
STATUTORY INSTRUMENTS

1975 No. 2178 (N.I. 20)

NORTHERN IRELAND

**The Firearms (Amendment) (Northern Ireland)
Order 1975**

Laid before Parliament in draft

Made 19th December 1975

Coming into Operation 2nd January 1976

ARRANGEMENT OF ORDER

Article

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4. Amendments to section 10 of the Act of 1969.
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6. Firearms lawfully held outside the United Kingdom.
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8. Acquisition and possession of firearm by persons under age eighteen.
9. Consequences where firearm certificate is revoked or not renewed.
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SCHEDULES

Schedule 1—Amendments to the Act of 1969.

Schedule 2—Enactments repealed.

PART I—Enactments repealed consequent on abolition of
firearm permits.

PART II—Other enactments repealed.

At the Court at Buckingham Palace, the 19th day of December 1975

Present,

The Queen's Most Excellent Majesty in Council

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

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Firearms (Amendment) (Northern Ireland) Order 1975 and shall come into operation on the fourteenth day after the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the Act of 1969” means the Firearms Act (Northern Ireland) 1969 (c) and any expression used in this Order and in the Act of 1969 has the same meaning in this Order as in that Act.

Abolition of firearm permits

3.—(1) After the commencement of this Order no firearm permits shall be granted or renewed under section 23 of the Act of 1969 (grant of firearm certificate and firearm permit).

(2) Subject to paragraph (3), the enactments set out in Part I of Schedule 2 are hereby repealed to the extent specified in that Part, being repeals consequential on the abolition of firearm permits.

(3) A firearm permit which is in force at the commencement of this Order shall, unless previously revoked or cancelled, continue in force for three years, or such shorter period as may be prescribed, from the date on which it was granted or last renewed and, accordingly, for so long as such a firearm permit continues in force—

(a) the repeals provided for by paragraph (2) above and Part I of Schedule 2 shall not affect the operation in relation to that firearm permit of the following provisions of the Act of 1969, namely—sections 1, 24, 25 (2) and (3), 27 (2) (c), 45 (4), 47 (1) (a), 49 (1) (aa) and 50 (1) and, in Schedule 2, column 2 of the entry relating to section 24 (4);

(b) references in section 25A of the Act of 1969 (as substituted by Article 9 (1)) to a firearm certificate shall be construed as including references to that firearm permit.

(4) Where, on the expiry of any such firearm permit as is referred to in paragraph (3), the holder of that permit makes an application for and is granted a firearm certificate in relation to the firearm or ammunition to which that firearm permit relates, the grant of that firearm certificate shall, for the purposes of section 27 (1) of the Act of 1969 (fees for firearm certificate), be treated as the renewal of a firearm certificate expiring on the same date on which that firearm permit expires.

Amendments to section 10 of the Act of 1969

4.—(1) Section 10 of the Act of 1969 (exemption from requirement of firearm certificate for sports, athletics and other approved activities) shall have effect subject to the amendments specified in the following provisions of this Article.

(a) 1974 c. 28. (b) 1954 c. 33 (N.I.). (c) 1969 c. 12 (N.I.).

(2) In subsection (2) after the word "starting" there shall be inserted the words " , finishing or abandoning".

(3) For subsection (3) there shall be substituted the following subsection:—

"(3) A member of a firearms club which is authorised in writing by the Secretary of State under the Unlawful Drilling Act 1819 (a) may, without holding a firearm certificate, have in his possession a firearm and ammunition when engaged as a member of the club in, or in connection with, drill or target practice."

(4) In subsection (4) after the word "company" there shall be inserted the words "which is registered as a firearms dealer and which is".

(5) Subsection (5) shall be omitted.

(6) At the end of the section there shall be added the following subsection:—

"(6) A person may, without holding a firearm certificate, acquire or have in his possession at a miniature rifle range or shooting gallery an air weapon and ammunition therefor where—

(a) the person conducting or carrying on that miniature rifle range or shooting gallery holds a firearm certificate relating to that weapon; and

(b) the air weapon is not capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess, in the case of an air pistol, of six foot pounds or, in the case of an air weapon other than an air pistol, of twelve foot pounds."

