
STATUTORY INSTRUMENTS

1979 No. 923 (N.I. 7)

NORTHERN IRELAND

The Firearms (Amendment) (Northern Ireland) Order 1979

Laid before Parliament in draft

Made

26th July 1979

Coming into Operation

27th August 1979

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Transfer of certain functions under the Act of 1969 to the Chief Constable.
4. Firearm certificates for persons resident outside the United Kingdom.
5. Special permits.
6. Failure to produce firearm for ballistic and other tests.
7. Firearms clubs.
8. Purchase or acquisition of firearms and ammunition by the Police Authority.
9. Air weapons held without a firearm certificate in Great Britain.
10. Definition of "indictable offence".
11. Amendments and repeals.

SCHEDULES:

Schedule 1—Amendments to the Act of 1969.

Schedule 2—Repeals.

At the Court of Saint James, the 26th day of July 1979

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 16th day of July 1979, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

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

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and 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 Majesty in that behalf, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Firearms (Amendment) (Northern Ireland) Order 1979 and shall come into force on the expiration of the period of one month beginning on the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (a) 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 (b).

Transfer of certain functions under the Act of 1969 to the Chief Constable

3. The functions exercisable under the Act of 1969 by chief superintendents are hereby transferred to the Chief Constable; and accordingly the Act of 1969 shall have effect subject to the amendments set out in Part I of Schedule 1.

Firearm certificates for persons resident outside the United Kingdom

4. In section 23 of the Act of 1969—

(a) in subsection (1) for the words "and (3)" there shall be substituted the words ", (3A) and (3B)";

(b) at the beginning of subsection (2) there shall be inserted the words—

"In the case of an applicant—

(i) who is resident in the United Kingdom, or

(ii) who is resident in a country outside the United Kingdom and has elected, in pursuance of subsection (3B), to have this subsection apply to him,";

(c) after subsection (2) there shall be inserted the following subsections:—

"(3A) In the case of an applicant who is resident in a country outside the United Kingdom and has elected, in pursuance of subsection (3B), to have this subsection apply to him, a firearm certificate shall not be granted unless the Chief Constable is satisfied that the applicant—

(a) is not prohibited by this Act from possessing a firearm; and

(b) requires the firearm or ammunition in respect of which the application is made for sporting purposes only; and

(c) may lawfully possess that firearm or ammunition under the law for the time being in force in the country in which he resides; and

(d) can be permitted to have that firearm or ammunition in his possession without danger to the public safety or to the peace.

(3B) An applicant who is resident in a country outside the United Kingdom may elect to have either subsection (2) or subsection (3A) apply to him.";

(d) in subsection (7), at the beginning there shall be inserted the words "Subject to subsection (7A),";

(e) after subsection (7), there shall be inserted the following subsection:—

"(7A) A firearm certificate granted to an applicant to whom subsection (3A) applies shall, unless previously revoked or cancelled, have effect for a period of one month ending on a date specified for the purposes of this subsection in the certificate."

(a) 1954 c. 33 (N.I.).

(b) 1969 c. 12 (N.I.).

Special permits

5.—(1) After section 33 of the Act of 1969 there shall be inserted the following section:—

“Special permits.

33A.—(1) The Chief Constable may, on the application of a person registered as a firearms dealer, grant a permit (in this Act referred to as a “special permit”) authorising that person to deal in ammunition at such place, not being a place of business which is entered in the register, and on such occasion, as may be specified in the special permit.

(2) Each special permit may be granted in respect of one, or more than one, occasion and it shall be granted subject to such conditions as the Chief Constable thinks fit including conditions with respect to quantities of ammunition and security.

(3) The Chief Constable may revoke a special permit at any time.

(4) A person aggrieved by the refusal of the Chief Constable to grant a special permit, or by any condition attached to a special permit, or by the revocation of a special permit, may appeal to the Secretary of State under section 46.

(5) A person shall be guilty of an offence if he fails to comply with any condition attached to a special permit under subsection (2).”.

(2) In section 34 of the Act of 1969—

(a) at the beginning of subsection (2) there shall be inserted the words “Subject to subsection (2A),”;

(b) after subsection (2) there shall be inserted the following subsection:—

“(2A) It is not an offence under subsection (2) for a person registered as a firearms dealer to deal in ammunition at a place of business not entered in the register if he has a special permit authorising him to deal in ammunition at that place, and the dealing takes place on an occasion specified in the special permit.”.

