

Possession of Weapons

- 10A** **Possession of Firearms with Intent**
- 10B** **Possession of Firearms Offences**
- 10C** **Possession of Other Weapons**
- 10D** **Possession of Article with Blade or Point**

- 81** **Other Firearm Offences**

- 90** **Other Knife Offences**

10A Possession of Firearms with Intent Classification (1 of 1)

8/3 (S)	Setting spring guns etc. with intent to inflict grievous bodily harm. <i>Offences against the Person Act 1861 Sec 31.</i>	8/23-25 (S)	Possessing firearm or imitation firearm with intent to cause fear of violence. <i>Firearms Act 1968 Sec 16A.</i>
8/13-15 (S)	Possessing firearm or imitation firearm while committing or being arrested for offence specified in Schedule 1 of the Act. <i>Firearms Act 1968 Sec 17(2).</i>	8/54 (S)	Using someone to look after a dangerous weapon firearm. <i>Violent Crime Reduction Act 2006 Sec 28.</i>
8/16-18 (S)	Possessing firearm or imitation firearm with intent to commit indictable offence or resist arrest. <i>Firearms Act 1968 Sec 18(1).</i>		

COVERAGE: FIREARMS

FIREARMS ACT 1968

Imitation firearms, conversions, rocket launchers, and mortars other than those designed for line throwing, pyrotechnics or signalling. Shotguns as defined in Section 1(3)(a) of the Act, i.e. smooth-bore guns with a barrel not less than 24 inches in length and any barrel with a bore exceeding 2 inches diameter - not having an unapproved magazine - not being an airgun or a revolver.

Air weapons as defined in Section 1(3)(b) of the Act, i.e. an air rifle, air gun or air pistol not of a type declared by rules made by the Secretary of State under Section 53 of the Act to be specially dangerous.

The specific offence codes relate to Section 1 of the Firearms Act 1968.

Group 1 – all firearms as specified in that section EXCEPT

Group 2 – Shotguns

Group 3 – Air Weapons

COVERAGE: SPRING GUNS ETC.

Section 31 of the Offences against the Person Act 1861 provides for the setting, or allowing to remain, spring guns, man traps and other engines with intent to inflict grievous bodily harm.

Albeit the circumstances where this offence will be charged have substantially reduced there may be occasions when man traps and springs have been used and it will be worth considering. Normally the substantive offence under class 5D will suffice.

DEFINITION – LEGAL: USING SOMEONE TO MIND A WEAPON

VIOLENT CRIME REDUCTION ACT 2006 SEC 28

(1) A person is guilty of an offence if –

- (a) he uses another to look after, hide or transport a dangerous weapon for him; and
- (b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.

In this section “dangerous weapon” means – a firearm other than an air weapon or a component part of, or accessory to, an air weapon.

SPECIFIED CRIMES: FIREARMS (8/13-15)

The full list of offences that are specified can be found in the Firearms Act 1968 Schedule 1.

10A Possession of Firearms with Intent Counting Rules (1 of 1)

GENERAL RULE: PROVIDED THAT THE WEAPON HAS NOT BEEN USED DURING THE COMMISSION OF ANOTHER NOTIFIABLE OFFENCE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS.

EXAMPLE 1: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found a loaded handgun.

One crime (class 10A) and one crime (class 8S or 104).

APPLICATION OF THE RULE

Possession of Weapons: One crime for each time discovered and recorded by the police.

Example 1: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found two loaded handguns.

One crime (class 10A) and one crime (class 8S or 104)

Example 2: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found a loaded handgun and a flick knife.

One crime (class 10A) and one crime (class 8S or 104)

Example 3: A man is arrested for armed robbery. Found at the time of his arrest is a loaded shotgun that was used in the robbery.

One crime (class 34).

Example 4: A man is arrested committing a section 18 assault. When searched a loaded handgun is found that was not used in the assault.

One crime (class 5D) and one crime (class 10A).

