STATUTORY INSTRUMENTS

2004 No. 702

The Firearms (Northern Ireland) Order 2004

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Firearms (Northern Ireland) Order 2004.

(2) This Part and Articles 79 to 81 shall come into operation on the expiration of one month from the day on which this Order is made.

(3) The remaining provisions of this Order shall come into operation on such day or days as the Secretary of State may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

"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 except blank cartridges which are not more than 25.4 millimetres in diameter measured immediately in front of the rim or cannelure of the base of the cartridge and includes—

(a) grenades, bombs and other like missiles, whether capable of use with a firearm or not; and

(b) prohibited ammunition;

"another member State" means a member State other than the United Kingdom;

"appropriate fee" shall be construed in accordance with Article 75(2);

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

"Article 7 authority" has the meaning given by Article 22(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 19(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 26;

"handgun" means any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall, other than an air gun, a muzzle-loading firearm or a firearm designed as a signalling apparatus;

"holder of a firearms dealer's certificate" includes a person registered under section 33 of the Firearms Act 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 (NI 4);

"prohibited weapon" and "prohibited ammunition" respectively mean a weapon and ammunition prohibited under Article 45 (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—

(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 45(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 (c. 27) 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;

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

"transfer" includes let on hire, give, lend and part with possession;

"visitor's firearm permit" means a permit granted under Article 15(2).

(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 17; 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 17.

(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,

or it satisfies the requirements of section 8 of the Firearms (Amendment) Act 1988 (c. 45) (corresponding provision for Great Britain) by virtue of work carried out on or after 1st October 1995.

PART II

FIREARM CERTIFICATES, ETC.

Firearm certificates

Firearm certificate required

3.—(1) A person who—

(a) has in his possession, or purchases or acquires, a handgun without holding a firearm certificate or otherwise than as authorised by a firearm certificate, or

(b) has in his possession, or purchases or acquires, a firearm other than a handgun 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 Schedule 1 and the other provisions of 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) two 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 the United Kingdom.

(5) If the application includes a statement that the applicant—

(a) is a member of a firearms club authorised under Article 49; and

(b) requires any firearm or ammunition in respect of which the application is made wholly or partly for target shooting,

paragraph (6) applies instead of paragraphs (3) and (4) and in paragraph (6) “firearms club” means a firearms club authorised under Article 49.

(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 relative of the applicant or resident outside the United Kingdom; and

(ii) has known the applicant for at least one year and is of good character;

(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.

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; and

(b) has a good reason for having in his possession, or for purchasing or acquiring, each firearm and any ammunition to which the certificate relates.

(3) Subject to Article 7, the Chief Constable shall not grant a firearm certificate to a person under the age of 18.

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

(5) 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) Paragraph (5) applies if—

(a) a firearm certificate is granted to a person who has not previously held a firearm certificate; or

(b) the Chief Constable considers that a firearm to which a firearm certificate relates is of a significantly different type from any firearm for which the person has previously held a certificate.

(5) Where this paragraph applies, the Chief Constable may attach to the firearm certificate a condition requiring the holder for a specified period to have any specified firearm to which the certificate relates in his possession when loaded only if he is under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a firearm of that description for at least three years.

(6) 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.

Grant of firearm certificate to young persons

7.—(1) In this Article "young person" means a person under the age of 18 who has attained the age of 16.

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

(a) each 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

(b) the Chief Constable attaches a condition under Article 6(1) 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 holder or on which he works and also resides.

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

(a) each firearm to which it relates is—

(i) an air gun to which paragraph (4) applies; or

(ii) a shotgun; and

(b) the Chief Constable attaches a condition under Article 6(1) that the holder shall have the firearm and any ammunition for it to which the certificate relates in his possession only—

(i) for sporting purposes; and

(ii) for a specified period of at least 12 months under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a firearm of that type for at least three years.