Failure to produce firearm for ballistic and other tests

6. In section 39A of the Act of 1969 after subsection (1) there shall be inserted the following subsection:—

“(2) A person shall be guilty of an offence if without reasonable excuse he fails to comply with a notice issued under subsection (1).”.

Firearms clubs

7. After section 46 of the Act of 1969 there shall be inserted the following section:—

“Firearms clubs.

46A.—(1) It shall be unlawful for any person to operate, or participate in the activities of, a firearms club unless the Secretary of State has granted an authorisation for that club.

(2) An authorisation granted under subsection (1)—

(a) shall be for such period as is specified in the authorisation;

(b) shall be subject to such limitations and conditions as may be specified in the authorisation and to such other conditions as may be prescribed;

(c) may, notwithstanding anything in the foregoing provisions of this subsection, be revoked by the Secretary of State at any time.

(3) Any person who—

(a) operates, or participates in the activities of, a firearms club for which an authorisation from the Secretary of State is not in force; or

(b) contravenes any limitation or condition of an authorisation granted under subsection (1),

shall be guilty of an offence.

(4) The Unlawful Drilling Act 1819 (a) shall not have effect in relation to firearms clubs so, however, that any authorisation granted to a firearms club by the Secretary of State under that Act of 1819 before the coming into operation of this section shall be deemed to have been granted under subsection (1)."

Purchase or acquisition of firearms and ammunition by the Police Authority

8. In section 48 of the Act of 1969—

(a) in subsection (1), after the words "the Crown" there shall be inserted the words "and to persons employed by the Police Authority for Northern Ireland";

(b) in subsection (2), after paragraph (c) there shall be added the following paragraph:—

"(d) a person employed by the Police Authority for Northern Ireland and duly authorised in writing in that behalf may purchase or acquire firearms or ammunition for the purposes of the police force without holding a firearm certificate."

Air weapons held without a firearm certificate in Great Britain

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

"13B. Subject to any regulations made by the Secretary of State, a person resident in Great Britain may, without holding a firearm certificate, have in his possession in Northern Ireland an air weapon and ammunition therefor, if he may have that air weapon and ammunition 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."

Definition of "indictable offence"

10. In section 16 of the Act of 1969 there shall be added the following subsection—

"(3) In this section "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—

(a) an offence otherwise triable only by a court of summary jurisdiction which under section 41 of the Magistrates' Courts Act (Northern Ireland) 1964 or any other enactment, is required to be tried on indictment at the instance of the accused or the prosecutor; and

(b) an offence which is triable on indictment only after one or more previous summary convictions thereof."

(a) 1819 c. 1 (60 Geo. 3 & 1 Geo. 4).

Amendments and repeals

11.—(1) The provisions of the Act of 1969 specified in Part II of Schedule 1 shall have effect subject to the amendments specified in that Part (being minor amendments or amendments consequential on the preceding provisions of this Order).

(2) The enactments set out in Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULES

Articles 3, 11 (1).

SCHEDULE 1

AMENDMENTS TO THE ACT OF 1969

PART I

AMENDMENTS CONSEQUENTIAL ON ARTICLE 3

1. In section 5—

(a) in subsection (1), for “chief superintendent for the area from which they are to be removed” substitute “Chief Constable”;

(b) in subsection (2), for “chief superintendent for the area from which they are to be removed” substitute “Chief Constable”.

2. In section 8—

(a) in subsection (2), for “chief superintendent for the area in which the auction is held” substitute “Chief Constable”;

(b) in subsection (3), for “chief superintendent” substitute “Chief Constable”.

3. In section 12 (1) (c), for “a chief superintendent” substitute “the Chief Constable”.

4. In section 23—

(a) in subsection (1), for “a chief superintendent” substitute “the Chief Constable”;

(b) in subsection (2), for “chief superintendent” substitute “Chief Constable”;

(c) in subsection (4), for “A chief superintendent” substitute “The Chief Constable”;

(d) in subsection (7), for “chief superintendent for the area in which the holder resides” substitute “Chief Constable”;

(e) in subsection (8), for “a chief superintendent” substitute “the Chief Constable”.

5. In section 24—

(a) in subsection (1), for “A chief superintendent for the area in which the holder of a firearm certificate resides” substitute “The Chief Constable”;

(b) in subsection (2), for “chief superintendent for the area in which the holder resides” substitute “Chief Constable”;

(c) in subsection (3), for “a chief superintendent” substitute “the Chief Constable”.

6. In section 25 (1), for “chief superintendent for the area in which the holder resides” and for “chief superintendent” wherever it occurs substitute “Chief Constable”.