10B Possession of Firearms Offences Classification / Counting Rule (1 of 1)

81/3 (S)	Possessing etc. firearms or ammunition without firearm certificate. <i>Firearms Act 1968 Sec 1(1) (as amended by Criminal Justice & Public Order Act 1994 Sec 157 Sch 8 part III).</i>	81/71 (S)	Possessing or distributing firearm disguised as other object. <i>Firearms Act 1968 Sec 5(1A)(a) (as amended by Criminal Justice Act 2003 Sec 288).</i>
81/4 (S)	Possessing etc shotgun without certificate. <i>Firearms Act 1968 Sec 2(1) (as amended by Criminal Justice & Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/72 (S)	Possessing or distributing other prohibited weapons. <i>Firearms Act 1968 Sec 5(1A)(b)(c)(d)(e)(f) or (g) (as amended by Criminal Justice Act 2003 Sec 288).</i>
81/17 (S)	Possessing or distributing prohibited weapons or ammunition. <i>Firearms Act 1968 Sec 5(1) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/77 (S)	Carrying a loaded or unloaded or imitation firearm or air weapon in public place. <i>Firearms Act 1968 Sec 19 as amended by Violent Crime Reduction Act 2006.</i>
81/26,27 (S)	Carrying loaded firearm or any other firearm (whether loaded or not) or loaded shotgun or any other firearm except imitation firearm or air weapon together with ammunition suitable for use in that firearm in a public place etc. <i>Firearms Act 1968 Sec 19 (as amended by the Anti Social Behaviour Act 2003 Sec 37).</i>	81/85 (S)	Manufacture weapon / ammunition specified in section 5 (1) of the Firearms Act 1968. <i>Firearms Act 1968 Sec 5 (2A) (a)</i> CJS F168443
81/29,30 (S)	Trespassing with firearm or imitation firearm in a building. <i>Firearms Act 1968 Sec 20(1) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/86 (S)	Sell / transfer prohibited weapon / ammunition. <i>Firearms Act 1968 Sec 5 (2A) (b)</i> CJS F168444
81/35-37 (S)	Possession of firearms by persons previously convicted of crime. <i>Firearms Act 1968 Sec 21(4) (amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/87 (S)	Possess prohibited weapon / ammunition for sale / transfer. <i>Firearms Act 1968 Sec 5 (2A) (c)</i> CJS F168445
81/70 (S)	Possessing or distributing prohibited weapons designed for discharge of noxious substances etc. <i>Firearms Act 1968 Sec 5(1)(b) (as amended by Criminal Justice Act 2003 Sec 288).</i>	81/88 (S)	Purchase / acquire prohibited weapon / ammunition for sale / transfer. <i>Firearms Act 1968 Sec 5 (2A) (d)</i> CJS F168446
		81/90 (S)	Possession of articles for conversion of imitation firearms. <i>Firearms Act 1968 4A as inserted by Crime and Policing Act 2017 Sec 127</i>

GENERAL RULE: PROVIDED THAT THE WEAPON HAS NOT BEEN USED DURING THE COMMISSION OF ANOTHER NOTIFIABLE OFFENCE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS.

EXAMPLE 1: A youth is stopped in possession of a canister containing CS spray.
One crime (class 10B).

APPLICATION OF THE RULE

Example 1: A man is stopped and searched under the Drugs Act. He is found in possession of a Class 'A' drug and also a CS spray canister.
One crime (class 92D) and one crime (class 10B).

Example 2: A man commits ABH and is later arrested for it. Following a search, he is found in possession of pepper spray that was not used in the ABH.
One crime Sec 47 ABH (class 8N) and one crime (class 10B).

Example 3: A man commits ABH and is later arrested for it. Following a search, he is found in possession of pepper spray and a lock knife that were not used in the ABH.
One crime Sec 47 ABH (class 8N) and one crime (class 10B).

