
DRAFT STATUTORY INSTRUMENTS

2002 No. (N.I.)

NORTHERN IRELAND

Firearms (Northern Ireland) Order 2002

Made - - - - - 2002

*Coming into operation on days to be appointed under
Article 1*

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At the Court at _____, the _____ day of _____ 2002
Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

1998 c. 47. Now, therefore, Her Majesty, in exercise of the powers conferred by section 85 of the Northern Ireland Act 1998 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Firearms (Northern Ireland) Order 2002 and shall come into operation on such day or days as the Secretary of State may by order appoint.

Interpretation

1954 c. 33 (N.I.) 2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Assembly.

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(2) In this Order—

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“acquire” means hire, accept as a gift or borrow;

“air gun” means a firearm powered by compressed air or compressed gas;

“ammunition” means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition;

“another member State” means a member State other than the United Kingdom;

“appropriate fee” shall be construed in accordance with Article 69(2);

“armed forces” means any of the naval, military or air forces of the Crown;

“Article 7 authority” has the meaning given by Article 19(1);

“component part”, in relation to a firearm, means—

- (a) any barrel, chamber or cylinder;
- (b) any frame, action, body or receiver;
- (c) any breech block, bolt or other mechanism for containing the pressure of discharge at the rear of the chamber;
- (d) any part of a firearm which directly bears the pressure caused by firing; and
- (e) any magazine;

“European firearms pass” has the meaning given by Article 16(2);

“European weapons directive” means the directive of the Council of the European Communities No. 91/477/EEC (directive on the control of the acquisition and possession of weapons);

“firearm” means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes—

- (a) any prohibited weapon, whether it is such a lethal weapon or not;
- (b) any component part of such a lethal or prohibited weapon; and
- (c) any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

“firearm certificate” means, subject to paragraph (5), a certificate granted under Article 5;

“firearms club” means a club established for the purpose of promoting and practising skill in the use of firearms (other than shotguns) and includes a cadet corps;

“firearms dealer” means a person who by way of trade or business manufactures, sells, transfers, repairs, tests or proves firearms or ammunition;

“firearms dealer’s certificate” means a certificate granted under Article 23;

“holder of a firearms dealer’s certificate” includes a person registered under section 33 of the Firearms Act 1968;

1968 c. 27

“imitation firearm” means anything which has the appearance of being a firearm, whether or not it is capable of discharging any shot, bullet or other missile;

“mental disorder” has the same meaning as in the Mental Health (Northern Ireland) Order 1986;

1986 NI 4

“prohibited weapon” and “prohibited ammunition” respectively mean a weapon and ammunition prohibited under Article 46 (including, in the case of ammunition, any missiles falling within paragraph (2)(g) of that Article);

“readable” means—

- (a) visible and legible; or
- (b) capable of being readily produced in a visible and legible form;

“relative”, in relation to a person, means—

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- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person's spouse or former spouse, or
- (b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by affinity) of that person or of that person's spouse or former spouse,

and includes, in relation to a person who is living or has lived with another person as husband and wife, any person who would fall within paragraph (a) or (b) if the parties were married to each other;

“revolver” means a firearm containing a series of chambers which revolves when it is fired;

“self-loading” and “pump action”, in relation to any firearm, mean respectively that it is designed or adapted (otherwise than as mentioned in Article 46(1)(a)) so that it is automatically reloaded or that it is so designed or adapted that it is reloaded by the manual operation of the fore-end or forestock of the firearm;

“shotgun” means a smoothbore firearm with a barrel not less than 60.96 centimetres in length, not being an air gun;

“shotgun certificate” means a certificate granted in Great Britain under section 28 of the Firearms Act 1968 and authorising a person to possess shotguns;

“slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;

“transfer” includes let on hire, give, lend and part with possession.

(3) For the purposes of this Order the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing.

(4) For the purposes of this Order a shotgun or an air gun 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 firearm.

(5) In this Order—

- (a) any reference to a firearm certificate includes a reference to a firearm certificate and a shotgun certificate granted under the law in Great Britain and having effect in Northern Ireland by virtue of Article 14; and
- (b) any reference to a condition subject to which a firearm certificate is held includes a reference to a condition subject to which a firearm certificate or shotgun certificate is held under the law in Great Britain as that condition has effect in Northern Ireland by virtue of Article 14.

(6) For the purpose of any reference in this Order to the use of any firearm or ammunition for a purpose not authorised by the European weapons directive, the directive shall be taken to authorise the use of a firearm or ammunition as or with a slaughtering instrument and the use of a firearm or ammunition—

- (a) for sporting purposes;
- (b) for the shooting of pests, or, in the course of carrying on activities in connection with the management of any estate, of other wildlife; and
- (c) for competition purposes and target shooting (whether or not for competition purposes).

(7) For the purposes of this Order it shall be presumed, unless the contrary is shown, that a firearm has been rendered incapable of discharging any shot, bullet or other missile, and has consequently ceased to be a firearm within the meaning of this Order, if either—

- (a) it bears a mark which—
 - (i) has been approved by the Secretary of State for denoting that fact, and
 - (ii) has been made by a person approved by the Secretary of State for the purposes of this paragraph; and

- (b) that person has certified in writing that work has been carried out in a manner approved by the Secretary of State for rendering it incapable of discharging any shot, bullet or other missile,

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1988 c. 45.

or it satisfies the requirements of section 8 of the Firearms (Amendment) Act 1988 (corresponding provision for Great Britain) and the work referred to in paragraph (b) of that section was carried out after 1st October 1995.

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FIREARM CERTIFICATES, ETC.

Firearm certificates

Firearm certificate required

3.—(1) A person who has in his possession, or purchases or acquires, a firearm without holding a firearm certificate or otherwise than as authorised by a firearm certificate shall be guilty of an offence.

(2) A person who has in his possession, or purchases or acquires, any ammunition without holding a firearm certificate or otherwise than as authorised by a firearm certificate or in quantities in excess of those so authorised shall be guilty of an offence.

(3) Paragraphs (1) and (2) have effect subject to any exemption under this Order.

(4) Schedule 1 (exemptions) shall have effect.

Application for firearm certificate

4.—(1) An application for the grant of a firearm certificate must—

- (a) be made to the Chief Constable on a form provided by him for the purpose;
- (b) contain such information as may be required by the form; and
- (c) comply with any other requirements specified in the form.

(2) The application must be accompanied in accordance with any requirements specified in the form by—

- (a) the appropriate fee (if any);
- (b) four photographs of the applicant; and
- (c) the names and addresses of two appropriate persons who have agreed to act as referees.

(3) Subject to paragraphs (4) to (6), a person is an appropriate person for the purposes of paragraph (2)(c) if he has known the applicant for at least two years and is of good character.

(4) A person is not an appropriate person for the purposes of paragraph (2)(c) if he is—

- (a) a relative of the applicant;
- (b) a firearms dealer;
- (c) a police officer or a member of the police support staff; or
- (d) resident outside Northern Ireland.

(5) If the applicant is a member of a firearms club authorised under Article 35, paragraph (6) applies instead of paragraphs (3) and (4) and in paragraph (6) “firearms club” means a firearms club authorised under Article 35.

(6) For the purposes of paragraph (2)(c)—

- (a) one person is an appropriate person if he—
 - (i) is an officer of a firearms club of which the applicant is a member but not a person described in paragraph (4)(a), (c) or (d);
 - (ii) has known the applicant for at least one year and is of good character;

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- (b) the other is an appropriate person if he—
 - (i) is not a member of any firearms club or a person described in paragraph (4); and
 - (ii) has known the applicant for at least two years and is of good character.
- (7) Before considering the application the Chief Constable must have—
 - (a) permission from the applicant to approach his general practitioner to obtain factual details of his medical history which the general practitioner considers relevant to the application; and
 - (b) the following provided by each referee in such manner as the Chief Constable may require—
 - (i) verification of any information provided by the applicant;
 - (ii) verification of the likeness to the applicant of the photographs submitted with the application;
 - (iii) a statement that he knows of no reason why the applicant should not be permitted to possess a firearm; and
 - (iv) such other statements or information in connection with the application as the Chief Constable may require.

(8) Any person who knowingly or recklessly makes any statement which is false in any material particular for the purpose of procuring, whether for himself or another person, the grant of a firearm certificate shall be guilty of an offence.

Grant of firearm certificate

5.—(1) If he is satisfied that the applicant can be permitted to have in his possession without danger to public safety or to the peace the firearm or ammunition in respect of which the application is made, the Chief Constable may grant a firearm certificate.

(2) The Chief Constable shall not grant a firearm certificate unless he is satisfied that the applicant—

- (a) is a fit person to be entrusted with a firearm;
- (b) has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made; and
- (c) is competent in the use of such a firearm or ammunition.

(3) The Chief Constable shall not grant a firearm certificate to a person who is prohibited by this Order from possessing a firearm.

(4) The Chief Constable may, if he is satisfied that it is necessary to do so, provide the holder of a firearm certificate with a duplicate certificate on payment of the appropriate fee.

Conditions

6.—(1) The Chief Constable may when granting a firearm certificate attach conditions to it.

(2) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to a firearm certificate;
- (b) vary or revoke conditions attached under this Article.

(3) For the purposes of paragraph (2) the Chief Constable may by notice under that paragraph require the holder of the certificate to produce it to him within 21 days from the date of the notice.

(4) A person who fails to comply with any condition subject to which a firearm certificate is held by him shall be guilty of an offence.

Restrictions on grant of firearm certificate to young persons

7.—(1) The Chief Constable shall not grant a firearm certificate to a person under the age of 18 (a “young person”) unless the requirements of paragraph (2) or (3) are satisfied.

(2) The Chief Constable may grant a firearm certificate to a young person if—

- (a) the young person has attained the age of 16;
 - (b) the firearm to which it relates is—
 - (i) an air gun to which paragraph (4) applies;
 - (ii) a shotgun; or
 - (iii) a .22 rimfire rifle that is to say of a calibre not exceeding 5.59 millimetres; and
 - (c) the Chief Constable attaches to the certificate a condition that the firearm and any ammunition for it to which the certificate relates are for the purpose of—
 - (i) pest control; or
 - (ii) the protection of livestock;
 on agricultural land occupied by the young person or on which he works and also resides.
- (3) The Chief Constable may grant a firearm certificate to a young person if—
- (a) the young person has attained the age of 16;
 - (b) the firearm to which it relates is—
 - (i) an air gun to which paragraph (4) applies; or
 - (ii) a shotgun;
 - (c) the certificate only authorises him to have in his possession, but not to purchase or acquire, the firearm and any ammunition for it to which the certificate relates; and
 - (d) the Chief Constable attaches to the certificate a condition that the young person has the firearm and ammunition in his possession only—
 - (i) for sporting purposes; and
 - (ii) under the supervision of a person who has attained the age of 21 and also has a firearm certificate for the firearm and ammunition.
- (4) This paragraph applies to an air gun which is capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of one joule.

Content and duration of firearm certificates

- 8.**—(1) A firearm certificate shall—
- (a) describe the firearms to which it relates and specify the quantities of ammunition authorised to be held at any one time; and
 - (b) specify—
 - (i) any conditions subject to which the certificate is held;
 - (ii) the date on which it ceases to be in force; and
 - (iii) any firearms club of which the holder is a member.
- (2) A firearm certificate shall (unless revoked or cancelled) continue in force for five years from the date on which it is granted.

Revocation or variation of firearm certificate

- 9.**—(1) The Chief Constable shall revoke a firearm certificate if he is satisfied that the holder cannot be permitted to have the firearm or ammunition to which the certificate relates without danger to public safety or to the peace.
- (2) The Chief Constable may revoke a firearm certificate if he has reason to believe that the holder—
- (a) is not a fit person to be entrusted with a firearm; or
 - (b) does not have a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition to which the certificate relates; or
 - (c) is not competent in the use of such a firearm or ammunition.
- (3) The Chief Constable shall revoke a firearm certificate if he is satisfied that the holder is prohibited by this Order from possessing a firearm.
- (4) The Chief Constable may, as provided by paragraph (5), partially revoke a firearm certificate, that is to say, he may revoke the certificate in relation to any firearm or ammunition

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which the holder is authorised by virtue of the certificate to have in his possession or to purchase or acquire.

(5) The Chief Constable may partially revoke a firearm certificate only if he has reason to believe that the holder does not have a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition to which the partial revocation relates.

(6) The Chief Constable may vary a firearm certificate on the application of the holder and payment of the appropriate fee (if any).

(7) Any person who knowingly or recklessly makes any statement which is false in any material particular for the purpose of procuring, whether for himself or another person, the variation of a firearm certificate shall be guilty of an offence.

Consequences of revocation

10.—(1) Where a firearm certificate is revoked under Article 9(1) or (2), the Chief Constable shall by notice in writing require the holder to surrender it and the relevant firearms and ammunition.