7. In section 25A—

(a) in subsection (1) (c), for “chief superintendent” substitute “Chief Constable”;

(b) in subsection (2), for “chief superintendent” substitute “Chief Constable”;

(c) in subsection (3), for “chief superintendent” wherever it occurs substitute “Chief Constable”;

(d) in subsection (4), for “chief superintendent” wherever it occurs substitute “Chief Constable”.

8. In section 26—

- (a) in subsection (1), for “A chief superintendent” substitute “The Chief Constable”;
- (b) in subsection (2), for “chief superintendent by whom it was granted” substitute “Chief Constable”.

9. In section 27—

- (a) in subsection (4), for “chief superintendent” substitute “Chief Constable”;
- (b) in subsection (5) (a), for “chief superintendent” substitute “Chief Constable”.

10. In section 28—

- (a) in subsection (1), for “chief superintendent for every area” substitute “Chief Constable”;
- (b) in subsection (2), for “chief superintendent” substitute “Chief Constable”, and for “the area” substitute “Northern Ireland”;
- (c) in subsection (3), for “chief superintendent” wherever it occurs substitute “Chief Constable”, and after “place of business” where it first occurs insert “in Northern Ireland”;
- (d) in subsection (4), for “chief superintendent” substitute “Chief Constable”;
- (e) in subsection (5), for “chief superintendent” wherever it occurs substitute “Chief Constable”.

11. In section 29—

- (a) in subsection (1), for “chief superintendent” substitute “Chief Constable”;
- (b) in subsection (2), for “chief superintendent” substitute “Chief Constable”;
- (c) in subsection (3), for “chief superintendent” substitute “Chief Constable”;
- (d) in subsection (4), for “chief superintendent” substitute “Chief Constable”;
- (e) in subsection (5), for “a chief superintendent” substitute “the Chief Constable”.

12. In section 31—

- (a) in subsection (1), for “chief superintendent” substitute “Chief Constable”;
- (b) in subsection (1B), for “chief superintendent” substitute “Chief Constable”;
- (c) in subsection (2), for “chief superintendent” wherever it occurs substitute “Chief Constable”.

13. In section 32—

- (a) in subsection (1), for “in that area” substitute “in Northern Ireland” and for “chief superintendent for that area” and “chief superintendent” substitute “Chief Constable”;
- (b) in subsection (2), for “chief superintendent” substitute “Chief Constable”;
- (c) in subsection (3), for “a chief superintendent” substitute “the Chief Constable”.

14. In section 33—

- (a) in subsection (1), for “chief superintendent” substitute “Chief Constable”, and for “the area” substitute “Northern Ireland”;
- (b) in subsection (2), for “chief superintendent” substitute “Chief Constable”;
- (c) in subsection (3), for “chief superintendent” substitute “Chief Constable”;
- (d) in subsection (4), for “chief superintendent” substitute “Chief Constable”;
- (e) in subsection (5), for “chief superintendent” substitute “Chief Constable”;
- (f) in subsection (6), for “chief superintendent” wherever it occurs substitute “Chief Constable”;
- (g) in subsection (8), for “chief superintendent” wherever it occurs substitute “Chief Constable”.

15. In section 34—
- (a) in subsection (1) (b), for “a” substitute “the”;
 - (b) in subsection (2), after “has a place of business” insert “in Northern Ireland”;
 - (c) in subsection (3), for “chief superintendent” substitute “Chief Constable”.
16. In section 35 (3), for “chief superintendent” substitute “Chief Constable”.
17. In section 38 (2), for “a chief superintendent” substitute “the Chief Constable”.
18. In section 45—
- (a) in subsection (2)—
 - (i) in paragraph (a), for “chief superintendent by whom the certificate was granted” substitute “Chief Constable”;
 - (ii) in paragraph (b), for “chief superintendent” substitute “Chief Constable”;
 - (iii) in paragraph (c), for “chief superintendent” wherever it occurs substitute “Chief Constable”;
 - (b) in subsection (4), for “A chief superintendent” substitute “The Chief Constable”;
 - (c) in subsection (5), for “a chief superintendent” substitute “the Chief Constable”;
 - (d) in subsection (6), for “chief superintendent” substitute “Chief Constable”.
19. In section 48 (2) (c), for “chief superintendent” substitute “Chief Constable”.
20. In section 49 (1) (b), for “chief superintendents are” substitute “the Chief Constable is”, and for “their” substitute “his”.
21. After section 49 insert—
- “Functions of Chief Constable. 49A. The Chief Constable may direct in writing that such of his functions under this Act as are specified in the direction may be exercised by such other members of the Royal Ulster Constabulary as are specified in the direction.”