Firearm certificates and shot gun certificates granted in Great Britain

5. For subsection (1) of section 13 of the Act of 1969 (exemption from requirement of firearm certificate for holders of certificates granted in Great Britain) there shall be substituted the following subsections:—

"(1) Subject to any regulations made by the Secretary of State—

(a) the holder of any firearm certificate granted under the law for the time being in force in Great Britain may, subject to the conditions under which the certificate is held, have in his possession in Northern Ireland any firearm and ammunition in respect of which the certificate is granted; and

(b) the holder of any shot gun certificate granted under the law for the time being in force in Great Britain may, subject to the conditions under which the certificate is held, have a shot gun and ammunition therefor in his possession in Northern Ireland.

(1A) The Secretary of State may by regulations provide for any conditions specified in a firearm certificate or shot gun certificate granted under the law for the time being in force in Great Britain to have effect in Northern Ireland, for the purposes of this section, subject to such omissions, modifications and additions as may be specified by or under the regulations.

(1B) In this Act any reference—

(a) to a firearm certificate includes a reference to a firearm certificate and a shot gun certificate granted under the law for the time being in force in Great Britain and having effect in Northern Ireland by virtue of this section;

(a) 1819 c. 1.

(b) to a condition subject to which a firearm certificate is held includes a reference to a condition subject to which a firearm certificate or shot gun certificate is held under the law for the time being in force in Great Britain as that condition has effect in Northern Ireland by virtue of this section.”.

Firearms lawfully held outside the United Kingdom

6. After section 13 of the Act of 1969 there shall be inserted the following section:—

“Firearms lawfully held outside the United Kingdom.

13A. Subject to any regulations made by the Secretary of State, a person resident in a country outside the United Kingdom may, without holding a firearm certificate, have a firearm or ammunition in his possession in Northern Ireland for sporting purposes only, if that person may lawfully possess that firearm and ammunition under the law for the time being in force in the country in which he resides.”.

Possession of firearm by person convicted of crime

7.—(1) Section 19 of the Act of 1969 (which prohibits the possession of a firearm by certain persons previously convicted of crime) shall have effect subject to the amendments specified in the following provisions of this Article.

(2) In subsection (2) for the words “five years from the date of his release” there shall be substituted the words “eight years from the date of his conviction”.

(3) After subsection (3) there shall be inserted the following subsection:—

“(3A) Subject to subsection (5), where by section 21 of the Firearms Act 1968 (a), or by any other corresponding enactment for the time being in force in Great Britain, a person is prohibited 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 at any time when to have it in his possession in Great Britain would be a contravention of the said section 21 or corresponding enactment.”.

(4) In subsection (5) for the words “or (2)” there shall be substituted the words “, (2) or (3A)”.

Acquisition and possession of firearm by persons under age eighteen

8. For section 20 of the Act of 1969 (which prohibits the acquisition or possession of a firearm by a person under the age of sixteen) there shall be substituted the following section:—

“Acquisition and possession of firearm by persons under age eighteen.

20.—(1) Except as provided by subsections (3) and (4), a person shall be guilty of an offence if, being under the age of eighteen years, he purchases, acquires or has in his possession a firearm or ammunition.

(2) A person shall be guilty of an offence if he sells or transfers a firearm or ammunition to any person whom he knows, or has reasonable grounds for believing, to be prohibited by this section from purchasing, acquiring or having in his possession that firearm or ammunition.

(a) 1968 c. 27.

(3) It is not an offence under this section for any person to have in his possession a firearm or ammunition if—

- (a) he shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding a firearm certificate;
- (b) he purchased or acquired the firearm or ammunition before the coming into force of Article 8 of the Firearms (Amendment) (Northern Ireland) Order 1975 at a time when he was not under the age of sixteen years; or
- (c) he shows that he is entitled to have possession of the firearm or ammunition by virtue of section 13.

(4) It is not an offence under this section for any person not being under the age of sixteen years—

- (a) to have with him a firearm or ammunition for sporting purposes where he is in the company, and under the supervision, of another person not under the age of eighteen years who holds a firearm certificate in respect of that firearm or ammunition; or
- (b) to purchase, acquire or have in his possession a shot gun, or any other firearm of a calibre not exceeding .22 inches, and ammunition therefor for the purpose of destroying or controlling animals and birds—
 - (i) on agricultural lands occupied by him; or
 - (ii) on agricultural lands on which he works and on which he also resides.”.

Consequences where firearm certificate is revoked or not renewed

9.—(1) After section 25 of the Act of 1969 there shall be inserted the following section:—

“Consequences where firearm certificate is revoked or not renewed.

