

## Firearms Act 1968

### 5.— Weapons subject to general prohibition.

(1) A person commits an offence if, [without authority] <sup>1</sup>, he has in his possession, or purchases or acquires [...] <sup>2</sup> —

[(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] <sup>4</sup> 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, [...] <sup>6</sup> a muzzle-loading gun or a firearm designed as signalling apparatus;] <sup>5</sup>

(ac) any self-loading or pump-action smooth-bore gun which is not [an air weapon or ] <sup>7</sup> chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or [...] <sup>8</sup> 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] <sup>9</sup> ;

(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;] <sup>3</sup>

[(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;] <sup>10</sup>

(b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; 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 paragraph (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.] <sup>11</sup>

[(1A) Subject to section 5A of this Act, a person commits an offence if, [without authority] <sup>1</sup>, he has in his possession, or purchases or acquires [...] <sup>13</sup> -

(a) any firearm which is disguised as another object;

(b) any rocket or ammunition not falling within paragraph (c) of subsection (1) of this section 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 within paragraph (ae) of that subsection which is designed to be used with any rocket or ammunition falling within paragraph (b) above or with ammunition which would fall within that paragraph but for its being ammunition falling within paragraph (c) of that subsection;

(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;] <sup>14</sup>

(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 paragraphs; or

(ii) any ammunition which would fall within any of those paragraphs but for its being specified in subsection (1) of this section.] <sup>12</sup>

(2) The weapons and ammunition specified in [subsections (1) and (1A) of this section (including, in the case of ammunition, any missiles falling within subsection (1A)(g) of this section)] <sup>15</sup> 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 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.] <sup>16</sup>

[(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).] <sup>17</sup>

(4) [An authority shall be subject to conditions specified in it, including such as the Secretary of State or the Scottish Ministers (as appropriate)] <sup>18</sup> having regard to the circumstances of each particular case, [thinks] <sup>19</sup> 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 section to fail to comply with any condition of the authority.

(6) [The Secretary of State or the Scottish Ministers (as appropriate) may at any time, if they think fit,] <sup>20</sup> revoke an authority given to a person under this section

by notice in writing requiring him to deliver up the authority to such person as may be specified in the notice within twenty-one 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 section and section 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.] <sup>21</sup>

[(8) For the purposes of subsection (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 section 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).] <sup>22</sup>

## Notes

- [1](#) . Words substituted by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.109(1)(a) (July 14, 2014)
- [2](#) . Words repealed by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.108(2)(a) (July 14, 2014)
- [3](#) . S. 5(1)(a)-(ae) substituted for s. 5(1)(a) by Firearms (Amendment) Act 1988 (c.45), s. 1(2)
- [4](#) . Words substituted subject to savings specified in SI 1997/1535 art.5 by Firearms (Amendment) Act 1997 c. 5 Pt I s.1(3) (July 1, 1997: substitution has effect subject to savings specified in SI 1997/1535 art.5)
- [5](#) . Added by Firearms (Amendment) Act 1997 c. 5 Pt I s.1(2) (July 1, 1997: insertion has effect from July 1, 1997 for purposes specified in SI 1997/1535 art.4; October 1, 1997 otherwise)
- [6](#) . Words repealed by Firearms (Amendment) (No. 2) Act 1997 c. 64 Sch.1 para.1 (February 1, 1998 as SI 1997/3114)
- [7](#) . Words added by Firearms (Amendment) Act 1997 c. 5 Pt I s.1(4) (July 1, 1997)
- [8](#) . Words repealed by Firearms (Amendment) Act 1997 c. 5 Sch.3 para.1 (July 1, 1997 as SI 1997/1535)
- [9](#) . Words substituted by Firearms (Amendment) Act 1997 c. 5 Pt I s.1(5) (July 1, 1997)
- [10](#) . Inserted subject to transitional provisions specified in SI 2003/3300 art.5 by Anti-social Behaviour Act 2003 c. 38 Pt 5 s.39(3) (January 20, 2004: insertion has effect from January 20, 2004 for purposes specified in SI 2003/3300 art.2(c)(iii); April 30, 2004 subject to transitional provisions specified in SI 2003/3300 art.5 otherwise)
- [11](#) . S. 5(1)(c) substituted by Firearms (Amendment) Act 1988 (c.45), s. 1(3)
- [12](#) . Added by Firearms Acts (Amendment) Regulations 1992/2823 reg.3(1) (January 1, 1993)
- [13](#) . Words repealed by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.108(2)(b) (July 14, 2014)
- [14](#) . Substituted by Policing and Crime Act 2017 c. 3 Pt 6 s.129(2) (May 2, 2017)
- [15](#) . Words substituted by Firearms Acts (Amendment) Regulations 1992/2823 reg.3(2) (January 1, 1993)
- [16](#) . Added by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.108(3) (July 14, 2014)
- [17](#) . Substituted by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.108(4) (July 14, 2014)
- [18](#) . Words substituted by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.109(1)(b) (July 14, 2014)
- [19](#) . Words substituted by virtue of S.I. 1968/1200, arts. 2, 3
- [20](#) . Words substituted by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.109(1)(c) (July 14, 2014)
- [21](#) . Added by Firearms Acts (Amendment) Regulations 1992/2823 reg.3(3) (January 1, 1993)
- [22](#) . Added by Firearms (Amendment) Act 1997 c. 5 Pt I s.1(6) (July 1, 1997)