(2) Where a firearm certificate is partially revoked under Article 9(4) and (5), the Chief Constable shall by notice in writing require the holder to—

- (a) produce the certificate to him for amendment; and
- (b) surrender the relevant firearms and ammunition.

(3) The holder shall be guilty of an offence if he fails to comply with a notice under paragraph (1) or (2) within 21 days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow.

(4) Subject to paragraph (5), where a firearm certificate is revoked or partially revoked under Article 9, the Chief Constable may by notice in writing require the holder to dispose of the relevant firearms and ammunition within such period from the date of the notice as may be specified in the notice.

(5) If an appeal is brought against the revocation or partial revocation, paragraph (4) shall not apply unless the appeal is abandoned or dismissed, and shall then apply as if the reference to the date of the notice were to the date on which the appeal was abandoned or dismissed.

(6) If the holder does not comply with a notice under paragraph (4) within the period specified in the notice (or that period as modified by paragraph (5)) or within such further time as the Chief Constable may in special circumstances allow, the Chief Constable may order that the relevant firearms or ammunition shall be destroyed or otherwise disposed of.

(7) In this Article “relevant firearms and ammunition” means—

- (a) where a firearm certificate is revoked under Article 9(1) or (2), the firearms and ammunition to which it relates;
- (b) where a firearm certificate is partially revoked under Article 9(4) and (5), the firearms and ammunition specified in the notice under paragraph (2).

Certificate for prohibited weapon

11.—(1) The Chief Constable shall not refuse to grant, and shall not revoke or partially revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant or the holder is authorised by the Secretary of State under Article 46 to have possession of that weapon or ammunition.

(2) If the Secretary of State revokes an authority to purchase or have possession of a prohibited weapon or prohibited ammunition, the Chief Constable shall revoke or, as the case may be, partially revoke the firearm certificate relating to that weapon or ammunition.

Surrender, etc. of firearms on expiration of firearm certificate

12.—(1) The Chief Constable may by notice in writing require the holder of a firearm certificate which has expired to surrender it and any firearms and ammunition to which it related immediately before its expiration and for which there is no firearm certificate in force.

(2) The holder of a firearm certificate which has expired shall be guilty of an offence if he fails to comply with a notice under paragraph (1) within 21 days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow. PART II

(3) The Chief Constable may by notice in writing require the holder of a firearm certificate which has expired to dispose of any firearms or ammunition mentioned in paragraph (1) within 21 days from the date of the notice.

(4) If the holder does not comply with a notice under paragraph (3) within the period specified in the notice or within such further period as the Chief Constable may in special circumstances allow, the Chief Constable may order that the firearms or ammunition shall be destroyed or otherwise disposed of.

Visitors' firearm permits

Visitors' firearm permits

13.—(1) The holder of a visitor's firearm permit may, without holding a firearm certificate—

- (a) have in his possession any firearm specified in the permit; and
- (b) have in his possession, purchase or acquire any ammunition in accordance with the permit.

(2) The Chief Constable may, on an application made by a person resident in Northern Ireland on behalf of a person specified in the application, grant a permit under this Article to the specified person.

(3) An application for a permit under this Article must—

- (a) be made on a form provided by the Chief Constable for the purpose; and
- (b) be accompanied by the appropriate fee.

(4) The Chief Constable shall not grant a permit under this Article unless he is satisfied that the specified person—

- (a) is visiting or intending to visit Northern Ireland;
- (b) has a good reason for having each firearm and the ammunition to which the permit relates in his possession, or, as respects ammunition, for purchasing or acquiring it, while he is a visitor to Northern Ireland; and
- (c) may, under the law of the country in which he resides, lawfully possess the firearm and ammunition in respect of which the application is made.

(5) The Chief Constable shall not grant a person a permit under this Article if he has reason to believe that—

- (a) his possession of the firearm or ammunition in question would represent a danger to public safety or to the peace; or
- (b) he is prohibited by this Order from possessing them.

(6) The Chief Constable shall not grant a permit under this Article as respects any firearm unless—

- (a) there is produced to him a document which—
 - (i) has been issued in another member State under provisions corresponding to the provisions of this Order for the issue of European firearms passes;
 - (ii) identifies the firearm as a firearm to which the document relates; and
 - (iii) is valid;
- (b) the applicant shows that the person specified in the application is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with such a document in any of the other member States; or
- (c) the applicant shows that the person specified in the application requires the permit exclusively in connection with the carrying on of activities in respect of which—
 - (i) that person; or

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(ii) the person on whose behalf he is proposing to make use of the authorisation conferred by the permit,

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;

and if, in a case where a document has been produced to the Chief Constable in pursuance of sub-paragraph (a), he grants a permit under this Article, he shall endorse on the document a statement which identifies the permit and the firearm to which it relates and briefly describes the effect of the permit.

(7) A permit under this Article shall specify—

(a) the conditions subject to which it is held; and

(b) the number and description of the firearms to which it relates, including their identification numbers, and, as respects ammunition, the quantities authorised to be purchased or acquired and to be held at any one time.

(8) The Chief Constable may by notice in writing to the holder of a permit under this Article vary the conditions subject to which it is held.

(9) A permit under this Article shall come into force on such date as is specified in it and continue in force for such period, not exceeding twelve months, as is so specified.

(10) A single application (a “group application”) may be made under this Article for the grant of not more than 20 permits to persons specified in the application if it is shown to the satisfaction of the Chief Constable that their purpose in having the firearms in question in their possession while visiting Northern Ireland is—

(a) using them for sporting purposes on the same private premises during the same period; or

(b) participating in the same competition or other event or the same series of competitions or other events.

(11) A person who, for the purpose of procuring the grant of a permit under this Article, knowingly or recklessly makes a statement which is false in any material particular shall be guilty of an offence.

(12) A person who fails to comply with a condition subject to which a permit under this Article is held by him shall be guilty of an offence.

(13) Any reference in this Order to a person who is entitled to possess, purchase or acquire any firearm or ammunition without holding a firearm certificate includes a reference to a person who is so entitled by virtue of a permit under this Article.

Certificates granted in Great Britain, etc.

Firearm certificates and shotgun certificates granted in Great Britain

14.—(1) The holder of a Great Britain certificate may, subject to any applicable conditions, have in his possession in Northern Ireland any firearm and ammunition to which the certificate relates if—

(a) he has provided the Chief Constable with such information about that firearm and ammunition and such other information as the Chief Constable may require; and

(b) he holds a document authorising that possession issued to him by the Chief Constable.

(2) A Great Britain certificate shall not continue in force in Northern Ireland by virtue of paragraph (1) for a period longer than that for which it was granted or renewed in Great Britain.

(3) The Chief Constable may at any time require the holder of a certificate of approval to surrender it.

(4) In this Article—

“applicable conditions” means the conditions under which the Great Britain certificate is held, subject to such modifications as may be specified in the certificate of approval;

“certificate of approval” means the document issued under paragraph (1)(b);

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“Great Britain certificate” means a firearm certificate or shotgun certificate granted in Great Britain;

“modifications” includes additions and omissions.

Air guns held without a firearm certificate in Great Britain

15.—(1) A person resident in Great Britain may, without holding a firearm certificate, have an air gun in his possession in Northern Ireland if—

- (a) he may have the air gun in his possession in Great Britain without a firearm certificate by virtue of section 1(3)(b) and (4)(b) of the Firearms Act 1968;
- (b) he has provided the Chief Constable with such information about the air gun and such other information as the Chief Constable may require; and
- (c) he holds a document (“a certificate of approval”) authorising that possession issued to him by the Chief Constable.

1968 c. 27.

(2) The Chief Constable may at any time require the holder of a certificate of approval to surrender it.

Issue, etc. of documents for European purposes

Issue of European firearms pass

16.—(1) Where a person who resides in Northern Ireland is granted, or is the holder of, a firearm certificate, he shall be entitled to be issued by the Chief Constable with a European firearms pass.

(2) A European firearms pass is a document—

- (a) to which a person is entitled under paragraph (1); and
- (b) which contains the particulars required by paragraph (3).

(3) The particulars required by this paragraph are—

- (a) particulars identifying the person to whom the pass is issued;
- (b) particulars identifying every firearm which—
 - (i) that person has applied to have included in a European firearms pass; and
 - (ii) is a firearm in relation to which a firearm certificate granted to that person is in force;
- (c) a statement in relation to every firearm identified in the pass as to the category into which it falls for the purposes of Annex I to the European weapons directive;
- (d) the date of the issue of the pass and the period from its issue for which the pass is to be valid;
- (e) the statements required by paragraph (f) of Annex II to that directive (statements as to travel in the member States with the firearms identified in the pass).

(4) A European firearms pass shall contain space for the making of entries by persons authorised to so do under the law of any member State.

(5) A person may make an application under paragraph (1)—

- (a) at the same time as an application for a firearm certificate which will entitle him to the issue of the pass; or
- (b) subsequently while the firearm certificate is in force.

Duration of European firearms pass

17.—(1) The period specified in a European firearms pass as the period for which it is to be valid shall be whichever is the shorter of the following—

- (a) the period until the earliest time when a firearm certificate relating to a firearm identified in the pass expires; and

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PART II

(b) the maximum period for the duration of that pass.

(2) For the purposes of paragraph (1) the maximum period for the duration of a European firearms pass is—

- (a) in the case of a pass identifying only a firearm stated in the pass to fall within category D for the purposes of Annex I to the European weapons directive, ten years; and
- (b) in any other case, five years.

Renewal of European firearms pass

18.—(1) On an application for a firearm certificate relating to a firearm identified in a European firearms pass, the applicant may apply to the Chief Constable for the renewal of the pass.

(2) Where—

- (a) a firearm certificate relating to a firearm identified in a European firearms pass is to expire without another firearm certificate for that firearm being granted; but
- (b) a firearm certificate relating to another firearm identified in that pass will continue in force after the other firearm certificate expires,

the holder of the pass may apply to the Chief Constable for the renewal of the pass subject to the deletion of the reference to any firearm to which the expiring firearm certificate relates.

(3) Where, on an application to the Chief Constable under paragraph (1) or (2)—

- (a) the pass in question is produced to him; and
- (b) a firearm certificate relating to a firearm identified in the pass is granted or will continue in force after the time when the pass would (apart from its renewal) have ceased to be valid,

he shall renew the pass, subject to any appropriate deletion, from that time to whichever is the shorter of the periods specified in Article 17(1)(a) and (b).

(4) Where a European firearms pass ceases to be valid without being renewed under this Article, the Chief Constable shall by notice in writing require the person to whom the pass was issued to surrender it; and if that person fails to do so within 21 days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow, he shall be guilty of an offence.

Article 7 authorities

19.—(1) In this Order “an Article 7 authority” means a document issued under paragraph (2) or (4).

(2) Where a person who resides in Northern Ireland is granted, or is the holder of a firearm certificate, he shall be entitled to be issued with a document stating that, for the purposes of Article 7 of the European weapons directive, the holder of the firearm certificate has the agreement of the United Kingdom authorities, for so long as the firearm certificate remains in force, to any purchase or acquisition by him in another member State of any firearm or ammunition to which the firearm certificate relates.

(3) A person may make an application under paragraph (1)—

- (a) at the same time as an application for a firearm certificate which will entitle him to the issue of the document under that paragraph; or
- (b) subsequently while the firearm certificate is in force.

(4) Where—

- (a) a person who resides in Northern Ireland is proposing to purchase or acquire any firearm or ammunition in another member State;
- (b) he is not the holder of a firearm certificate relating to that firearm or ammunition;
- (c) the firearm falls within category B for the purposes of Annex I to the European weapons directive or the ammunition is capable of being used with such a firearm; and
- (d) he satisfies the Chief Constable that he is not proposing to bring that firearm or ammunition into the United Kingdom,

the Chief Constable may issue him with a document stating that, for the purposes of Article 7 of the European weapons directive, he has the agreement of the United Kingdom authorities to any purchase or acquisition by him in another member State of that firearm or ammunition. PART II

Variation, endorsement, etc. of European documents

- 20.**—(1) Where—
- (a) a firearm certificate—
 - (i) relating to a firearm identified in a European firearms pass; or
 - (ii) in respect of which an Article 7 authority has been issued, is varied, revoked or cancelled;
 - (b) the Secretary of State gives notice that any European firearms pass needs to be modified by the addition or variation of any such statement as is mentioned in Article 16(3)(e); or
 - (c) the holder of a European firearms pass applies to have particulars of another firearm added to the pass,

the Chief Constable shall make such variations of the pass or authority as are appropriate in consequence of the variation, revocation, cancellation, notice or application or, where appropriate, cancel it.

(2) For the purpose of paragraph (1) the Chief Constable shall by notice in writing require any person who is or has been the holder of any firearm certificate to produce or surrender any European firearms pass or Article 7 authority issued to him.

- (3) The Chief Constable may at any time—
- (a) revoke an Article 7 authority issued under Article 19(4); and
 - (b) by notice in writing require the holder of the authority to surrender it.