- 25A.—(1) Subject to subsection (2), subsections (3) and (4) apply where a firearm certificate—
- (a) is revoked under section 25;
 - (b) expires and the holder does not apply to renew it; or
 - (c) expires and the chief superintendent refuses to renew it.

(2) If an appeal is brought against the revocation of a firearm certificate under section 25 or against the refusal of the chief superintendent to renew a firearm certificate, subsection (4) 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) Where this subsection applies, the chief superintendent shall by notice in writing require the holder to surrender the firearm certificate and any firearms or ammunition to which the certificate relates; and it shall be an offence for the holder to fail to do so within twenty-one days from the date of the notice or within such further time as the chief superintendent may in special circumstances allow.

(4) Where this subsection applies, the chief superintendent may by notice in writing require the holder to dispose of any firearms or ammunition to which the certificate relates within such period from the date of the notice as may be specified in the notice; and if the holder does not comply with such notice within the period specified therein, or within such further time as the chief superintendent may in special circumstances allow, the chief superintendent may order that such firearms or ammunition shall be destroyed or otherwise disposed of.”.

(2) In Schedule 2 to the Act of 1969 for the entry relating to section 25 (4) of that Act there shall be substituted the following entry:—

Section 25A (3)	Failure to surrender a firearm certificate, firearms or ammunition when certificate is revoked or not renewed.	Summary	A fine of £50.
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Notification of transactions in, and repairs to, firearms

10.—(1) Section 36 of the Act of 1969 (which requires a person who sells, lets on hire, gives or lends a firearm or ammunition to another person not being a registered firearms dealer to comply with any instructions contained in the certificate produced and, in the case of a firearm, to send notice of the transaction within forty-eight hours thereof to the chief superintendent by whom the certificate was issued) shall apply to transactions with a registered firearms dealer as it applies to transactions with a person not being a registered firearms dealer; and accordingly in section 36 (1) of the Act of 1969 for the words “not being a registered firearms dealer” there shall be substituted the words “(whether or not the other person is a registered firearms dealer)”.

(2) In section 36 (1) of the Act of 1969 for the words “to purchase or require” there shall be substituted the words “to purchase or acquire” and for the words “county inspector by whom the certificate was issued” there shall be substituted the words “Chief Constable”.

(3) In section 36 of the Act of 1969, after subsection (1) there shall be inserted the following subsection:—

“(1A) Where a person holding a firearm certificate in respect of any firearm (other than a shot gun or an air weapon) which has been tested by virtue of the provisions of section 39A repairs or alters that firearm or causes that firearm to be repaired or altered he shall, within forty-eight hours of the completion of the repair or alteration, send to the Chief Constable by registered post or the recorded delivery service notice of the repair or alteration.”.

Punishment for firearms offences

11.—(1) The fourth column in Schedule 2 to the Act of 1969 (which prescribes the maximum punishment by way of fine or imprisonment for offences under that Act) shall have effect subject to the amendments specified in the following provisions of this Article.

(2) In the entries prescribing the punishment for offences under section 14 (possession of firearm with intent to injure) and section 15 (1) (use of firearm to resist arrest) for the words “14 years” there shall be substituted the words “life imprisonment”.

(3) In the entries prescribing the punishment for offences under section 15 (2) (possession of firearm while committing certain offences) and section 16 (1)

(carrying firearm with criminal intent) for the words "7 years" and "10 years" there shall be substituted the words "14 years".

(4) In the entries prescribing the punishment for offences under the Act where the offender has been convicted summarily—

- (a) for "£20" there shall be substituted "£50"; and
- (b) for "£200" there shall be substituted "£400".

(5) In the entries prescribing the punishment for offences under the Act where the offender has been convicted on indictment for the words "a fine of £200" and "a fine of £500" there shall be substituted the words "a fine".

Control of firearms clubs

12. An authorisation granted to a firearms club by the Secretary of State under the Unlawful Drilling Act 1819—

- (a) may be for such limited period as is specified in the authorisation;
- (b) shall be subject to such limitations and conditions as are specified in the authorisation;
- (c) shall, where the authorisation so provides, be subject to such conditions (in addition to any conditions under paragraph (b)) as are, for the time being, specified for the purposes of this paragraph in an order made by the Secretary of State; and
- (d) may, notwithstanding anything in the foregoing provisions of this Article, be revoked by the Secretary of State at any time.

Reprint of Act of 1969

13.—(1) The Act of 1969 shall be reprinted.