(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 certificate

8.—(1) A firearm certificate shall—

(a) describe each firearm to which it relates and specify any 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.

(3) The Secretary of State may by order substitute for the period mentioned in paragraph (2) such period as is specified in the order.

Revocation 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 in his possession or to purchase or acquire any 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, any firearm or ammunition to which the certificate relates.

(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 revoke a firearm certificate if the holder fails to produce it in accordance with a notice under Article 6(2) (firearm certificate to be produced to Chief Constable within 21 days).

(5) The Chief Constable may, subject to paragraph (6), partially revoke a firearm certificate, that is to say, he may revoke the certificate in relation to any firearm or ammunition which the holder is authorised by virtue of the certificate to have in his possession or to purchase or acquire.

(6) The Chief Constable may partially revoke a firearm certificate under paragraph (5) 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.

Consequences of revocation

10.—(1) Where a firearm certificate is revoked under Article 9(1), (2), (3) or (4) or Article 12(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(5) or 12(2), 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—

(a) 21 days from the date of the notice in the case of revocation or partial revocation under Article 9,

(b) such period as may be specified in the notice in the case of revocation or partial revocation under Article 12(2),

or within such further period as the Chief Constable may in special circumstances allow.

(4) Subject to paragraph (5), where a firearm certificate is revoked or partially revoked, 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), (2), (3) or (4) or Article 12(2), the firearms and ammunition to which it relates;

(b) where a firearm certificate is partially revoked under Article 9(5) or 12(2), the firearms and ammunition to which the partial revocation relates.

Variation of firearm certificate

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

(2) If an application is made under paragraph (1) for a firearm or ammunition to be added to a firearm certificate, paragraphs (1) and (2) of Article 5 shall apply to the variation of the certificate as they apply to the grant of a certificate.

(3) If a person—

(a) sells a shotgun ("the first shotgun") to the holder of a firearms dealer's certificate ("the dealer"); and

(b) as part of the same transaction purchases a shotgun ("the second shotgun") from him,

the dealer may vary that person's firearm certificate by substituting the second shotgun for the first shotgun.

Certificate for prohibited weapon

12.—(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 45 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

13.—(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.

(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.

Museum firearms licences

Museum firearms licence

14. Schedule 2 (which exempts firearms and ammunition in museums and similar institutions from certain provisions of this Order) shall have effect.

Visitor's firearm permits

Visitor's firearm permit

15.—(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 (a "visitor's firearm permit") to the specified person.

(3) An application for a visitor's firearm 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 (if any).

(4) The Chief Constable shall not grant a visitor's firearm permit 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 that firearm and ammunition.

(5) The Chief Constable shall not grant a person a visitor's firearm permit as respects any firearm or ammunition 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 it.

(6) The Chief Constable shall not grant a visitor's firearm permit 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

(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 visitor's firearm permit, 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 visitor's firearm permit 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) A visitor's firearm permit 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.

(9) A single application (a "group application") may be made under this Article for the grant of not more than 20 visitor's firearm 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.

(10) A person who fails to comply with a condition subject to which a visitor's firearm permit is held by him shall be guilty of an offence.

(11) 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 visitor's firearm permit.

Revocation or variation of visitor's firearm permit

16.—(1) The Chief Constable may by notice in writing to the holder of a visitor's firearm permit revoke the permit or vary the conditions subject to which it is held.

(2) Subject to paragraph (3), where the Chief Constable revokes a visitor's firearm permit, he may by notice in writing require the holder to surrender it, and if the holder fails to do so within such period as may be specified in the notice or within such further period as the Chief Constable may in special circumstances allow, the holder shall be guilty of an offence.

(3) If an appeal is brought against the revocation, paragraph (2) 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.

Certificates granted in Great Britain, etc.

Firearm certificate or shotgun certificate granted in Great Britain

17.—(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);

"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

18.—(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 (c. 27);

(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.