(4) Where a firearm identified in a European firearms pass is lost or stolen, the holder of the pass shall immediately—

- (a) inform the Chief Constable about the loss or theft; and
- (b) produce the pass to the Chief Constable for him to endorse on it particulars of that loss or theft.

(5) Where a firearm to which an endorsement under paragraph (4) relates is returned to the holder of the pass in question, the Chief Constable may, on the production to him of that pass, make such further endorsement as may be appropriate.

- (6) A person—
- (a) who fails to comply with a notice given to him under paragraph (2) or (3) within 21 days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow; or
 - (b) who fails to comply with any obligation imposed on him by virtue of paragraph (4)(a) or (b),

shall be guilty of an offence.

PART III

FIREARMS DEALERS

Firearms dealer's certificate required

- 21.**—(1) A person who, by way of trade or business—
- (a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition; or
 - (b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, test or proof any firearm or ammunition,

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PART III without holding a firearms dealer's certificate or otherwise than as authorised by a firearms dealer's certificate, shall be guilty of an offence.

(2) Paragraph (1) has effect subject to Article 32 (auctioneers) and Article 33 (occasional permits).

Application for firearms dealer's certificate

22.—(1) An application for the grant of a firearms dealer's certificate must—

- (a) be made to the Chief Constable on a form provided by him for the purpose;
- (b) state every place of business in Northern Ireland at which the applicant proposes to carry on business as a firearms dealer;
- (c) contain such information as may be required by the form; and
- (d) comply with any other requirements specified in the form.

(2) The application must be accompanied in accordance with any requirements specified in the form by the appropriate fee.

Grant of firearms dealer's certificate

23.—(1) If he is satisfied that the applicant can be permitted to carry on business as a firearms dealer without danger to public safety or to the peace, the Chief Constable may grant a firearms dealer's certificate.

(2) For the purposes of paragraph (1) the applicant must satisfy the Chief Constable that—

- (a) he is a fit person to carry on business as a firearms dealer;
- (b) every place of business at which he proposes to carry on business as a firearms dealer is suitable for that purpose; and
- (c) he will engage in business as a firearms dealer to a substantial extent or as an essential part of another trade or profession.

(3) Notwithstanding anything in paragraph (1) or (2), the Chief Constable shall grant a firearms dealer's certificate to any applicant who is authorised by the Secretary of State under Article 46 to manufacture, sell or transfer prohibited weapons or prohibited ammunition.

(4) The Chief Constable shall not grant a firearms dealer's certificate to any applicant who is subject to an order of a court in Northern Ireland made under Article 31 or an order of a court in Great Britain made under section 45 of the Firearms Act 1968 (consequences where dealer convicted of offence).

(5) The Chief Constable shall not grant a firearms dealer's certificate to any applicant who is prohibited by this Order from possessing a firearm.

(6) The Chief Constable shall not grant a firearms dealer's certificate to a person under the age of 18 years.

Conditions

24.—(1) The Chief Constable may when granting a firearms dealer's certificate attach conditions to it.

(2) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to a firearms dealer's certificate;
- (b) vary or revoke conditions attached under this Article.

(3) The powers of the Chief Constable under this Article include power to restrict the types, numbers and quantities of firearms and ammunition which may be kept or kept in any particular place.

(4) The Secretary of State may give directions as to the conditions to be imposed, varied or revoked under this Article and the Chief Constable shall comply with any such direction.

(5) For the purposes of paragraph (2) the Chief Constable may at any time by notice under that paragraph require the holder of the certificate to produce it to him within 21 days from the date of the notice. PART III

(6) Without prejudice to Article 26(2), a person who fails to comply with any condition subject to which a firearms dealer's certificate is held by him shall be guilty of an offence.

Content and duration of firearms dealer's certificate

25.—(1) A firearms dealer's certificate shall specify—

- (a) every place of business at which the holder is authorised to carry on business as a firearms dealer;
- (b) any conditions subject to which it is held; and
- (c) the date on which it ceases to be in force.

(2) A firearms dealer's certificate shall (unless revoked or cancelled) continue in force for five years from the date on which it is granted.

Revocation or variation of firearms dealer's certificate

26.—(1) The Chief Constable shall revoke a firearms dealer's certificate if, after giving reasonable notice to the holder, he is satisfied that the holder can no longer be permitted to continue to carry on business as a firearms dealer without danger to public safety or to the peace.

(2) The Chief Constable shall revoke a firearms dealer's certificate if, after giving reasonable notice to the holder, he is satisfied that the holder—

- (a) is not a fit person to carry on business as a firearms dealer;
- (b) is not engaged in business as a firearms dealer to a substantial extent or as an essential part of another trade or profession;
- (c) has ceased to have a place of business in Northern Ireland; or
- (d) has failed to comply with any condition attached to the certificate or with any notice under Article 24(5).

(3) The Chief Constable shall revoke a firearm dealer's certificate if the holder is prohibited by this Order from possessing a firearm or holding a firearms dealer's certificate.

(4) In the case of a person authorised by the Secretary of State under Article 46 to manufacture, sell or transfer prohibited weapons or ammunition, the Chief Constable shall not revoke a firearms dealer's certificate under paragraph (1) or (2).

(5) Subject to paragraph (6), where the Chief Constable revokes a firearms dealer's certificate, he shall by notice in writing require the dealer to surrender—

- (a) his certificate;
- (b) any records of transactions kept by him under Article 39 (or, if the records are kept in any electronic form, a copy of the information comprised in those records in a readable form), and
- (c) any firearms or ammunition held by him for which there is no firearm certificate in force,

and if the dealer fails to do so within 21 days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow, he shall be guilty of an offence.

(6) If an appeal is brought against the revocation, paragraph (5) shall not apply unless the appeal is abandoned or dismissed and shall then apply with the substitution for the reference to the date of the notice of a reference to the date on which the appeal was abandoned or dismissed.

(7) The Chief Constable on the application of the holder may vary a firearms dealer's certificate.

Surrender, etc. of firearms on expiration of firearms dealer's certificate

27.—(1) The Chief Constable may by notice in writing require the holder of a firearms dealer's certificate which has expired to surrender—

- (a) his certificate;
- (b) any records of transactions kept by him under Article 39 (or, if the records are stored in any electronic form, a copy of the information comprised in those records in a readable form), and
- (c) any firearms or ammunition held by him for which there is no firearm certificate in force.

(2) If he fails to do so within 21 days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow, he shall be guilty of an offence.

(3) The Chief Constable may by notice in writing require the holder of a firearms dealer's certificate which has expired to dispose of any firearms or ammunition mentioned in paragraph (1) within 21 days from the date of the notice.

(4) If the holder does not comply with a notice under paragraph (3) within the period specified in the notice or within such further period as the Chief Constable may in special circumstances allow, the Chief Constable may order that the firearms or ammunition shall be destroyed or otherwise disposed of.

Places of business: addition to certificate

28.—(1) The holder of a firearms dealer's certificate may apply for a place of business at which he proposes to carry on business as a firearms dealer to be added to the certificate.

- (2) An application under paragraph (1) must—
 - (a) be made to the Chief Constable on a form provided by him for the purpose;
 - (b) state the place of business at which the applicant proposes to carry on business as a firearms dealer;
 - (c) contain such information as may be required by the form; and
 - (d) comply with any other requirements specified in the form.

(3) If the Chief Constable is satisfied that the place of business is suitable for the purpose, he may amend the certificate.

Places of business: removal from certificate

29. The Chief Constable may remove a place of business from a firearms dealer's certificate if, after giving reasonable notice to the holder, he is satisfied that the holder—

- (a) cannot be permitted to carry on business as a firearms dealer at that place without danger to public safety or to the peace; or
- (b) has failed to comply with any condition of the certificate applicable to that place.

Offences

30.—(1) A person who knowingly or recklessly makes a statement false in any material particular, for the purpose of procuring—

- (a) the grant or variation of a firearms dealer's certificate, whether for himself or any other person; or
- (b) the addition of any place of business, whether for himself or any other person, shall be guilty of an offence.

(2) A person who, being the holder of a firearms dealer's certificate, has a place of business in Northern Ireland which is not entered in the certificate and carries on business as a firearms dealer at that place, shall be guilty of an offence.

Consequences where dealer convicted of an offence

PART III

31.—(1) Where the holder of a firearms dealer's certificate is convicted of any offence under this Order or an offence under the enactments relating to customs in respect of the import and export of firearms or ammunition the court may order—

- (a) that the certificate be cancelled; and
- (b) that neither he nor any person who acquires his business, nor any person who took part in the management of the business and was knowingly a party to the offence shall hold a firearms dealer's certificate; and
- (c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence or any person who was knowingly a party to the offence, shall not hold a firearms dealer's certificate; and
- (d) that any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.

(2) A person aggrieved by an order made under this Article may appeal against it in the same manner as against the conviction, and the court may suspend its operation pending the appeal.

Exemptions from Article 21 for auctioneers

32.—(1) It is not an offence under Article 21 for an auctioneer to sell by auction, expose for sale by auction or have in his possession for sale by auction, firearms or ammunition, without holding a firearms dealer's certificate, if he—

- (a) has obtained from the Chief Constable a permit for that purpose; and
- (b) complies with the terms of the permit.

(2) A permit may be granted in respect of one or more than one auction.

(3) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to a permit;
- (b) vary or revoke conditions attached under this Article;
- (c) revoke a permit.

(4) A person who knowingly or recklessly makes a statement which is false in any material particular for the purpose of procuring the grant of a permit under this Article, whether for himself or any other person, shall be guilty of an offence.

Occasional permits

33.—(1) The holder of a firearms dealer's certificate may apply for a permit authorising him to deal in firearms and ammunition on one, or more than one, occasion at a place which is not a place of business specified in the certificate.

(2) An application under paragraph (1) must—

- (a) be made to the Chief Constable on a form provided by him for the purpose;
- (b) state—
 - (i) the place, and
 - (ii) every occasion,
 which the applicant wishes to be specified in the permit;
- (c) contain such information as may be required by the form;
- (d) comply with any other requirements specified in the form.

(3) The Chief Constable may grant a permit under this Article if he is satisfied that the applicant can be permitted to deal in firearms and ammunition at the place and on every occasion specified in the permit without danger to public safety or the peace.

(4) The Chief Constable may when granting a permit under this Article attach conditions to it.

(5) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to a permit under this Article;

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(b) vary or revoke conditions attached under this Article.

(6) The powers of the Chief Constable under paragraphs (4) and (5) include power to restrict the types, numbers and quantities of firearms and ammunition and impose requirements as to their security.

(7) A permit under this Article shall specify—

- (a) the place at which the holder is authorised to deal in firearms and ammunition;
- (b) every occasion on which the holder is so authorised; and
- (c) any conditions subject to which it is held.

(8) A person who fails to comply with any condition attached to a permit under this Article shall be guilty of an offence.

Revocation or variation of occasional permit

34.—(1) The Chief Constable shall revoke a permit under Article 33 if he is satisfied that the holder cannot be permitted to deal in firearms and ammunition at the place or on an occasion specified in the permit without danger to public safety or to the peace.

(2) The Chief Constable shall revoke a permit under Article 33 if he is satisfied that the holder has failed to comply with any condition attached to the permit.

(3) Subject to paragraph (4), where the Chief Constable revokes a permit under this Article, he shall by notice in writing require the holder to surrender it, and if the holder fails to do so within 21 days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow, the holder shall be guilty of an offence.

(4) If an appeal is brought against the revocation, paragraph (3) shall not apply unless the appeal is abandoned or dismissed and shall then apply with the substitution for the reference to the date of the notice of a reference to the date on which the appeal was abandoned or dismissed.

(5) The Chief Constable on the application of the holder may vary a permit.

PART IV FIREARMS CLUBS

Authorisation

35.—(1) The Chief Constable may, on payment of the appropriate fee, grant an authorisation for a firearms club if he is satisfied that it can operate without danger to public safety or to the peace.

(2) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to an authorisation;
- (b) vary or revoke conditions attached under this Article.

(3) An authorisation shall, unless the Chief Constable revokes it, continue in force for a period of five years from the date on which it is granted.

(4) The Unlawful Drilling Act 1819 shall not have effect in relation to a firearms club if an authorisation is in force in relation to it.

(5) Any person who—

- (a) operates, or participates in the activities of, a firearms club for which an authorisation is not in force; or
- (b) contravenes any condition of an authorisation, shall be guilty of an offence.

Revocation of authorisation

PART IV

36. The Chief Constable may revoke an authorisation under Article 35 if he is not satisfied that the club can operate without danger to public safety or to the peace.

Power of entry

37.—(1) A constable or member of the police support staff authorised in that behalf by the Chief Constable may on producing his authority if required to do so—

- (a) enter any premises occupied or used by a firearms club; and
- (b) inspect the premises and anything on them,

for the purpose of ascertaining whether the conditions of any authorisation under Article 35 are being complied with.