10C Possession of Other Weapons Classification (1 of 1)

8/11 (S)	Possession of offensive weapon without lawful authority or reasonable excuse. <i>Prevention of Crime Act 1953 Sec 1 (1)(as amended by Offensive Weapons Act 1996 Sec 2 (1).</i>	8/53 (S)	Using someone to look after a dangerous weapon – offensive/weapon/knife/bladed weapon <i>Violent Crime Reduction Act 2006 Sec 28.</i>
8/28 (S)	Possession of other offensive weapon on school premises without lawful authority or reasonable excuse. <i>Criminal Justice Act 1988 Sec 139A (2) & (5) (b) (as added by Offensive Weapons Act 1996).</i>	8/61 (S/V)	Threaten with an offensive weapon in a public place. <i>Prevention of Crime Act 1953 Sec 1 A (1) as inserted by Legal Aid, Sentencing and Punishment of Offenders Act 2012. (Commences 3 Dec 2012).</i>
		8/63 (S/V)	Threaten with an offensive weapon on school premises. <i>Criminal Justice Act 1988 Sec 139 AA as inserted by Legal Aid, Sentencing and Punishment of Offenders Act 2012. (Commences 3 Dec 2012).</i>

DEFINITION – LEGAL: USING SOMEONE TO MIND A WEAPON

VIOLENT CRIME REDUCTION ACT 2006, SEC 28

“(1) A person is guilty of an offence if –

- (a) he uses another to look after, hide or transport a dangerous weapon for him; and
- (b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.”

In this section “dangerous weapon” means –

an air weapon or a component part of, or accessory to, an air weapon; or a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (c. 33) applies (specified offensive weapons, knives and bladed weapons).

10C Possession of Other Weapons Counting Rules (1 of 1)

GENERAL RULE: PROVIDED THAT THE WEAPON HAS NOT BEEN USED DURING THE COMMISSION OF ANOTHER NOTIFIABLE OFFENCE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS IRRESPECTIVE OF THE NUMBER OR TYPES OF WEAPON.

EXAMPLE 1: A man assaults another man with a knuckle duster. A number of injuries including a fractured cheek bone are sustained by victim.

One crime (class 5D).

EXAMPLE 2: Three men are stopped all wearing ninja gear and carrying kendo staffs in the street, one also has numchuckers. All are arrested for offensive weapon offences

Three crimes (class 10C).

EXAMPLE 3: Three youths, all wearing ninja gear, are seen by police passing a kendo staff between them. They all admit being in possession of the kendo staff.

One crime (class 10C). Joint possession, acting as a group of offenders.

APPLICATION OF THE RULE

Example 1: A man commits ABH and is later arrested for it. Following a search, he is found in possession of a knuckle duster that was not used in the ABH.

One crime Sec 47 ABH (class 8N) and one crime (class 10C).

Example 2: A man is arrested for violent disorder. He is placed in handcuffs and searched before being placed in a police van. A flick knife is found in his sock. There is no evidence of this knife being used in the violent disorder.

One crime (class 62A) and one crime (class 10C).

Example 3: A man is witnessed by Police using a kendo staff during the course of a violent disorder

One crime (class 62A) as weapon used during the commission of the offence.

Principal Crime: see also General Rules Section F and Annex C.

Example 1: A man threatens a female with a flick knife in the street and slaps her (common assault).

One crime (class 10C).

Example 2: As above but causes ABH.

One crime Sec 47 ABH (class 8N).

10D Possession of Article with Blade or Point Classification / Counting Rule (1 of 1)

8/26 (S)	Having an article with a blade or point in a public place. <i>Criminal Justice Act 1988 Sec 139.</i> <i>(as amended by the Offensive Weapons Act 1996).</i>	8/62 (S/V)	Threaten with a blade or sharply pointed article on school premises <i>Criminal Justice Act 1988 Sec 139 AA as inserted by Legal Aid, Sentencing and Punishment of Offenders Act 2012.</i>
8/27 (S)	Having an article with a blade or point on school premises. <i>Criminal Justice Act 1988 S.139A (1) & (5)</i> <i>(a) (as amended by Offensive Weapons Act 1996).</i>	8/64 (S/V)	Threaten with a blade or sharply pointed article in a public place. <i>Criminal Justice Act 1988 Sec 139 AA as inserted by Legal Aid, Sentencing and Punishment of Offenders Act 2012.</i>

RECORDING PRACTICE: USING SOMEONE TO MIND AN ARTICLE WITH A BLADE OR POINT.