(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

19.—(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

20.—(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

(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

21.—(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 20(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

22.—(1) In this Order "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 by the Chief Constable 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 for the issue of an Article 7 authority under paragraph (2)—

(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.

Variation, endorsement, etc. of European documents

23.—(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 19(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 22(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

24.—(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,

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 34 (auctioneers) and Article 35 (occasional permits).

Application for firearms dealer's certificate

25.—(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 (if any).

Grant of firearms dealer's certificate

26.—(1) The Chief Constable may grant a firearms dealer's certificate 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.

(2) The Chief Constable shall not grant a firearms dealer's certificate unless he is satisfied that—

(a) the applicant 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 45 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 33 or an order of a court in Great Britain made under section 45 of the Firearms Act 1968 (c. 27) (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.

(7) The Chief Constable may, if he is satisfied that it is necessary to do so, provide the holder of a firearms dealer's certificate with a duplicate certificate on payment of the appropriate fee (if any).

Conditions

27.—(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.

(6) Without prejudice to Article 29(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

28.—(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

29.—(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.

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

(4) The Chief Constable may revoke a firearms dealer's certificate if the holder fails to comply with a notice under Article 27(5) (firearms dealer's certificate to be produced to Chief Constable).

(5) In the case of a person authorised by the Secretary of State under Article 45 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).

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

Consequences of expiration or revocation of firearms dealer's certificate

30.—(1) Where a firearms dealer's certificate expires or is revoked, the Chief Constable may, if the certificate has expired, and shall, if it has been revoked, by notice in writing require the holder to surrender—

(a) his certificate;

(b) any records of transactions kept by him under Article 38 (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,

and 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.

(2) If an appeal is brought against the revocation of the certificate, paragraph (1) 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.

(3) The Chief Constable may by notice in writing require the holder of a firearms dealer's certificate which has expired or been revoked to dispose of any firearms or ammunition mentioned in paragraph (1) within such period from the date of the notice as may be specified in 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

31.—(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

32. 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.

Consequences where dealer convicted of an offence

33.—(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 firearm 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 24 for auctioneers

34.—(1) It is not an offence under Article 24 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 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.

Occasional permits

35.—(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;

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

(9) 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

36.—(1) The Chief Constable shall revoke a permit granted under Article 35 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 may revoke a permit granted under Article 35—

(a) if he is satisfied that the holder has failed to comply with any condition attached to the permit; or

(b) if the holder fails to produce the permit in accordance with a notice under paragraph (5) of that Article.

(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 period 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 granted under Article 35.

PART IV

CONTROL OF TRANSACTIONS

Business and other transactions with firearms and ammunition

37.—(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 certificate or other document or a certificate or other document in which any false entry has been made;

(b) personates a person to whom a certificate or other document 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.

(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

38.—(1) A firearms dealer shall—

(a) keep a record of each 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 3 and any particulars required by paragraph (3) or Article 44(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 34(1).

Transfers of firearms and ammunition to be in person

39.—(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—

(a) the transferee must produce to the transferor the certificate or permit entitling him to purchase or acquire the firearm or ammunition being transferred;

(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

40.—(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 and the reference number of the certificate or permit 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.

41.—(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 or visitor's firearm permit in respect of any firearm which has been tested by virtue of Article 54 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 and the reference number of the certificate or permit 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 42 a firearm is deactivated if it would by virtue of Article 2(7) be presumed to have been rendered incapable of discharging any shot, bullet or other missile.

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

42.—(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—

(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) describe the firearm or ammunition in question (giving the identification number of the firearm and the reference number of the certificate if any); 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

43.—(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) describe the firearm in question (giving its identification number and the reference number of the certificate 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

44.—(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 22 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;

(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 38(2)(a).

(5) In the case of a transaction to which paragraph (3) applies, the particulars of which a dealer is required by Article 38(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 V

PROHIBITION OF CERTAIN WEAPONS AND CONTROL OF ARMS TRAFFIC

Weapons subject to general prohibition

45.—(1) Subject to Article 46, 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 muzzle-loading 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 46, 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;

(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 46—

(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).