(2) Any person who intentionally obstructs a constable or a member of the police support staff in the exercise of his powers under this Article shall be guilty of an offence.

(3) In this Article “premises” includes any place and in particular includes a range.

PART V
CONTROL OF TRANSACTIONS

Business and other transactions with firearms and ammunition

38.—(1) A person who sells or transfers to any other person in the United Kingdom, other than the holder of a firearms dealer’s certificate, any firearm or ammunition, unless that other person—

- (a) produces a firearm certificate authorising him to purchase or acquire it; or
- (b) shows that he is by virtue of this Order entitled to purchase or acquire it without holding a certificate,

shall be guilty of an offence.

(2) A person who undertakes the repair, test or proof of a firearm or ammunition for any other person in the United Kingdom, other than the holder of a firearms dealer’s certificate, unless that other person—

- (a) produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition; or
- (b) shows that he is by virtue of this Order entitled to have possession of it without holding a certificate,

shall be guilty of an offence.

(3) Paragraphs (1) and (2) have effect subject to any exemption under this Order.

(4) A person who, with a view to purchasing or acquiring, or procuring the repair, test or proof of, any firearm or ammunition—

- (a) produces a false firearm certificate or a certificate in which any false entry has been made;
- (b) personates a person to whom a certificate has been granted; or
- (c) knowingly or recklessly makes a statement false in any material particular,

shall be guilty of an offence.

(5) A pawnbroker who takes in pawn from any person any firearm or ammunition shall be guilty of an offence.

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(6) It is not an offence under paragraph (1) for a person who is a carrier or warehouseman or an employee of a carrier or warehouseman, to deliver any firearm or ammunition in the ordinary course of his business or employment as such.

(7) It is not an offence under paragraph (1) for a person to part with the possession of any firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Order entitled to have possession of the firearm or ammunition without holding a firearm certificate.

Record of transactions in firearms

39.—(1) A firearms dealer who by way of trade or business manufactures, sells or transfers firearms or ammunition shall—

- (a) keep a record of any such transaction; and
- (b) retain all relevant documents for a period of at least two years after their coming into his possession.

(2) The record shall—

- (a) include the particulars specified in Schedule 2 and any particulars required by paragraph (3) or Article 45(5);
- (b) be made within 24 hours after the transaction;
- (c) be kept for a period not less than five years from the date of the transaction.

(3) In the case of a sale or transfer, he shall at the time of the transaction require the purchaser or transferee, if not known to him, to provide him with particulars sufficient for identification.

(4) If he keeps a record in any electronic form, he shall ensure that the information comprised in the record can readily be produced in a readable form which can be taken away.

(5) He shall—

- (a) allow an authorised officer to enter and inspect all stock in hand;
- (b) produce on request for inspection by an authorised officer—
 - (i) any record of transactions required to be kept by paragraph (1) (or if the record is kept in any electronic form, a copy of the record in a readable form); and
 - (ii) any relevant documents required to be kept by that paragraph.

(6) An authorised officer shall produce his authority if required to do so.

(7) A person who—

- (a) fails to comply with any provision of this Article; or
- (b) knowingly makes a false record,

shall be guilty of an offence.

(8) In this Article—

“authorised officer” means—

- (a) a constable authorised by the Chief Constable;
- (b) a member of the police support staff authorised by the Chief Constable; or
- (c) an officer of customs and excise;

“relevant documents”, in relation to a transaction recorded under this Article, means all invoices, consignment notes, receipts or other documents relating to the transaction.

(9) Nothing in this Article applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under Article 32(1).

Transfers of firearms and ammunition to be in person

40.—(1) This Article applies where in Northern Ireland a firearm or ammunition is sold, let on hire, lent or given by any person (“the transferor”) to another person (“the transferee”) who is neither the holder of a firearms dealer’s certificate nor a person who is entitled to purchase or acquire the firearm or ammunition without a firearm certificate or a visitor’s firearm permit.

(2) Where this Article applies—

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- (a) the transferee must produce to the transferor the certificate or permit entitling him to purchase or acquire the firearm or ammunition being transferred; PART IV
 - (b) the transferor must comply with any instructions contained in the certificate or permit produced by the transferee;
 - (c) the transferor must hand the firearm or ammunition to the transferee, and the transferee must receive it, in person.
- (3) A person who fails to comply with paragraph (2) shall be guilty of an offence.

Notification of dealings involving firearms

41.—(1) This Article applies where in Northern Ireland a firearm is sold, let on hire, lent or given.

- (2) Any party to a transfer to which this Article applies who is the holder of—
- (a) a firearm certificate or visitor's firearm permit which relates to the firearm in question; or
 - (b) a firearms dealer's certificate,

shall within 72 hours of the transfer send notice of it to the Chief Constable.

- (3) A notice required by paragraph (2) shall—
- (a) contain a description of the firearm in question (giving its identification number if any); and
 - (b) state the nature of the transaction and the name and address of the other party.
- (4) A person who fails to comply with this Article shall be guilty of an offence.

Notification of loss, repair or deactivation of firearms, etc.

42.—(1) Where in Northern Ireland any firearm or ammunition to which a firearm certificate or visitor's firearm permit relates is lost (whether by theft or otherwise), the certificate or permit holder shall notify the Chief Constable immediately.

(2) Where a person holding a firearm certificate in respect of any firearm which has been tested by virtue of Article 52 repairs or alters it or causes it to be repaired or altered, he shall, within 72 hours of the completion of the repair or alteration, send notice of it to the Chief Constable.

(3) Where in Northern Ireland a firearm to which a firearm certificate or visitor's firearm permit relates is deactivated or destroyed, the certificate or permit holder shall within seven days of that event send notice of it to the Chief Constable.

- (4) A notice required by this Article shall—
- (a) describe the firearm or ammunition in question (giving the identification number of the firearm if any); and
 - (b) state the nature of the event.

(5) Any person who, without reasonable excuse, fails to comply with this Article shall be guilty of an offence.

(6) For the purposes of this Article and Article 43 a firearm is deactivated if it would by virtue of Article 2(7) be presumed to be rendered incapable of discharging any shot, bullet or other missile.

Notification of disposal or destruction, etc. taking place outside Northern Ireland

43.—(1) Where outside Northern Ireland any firearm is sold or otherwise disposed of by a transferor whose acquisition or purchase of the firearm was authorised by a firearm certificate, the transferor shall within 7 days of the disposal send notice of it to the Chief Constable.

(2) Any person who without reasonable excuse fails to comply with paragraph (1) shall be guilty of an offence.

- (3) Where, outside Northern Ireland—

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- (a) a firearm to which a firearm certificate relates is deactivated, destroyed or lost (whether by theft or otherwise); or
- (b) any ammunition to which a firearm certificate relates is lost (whether by theft or otherwise),

the certificate holder who was last in possession of the firearm or ammunition before that event shall within 7 days of the event send notice of it to the Chief Constable.

(4) Any person who, without reasonable excuse, fails to comply with paragraph (3) shall be guilty of an offence.

(5) A notice required by this Article shall—

- (a) contain a description of the firearm or ammunition in question (including any identification number); and
- (b) state the nature of the event and, in the case of a disposal, the name and address of the other party.

Purchase or acquisition of firearms in other member States

44.—(1) Subject to paragraphs (2) and (3), where—

- (a) a person who resides in Northern Ireland purchases or acquires a firearm in another member State; and
- (b) that firearm is a firearm which falls within category C for the purposes of Annex I to the European weapons directive,

he shall, within 7 days from the transaction, send notice of it to the Chief Constable.

(2) A person shall not be required to give notice under paragraph (1) of a transaction under which he acquires a firearm on terms which—

- (a) restrict his possession of the firearm to the whole or a part of the period of a visit to the member State where the transaction takes place; and
- (b) preclude the removal of the firearm from that member State.

(3) A person shall not be required to give notice under paragraph (1) of a transaction under which he purchases or acquires a firearm if he is the holder of a firearm certificate relating to that firearm and containing, in relation to that firearm, a condition that he may have it in his possession only for the purpose of its being kept or exhibited as part of a collection.

(4) A notice required by paragraph (1) shall—

- (a) contain a description of the firearm in question (giving its identification number if any); and
- (b) state the nature of the transaction and the name and address in Northern Ireland of the person sending the notice.

(5) A person who fails to comply with this Article shall be guilty of an offence.

Firearms acquired for export

45.—(1) A person may, without holding a firearm certificate, purchase a firearm from a firearms dealer if—

- (a) that person has not been in Northern Ireland for more than 30 days in the preceding twelve months; and
- (b) the firearm is purchased for the purpose only of being exported from Northern Ireland without first coming into that person's possession.

(2) A person shall not be entitled under paragraph (1) to purchase any firearm which falls within category B for the purposes of Annex I to the European weapons directive unless he—

- (a) produces to the dealer from whom he purchases it a document which—
 - (i) has been issued under provisions which, in the member State where he resides, correspond to the provisions of Article 19 for the issue of Article 7 authorities; and
 - (ii) contains the prior agreement to its purchase which is required by Article 7 of the European weapons directive;

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(b) shows that he is purchasing it exclusively in connection with the carrying on of activities in respect of which he, or the person on whose behalf he is purchasing the firearm, 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; or

(c) shows that he resides in the United Kingdom or outside the member States.

(3) A firearms dealer who sells a firearm to a person who shows that he is entitled by virtue of paragraph (1) to purchase it without holding a certificate shall within 48 hours from the transaction send the Chief Constable notice of it.

(4) The notice of a transaction under paragraph (3) shall contain the particulars required to be recorded under Article 39(2)(a).

(5) In the case of a transaction to which paragraph (3) applies, the particulars of which a dealer is required by Article 39(2) to keep a record shall include—

(a) the number and place of issue of the purchaser's passport, if any; and

(b) where the transaction is one for the purposes of which a document such as is mentioned in paragraph (2)(a) is required to be produced, particulars of the agreement contained in that document.

(6) A firearms dealer who fails to comply with paragraph (3) shall be guilty of an offence.

PART VI

PROHIBITION OF CERTAIN WEAPONS AND CONTROL OF ARMS TRAFFIC

Weapons subject to general prohibition

46.—(1) Subject to Article 47, a person who, without the authority of the Secretary of State, has in his possession, or purchases or acquires, or manufactures, sells or transfers—

(a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;

(b) any self-loading or pump-action rifle other than one which is chambered for .22 rimfire cartridges;

(c) any self-loading or pump-action smoothbore firearm which is not an air gun or chambered for .22 rimfire cartridges and either has a barrel less than 60.96 centimetres in length or is less than 102 centimetres in length overall;

(d) any smoothbore revolver firearm other than one which is chambered for 9 mm. rimfire cartridges or a muzzleloading firearm;

(e) 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;

(f) any weapon of whatever description designed or adapted for the discharge of electricity or any noxious liquid, gas or other thing; and

(g) 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 sub-paragraph (f) 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 on or immediately before impact,

shall be guilty of an offence.

(2) Subject to Article 47, a person who without the authority of the Secretary of State has in his possession, or purchases or acquires, or sells or transfers—

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

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- (b) any rocket or ammunition not falling within paragraph (1)(g) 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 (1)(e) which is designed to be used with any rocket or ammunition falling within sub-paragraph (b) or with ammunition which would fall within that sub-paragraph but for its being ammunition falling within paragraph (1)(g);
- (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;
- (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 sub-paragraphs (b) to (f); or
 - (ii) any ammunition which would fall within any of those sub-paragraphs but for its being specified in paragraph (1),

shall be guilty of an offence.

(3) An authority given to a person by the Secretary of State under this Article shall be in writing and shall be subject to such conditions as may be specified in the authority.

(4) The conditions of the authority shall include such as the Secretary of State, having regard to the circumstances of each particular case, thinks fit to impose for the purpose of ensuring that the prohibited weapon or ammunition to which the authority relates will not endanger public safety or the peace.

(5) It is an offence for a person to whom an authority is given under this Article to fail to comply with any of its conditions.

(6) The Secretary of State may at any time revoke an authority given to a person under this Article by notice in writing requiring him to surrender the authority to such person as may be specified in the notice within 21 days from the date of the notice; and if he fails to comply with that requirement, he shall be guilty of an offence.

(7) For the purposes of this Article and Article 47—

- (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 it will ignite on or immediately before impact include any missile containing a substance that ignites on exposure to air; and
- (c) references to a missile's expanding on impact include its deforming in any predictable manner on or immediately after impact.

(8) For the purposes of paragraph (1)(c), any detachable, folding, retractable or other movable butt-stock shall be disregarded in measuring the length of any firearm.

(9) In this Article “muzzle-loading firearm” means a firearm 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).

Exemptions from requirement of authority under Article 46

47.—(1) The authority of the Secretary of State shall not be required by virtue of sub-paragraph (f) or (g) of Article 46(1) for any person to have in his possession, or to purchase, acquire, sell or transfer, any prohibited weapon or ammunition designed or adapted for the purpose of tranquillising or otherwise treating any animal, if he is authorised by a firearm certificate to possess, purchase or acquire that weapon or ammunition subject to a condition restricting its use to use in connection with the treatment of animals.