PART II

OTHER AMENDMENTS

22. In section 10 (3), for “in writing by the Secretary of State under the Unlawful Drilling Act 1819” substitute “under or deemed to be authorised under section 46A”.
23. In section 23 (1), for “prescribed fee” substitute “fee payable under section 27 (1)”.
24. In section 24 (1), for “the” in the third place where it occurs substitute “a”.
25. In section 25—
- (a) for subsection (1) (d), substitute—
 - “(d) the Chief Constable is satisfied that the holder—
 - (i) if he is a person to whom section 23 (3A) applies, does not require the firearm or ammunition for sporting purposes only, or
 - (ii) in any other case, no longer has a good reason for possessing the firearm;”;
 - (b) at the end of subsection (1) (f) add—
 - (g) the Chief Constable is satisfied that the holder, if he is a person to whom section 23 (3A) applies, may not lawfully possess the firearm or ammunition under the law for the time being in force in the country in which he resides.”;
 - (c) in subsection (3), for “or (f)” substitute “(f) or (g)”.

26. In section 27—

(a) in subsection (1) (a), after “certificate” insert “(except in the case of the grant of a firearm certificate to an applicant to whom section 23 (3A) applies),”;

(b) in subsection (3), for “the Unlawful Drilling Act 1819 by the Secretary of State” substitute “section 46A”;

(c) after subsection (5) add—

“(6) No fee shall be payable on the grant of a firearm certificate to an applicant to whom section 23 (3A) applies.”

27. In section 46 after “33 (7)” insert “, 33A (4)”.

28. In section 50 (1)—

(a) after the definition of “the Minister” insert—

““the police force” means the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;”;

(b) after the definition of “slaughtering instrument” insert—

““special permit” means a permit granted under section 33A;”.

29. In Schedule 2, at the appropriate points insert the following entries:—

“Section 33A (5).	Failure to comply with conditions of a special permit.	Summary	1 year or a fine of £400 or both.
Section 39A.	Failure to produce firearm for ballistic or other tests.	Summary	1 year or a fine of £400 or both.
Section 46A (3) (a).	Operating or participating in the activities of, a firearms club with no authorisation.	(a) Summary	1 year or a fine of £400 or both.
		(b) Indictment	3 years or a fine or both.
Section 46A (3) (b).	Contravention of limitations or conditions of an authorisation.	(a) Summary	1 year or a fine of £400 or both.
		(b) Indictment	3 years or a fine or both.”

Chapter or Number	Short Title	Extent of repeal
1969 c. 12.	The Firearms Act (Northern Ireland) 1969.	<p>In section 8 (3), the words "in the area". Section 13A.</p> <p>In section 28 (3), the words "within the area".</p> <p>In section 30— in subsection (1), the words "Subject to subsection (2)"; subsection (2).</p> <p>In section 32 (1), the words "in any area".</p> <p>In section 34 (2), the words "for the area in which the place of business is situated".</p> <p>In section 39A, the words "or any officer of the Royal Ulster Constabulary authorised by him in that behalf".</p> <p>In section 49— in subsection (1), paragraph (c); subsection (3).</p> <p>In section 50 (1), the definitions of "area" and "indictable offence".</p> <p>In Schedule 3, in paragraph 3 the words "and (except in cases where the person is a registered dealer) the areas in which the firearm certificates were issued,".</p>
1971 c. 25.	The Firearms (Amendment) Act (Northern Ireland) 1971.	Section 5.
S.I. 1975/2178 (N.I. 20).	The Firearms (Amendment) (Northern Ireland) Order 1975.	<p>Article 6. Article 12. In Schedule 1, paragraph 3.</p>

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes various amendments to the Firearms Act (Northern Ireland) 1969. It transfers the functions of chief superintendents under the Act to the Chief Constable and enables the Chief Constable to delegate his functions under the Act. It empowers the Chief Constable to grant firearm certificates to persons resident outside the United Kingdom and provides for the grant of special permits to firearms dealers to enable them to deal in ammunition at a place which is not a registered place of business. New provision is made for firearms clubs which will cease to be governed by the Unlawful Drilling Act 1819. The Order also makes it an offence to fail to produce a firearm for tests and enables the Police Authority to purchase and acquire firearms and ammunition without a firearm certificate. The Order also enables residents of Great Britain to have in their possession in Northern Ireland without a firearm certificate air weapons and ammunition if no firearm certificate is required in Great Britain.