(10) The Secretary of State may by order add any firearm or any ammunition to the weapons or ammunition specified in paragraph (1) whether by altering the description of any weapon or ammunition in that paragraph or otherwise.

Exemptions from requirement of authority under Article 45

46.—(1) The authority of the Secretary of State shall not be required by virtue of sub-paragraph (f) or (g) of Article 45(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 45(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 45 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 45(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 45(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 45(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 45(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 45(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 45(2)(g).

Possession of firearms on service premises, etc.

47.—(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 45, 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 45, 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

48.—(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 (c. 27) prohibiting the removal of firearms or ammunition from Great Britain to Northern Ireland.

PART VI

FIREARMS CLUBS

Authorisation

49.—(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 (c. 1) 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 or variation of authorisation

50.—(1) The Chief Constable may revoke an authorisation if he is not satisfied that the club can operate without danger to public safety or to the peace.

(2) The Chief Constable may vary an authorisation on the application of an officer of the club.

(3) In this Article "authorisation" means an authorisation granted under Article 49.

Power of entry

51.—(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 granted under Article 49 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 VII

ENFORCEMENT AND OFFENCES

Enforcement

Power of search with warrant

52.—(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

53.—(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 60 or 62 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 60 or 62 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

54.—(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.

Production of certificates, etc.

55.—(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

56.—(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 48 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 (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

57. 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 with intent

58.—(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,

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

59.—(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 4 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

60.—(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 (NI 26) 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

61.—(1) A person who 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 unless he shows that he had lawful authority or reasonable excuse for doing so.

(2) A person who 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 unless he shows that he had lawful authority or reasonable excuse for doing so.

Trespassing with firearm

62.—(1) A person who 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 unless he shows that he had lawful authority or reasonable excuse for doing so.

(2) A person who 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 unless he shows that he had lawful authority or reasonable excuse for doing so.

Prohibition of possession, etc. of firearm by certain persons

63.—(1) Subject to paragraph (7), 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 (7), 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 for such a term,

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 (7), 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) Subject to paragraph (7), a person who has been sentenced to detention during the pleasure of the Secretary of State under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9) shall not purchase, acquire or have in his possession a firearm or ammunition.

(5) 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;

(b) a probation order containing a requirement that he shall not possess, use or carry a firearm, or

(c) a licence under Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998,

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

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

(7) A person prohibited under paragraph (1), (2), (3) or (4) from purchasing, acquiring or having in his possession a firearm or ammunition may apply to the Secretary of State to remove the prohibition, and, if the application is granted, the prohibition shall not then apply to that person.

(8) 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.

(9) In this Article "sentenced" means sentenced in any part of the United Kingdom.

Possession of firearm or ammunition in suspicious circumstances

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

(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

65. 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.

66. 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

67.—(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.

Defences

68. In proceedings for an offence under Article 59(2), 61, 62 or 64, if a person adduces evidence which is sufficient to raise an issue with respect to a matter which he is required to show under any of those Articles, he shall be treated as having shown that matter unless the prosecution proves the contrary beyond reasonable doubt.

General

Prosecution and punishment of offences

69.—(1) Schedule 5 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 5 (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 5—

(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 5 is triable also on indictment.

(6) Paragraph (4) has effect notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) (limitation of time for taking proceedings).

Minimum sentence for certain offences

70.—(1) This Article applies where—

(a) an individual is convicted of—

(i) an offence under Article 3(1)(a),

(ii) an offence under Article 45(1)(a), (b), (c), (d), (e) or (g), or

(iii) an offence under Article 45(2)(a), and

(b) the offence was committed after the commencement of this Article and at a time when he had attained the age of 16.