Should this come to light, the offence should be recorded under class 10C.

GENERAL RULE: PROVIDED THAT THE WEAPON HAS NOT BEEN USED DURING THE COMMISSION OF ANOTHER NOTIFIABLE OFFENCE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS IRRESPECTIVE OF THE NUMBER OR TYPES OF WEAPON.

EXAMPLE 1: A person is arrested after stealing property from a shop. Upon arrest they are searched and found to have an article with a blade or point.

One crime (class 10D) and one crime (class 46).

APPLICATION OF THE RULE

Example 1: A man is witnessed by Police using a kendo staff during the course of a violent disorder. He is arrested and searched. During the search a lock knife that has not been used in the violent disorder, is found in his sock.

One crime (class 62A) and one crime (class 10D).

81 Other Firearms Offences Classification (1 of 2)

81/7, 8 (S)	Trading in firearms without being registered as a firearms dealer. <i>Firearms Act 1968 Sec 3(1) (amended by Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/45 (S)	Failure by certificate holder to notify in writing the Chief Officer of Police of events taking place outside Great Britain involving firearms and ammunition (sold or otherwise disposed of, lost etc.) (excluding shotguns). <i>Firearms (Amendment) Act 1997 Sec 35 & 36 (a) (i) (ii).</i>
81/9, 10 (S)	Selling etc firearms to person without a certificate. <i>Firearms Act 1968 Sec 3 (2) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/69 (S)	Failing to comply with instruction in firearm certificate upon transfer to person other than registered dealer. <i>Firearms (Amendment) Act 1997 Sub Sec 32 (2) & 6 (a) (i) (ii).</i>
81/11, 12 (S)	Repairing, testing etc firearm for person without a certificate. <i>Firearms Act 1968 Sec 3 (3) (amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III)</i>	81/73 (S)	Offence in relation to the unlawful importation of any weapon or ammunition of a kind mentioned in Sec 5 (1) (a) (ab) (aba) (ac) (ad) (ae) (af) or (c) of Firearms Act 1968. <i>Customs and Excise Management Act 1979 Sec 68 (2) (3) (4A) (5A).</i>
81/13, 14 (S)	Falsifying a certificate etc with a view to acquisition of firearm. <i>Firearms Act 1968 Sec 3 (5) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/74 (S)	Offence in relation to the unlawful exportation of any weapon or ammunition of a kind mentioned in Sec 5(1) (a) (ab) (aba) (ac) (ad) (ae) (af) or (c) of Firearms Act 1968. <i>Customs and Excise Management Act 1979 Sec 68 (2) (3) (4A).</i>
81/15 (S)	Shortening a shot gun or other smooth bore gun. <i>Firearms Act 1968 Sec 4 (1) as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/76 (S)	Sell/transfer an air weapon unlawfully. <i>Firearms Act 1968 as added by Violent Crime Reduction Act 2006 S 3 (2).</i>
81/16 (S)	Conversion of firearms. <i>Firearms Act 1968 Sec 4 (3) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/78 (S)	Knowingly being concerned in activity prohibited by parts 2, 3 or 4 of the Order with intent to evade the relevant prohibition. <i>Export Control Order 2008 A34 (5)</i>
81/38-40 (S)	Supplying firearms to person denied them under Section 21. <i>Firearms Act 1968 Sec 21 (5) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/79 (S)	Unship/unload prohibited weapon/ammunition with intent to evade prohibition / restriction. <i>Customs and Excise Management Act 1979 Sec 50 (2) (a) and (4) CJS CE79348</i>
81/42 (S)	Failure to transfer firearms or ammunition in person (excluding shotguns). <i>Firearms (Amendment) Act 1997 Sec 32 & 36 (a) (i) (ii).</i>	81/80 (S)	Remove prohibited weapons /ammunition from their place of importation with intent to evade prohibition / restriction. <i>Customs and Excise Management Act 1979 Sec 50 (2) (b) (4) and 5 A (a) CJS CE79349</i>
81/43 (S)	Failure to give notice in writing to the Chief Officer of Police of transfers involving firearms (excluding shotguns). <i>Firearms (Amendment) Act 1997 Sec 33 & 36 (a) (i) (ii)</i>		
81/44 (S)	Failure by certificate holder to notify in writing the Chief Officer of Police of deactivation, destruction or loss of firearms or ammunition (excluding shotguns). <i>Firearms (Amendment) Act 1997 Sec 34 & 36 (a) (i) (ii).</i>		

