operation of this section commits an offence under any of the provisions of the principal Act specified in column 1 of Schedule 2 to this Act shall (instead of being liable to be given, on conviction as mentioned in column 2 of that Schedule, a sentence specified in that column) be liable to be given, on conviction as mentioned in column 3 of that Schedule, a sentence specified in the said column 3.

Increase in
severity of
sentences
under a
principal
Act.

8.—(1) The chief officer of police may at any time impose conditions subject to which the registration of any person as a firearms dealer under section 8 of the principal Act 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.

Conditions of
registration
of firearms
dealers.

(2) The chief officer of police shall specify the conditions for the time being in force under this section in the certificate of registration granted to the firearms dealer under section 9 of the principal Act, and where any such condition is imposed, varied or revoked during the currency of a certificate of registration, the chief officer of police shall give notice in writing to the dealer of the condition or variation (giving particulars) or of the revocation as the case may be, and may by that notice require the dealer to deliver up his certificate of registration to him within twenty-one days from the date of the notice for the purpose of amending the certificate.

(3) If the chief officer of police is satisfied that a person registered as a firearms dealer has failed to comply with any of the conditions of registration in force under this section, he may

remove from the register either that person's name or any place of business of his to which that condition relates.

(4) A person aggrieved by the imposition or variation of, or refusal to vary or revoke, any such condition shall have the like right of appeal under section 8(5) of the principal Act as a person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer; and the appeal shall lie to the court of quarter sessions (or, in Scotland, to the sheriff) within whose jurisdiction there is situated the appellant's place of business in respect of which the condition is in force.

(5) It is hereby declared that the said section 8(5) and section 9(4) of the principal Act (procedure on removal of firearms dealer from register) apply to the removal of a person's name from the register under subsection (3) of this section as they apply to any such removal under any provision of the principal Act, and section 10(4) of that Act (appeals against removal of place of business from register) shall apply to the removal of a place of business from the register under the said subsection (3) as it applies to such a removal under section 10(3) of that Act.

(6) Without prejudice to subsection (3) of this section, if any person fails to comply with any of the conditions imposed on him under this section he shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or both.

9.—(1) In the following provisions of the principal Act, that is to say, section 16(1)(a) (exception from the application of part 1 of that Act of shot guns, that is to say, smooth-bore guns having barrels not less than twenty inches in length) and section 24(1) (prohibition on shortening such guns to less than twenty inches) for the words "twenty inches" there shall be substituted the words "twenty-four inches"; and accordingly a reference to twenty four inches shall be substituted for the reference to twenty inches in the definition of shot gun in section 4 of the Air Guns and Shot Guns, etc., Act 1962.

Miscellaneous
amendments
of principal
Act.

1962 c.49.

(2) Notwithstanding anything in the said section 16(1)(a) sections 7 to 10, 12 and 13 of, and Schedule 2 to, the principal Act (requirement for firearms dealers to register, and provisions with respect to the registration of such dealers, their places of business and their firearms transactions) shall have effect as if any reference therein and in the definition of firearms dealer in section 32 of that Act to firearms to which Part I of that Act applies included a reference to shot guns; but—

(a) if it appears to the chief officer of police that a person required to be registered as a firearms dealer 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 that 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 chief officer of police 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 provisions of subsections (1) and (2) of the said section 12 and of the said Schedule 2; and

- (b) in its application to shot guns so much of paragraph 3 of the said Schedule 2 as requires particulars of the areas in which the firearms certificates were issued to be entered in the register of transactions kept under the said section 12 shall be omitted.

- (3) For section 21(1) of the principal Act (prohibition of persons sentenced to preventive detention or corrective training to imprisonment for a term of three months or more from possessing firearms and ammunition for five years after release) there shall be substituted the following subsection:—

“(1) Subject to the provisions of this section—

- (a) a person who has been sentenced to preventive detention, or to imprisonment or to corrective training for a term of three years or more, or who has been sentenced to 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; and

- (b) a person who has been sentenced to borstal training, to corrective training for less than three years or to imprisonment for a term of three months or more but less than three years, or who has been sentenced to be detained for such a term in a detention centre or in a young offenders institution in Scotland, shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession”.

- (4) For section 21(2)(a) of the principal Act (prohibition on ex-prisoners and others under licence from possessing firearms and ammunition), in its application both to England and Wales and to Scotland, there shall be substituted the following paragraph:—

“(a) is the holder of a licence issued under section 53 of the Children and Young Persons Act 1933 or section 57 of the Children and Young Persons (Scotland) Act 1937”.

1933 c.12.
1937 c.7.

(5) The exemption in section 24(1) of the principal Act for registered firearms dealers shall cease to have effect; but that subsection shall not prevent any such dealer from shortening the barrel of a smooth-bore gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel of not less than twenty-four inches in length.

(6) In section 25(1) of the principal Act (power of court order forfeiture of firearms on sentencing a person to imprisonment, etc.) for the words “or imprisonment” there shall be substituted the words “imprisonment, borstal training or detention in a detention centre or in a young offenders institution in Scotland”.

10.—(1) In this Act, except so far as the context otherwise requires—

Interpretation.

“air weapon” means such a weapon as is specified in section 16(1)(b) of the principal Act (that is to say, an air gun, air rifle or air pistol not being of a type declared by rules made by a Secretary of State under that Act to be specially dangerous);

“imitation firearm” means anything which has the appearance of being a firearm (other than such a prohibited weapon as is mentioned in section 17(1)(b) of principal Act) whether it is capable of discharging any shot, bullet or other missile or not;

“indictable offence” has the same meaning as in Magistrates’ Courts Act 1952, except that it does not include an offence which is triable on indictment only after one or more previous summary convictions thereof;

1952 c.55.

“land” includes land covered with water

“principal Act” means the Firearms Act 1937;

1937 c.12.

“public place” includes any highway 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;

“shot gun” means such a weapon as is specified in section 16(1)(a) of the principal Act (that is to say, a smooth-bore gun having a barrel not less than twenty-four inches in length).

(2) For the purposes of this Act 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.

(3) References in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as references to that enactment as amended or applied by or under any subsequent enactment including this Act.

11.—(1) This Act may be cited as the Firearms Act 1965

(2) The principal Act and this Act may be cited together as Firearms Acts 1937 and 1965.

(3) This Act shall be construed as one with the principal Act.

(4) Without prejudice to the last foregoing subsection, this Act does not extend to Northern Ireland.

(5) Sections 1 to 6 of this Act shall come into operation on the expiration of one month from the passing thereof, and sections 7 to 9 of this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be appointed under this subsection for different purposes.

Short title
citation,
construction,
extent and
commencement.