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## STATUTORY INSTRUMENTS

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# 2004 No. 702

## The Firearms (Northern Ireland) Order 2004

### 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;

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- (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—

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- (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 [<sup>F1</sup>Department of Justice] may by order substitute for the period mentioned in paragraph (2) such period as is specified in the order.

**F1** Words in art. 8(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 9, **Sch. 11 para. 3(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### 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.

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### **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.

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