(2) Subject to paragraph (3), the authority of the Secretary of State shall not be required by virtue of Article 46(2) for any person to have in his possession, or to purchase, acquire, sell or transfer, any prohibited weapon or ammunition if he is authorised by a firearm certificate 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.

(3) No sale or transfer may be made under paragraph (2) except to a person who—

- (a) produces the authority of the Secretary of State under Article 46 for his purchase or acquisition; or
- (b) shows that he is entitled under this Article to make the purchase or acquisition without the authority of the Secretary of State.

(4) The authority of the Secretary of State shall not be required by virtue of Article 46(2) for any person to have in his possession, or to purchase or acquire, any prohibited weapon or ammunition 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.

(5) The authority of the Secretary of State shall not be required by virtue of Article 46(2) for any person to have in his possession, or to purchase or acquire, any expanding ammunition or the missile for any such ammunition if—

- (a) he is authorised by a firearm certificate to possess, purchase or acquire ammunition which is designed to be used with a pistol; and
- (b) the firearm certificate contains a condition prohibiting the use of expanding ammunition for purposes not authorised by the European weapons directive.

(6) The authority of the Secretary of State shall not be required by virtue of Article 46(2) for any person to have in his possession any expanding ammunition or the missile for any such ammunition if—

- (a) he is entitled under paragraph 3 of Schedule 1 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.

(7) The authority of the Secretary of State shall not be required by virtue of Article 46(2) for the sale or transfer of any expanding ammunition or the missile for any such ammunition to any person who produces a firearm certificate by virtue of which he is authorised under paragraph (5) to purchase or acquire it without the authority of the Secretary of State.

(8) The authority of the Secretary of State shall not be required by virtue of Article 46(2) for a person carrying on the business of a firearms dealer, or any employee of his, to have in his possession, or to purchase, acquire, sell or transfer, any expanding ammunition or the missile for any such ammunition if—

- (a) the person carrying on that business holds a firearms dealer's certificate subject to a condition which prohibits the purchase or acquisition of any such ammunition or missile except for the purpose of making sales or transfers to persons whose purchases or acquisitions are authorised by paragraph (5) or this paragraph; and
- (b) the possession, purchase, acquisition, sale or transfer in question is in the ordinary course of that business.

(9) In this Article—

- (a) references to expanding ammunition are to any ammunition which is designed to be used with a pistol and incorporates a missile which is designed to expand on impact; and
- (b) references to the missile for any such ammunition are to anything which, in relation to any such ammunition, falls within Article 46(2)(g).

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Possession of firearms on service premises, etc.

48.—(1) A person under the supervision of a member of the armed forces may, without holding a firearm certificate or obtaining the authority of the Secretary of State under Article 46, have in his possession a firearm and ammunition on service premises.

(2) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a firearm certificate or obtaining the authority of the Secretary of State under Article 46, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.

(3) Paragraph (1) does not apply to a person while engaged in providing security protection on service premises and paragraph (2) does not apply to a person while engaged in providing security protection on relevant premises.

(4) In this Article—

“service premises” means any place, including any ship or aircraft, used for any purpose of the armed forces; and

“relevant premises” means any place used for any purpose of the Ministry of Defence Police.

Power to prohibit movement of firearms and ammunition

49.—(1) The Secretary of State may by order prohibit the removal of any firearms or ammunition from one place to another in Northern Ireland unless the removal is authorised by the Chief Constable and unless such other conditions as may be specified in the order are complied with.

(2) The Secretary of State may by order prohibit the removal of any firearms or ammunition—

- (a) from Northern Ireland to Great Britain; or
- (b) for export from Northern Ireland,

unless the removal is authorised by the Chief Constable and unless such other conditions as may be specified in the order are complied with.

(3) An order under this Article may apply—

- (a) either generally to all such removals, or to removals from and to particular localities specified in the order; and
- (b) either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and
- (c) either to all modes of conveyance or to such modes of conveyance as may be so specified,

but no such order shall prohibit the holder of a firearm certificate from carrying with him any firearms or ammunition authorised by the certificate to be so carried.

(4) It is an offence to contravene any of the provisions of an order made under this Article or of an order under section 6 of the Firearms Act 1968 prohibiting the removal of firearms or ammunition from Great Britain to Northern Ireland.

PART VII

ENFORCEMENT AND OFFENCES

Enforcement

Power of search with warrant

50.—(1) If a justice of the peace is satisfied that there is reasonable ground for suspecting—

- (a) that an offence under this Order has been, is being or is about to be committed; or
- (b) that, in connection with a firearm or ammunition, there is a danger to public safety or to the peace,

he may grant a warrant for any of the purposes mentioned in paragraph (2).

(2) A warrant under this Article may authorise a constable or a member of the police support staff—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there;
- (b) to seize and detain anything which he may find there, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting—
 - (i) that an offence under this Order has been, is being or is about to be committed; or
 - (ii) that, in connection with a firearm, imitation firearm or ammunition, there is a danger to public safety or to the peace.

(3) The power under paragraph (2)(b) to seize and detain anything found on any premises or place shall include power to require any information which is kept in any electronic form and is accessible from the premises or place to be produced in a readable form which can be taken away.

(4) Any person who intentionally obstructs a constable or a member of the police support staff in the exercise of his powers under this Article shall be guilty of an offence.

Powers of constables to stop and search

51.—(1) A constable may require any person whom he has reasonable cause to suspect—

- (a) of having a firearm or ammunition with him in a public place; or
- (b) to be committing or about to commit an offence under Article 58 or 60 elsewhere than in a public place,

to hand over the firearm or ammunition for examination.

(2) A person who, having a firearm or ammunition with him, fails to hand it over when required to do so by a constable under paragraph (1), shall be guilty of an offence.

(3) If a constable has reasonable cause to suspect a person of having in his possession a firearm or ammunition in contravention of any provision of this Order, the constable may search that person.

(4) If a constable has reasonable cause to suspect—

- (a) that there is a firearm in a vehicle in a public place; or
- (b) that a vehicle is being or is about to be used in connection with the commission of an offence under Article 58 or 60 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.

(5) If the person driving or in control of any vehicle fails to stop it when required to do so by a constable under paragraph (4) or refuses to permit the vehicle to be searched he shall be guilty of an offence.

(6) For the purpose of exercising the powers conferred by this Article a constable may enter any place.

Production of firearms for ballistic and other tests

52.—(1) The Chief Constable may by notice in writing require any person having lawful possession of a firearm to produce it at such time and place as may be specified in the notice for the purpose of having ballistic or other tests carried out on it and of establishing and recording any distinctive characteristics.

(2) A person who without reasonable excuse fails to comply with a notice issued under paragraph (1) shall be guilty of an offence.

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Production of certificates, etc.

53.—(1) A constable may demand from any person whom he believes to be in possession of a firearm or ammunition the production of his firearm certificate.

(2) Where a person upon whom a demand has been made by a constable under paragraph (1) and whom the constable believes to be in possession of a firearm fails—

- (a) to produce a firearm certificate; or
- (b) to show that he is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with a document identifying that firearm under any of the provisions which in the other member States correspond to the provisions of this Order for the issue of European firearms passes; or
- (c) to show that he is in possession of the firearm exclusively in connection with the carrying on of activities in respect of which he or the person on whose behalf he has possession of the firearm, 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,

the constable may demand from that person the production of a document which has been issued to that person in another member State under any such corresponding provisions, identifies that firearm as a firearm to which it relates and is valid.

(3) If any person upon whom a demand is made under this Article fails—

- (a) to produce the firearm certificate or document or to permit the constable to read it; or
- (b) to show that he is entitled by virtue of this Order to have the firearm or ammunition in his possession without holding a firearm certificate,

the constable may seize and detain the firearm or ammunition and may require the person to declare to him immediately his name and address.

(4) If under this Article a person is required to declare to a constable his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.

(5) A person who, being in possession of a firearm, fails to comply with a demand under paragraph (2) shall be guilty of an offence.

Police powers in relation to firearms traffic

54.—(1) Any constable may search for and seize any firearms or ammunition which he has reason to believe are being removed or have been removed, in contravention of an order made under Article 49 or of an order prohibiting the removal of firearms or ammunition from Great Britain to Northern Ireland made under section 6 of the Firearms Act 1968.

1968 c. 27.

(2) A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a constable—

- (a) allow him all reasonable facilities for their examination and inspection; and
- (b) produce any documents relating to them in the possession of that person.

(3) A person who fails to comply with paragraph (2) shall be guilty of an offence.

Seizure and detention of firearms and ammunition

55. In addition to any other powers conferred on him under this Order, a constable may seize and detain any firearms or ammunition in the possession of a person whom he believes to be in possession of them in contravention of any of the provisions of this Order.

Offences with firearms

Possession of firearm with intent

56.—(1) A person who has in his possession any firearm or ammunition with intent—

- (a) by that means to endanger life or cause serious damage to property; or

(b) to enable any other person by that means to endanger life or cause serious damage to property, PART VII

shall be guilty of an offence whether any injury to person or any damage to property has been caused or not.

(2) A person who has in his possession any firearm or imitation firearm with intent—

(a) by that means to cause; or

(b) to enable another person by that means to cause,

any person to believe that unlawful violence will be used against him or another person, shall be guilty of an offence.

Use of firearm to resist arrest

57.—(1) A person who makes any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or any other person shall be guilty of an offence.

(2) A person who at the time of his committing, or of his being arrested for, an offence specified in Schedule 3 has in his possession a firearm or imitation firearm, shall be guilty of an offence under this paragraph unless he shows that he had it in his possession for a lawful purpose.

(3) For the purposes of this Article, the definition of “firearm” in Article 2(2) shall apply as if paragraphs (b) and (c) were omitted.

Carrying firearm with criminal intent

58.—(1) A person who has with him a firearm or imitation firearm with intent—

(a) to commit an indictable offence; or

(b) 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 guilty of an offence.

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

(3) In this Article “indictable offence” means an offence which, if committed by an adult, is triable on indictment (whether or not it is also triable by a court of summary jurisdiction) except an offence otherwise triable only by a court of summary jurisdiction which under Article 29 of the Magistrates’ Courts (Northern Ireland) Order 1981 or any other statutory provision, is required to be tried on indictment at the instance of the accused or the prosecution.

Carrying or discharging firearm in a public place

59.—(1) A person who, without lawful authority or reasonable excuse, has with him in a public place a loaded shotgun or loaded air gun or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, shall be guilty of an offence.

(2) A person who, without lawful authority or reasonable excuse, discharges any firearm on any public road, or within 18 metres of the centre of any public road, or in any church, churchyard or burial ground shall be guilty of an offence.

Trespassing with firearm

60.—(1) A person who, without reasonable excuse, enters or is in any building or part of a building as a trespasser while he has a firearm or imitation firearm with him shall be guilty of an offence.

(2) A person who, without reasonable excuse, enters or is on any land as a trespasser while he has a firearm or imitation firearm with him shall be guilty of an offence.

Prohibition of possession, etc. of firearm by certain persons

61.—(1) Subject to paragraph (6), a person who has been sentenced to—

- (a) imprisonment; or
- (b) detention in a young offenders centre,

shall not at any time purchase, acquire or have in his possession a firearm or ammunition unless the term of imprisonment or detention to which he was sentenced was less than three years.

(2) Subject to paragraph (6), a person who has been sentenced to—

- (a) imprisonment for a term of three months or more but less than three years; or
- (b) detention in a young offenders centre or a juvenile justice centre,

shall not at any time before the expiration of the period of eight years from the date of his conviction, purchase, acquire or have in his possession a firearm or ammunition.

(3) Subject to paragraph (6), while a person is prohibited by section 21 of the Firearms Act 1968 in Great Britain from having a firearm or ammunition in his possession, he shall also be prohibited from purchasing, acquiring or having in his possession a firearm or ammunition in Northern Ireland.

(4) A person shall not, while he is subject to—

- (a) a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or
- (b) a probation order containing a requirement that he shall not possess, use or carry a firearm,

purchase, acquire or have in his possession a firearm or ammunition.

(5) A person who contravenes any of the foregoing provisions of this Article shall be guilty of an offence.

(6) A person prohibited under paragraph (1), (2) or (3) from purchasing, acquiring or having in his possession a firearm or ammunition may apply to a county court to remove the prohibition, and, if the application is granted, the prohibition shall not then apply to that person.

(7) A person who sells or transfers a firearm or ammunition to, or repairs, tests or proves a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this Article from purchasing, acquiring or having in his possession a firearm or ammunition, shall be guilty of an offence.

(8) In this Article “sentenced” means sentenced in any part of the United Kingdom.

Possession of firearm or ammunition in suspicious circumstances

62.—(1) A person who has in his possession any firearm or ammunition in suspicious circumstances shall, unless he shows that he had it in his possession for a lawful purpose, be guilty of an offence.