(2) For the purpose of reprinting the Act of 1969, section 30 (2) of the Interpretation Act (Northern Ireland) 1954 (which requires the Clerk of the Parliaments to prepare and certify a copy of the provision to be reprinted) shall have effect as if for the words "the Clerk of the Parliaments" there were substituted the words "the Clerk to the Assembly".

Amendments and repeals

14.—(1) The provisions of the Act of 1969 mentioned in Schedule 1 shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Order.

(2) The enactments set out in Part II of Schedule 2 are hereby repealed to the extent specified in that Part.

N. E. Leigh

SCHEDULES

SCHEDULE 1

Article 14 (1).

AMENDMENTS TO THE ACT OF 1969

1. In section 27 (1) (c) after the words "certificate relates" there shall be inserted the words "or to substitute a firearm (other than a shot gun or air weapon) of a higher calibre or of a different type for one specified in the certificate".

2. In section 27 (3) for the words from "of a rifle club" to "Minister" there shall be substituted the words "of a firearms club authorised under the Unlawful Drilling Act 1819 by the Secretary of State,".

3. In section 49 (3) after the word "grant" there shall be inserted the word ", renew".

4. In section 50 (1) after the definition of "firearm certificate" there shall be inserted the following definition:—

""firearms club" means a club established for the purpose of promoting and practising skill in the use of firearms (other than shot guns) and includes (without prejudice to the generality of the foregoing) a cadet corps;".

Articles 3 (2) and 14 (2).

SCHEDULE 2

ENACTMENTS REPEALED

PART I

ENACTMENTS REPEALED CONSEQUENT ON ABOLITION OF FIREARM PERMITS

The Firearms Act (Northern Ireland) 1969 (c. 12)

In section 1—

in subsection (1) the words "to subsection (2) and";
subsection (2);
in subsection (3) the words "or firearm permit".

In section 22—

in subsection (1) the words "or of a firearm permit";
in subsections (2) (a) and (3) the words "or a firearm permit".

In section 23—

in subsection (1) the words "or a firearm permit";
subsection (3);
in subsection (4) the words "or firearm permit";
in subsection (5) the words "and a firearm permit", "each" and the words from
"and a firearm permit" to the end of the subsection;
in subsection (6) the words "or firearm permit";
in subsection (7) the words "and a firearm permit";
in subsection (8) the words "or firearm permit" and "or permit".

In section 24—

in subsection (1) the words "or firearm permit" (in the three places where they
occur) and the words "or the firearm permit";
in subsection (2) the words "or firearm permit";
in subsection (3) the words "or a firearm permit";
in subsection (4) the words "or firearm permit".

In section 25—

subsection (2);
in subsection (3) the words "or of a firearm permit on the ground specified in
subsection (2) (a), (c), (d), (e) or (f)".

Section 27 (2).

In section 45 (4) the words "or firearm permit".

In section 47 (1) (a) the words "or of a firearm permit".

In section 49 (1) in paragraph (a) the words "firearm permits" and in paragraph (aa)
the words "or firearm permits" and "or permit".

In section 50 (1) the definition of "firearm permit".

In Schedule 2 in column 2 of the entries relating to sections 22 (3) and 24 (4) the words "or firearm permit".

The Firearms (Amendment) (Northern Ireland) Order 1973
(S.I. 1973/415 (N.I. 6))

In Article 3 (4) the words "both", "and (2)" and "and "in subsection (2) (a)"".

PART II

OTHER ENACTMENTS REPEALED

The Firearms Act (Northern Ireland) 1969 (c. 12)

Section 10 (5).

In section 27 (3) the words "or corps".

Section 25 (4) and (5).

In section 50 (1) in the definition of "firearm certificate" the words from "and, subject to section 13" to the end.

In Schedule 2 in column 2 of the entry relating to an offence under section 36 the words "with one not a dealer".

The Firearms (Amendment) (Northern Ireland) Order 1973
(S.I. 1973/415 (N.I. 6))

Article 5 (2).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes various amendments to the Firearms Act (Northern Ireland) 1969. It abolishes firearm permits, improves control of firearms clubs, makes provision for the lawful possession in Northern Ireland of firearms held under certificates granted outside Northern Ireland, and raises the minimum age limit for possessing a firearm. The Order makes new provision for the surrender and disposal of firearms where a certificate is revoked or not renewed and requires notification to be given of repairs or alterations to weapons. The Order also increases the punishment for certain offences against the Firearms Act (Northern Ireland) 1969 and makes other minor amendments to that Act.