81 Other Firearms Offences Classification (2 of 2)

- 81/81
(S) Import prohibited weapons / ammunition with intent to evade prohibition / restriction.
Customs and Excise Management Act 1979 Sec 50 (3) (4) and 5 A (a)
CJS CE79350
- 81/82
(S) Export prohibited weapon / ammunition with intent to evade prohibition / restriction.
Customs and Excise Management Act 1979 Sec 68 (2) (3) and (4A)
CJS CE79351
- 81/83
(S) Carry / remove / deposit etc prohibited Weapons / ammunition with intent to evade a prohibition / restriction.
Customs and Excise Management Act 1979 Sec 170 (1) (b) and (3)
CJS CE79352
- 81/84
(S) Knowingly concerned in fraudulent evasion of prohibition restriction on prohibited weapon / ammunition.
Customs and Excise Management Act 1979 Sec 170 (2) (3) and (4A) (a)
CJS CE79353
- 81/89
(S) Triable Either Way Offences.
Explosives Precursors Regulations 2014 Sec 4 (1), (2), 5 (1) (a-c), 5 (3-4) 6 (1) (5) (8) and 12 (1-3)
CJS CE14001-14008
- 81/91
(S) Controls on defectively deactivated weapons.
Firearms (Amendment) Act 1988 Sec 8A as inserted by Policing and Crime Act 2017 Sec 128

Commencement date: 2 May 2017

90 Other Knives Offences Classification (1 of 1)

90/1
(S) Unlawful marketing of knives, selling or hiring.
Knives Act 1997 Sec 1(1) (2) (3) (4a)(5).

90/2
(S) Unlawful marketing of knives.
Offers or exposes to sell or hire.
Knives Act 1997 Sec 1(1) (2) (3) (4b) (5).

90/3
(S) Unlawful marketing of knives – has in possession for purpose of sale or hire.
Knives Act 1997 Sec 1(1) (2) (3) (4c) (5).

90/4
(S) Publication of any written, pictorial or other material in connection with the marketing of any knife – the material suggesting / indicating knife suitable for combat.
Knives Act 1997 Sec 2(1) (a).

90/5
(S) Publication of any written, pictorial or other material in connection with the marketing of any knife – the material is otherwise likely to stimulate/encourage violence behaviour involving use of the knife as a weapon.
Knives Act 1997 Sec 2 (1) (b).

81 Other Firearms Offences

90 Other Knives Offences

Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER.

EXAMPLE 1: A person is reported to the police for the first time for committing a variety of Firearms Act offences.

One crime (class 81).

APPLICATION OF THE RULE

Supply, Marketing and Repair Offences: count one crime for each offender or group of offenders.

Example 1: A syndicate is reported for the first time selling firearms without a certificate.

One crime (class 81).

Example 2: A company is reported for illegally publishing material about the sale of combat knives.

One crime (class 90).

Finished Incident: see also General Rules Section E.

Example 1: A person is bailed for unlicensed possession of a firearm. He is subsequently reported for the same crime.

Two crimes (class 81); one for original crime, plus the one committed on bail.

Maximum Sentence – Possession of Weapons					
Life	10 years	7 years	5 years	4 years	2 years
8/13-18	8/23-25	81/3	8/03	8/11	81/89
81/73-74	8/54	81/26-27	81/04	8/26-28	
81/79-88	81/17	81/29-30	81/35-37	8/53	
	81/70-72	81/77	81/7-14	8/61-64	
		81/15-16	81/38-40		
			81/42-45		
			81/76		
			81/78, 81/90-91		