(2) In paragraph (1) “suspicious circumstances” means circumstances such as to give rise to a reasonable suspicion that the person does not have the firearm or the ammunition in his possession for a lawful purpose.

(3) This Article is without prejudice to any other provision of this Order.

Possession of loaded firearm while drunk or under influence of drugs

63. A person who has in his possession any loaded firearm while drunk or under the influence of drugs shall be guilty of an offence.

Supplying firearm or ammunition to person who is drunk, etc.

64. A person who sells or transfers any firearm or ammunition to, or repairs, proves or tests any firearm or ammunition for, a person whom he knows or has reasonable cause for believing to be drunk, under the influence of drugs, or suffering from mental disorder, shall be guilty of an offence.

Conversion of weapons

PART VII

65.—(1) Subject to paragraph (2), a person who shortens the barrel of a shotgun to a length less than 60.96 centimetres shall be guilty of an offence.

(2) It shall not be an offence under paragraph (1) for the holder of a firearms dealer's certificate to shorten the barrel of a shotgun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel of not less than 60.96 centimetres in length.

(3) A person, other than the holder of a firearms dealer's certificate, who converts into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through its barrel, shall be guilty of an offence.

(4) A person who commits an offence under Article 3 by having in his possession, or purchasing or acquiring—

- (a) a shotgun which has been shortened contrary to paragraph (1); or
- (b) a firearm which has been converted as mentioned in paragraph (3) (whether by the holder of a firearms dealer's certificate or not),

without holding a firearm certificate authorising him to have it in his possession, or to purchase or acquire it, shall be treated for the purposes of the provisions of this Order relating to the punishment of offences as committing that offence in an aggravated form.

General

Prosecution and punishment of offences

66.—(1) Schedule 4 sets out in tabular form the manner in which offences under this Order are punishable on conviction.

(2) In relation to an offence under a provision of this Order specified in column (1) of Schedule 4 (the general nature of that offence being described in column (2))—

- (a) column (3) shows whether it is punishable on summary conviction or on indictment or in either one way or the other; and
- (b) column (4) shows the maximum punishment which may be imposed on a person convicted of it in the way specified in column (3).

(3) In column (4) of Schedule 4—

- (a) any reference to a period of years or months shall be construed as a reference to a term of imprisonment of that duration; and
- (b) any reference to a level shall be construed as a reference to a fine of that level on the standard scale.

(4) Subject to paragraph (5), summary proceedings for an offence under this Order—

- (a) may be instituted at any time within four years after the commission of the offence; but
- (b) shall not be instituted after the expiration of six months from the commission of the offence unless they are instituted by, or by the direction of, the Attorney General.

(5) Paragraph (4) does not apply to an offence which by virtue of the entry relating to it in column (3) of Schedule 4 is triable also on indictment.

(6) Paragraph (4) has effect notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time for taking proceedings).

Forfeiture and disposal of firearms; cancellation of certificate by convicting court

67.—(1) Where a person—

- (a) is convicted of an offence under this Order or is convicted of any crime for which he is sentenced to imprisonment or detention in a young offenders centre or a juvenile justice centre; or
- (b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour a condition of which is that he shall not possess, use or carry a firearm; or

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- (c) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm,

the court before which he is convicted or by which the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate held by the person convicted.

- (2) Where the court cancels a firearm certificate under this Article—

- (a) it shall cause notice to be sent to the Chief Constable; and
(b) the Chief Constable shall by notice in writing require the holder of the certificate to surrender it; and
(c) if the holder of the certificate fails to surrender it within 21 days from the date of the notice given to him by the Chief Constable or within such further time as the Chief Constable may in special circumstances allow, he shall be guilty of an offence.

(3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this Article.

(4) The Chief Constable may order that any firearm or ammunition which is surrendered to, or seized or found by, any constable and in respect of which a firearm certificate has not been granted, shall be destroyed or otherwise disposed of.

(5) Without prejudice to paragraph (4), a court of summary jurisdiction may on the application of the Chief Constable order any firearm or ammunition seized and detained by a constable under this Order to be destroyed or otherwise disposed of.

(6) In the case of an offence under Article 49(4) or 54(3), the court before which the offender is convicted may, if he is the owner of the firearms or ammunition, make an order as to their forfeiture as it thinks fit.

(7) A person aggrieved by an order under paragraph (1) or paragraph (6) may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

PART VIII

MISCELLANEOUS AND GENERAL

Appeal to county court from decision of Chief Constable

68.—(1) A person aggrieved by any decision of the Chief Constable specified in Schedule 5 may appeal to a county court.

(2) An appeal under this Article shall be determined on the merits (and not by way of review) and the court may consider any evidence or other matter, whether or not it was available or known when the decision of the Chief Constable was taken.

1981 NI 8.

(3) In Part II of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) 1981 (proceedings for which legal aid may not be given under Part II of that Order), after paragraph 6 there shall be inserted the following paragraph—

“6A. Proceedings in any county court under Article 68 of the Firearms (Northern Ireland) Order 2002.”.

Fees

69.—(1) Schedule 6 (fees) shall have effect.

(2) Subject to this Order, there shall be payable in relation to any matter specified in the first column of that Schedule the fee specified in the second column; and references in this Order to the appropriate fee shall be construed accordingly.

(3) The Secretary of State may, with the approval of the Treasury, make an order varying any sum specified in Schedule 6 or providing that any such sum or any such sum as varied under this paragraph shall cease to be payable. PART VIII

(4) An order made under paragraph (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly. 1946 c. 36.

(5) No fee shall be payable on the grant to a responsible officer of a firearms club authorised under Article 35 of a firearm certificate in respect of firearms or ammunition to be used solely by the club.

(6) No fee shall be payable on the grant or variation of a firearm certificate if the Chief Constable is satisfied that the firearm certificate relates solely to and, in the case of variation, will continue when varied to relate solely to—

- (a) a firearm or ammunition which the applicant requires as part of the equipment of a ship; or
- (b) a signalling apparatus, or ammunition for a signalling apparatus, which the applicant requires as part of the equipment of an aircraft or aerodrome; or
- (c) a slaughtering instrument, or ammunition for a slaughtering instrument, which the applicant requires for the purpose of the slaughter of animals.

Application of Order to imitation firearms which are readily convertible into firearms

70.—(1) This paragraph applies to an imitation firearm if it is so constructed or adapted as to be readily convertible into a firearm.

(2) For the purposes of this Order an imitation firearm shall be regarded as readily convertible into a firearm if—

- (a) it can be so converted without any special skill on the part of the person converting it in the construction or adaptation of firearms of any description; and
- (b) the work involved in converting it does not require equipment or tools other than such as are in common use.

(3) Subject to paragraphs (4) to (6), this Order shall apply in relation to an imitation firearm to which paragraph (1) applies as it applies in relation to a firearm; and references in this Order to a firearm shall be construed accordingly.

(4) For the purposes of this Article (and this Order as it applies by virtue of this Article), the definition of “firearm” in Article 2(2) shall apply as if paragraphs (b) and (c) were omitted.

(5) The following provisions of this Order do not apply by virtue of this Article to an imitation firearm to which paragraph (1) applies—

- (a) Articles 51 and 56 to 60 (provisions relating to, or to the enforcement of control over, the manner in which a firearm is used or the circumstances in which it is carried); and
- (b) Article 65(3) and (4) (offence to convert anything having appearance of firearm into a firearm),

but without prejudice, in the case of the provisions mentioned in sub-paragraph (a), to the application to such an imitation firearm of such of those provisions as apply to imitation firearms apart from this Article.

(6) In any proceedings brought by virtue of this Article for an offence under this Order involving an imitation firearm to which paragraph (1) applies, it shall be a defence for the accused to show that he did not know and had no reason to suspect that the imitation firearm was so constructed or adapted as to be readily convertible into a firearm.

Application of Order to Crown servants

71.—(1) Articles 3 to 12 and 38(7) and paragraphs 1 and 4 of Schedule 1 apply, subject to the modifications specified in paragraph (2), to persons in the service of the Crown in their capacity as such so far as those provisions relate to the purchase and acquisition, but not so far as they relate to the possession, of firearms and ammunition.

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PART VIII

(2) The modifications referred to in paragraph (1) are the following—

- (a) a person in the service of the Crown in right of Her Majesty's Government in the United Kingdom duly authorised in writing in that behalf may purchase or acquire firearms or ammunition for the public service without holding a firearm certificate;
- (b) a person in the service of the Crown in right of Her Majesty's Government in Northern Ireland duly authorised in writing by the Secretary of State may purchase or acquire firearms or ammunition for the public service without holding a firearm certificate;
- (c) a person in the armed forces shall, if he satisfies the Chief Constable on an application under Article 4 that he is required to purchase or acquire a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorising the purchase or acquisition.

(3) For the purposes of this Article and section 7 of the Interpretation Act (Northern Ireland) 1954 (Crown not bound), the persons specified in paragraph (4) shall be deemed to be in the armed forces, in so far as they are not otherwise in the armed forces or treated as being in the armed forces.

(4) The persons referred to in paragraph (3) are the following—

- (a) members of any foreign force when they are serving with the armed forces;
- (b) members of any cadet corps approved by the Secretary of State when—
 - (i) they are engaged as members of the corps in, or in connection with, drill or target shooting; and
 - (ii) in the case of possession of prohibited weapons or prohibited ammunition when engaged in target shooting, they are on service premises; and
- (c) persons providing instruction to any members of a cadet corps who fall within subparagraph (b).

(5) In paragraph (4)—

“foreign force” means any of the naval, military or air forces of a country other than the United Kingdom; and

“service premises” means any place, including any ship or aircraft, used for any purpose of the armed forces.

Application of certain provisions of this Order to police

72.—(1) For the purposes of this Article the relevant provisions are Articles 3 to 12, Article 38(7) and paragraphs 1 and 4 of Schedule 1.

(2) The relevant provisions shall not apply to the following persons in their capacity as such so far as they relate to the possession of firearms and ammunition—

- (a) police officers;
- (b) members of the police support staff;
- (c) police trainees and police reserve trainees (within the meaning of the Police (Northern Ireland) Act 2000); and
- (d) members of any Harbour or Airport Police.

(3) Subject to paragraph (4), the relevant provisions shall apply to the persons specified in paragraph (2)(a) to (d) so far as they relate to the purchase or acquisition of firearms and ammunition.

(4) The Chief Constable may purchase or acquire firearms or ammunition for police purposes without holding a firearm certificate.

Delegation of functions

73. The Chief Constable may direct in writing that any of his functions under this Order as are specified in the direction may be exercised by such police officers and members of the police support staff as are specified in the direction.

THE FIREARMS (NI) ORDER 2002

Regulations

PART VIII

74.—(1) The Secretary of State may make regulations—

- (a) as to the manner in which the Chief Constable is to carry out his duties under this Order;
- (b) generally for carrying this Order into effect.

(2) Regulations made under this Order shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

1946 c. 36.

Savings and transitional provisions

75.—(1) Nothing in this Order relating to firearms shall apply to an antique firearm which is sold, purchased, acquired or possessed as a curiosity or ornament.

(2) The provisions of this Order shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.

(3) The Secretary of State may by order under Article 1 make such saving and transitional provisions as appear to him to be necessary or expedient.

(4) Nothing in this Order shall affect the punishment for an offence committed before the commencement of that provision.

Amendments and repeals

76.—(1) Schedule 7 (consequential amendments) shall have effect.

(2) The statutory provisions specified in Schedule 8 are hereby repealed to the extent specified in the third column of that Schedule.

Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 3.

FIREARM CERTIFICATES — EXEMPTIONS

Firearms dealers

1.—(1) The holder of a firearms dealer's certificate may, without holding a firearm certificate, have in his possession or purchase or acquire a firearm or ammunition in the ordinary course of his business as a firearms dealer.

(2) An employee of the holder of a firearms dealer's certificate may, without holding a firearm certificate, have in his possession or purchase or acquire a firearm or ammunition in the ordinary course of his employer's business as a firearms dealer.

(3) Sub-paragraphs (1) and (2) apply to the possession, purchase or acquisition of a firearm or ammunition in the ordinary course of a firearms dealer's business even if the firearm or ammunition is in the possession of, or purchased or acquired by, the dealer or his employee at a place which is not specified as his place of business in his firearms dealer's certificate.

Auctioneers, carriers and warehousemen

2.—(1) A person carrying on the business of an auctioneer, carrier or warehouseman or an employee of his may, without holding a firearm certificate, have in his possession a firearm or ammunition in the ordinary course of that business.

(2) An auctioneer, carrier or warehouseman who—

- (a) fails to take reasonable precautions for the safe custody of any firearm or ammunition which he or his employee has in his possession and for which he does not require a firearm certificate; or
- (b) fails to report immediately to the Chief Constable the loss or theft of any such firearm or ammunition,

shall be guilty of an offence.