(2) The court shall—

(a) in the case of an offence under Article 3(1)(a) committed by a person who was aged 21 or over when he committed the offence, impose a sentence of imprisonment for a term of five years (with or without a fine), and

(b) in any other case, impose an appropriate custodial sentence for a term of at least the required minimum term (with or without a fine),

unless (in any of those cases) the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this Article to have been committed on the last of those days.

(4) In this Article—

"appropriate custodial sentence" means—

(a) in the case of an offender who has attained the age of 21 when convicted, a sentence of imprisonment, and

(b) in the case of an offender who is under the age of 21 at that time, a sentence of detention under section 5(1) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29);

"the required minimum term" means—

(a) in the case of an offender who had attained the age of 21 when he committed the offence, five years, and

(b) in the case of an offender who was under the age of 21 at that time, three years.

Power by order to exclude application of minimum sentence to those under 18

71.—(1) The Secretary of State may by order—

(a) amend Article 70(1)(b) by substituting for the word "16" the word "18", and

(b) make such other provision as he considers necessary or expedient in consequence of, or in connection with, the provision made by virtue of sub-paragraph (a).

(2) The provision that may be made by virtue of paragraph (1)(b) includes, in particular, provision amending or repealing any statutory provision (whenever passed or made).

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

72.—(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 to detention during the pleasure of the Secretary of State or 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

(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 48(4) or 56(3), the court before which the offender is convicted may, if he is the owner of the firearms or ammunition, make such 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.

False statements

73.—(1) 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 or variation of any certificate under this Order shall be guilty of an offence.

(2) In this Article—

"certificate" includes licence, permit or authorisation;

"grant" includes issue;

"variation of any certificate", in relation to a firearms dealer's certificate, includes the addition of a place of business under Article 31.

PART VIII

MISCELLANEOUS AND GENERAL

Appeal from decision of Chief Constable

74.—(1) A person aggrieved by a decision of the Chief Constable under this Order may appeal to the Secretary of State if it is a decision to which this Article applies.

(2) On an appeal under this Article the Secretary of State may make such order as he thinks fit having regard to the circumstances.

(3) This Article applies to the following decisions of the Chief Constable under this Order—

(a) a refusal to grant or vary any certificate;

(b) a revocation of a certificate;

(c) a condition attached to any certificate or the variation of such a condition;

(d) a requirement to surrender a certificate of approval under Article 17(3) or 18(2);

(e) an order under Article 72(4).

(4) In this Article—

"certificate", except in the expression "certificate of approval", includes a permit or authorisation under this Order;

"grant" includes issue;

"revocation" includes—

(a) in relation to a firearm certificate, partial revocation under Article 9;

(b) in relation to a firearms dealer's certificate, the removal of a place of business under Article 32;

"vary any certificate", in relation to a firearms dealer's certificate, includes adding a place of business under Article 31.

Fees

75.—(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 (if any); 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.

(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 (c. 36) shall apply accordingly.

(5) No fee shall be payable on the grant to a responsible officer of a firearms club authorised under Article 49 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

76.—(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) Articles 53, 58, 61 and 67(3) and (4) do not apply by virtue of this Article to an imitation firearm to which paragraph (1) applies.

(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

77.—(1) Articles 3 to 13 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.

(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 (c. 33) (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 sub-paragraph (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

78.—(1) For the purposes of this Article the relevant provisions are Articles 3 to 13 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 (c. 32); 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

79. 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.

Regulations and orders

80.—(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 and orders made under this Order, except orders under Article 1, 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 (c. 36) shall apply accordingly.

Saving and transitional provisions

81.—(1) Nothing in this Order 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 statutory provision relating to the keeping and sale of explosives.

(3) The Secretary of State may by order under Article 1 or 8(3) or paragraph 2(6) of Schedule 2 make such saving and transitional provisions as appear to him to be necessary or expedient.

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

Amendments and repeals

82.—(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 second column of that Schedule.

A. K. Galloway
Clerk of the Privy Council