## **[5A.— Exemptions from requirement of authority under s.5.**

(1) Subject to subsection (2) below, the authority of the Secretary of State [or the Scottish Ministers] <sup>2</sup> shall not be required by virtue of [section 5] <sup>3</sup> 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 subsection (1A) of that section] <sup>4</sup> 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 subsection (1) above except to a person who-

(a) produces the authority of the Secretary of State [or the Scottish Ministers] <sup>2</sup> under section 5 of this Act for his purchase or acquisition; or

(b) shows that he is, under this section or a licence under the Schedule to the Firearms (Amendment) Act 1988 (museums etc.), entitled to make the purchase or acquisition without the authority of the Secretary of State [or the Scottish Ministers] <sup>2</sup>.

(3) The authority of the Secretary of State [or the Scottish Ministers] <sup>2</sup> shall not be required by virtue of [section 5] <sup>3</sup> of this Act for any person to have in his possession, or to purchase or acquire, [any weapon, ammunition or missile specified in subsection (1A) of that section] <sup>4</sup> if his possession, purchase or acquisition is exclusively in connection with the carrying on of activities in respect of which-

(a) that person; or

(b) the person on whose behalf he has possession, or makes the purchase or acquisition,

is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.

(4) The authority of the Secretary of State [or the Scottish Ministers] <sup>2</sup> shall not be required by virtue of [section 5] <sup>3</sup> of this Act for any person to have in his possession, or to purchase or acquire [, or to sell or transfer] <sup>5</sup>, 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.] <sup>6</sup>

(5) The authority of the Secretary of State [or the Scottish Ministers] <sup>2</sup> shall not be required by virtue of [section 5] <sup>3</sup> 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 section 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 Secretary of State [or the Scottish Ministers] <sup>2</sup> shall not be required by virtue of [section 5] <sup>3</sup> 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 subsection (4) above to purchase or acquire it without the authority of the Secretary of State [or the Scottish Ministers (as appropriate)] <sup>7</sup>.

[(7) The authority of the Secretary of State [or the Scottish Ministers] <sup>2</sup> shall not be required by virtue of [section 5] <sup>3</sup> 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.] <sup>8</sup>

(8) In this section-

(a) references to expanding ammunition are references to any ammunition which [ is designed to be used with a pistol and] <sup>9</sup>[...] <sup>10</sup> 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 section 5(1A)(g) of this Act.] <sup>1</sup>

## Notes

- <sup>1</sup>. Added by Firearms Acts (Amendment) Regulations 1992/2823 reg.3(4) (January 1, 1993)
- <sup>2</sup>. Words substituted by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.109(2)(a) (July 14, 2014)
- <sup>3</sup>. Words repealed by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.108(5)(a) (July 14, 2014)
- <sup>4</sup>. Words substituted by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.108(5)(b) (July 14, 2014)
- <sup>5</sup>. Words added by Firearms (Amendment) Act 1997 c. 5 Pt I s.10(2)(a) (July 1, 1997)
- <sup>6</sup>. Substituted by Firearms (Amendment) Act 1997 c. 5 Pt I s.10(2)(b) (July 1, 1997)
- <sup>7</sup>. Words substituted by Anti-social Behaviour, Crime and Policing Act 2014 c. 12 Pt 8 s.109(2)(b) (July 14, 2014)
- <sup>8</sup>. Substituted by Firearms (Amendment) Act 1997 c. 5 Pt I s.10(3) (July 1, 1997)
- <sup>9</sup>. Words inserted by Policing and Crime Act 2017 c. 3 Pt 6 s.129(3) (May 2, 2017)

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