Slaughter of animals

3.—(1) A person licensed to slaughter solipeds, cattle, sheep, swine or goats may, without holding a firearm certificate, have in his possession a slaughtering instrument in any slaughterhouse in which he is employed.

(2) The proprietor of a slaughterhouse or a person appointed by him to take charge of slaughtering instruments for the purpose of storing them in safe custody at that slaughterhouse may, without holding a firearm certificate, have in his possession a slaughtering instrument for that purpose.

(3) In this paragraph—

“licensed” means licensed under the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996;

“slaughterhouse” includes knacker's yard; and

“slaughtering instrument” includes ammunition for a slaughtering instrument.

Equipment for ships and aircraft

4.—(1) A person may, without holding a firearm certificate, have in his possession on board a ship a firearm as part of the equipment of the ship.

(2) A person may, without holding a firearm certificate—

- (a) have in his possession on board an aircraft or at an aerodrome a signalling apparatus as part of the equipment of the aircraft or aerodrome;
- (b) remove a signalling apparatus which is part of the equipment of an aircraft—
 - (i) from one aircraft to another at an aerodrome; or
 - (ii) from or to an aircraft at an aerodrome to or from a place appointed for its storage in safe custody at that aerodrome,

and keep any such apparatus at such a place.

S.R. 1996 No.
538.

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(3) If he has obtained a permit from the Chief Constable, a person may, without holding a firearm certificate, remove—

- (a) a firearm from or to a ship; or
- (b) a signalling apparatus from or to an aircraft or aerodrome, to or from a place and for a purpose specified in the permit.

(4) A person shall be guilty of an offence if for the purpose of obtaining a permit under sub-paragraph (3), whether for himself or another person, he knowingly or recklessly makes a statement which is false in any material particular.

(5) In this paragraph “firearm” and “signalling apparatus” include ammunition for a firearm or a signalling apparatus, as the case may be.

Sporting purposes

5. A person carrying a firearm or ammunition belonging to another person holding a firearm certificate may, without himself holding a firearm certificate, have in his possession that firearm or ammunition under instructions from that person and for that person’s use for sporting purposes only.

Athletics meetings, etc.

6. A person may, without holding a firearm certificate, have a firearm and blank cartridges in his possession at an athletics meeting or other competitive occasion for the purpose of starting, finishing or abandoning races.

Firearms clubs

7. A member of a firearms club which is authorised under Article 35 may, without holding a firearm certificate, have in his possession a firearm and ammunition when engaged as a member of the club in, or in connection with, drill or target shooting.

Recreational facilities

8.—(1) A person may, without holding a firearm certificate, acquire or have in his possession at a recreational facility an air gun if the person operating the facility has a firearm certificate for the gun.

(2) Sub-paragraph (1) does not apply if—

- (a) the air gun is an air pistol capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of 8.13 joules; or
- (b) in any other case, the air gun is capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of 16.27 joules.

(3) In sub-paragraph (1) “recreational facility” means a miniature rifle range, a shooting gallery or a facility for combat games.

(4) Sub-paragraph (1) is without prejudice to paragraph 9.

(5) Sub-paragraph (1) so far as it relates to a facility for combat games does not apply in relation to a person who is under the age of 16.

Air guns and ammunition

9.—(1) A person may, without holding a firearm certificate, have in his possession or purchase or acquire an air gun.

(2) Sub-paragraph (1) does not apply if the air gun is capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of one joule.

(3) A person who is under the age of 18 may not by virtue of sub-paragraph (1)—

- (a) have an air gun in his possession without a firearm certificate unless he has attained the age of 14 or is under the supervision of a person who has attained the age of 18;
- (b) purchase an air gun without a firearm certificate unless he has attained the age of 17.

(4) A person may, without holding a firearm certificate, have in his possession or purchase or acquire ammunition for an air gun.

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SCH. 1

Shotguns

10.—(1) A person may, without holding a firearm certificate, borrow a shotgun from the occupier of private premises and use it on those premises in the occupier's presence.

(2) A person may, without holding a firearm certificate, use a shotgun at a time and place approved by the Chief Constable for shooting at artificial targets.

(3) Sub-paragraphs (1) and (2) do not apply in relation to a person who is under the age of 18.

Theatre and cinema

11.—(1) A person taking part in a theatrical performance may, without holding a firearm certificate, have a firearm in his possession during and for the purpose of the performance.

(2) A person taking part in the production of a film intended for public exhibition may, without holding a firearm certificate, have a firearm in his possession for the purpose of the production.

(3) Where the Secretary of State is satisfied, on the application of a person in charge of a theatrical performance or the production of a film intended for public exhibition, that a prohibited weapon is required for the purpose of the performance or production, the Secretary of State may authorise—

(a) that person to have possession of the weapon; and

(b) such other persons as that person may select to have possession of it while taking part in the performance or production.

(4) In this paragraph—

“film” includes any record, however made, of a sequence of visual images, which is a record capable of being used as a means of showing that sequence as a moving picture;

“prohibited weapon” includes prohibited ammunition; and

“theatrical performance” includes rehearsals.

Instruction in use of firearms

12. A person may, without holding a firearm certificate, have in his possession a firearm and ammunition while undergoing instruction in the use of firearms from—

(a) the holder of a firearms dealer's certificate or an employee of his; or

(b) a person authorised by the Chief Constable to provide such instruction.

Article 39(2).

SCHEDULE 2

PARTICULARS TO BE RECORDED BY FIREARMS DEALERS

1. The quantities and descriptions of firearms and ammunition manufactured and the dates of manufacture.

2. The quantities and descriptions of firearms and ammunition purchased or acquired, with the names and addresses of the sellers or transferors and the dates of the transactions.

3. The quantities and descriptions of firearms and ammunition sold or transferred, with the names and addresses of the purchasers or transferees and the dates of the transactions.

4. The quantities and descriptions of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the record.

Article 57(2).

SCHEDULE 3

OFFENCES TO WHICH ARTICLE 57(2) APPLIES

1. The common law offence of rape.

2. Offences under any of the following provisions of the Offences Against the Person Act 1861—

1861 c. 100.

sections 20 to 22 (inflicting bodily injury; garrotting; criminal use of stupefying drugs);

section 30 (laying of explosive near a building, etc.);

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section 32	(endangering railway passengers by tampering with track);	SCH. 3
section 47	(criminal assaults);	
sections 53 to 55	(abduction of women)	
3.	Offences under section 7 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 or section 66 of the Police (Northern Ireland) Act 1998 (assault on, and obstruction of, constables, etc.).	1968 c. 28. 1998 c. 32.
4.	Offences under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999.	1999 c. 33.
5.	Offences under any of the following provisions of the Criminal Damage (Northern Ireland) Order 1977 –	1977 NI 4.
Article 3	(destroying or damaging property);	
Article 4	(threats to destroy or damage property).	
6.	Offences under Article 172 of the Road Traffic (Northern Ireland) Order 1981 (taking and driving away) so far as it relates to a motor vehicle.	1981 NI 1.
7.	Offences under the Child Abduction (Northern Ireland) Order 1985 (abduction of children).	1985 NI 17.
8.	Attempting to commit any offence specified in paragraphs 1 to 7.	
9.	Aiding, abetting, counselling or procuring the commission of any offence so specified.	

SCHEDULE 4
TABLE OF PUNISHMENTS

Article 66.

(1) <i>Provision of this Order creating offence</i>	(2) <i>General nature of offence</i>	(3) <i>Mode of prosecution</i>	(4) <i>Punishment</i>
Article 3(1), (2)	Purchase, acquisition or possession of firearm or ammunition without firearm certificate	(a) Summary (b) indictment	1 year or a fine of the statutory maximum or both If the offence is committed in an aggravated form within the meaning of Article 65(4), 7 years or a fine or both. In any other case, 5 years or a fine or both
Article 4(8)	Making false statement to procure grant of firearm certificate	Summary	1 year or level 5 or both
Article 6(4)	Failure to comply with condition of firearm certificate	Summary	1 year or level 5 or both
Article 9(7)	Making false statement to procure variation of firearm certificate	Summary	1 year or level 5 or both
Article 10(3)	Failure to surrender firearm certificate, firearms or ammunition when certificate is revoked or to produce firearm certificate when partially revoked	Summary	Level 3
Article 12(2)	Failure to surrender expired firearm certificate or firearms or ammunition to which it related	Summary	Level 3
Article 13(11)	Making false statement to procure grant of visitor's firearm permit	Summary	1 year or level 5 or both
Article 13(12)	Failure to comply with condition of visitor's firearm permit	Summary	1 year or level 5 or both
Article 18(4)	Failure to surrender European firearms pass	Summary	Level 3
Article 20(6)	Failure to produce European firearms pass or Article 7 authority, etc.	Summary	3 months or level 5 or both
Article 21(1)	Manufacturing, selling, repairing, etc. without firearms dealer's certificate	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum or both 5 years or a fine or both

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(1) <i>Provision of this Order creating offence</i>	(2) <i>General nature of offence</i>	(3) <i>Mode of prosecution</i>	(4) <i>Punishment</i>
Article 24(6)	Failure to comply with condition of firearms dealer's certificate	Summary	1 year or level 5 or both
Article 26(5)	Failure of firearms dealer to surrender certificate or records of transactions on revocation of certificate	Summary	Level 3
Article 27(2)	Failure of firearms dealer to surrender certificate, records of transactions on expiry of certificate	Summary	Level 3
Article 30(1)	Making false statement to procure grant or variation of firearms dealer's certificate	Summary	1 year or level 5 or both
Article 30(2)	Having place of business not entered in firearms dealer's certificate	Summary	1 year or level 5 or both
Article 32(4)	Making a false statement to procure auctioneer's permit	Summary	1 year or level 5 or both
Article 33(8)	Contravention of conditions of occasional permit	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum 3 years or a fine or both
Article 34(3)	Failure to surrender occasional permit	Summary	Level 3
Article 35(5)(a)	Operating or participating in the activities of unauthorised firearms club	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum or both 3 years or a fine or both
Article 35(5)(b)	Contravention of conditions or limitations of an authorisation	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum or both 3 years or a fine or both
Article 37(2)	Obstructing person inspecting firearms club premises	Summary	6 months or level 5 or both
Article 38(1), (2)	Sale to any person, other than firearms dealer, who does not produce firearm certificate; repair for a person, other than a firearms dealer, who does not produce firearm certificate	(a) Summary (b) indictment	1 year or a fine of the statutory maximum or both 5 years or a fine or both
Article 38(4)	Production of firearm certificate which is false, or in which a false entry has been made or making false statement with a view to purchasing or acquiring firearm	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum or both 5 years or a fine or both

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(1) <i>Provision of this Order creating offence</i>	(2) <i>General nature of offence</i>	(3) <i>Mode of prosecution</i>	(4) <i>Punishment</i>
Article 38(5)	Pawnbroker taking firearm in pawn	Summary	3 months or level 3 or both
Article 39(7)	Failure to keep records or to permit inspection; making false record	Summary	1 year or level 5 or both
Article 40(3)	Failure to produce firearm certificate or comply with its instructions; transfer otherwise than in person	(a) Summary (b) Indictment	6 months or a fine of the statutory maximum or both 5 years or a fine or both
Article 41(4)	Failure to notify the Chief Constable of sale, etc. of firearm	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum 5 years or a fine or both
Article 42(5)	Failure to notify Chief Constable of loss, repair, etc. of firearm tested under Article 52	(a) Summary (b) Indictment	6 months or a fine of the statutory maximum or both 5 years or a fine or both
Article 43(2)	Failure to notify Chief Constable of sale, etc. of firearm outside Northern Ireland	(a) Summary (b) Indictment	6 months or a fine of the statutory maximum or both 5 years or a fine or both
Article 43(4)	Failure to notify Chief Constable of loss, etc. of firearm or ammunition outside Northern Ireland	(a) Summary (b) Indictment	6 months or a fine of the statutory maximum or both 5 years or a fine or both
Article 44(5)	Failure to notify Chief Constable of purchase or acquisition of a firearm in another member State	Summary	3 months or level 5 or both
Article 45(6)	Failure to notify Chief Constable of sale of firearm to non-resident for export	Summary	6 months or level 5 or both
Article 46(1)	Manufacture, dealing in or possession of prohibited weapons	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum or both 10 years or a fine or both
Article 46(2)	Possession of, or dealing in, other prohibited weapons	(a) Summary (b) Indictment	6 months or a fine of the statutory maximum or both 10 years or a fine or both
Article 46(5)	Failure to comply with conditions of authority relating to prohibited weapons	Summary	1 year or level 5 or both
Article 46(6)	Failure to surrender authority relating to prohibited weapons	Summary	Level 3

