

128 Controls on defectively deactivated weapons

After section 8 of the Firearms (Amendment) Act 1988 insert—

“8A Controls on defectively deactivated weapons

- (1) It is an offence for a person who owns or claims to own a defectively deactivated weapon—
 - (a) to make the weapon available for sale or as a gift to another person, or
 - (b) to sell it or give it (as a gift) to another person.
- (2) Subsection (1)(a) does not apply if—
 - (a) the weapon is made available for sale or as a gift only to a person who is outside the EU (or to persons all of whom are outside the EU), and
 - (b) it is made so available on the basis that, if a sale or gift were to take place, the weapon would be transferred to a place outside the EU.
- (3) Subsection (1)(b) does not apply if—
 - (a) the weapon is sold or given to a person who is outside the EU (or to persons all of whom are outside the EU), and
 - (b) in consequence of the sale or gift, it is (or is to be) transferred to a place outside the EU.
- (4) For the purpose of this section, something is a “defectively deactivated weapon” if—
 - (a) it was at any time a firearm,
 - (b) it has been rendered incapable of discharging any shot, bullet or other missile (and, accordingly, has either ceased to be a firearm or is a firearm only by virtue of the Firearms Act 1982), but
 - (c) it has not been rendered so incapable in a way that meets the technical specifications for the deactivation of the weapon that apply at the time when the weapon is made available for sale or as a gift or (as the case may be) when it is sold or given as a gift.
- (5) The Secretary of State must publish a document setting out the technical specifications that apply for the purposes of subsection (4)(c) (“the technical specifications document”).
- (6) The technical specifications document may set out different technical specifications for different kinds of weapon.
- (7) The Secretary of State—
 - (a) may from time to time revise the technical specifications document, and
 - (b) where it is revised—
 - (i) must publish the document as revised, and
 - (ii) specify in it the date on which any changes to the technical specifications that apply for the purposes of subsection (4)(c) take effect.
- (8) In the case of a weapon rendered incapable as mentioned in subsection (4)(b) before 8 April 2016, subsection (1)(a) or (b) does not apply if the weapon is made available for sale or as a gift, or (as the case may be) sold or given, by or on behalf of a museum in respect of which a museum firearms licence is in force to another museum in respect of which such a licence is in force.
- (9) References in this section to “sale” include exchange or barter (and references to sell are to be construed accordingly).
- (10) In this section, “museum firearms licence” means a licence granted under the Schedule to the Firearms (Amendment) Act 1988.
- (11) A person guilty of an offence under this section is liable—
 - (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.”