
DRAFT STATUTORY INSTRUMENTS

2004 No.

The Firearms (Northern Ireland) Order 2004

PART V

PROHIBITION OF CERTAIN WEAPONS AND CONTROL OF ARMS TRAFFIC

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).