

## SCHEDULES

### SCHEDULE 5

#### AMENDMENTS OF THE FIREARMS (NORTHERN IRELAND) ORDER 2004

#### Part 2

#### Firearm certificates and other certificates

##### *Variation of firearm certificate*

**3.—(1)** In Article 11 (variation of firearm certificate), for paragraphs (3) to (5) substitute—

“(3) If a person—

- (a) sells a firearm (“the first firearm”) to the holder of a firearms dealer’s certificate (“the dealer”); and
- (b) as part of the same transaction purchases from the dealer another firearm (“the second firearm”); and
- (c) paragraph (4) applies,

the dealer may, on payment of the appropriate fee, vary that person’s firearm certificate by substituting the second firearm for the first firearm.

(4) This paragraph applies—

- (a) if both the first firearm and the second firearm are shotguns; or
- (b) if—
  - (i) the second firearm is of the same type and calibre as the first firearm; and
  - (ii) neither firearm is a prohibited weapon or a shotgun; or
- (c) if—
  - (i) the first firearm is a rifle of a description mentioned in the first column of Schedule 1A; and
  - (ii) the second firearm is a rifle of a calibre specified in relation to the same Band of Schedule 1A as the calibre of the first firearm; and

- (iii) neither firearm is a prohibited weapon, a muzzle-loading firearm as defined in Article 45(9) or a shotgun; and
  - (iv) the second firearm will not be of the same calibre as any other firearm to which the firearm certificate relates; and
  - (v) the firearm certificate is not held subject to a condition that the first firearm may be used only for the purposes of target shooting.
- (5) If a person—
- (a) sells or transfers a firearm to the holder of a firearms dealer’s certificate (“the dealer”); and
  - (b) does not as part of the same transaction purchase or acquire from the dealer another firearm,
- the dealer may, on payment of the appropriate fee (if any), vary that person’s firearm certificate by deleting that firearm.
- (6) Where the holder of a firearms dealer’s certificate (“the dealer”) varies a firearm certificate under this Article, the dealer shall—
- (a) notify the Chief Constable of the variation within 72 hours of the variation being made; and
  - (b) where the dealer receives the fee for varying the certificate, pay it to the Chief Constable.
- (7) A person who fails to comply with paragraph (6)(a) shall be guilty of an offence.
- (8) Schedule 1A (relevant firearms for Article 11(4)(c)) shall have effect.
- (9) The Department of Justice may make regulations amending Schedule 1A if a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.
- (2) After Schedule 1 insert—

## “SCHEDULE 1A

Article 11(8)

## Relevant firearms for Article 11(4)(c)

BAND	CALIBRE
1. Small quarry air rifles	.177
	.20
	.22
	.25
2. Small quarry	.17 Mach 2

---

*Status: This is the original version (as it was originally enacted).*

---

BAND	CALIBRE
3. Medium quarry	.17 HMR (Hornady Magnum Rimfire)
	.22 LR (Long Rifle)
	.22 WMR (Winchester Magnum Rimfire)
	.17 Hornet
	.17 Remington
	.17 Remington Fireball
	.22 Hornet/5.6x36Rmm
	.222 Remington
	.204 Ruger
	.223 Remington/5.56x45mm
	.220 Swift
	.22-250
	4. Large quarry
.25-06	
6.5mm x 55/.256	
7mm x 08 Remington	
.270	
7.62 x 51mm/.308 Winchester	
.30-06”.	

(3) In Schedule 5 (table of punishments), after the entry relating to Article 10(3) insert—

“Article 11(7)	Failure of firearms dealer to notify Chief Constable of variation of firearm certificate	Summary	Level 3”.
----------------	--	---------	-----------

*Variation of firearms dealer’s certificate*

4. In Article 29(6) (variation of firearms dealer’s certificate), at the end add “on payment of the appropriate fee”.

*Updated certificates*

- 5.—(1) In Article 5 (grant of firearm certificate)—
- (a) in paragraph (5), after “duplicate certificate” insert “or an updated certificate”;
  - (b) after paragraph (5) add—
    - “(6) In paragraph (5)—
    - “duplicate certificate” means a copy of the firearm certificate as granted; and
    - “updated certificate” means the firearm certificate revised up to such date as may be specified on the certificate.”.
- (2) In Article 26 (grant of firearms dealer’s certificate)—
- (a) in paragraph (7)—
    - (i) after “duplicate certificate” insert “or an updated certificate”;
    - (ii) the words “(if any)” are repealed;
  - (b) after paragraph (7) add—
    - “(8) In paragraph (7)—
    - “duplicate certificate” means a copy of the firearms dealer’s certificate as granted;
    - “updated certificate” means the firearms dealer’s certificate revised up to such date as may be specified on the certificate.”.

*Certificates granted in Great Britain*

- 6.—(1) The following provisions of Article 17 (firearm certificate or shotgun certificate granted in Great Britain has effect in Northern Ireland if Chief Constable grants certificate of approval) are repealed—
- (a) in paragraph (1), the words from “if” to the end;
  - (b) paragraphs (2) and (3);
  - (c) in paragraph (4)—
    - (i) in the definition of “applicable conditions” the words from “, subject” to the end;
    - (ii) the definitions of “certificate of approval” and “modifications”.
- (2) In Article 18 (air guns held without a firearm certificate in Great Britain)—
- (a) in paragraph (1)—
    - (i) after “an air gun” insert “to which paragraph (3) applies”;
    - (ii) in sub-paragraph (c) after “issued to him by the Chief Constable” add “on payment of the appropriate fee”;

(b) after paragraph (2) add—

“(3) 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.”.