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(1) <i>Provision of this Order creating offence</i>	(2) <i>General nature of offence</i>	(3) <i>Mode of prosecution</i>	(4) <i>Punishment</i>
Article 49(4)	Contravention of an order prohibiting the removal of firearms or ammunition	Summary	1 year or, for each firearm or parcel of ammunition in respect of which the offence is committed, level 3 or both
Article 50(4)	Obstructing constable or member of police support staff in exercise of search powers	Summary	6 months or level 5 or both
Article 51(2)	Failure to hand over firearm to constable for examination by him	Summary	1 year or level 5 or both
Article 51(5)	Failure to stop vehicle when required to do so by constable or refusal to permit it to be searched	Summary	1 year or level 5 or both
Article 52(2)	Failure to produce firearm for ballistic or other tests	Summary	1 year or level 5 or both
Article 53(4)	Refusal to declare name and address or failure to give true name and address	Summary	Level 3
Article 53(5)	Failure to produce firearms pass issued in another member State	Summary	Level 3
Article 54(3)	Failure to give constable facilities for inspecting firearms or ammunition, or failure to produce documents	Summary	1 year, or for each firearm or parcel of ammunition in respect of which the offence is committed, level 3, or both
Article 56(1)	Possession of firearm with intent to endanger life or cause serious damage to property	Indictment	Life imprisonment
Article 56(2)	Possession of firearm with intent to cause fear of violence	Indictment	10 years or a fine or both
Article 57(1)	Use or attempted use of firearm to resist arrest	Indictment	Life imprisonment
Article 57(2)	Possession of firearm while committing offence specified in Schedule 3	Indictment	Life imprisonment
Article 58(1)	Carrying firearm with criminal intent	Indictment	Life imprisonment
Article 59(1)	Carrying firearm and ammunition in public place	(a) Summary (b) Indictment (but not if the firearm is an air gun)	1 year or a fine of the statutory maximum or both 10 years or a fine or both

(1) <i>Provision of this Order creating offence</i>	(2) <i>General nature of offence</i>	(3) <i>Mode of prosecution</i>	(4) <i>Punishment</i>
Article 59(2)	Discharge of firearm in public place	Summary	1 year or level 4 or both
Article 60(1)	Trespassing with a firearm in any building	(a) Summary (b) Indictment (but not in the case of an imitation firearm)	1 year or a fine of the statutory maximum or both 10 years or a fine or both
Article 60(2)	Trespassing with a firearm on land	Summary	1 year or level 5 or both
Article 61(5)	Possession of firearm or ammunition by convicted person	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum or both 5 years or a fine or both
Article 61(7)	Sale of firearm to convicted person; repair of firearm for convicted person	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum or both 5 years or a fine or both
Article 62	Possession of firearm or ammunition in suspicious circumstances	(a) Summary (b) Indictment	2 years or a fine of the statutory maximum or both 10 years or a fine or both
Article 63	Possession of loaded firearm while drunk or under the influence of drugs	Summary	6 months or level 3 or both
Article 64	Supplying firearm or ammunition to person who is drunk, etc. or suffering from mental disorder	Summary	1 year or level 5 or both
Article 65(1), (3)	Shortening the barrel of a shotgun or converting an imitation firearm into a firearm	(a) Summary (b) Indictment	1 year or a fine of the statutory maximum or both 7 years or a fine or both
Article 67(2)	Failure to surrender firearm certificate when cancelled by court	Summary	Level 3
Schedule 1 paragraph 2(2)	Failure of auctioneer, carrier or warehouseman to take reasonable precautions for safe custody of firearm or ammunition or failure to report loss or theft	Summary	6 months or level 5 or both
Schedule 1 paragraph 4(4)	Making a false statement to procure the grant of a permit to remove firearm or signalling apparatus	Summary	1 year or level 5 or both

SCHEDULE 5

Article 68.

APPEALS

Firearm certificate

1. Refusal to grant a certificate under Article 5.
2. Any condition attached or varied under Article 6.
3. Revocation or partial revocation of a certificate under Article 9.
4. Refusal to vary a certificate under Article 9(4).

Visitor's firearm permit

5. Refusal to grant a permit under Article 13.
6. Revocation of a permit under Article 13.

Certificate of approval

7. Refusal to issue certificate of approval under Article 14 or 15.
8. Requirement to surrender certificate of approval under Article 14 or 15.

Firearms dealer's certificate

9. Refusal to grant a certificate under Article 23.
10. Any condition attached or varied under Article 24.
11. Revocation of a certificate under Article 26.
12. Refusal to vary a certificate under Article 26(7).
13. Refusal to add a place of business under Article 28.
14. Removal of a place of business under Article 29.

Auctioneer's permit

15. Refusal to grant a permit under Article 32.
16. Any condition attached or varied under Article 32.
17. Revocation of a permit under Article 32.

Occasional permits

18. Refusal to grant a permit under Article 33.
19. Any condition attached or varied under Article 33.
20. Revocation of a permit under Article 33.

Authorisation for firearms club

21. Refusal to grant an authorisation under Article 35.
22. Any condition attached or varied under Article 35.
23. Revocation of an authorisation under Article 35.

Order for destruction, etc.

24. Any order under Article 67(4).

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Article 69.

SCHEDULE 6

FEES

Firearm certificate

- | | |
|---|-----|
| 1. Grant of firearm certificate | £50 |
| 2. Variation of firearm certificate on application of holder (except where paragraph 3 applies) | £26 |
| 3. Variation of firearm certificate to substitute a firearm of a similar calibre and type to one specified in firearm certificate | £10 |
| 4. Duplicate firearm certificate | £9 |

Visitor's firearm permit

- | | |
|--|-----|
| 5. Grant of permit under Article 13 (except where paragraph 6 applies) | £12 |
| 6. Grant of six or more permits under Article 13 (taken together) on a group application | £60 |

Firearms dealer's certificate

- | | |
|--|------|
| 7. Grant or renewal of firearms dealer's certificate | £150 |
|--|------|

Firearms club

- | | |
|--------------------------------------|-----|
| 8. Grant or renewal of authorisation | £84 |
|--------------------------------------|-----|

SCHEDULE 7

Article 76.

CONSEQUENTIAL AMENDMENTS

The Criminal Jurisdiction Act 1975 (c. 59)

1. In Schedule 1, for paragraph 9 substitute the following paragraph—
“9. An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2002—
 - (i) Article 56(1) (possession of firearm or ammunition with intent to endanger life or cause serious damage to property);
 - (ii) Article 57(1) (use of firearm or imitation firearm with intent to resist arrest);
 - (iii) Article 57(2) (possession of firearm or imitation firearm when committing or arrested for specified offences) where the specified offence is one under Article 172 of the Road Traffic (Northern Ireland) Order 1981 (taking and driving away motor vehicle);
 - (iv) Article 58 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another);
 - (v) Article 62 (possession of firearm or ammunition in suspicious circumstances).”.

The Suppression of Terrorism Act 1978 (c. 26)

2. In Schedule 1, for paragraph 15 substitute the following paragraph—
“15. The following offences under the Firearms (Northern Ireland) Order 2002—
 - (a) an offence under Article 56(1) consisting of a person's having in his possession any firearm or ammunition within the meaning of that Article with intent by that means to endanger life, or to enable another person by that means to endanger life;
 - (b) an offence under Article 57(1) (use of firearm or imitation firearm to resist arrest) involving the use or attempted use of a firearm within the meaning of that Article.”.

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The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

3. In Article 29(1), for sub-paragraph (f) substitute the following sub-paragraph—
“(f) Article 3, 59(2) or 62 of the Firearms (Northern Ireland) Order 2002”.

The Repatriation of Prisoners Act 1984 (c. 47)

4. In the Schedule—
(a) in the cross-heading preceding paragraph 8, for “1981” substitute “2002”;
(b) in paragraph 8, for “Article 22” and “1981” substitute respectively “Article 61” and “2002”.

The Wildlife (Northern Ireland) Order 1985 (NI 2)

5. In Article 2(2)—
(a) in the definition of “ammunition”, for “1981” substitute “2002”;
(b) in the definition of “firearm”, for “1981” substitute “2002”.
6. In Schedule 11, in paragraph 3 for “1981” substitute “2002”.

The Criminal Justice Act 1988 (c. 33)

7. In section 141(13) for “1981” substitute “2002”.

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

8. In Schedule 5, in Part II, after paragraph 15 add the following—
“*Firearms (Northern Ireland) Order 2002*
16. Article 56(1) (possession of firearm with intent to endanger life, etc.).
17. Article 57(1) (use of firearm or imitation firearm to resist arrest).
18. Article 58 (carrying firearm or imitation firearm with criminal intent).”.

The Terrorism Act 2000 (c. 11)

9. In Schedule 9, in Part I, for paragraph 16 insert the following paragraph—
“*Firearms (Northern Ireland) Order 2002 (S.I. 2002/ (N.I.))*
16. Offences under the following provisions of the Firearms (Northern Ireland) Order 2002 subject to note 1 below—
(a) Article 21(1) (manufacturing, dealing in, repairing, etc., firearm or ammunition without firearms dealer’s certificate),
(b) Article 38(1), (2) or (4) (sale, etc., of firearm or ammunition),
(c) Article 46(1) (manufacturing, dealing in or possessing certain weapons, etc.),
(d) Article 56(1) (possessing firearm or ammunition with intent to endanger life or cause serious damage to property),
(e) Article 57 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another),
(f) Article 58 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another),
(g) Article 59 (carrying firearm, etc. in public place) subject to note 4 below,
(h) Article 61 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc. and sale of firearm or ammunition to such a person),
(i) Article 62 (possessing firearm or ammunition in suspicious circumstances), and
(j) Article 65 (shortening barrel of shotgun or converting imitation firearm into firearm).”.

Criminal Justice and Police Act 2001 (c. 16)

10. In Schedule 1 (powers of seizure)—
(a) for paragraph 30 substitute the following paragraph—

THE FIREARMS (NI) ORDER 2002

“*Firearms (Northern Ireland) Order 2002 (S.I. 2002/ (N.I.)*)

30. The power of seizure conferred by Article 50 of the Firearms (Northern Ireland) Order 2002 (seizure of firearms, etc.)”;

(b) for paragraph 80 substitute the following paragraph—

“*Firearms (Northern Ireland) Order 2002 (S.I. 2002/ (N.I.)*)

80. The power of seizure conferred by Article 50 of the Firearms (Northern Ireland) Order 2002 (seizure of firearms, etc.)”;

(c) for paragraph 102 substitute the following paragraph—

“*Firearms (Northern Ireland) Order 2002 (S.I. 2002/ (N.I.)*)

102. The power of seizure conferred by Article 50 of the Firearms (Northern Ireland) Order 2002 (seizure of firearms, etc.)”.

SCHEDULE 8

Article 76

REPEALS

<i>Number or chapter</i>	<i>Title</i>	<i>Extent of repeal</i>
1981 NI 2.	The Firearms (Northern Ireland) Order 1981.	The whole Order.
1981 NI 26.	The Magistrates’ Courts (Northern Ireland) Order 1981.	In Schedule 6, paragraphs 174 and 175.
1983 NI 20.	The Firearms (Northern Ireland) Order 1983.	The whole Order.
1985 NI 17.	The Child Abduction (Northern Ireland) Order 1985.	Article 7(3) and (4)(b).
1988 NI 15.	The Criminal Justice (Firearms) (Northern Ireland) Order 1988.	The whole Order.
1989 NI 10.	The Firearms (Amendment) (Northern Ireland) Order 1989.	The whole Order.
1989 NI 12.	The Police and Criminal Evidence (Northern Ireland) Order 1989.	In Part II of Schedule 5, paragraphs 4 to 6 (and the cross-heading preceding paragraph 4).
1992 NI 14.	The Firearms (Amendment) (Northern Ireland) Order 1992.	The whole Order.
1994 NI 17.	The Firearms (Amendment) (Northern Ireland) Order 1994.	The whole Order.
1996 c. 46.	The Armed Forces Act 1996.	Section 29.
1998 c. 32.	The Police (Northern Ireland) Act 1998.	In Schedule 4, paragraph 15
S.I. 2001/2513 (N.I. 3).	The Police (Northern Ireland) Order 2001.	Article 4.

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EXPLANATORY NOTE

1981 NI 2.

(This note is not part of the Order)

This Order repeals the Firearms (Northern Ireland) Order 1981 and re-enacts it with amendments.

Part II provides for firearm certificates. Article 13 provides for visitors' firearms permits. Articles 14 and 15 deal with the effect of certificates granted in Great Britain and air guns where no certificate is required. Articles 16 to 20 provide for documents relating to firearms for European purposes.

Part III provides for certificates for firearms dealers.

Part IV regulates firearms clubs and Part V regulates transactions in firearms. Part VI deals with certain prohibited weapons and the control of arms traffic. Part VII deals with enforcement and offences and Part VIII contains miscellaneous and general provisions including a right of appeal to the county court from decisions of the Chief Constable (Article 68).

DRAFT STATUTORY INSTRUMENTS

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NORTHERN IRELAND

Firearms (Northern Ireland) Order 2002

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