

FIREARMS ACT 1968 – SECTIONS 16-18 AND SCHEDULE 1**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 to enable another person by means thereof to endanger life, whether any injury has been caused or not.

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.

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 Schedule 1 to this Act, has in his possession a firearm or imitation firearm, he shall be guilty of an offence under this subsection unless he shows that he had it in his possession for a lawful object.

[(3) repealed]

(4) For purposes of this section, the definition of “firearm” in section 57(1) of this Act shall apply without paragraphs (b) and (c) of that subsection, and “*imitation firearm*” shall be construed accordingly.

(5) In the application of this section to Scotland, a reference to Schedule 2 to this Act shall be substituted for the reference in subsection (2) to Schedule 1.

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 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, is 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 paragraphs 1 to 18 of Schedule 2 to this Act.

SCHEDULE 1 – OFFENCES TO WHICH SECTION 17(2) APPLIES

- 1.** Offences under section 1 of the Criminal Damage Act 1971
- 2.** Offences under any of the following provisions of the Offences Against the Person Act 1861:—
 - sections 20 to 22 (inflicting bodily injury; garrotting; criminal use of stupefying drugs);
 - section 30 (laying explosive to building etc.);
 - section 32 (endangering railway passengers by tampering with track);
 - section 38 (assault with intent to commit felony or resist arrest);
 - section 47 (criminal assaults);
- 2A.** Offences under Part I of the Child Abduction Act 1984 (abduction of children).
[paragraph 3 repealed]
- 4.** Theft, robbery, burglary, blackmail and any offence under section 12(1) (taking of motor vehicle or other conveyance without owner's consent) of the Theft Act 1968
- 5.** Offences under section 89(1) of the Police Act 1996 or section 90 of the Police and Fire Reform (Scotland) Act 2012 (assaulting or impeding police).
- 5A.** An offence under section 90(1) of the Criminal Justice Act 1991 (assaulting prisoner custody officer).
- 5B.** An offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting secure training centre custody officer).
- 6.** Offences under any of the following provisions of the Sexual Offences Act 2003—
 - (a) section 1 (rape);
 - (b) section 2 (assault by penetration);
 - (c) section 4 (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
 - (d) section 5 (rape of a child under 13);
 - (e) section 6 (assault of a child under 13 by penetration);
 - (f) section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
 - (g) section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
 - (h) section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.
- 6A.** An offence under paragraph 14 or 24 of Schedule 10 to the Criminal Justice and Courts Act 2015 (assaulting secure college custody officer).
[paragraph 7 repealed]
- 8.** Aiding or abetting the commission of any offence specified in [paragraphs 1 to 6A]¹ of this Schedule.
- 9.** Attempting to commit any offence so specified.