
DRAFT STATUTORY INSTRUMENTS

2004 No.

The Firearms (Northern Ireland) Order 2004

PART III

FIREARMS DEALERS

Firearms dealer's certificate required

24.—(1) A person who, by way of trade or business—

- (a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition; or
- (b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, test or proof any firearm or ammunition,

without holding a firearms dealer's certificate or otherwise than as authorised by a firearms dealer's certificate, shall be guilty of an offence.

(2) Paragraph (1) has effect subject to Article 34 (auctioneers) and Article 35 (occasional permits).

Application for firearms dealer's certificate

25.—(1) An application for the grant of a firearms dealer's certificate must—

- (a) be made to the Chief Constable on a form provided by him for the purpose;
- (b) state every place of business in Northern Ireland at which the applicant proposes to carry on business as a firearms dealer;
- (c) contain such information as may be required by the form; and
- (d) 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 the appropriate fee (if any).

Grant of firearms dealer's certificate

26.—(1) The Chief Constable may grant a firearms dealer's certificate if he is satisfied that the applicant can be permitted to carry on business as a firearms dealer without danger to public safety or to the peace.

(2) The Chief Constable shall not grant a firearms dealer's certificate unless he is satisfied that—

- (a) the applicant is a fit person to carry on business as a firearms dealer;
- (b) every place of business at which he proposes to carry on business as a firearms dealer is suitable for that purpose; and
- (c) he will engage in business as a firearms dealer to a substantial extent or as an essential part of another trade or profession.

(3) Notwithstanding anything in paragraph (1) or (2), the Chief Constable shall grant a firearms dealer's certificate to any applicant who is authorised by the Secretary of State under Article 45 to manufacture, sell or transfer prohibited weapons or prohibited ammunition.

(4) The Chief Constable shall not grant a firearms dealer's certificate to any applicant who is subject to an order of a court in Northern Ireland made under Article 33 or an order of a court in Great Britain made under section 45 of the Firearms Act 1968 (c. 27) (consequences where dealer convicted of offence).

(5) The Chief Constable shall not grant a firearms dealer's certificate to any applicant who is prohibited by this Order from possessing a firearm.

(6) The Chief Constable shall not grant a firearms dealer's certificate to a person under the age of 18 years.

(7) The Chief Constable may, if he is satisfied that it is necessary to do so, provide the holder of a firearms dealer's certificate with a duplicate certificate on payment of the appropriate fee (if any).

Conditions

27.—(1) The Chief Constable may when granting a firearms dealer's certificate attach conditions to it.

(2) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to a firearms dealer's certificate;
- (b) vary or revoke conditions attached under this Article.

(3) The powers of the Chief Constable under this Article include power to restrict the types, numbers and quantities of firearms and ammunition which may be kept or kept in any particular place.

(4) The Secretary of State may give directions as to the conditions to be imposed, varied or revoked under this Article and the Chief Constable shall comply with any such direction.

(5) For the purposes of paragraph (2) the Chief Constable may at any time 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.

(6) Without prejudice to Article 29(2), a person who fails to comply with any condition subject to which a firearms dealer's certificate is held by him shall be guilty of an offence.

Content and duration of firearms dealer's certificate

28.—(1) A firearms dealer's certificate shall specify—

- (a) every place of business at which the holder is authorised to carry on business as a firearms dealer;
- (b) any conditions subject to which it is held; and
- (c) the date on which it ceases to be in force.

(2) A firearms dealer's certificate shall (unless revoked or cancelled) continue in force for five years from the date on which it is granted.

Revocation or variation of firearms dealer's certificate

29.—(1) The Chief Constable shall revoke a firearms dealer's certificate if, after giving reasonable notice to the holder, he is satisfied that the holder can no longer be permitted to continue to carry on business as a firearms dealer without danger to public safety or to the peace.

(2) The Chief Constable shall revoke a firearms dealer's certificate if, after giving reasonable notice to the holder, he is satisfied that the holder—

- (a) is not a fit person to carry on business as a firearms dealer;
- (b) is not engaged in business as a firearms dealer to a substantial extent or as an essential part of another trade or profession;
- (c) has ceased to have a place of business in Northern Ireland; or
- (d) has failed to comply with any condition attached to the certificate.

(3) The Chief Constable shall revoke a firearms dealer's certificate if the holder is prohibited by this Order from possessing a firearm or holding a firearms dealer's certificate.

(4) The Chief Constable may revoke a firearms dealer's certificate if the holder fails to comply with a notice under Article 27(5) (firearms dealer's certificate to be produced to Chief Constable).

(5) In the case of a person authorised by the Secretary of State under Article 45 to manufacture, sell or transfer prohibited weapons or ammunition, the Chief Constable shall not revoke a firearms dealer's certificate under paragraph (1) or (2).

(6) The Chief Constable on the application of the holder may vary a firearms dealer's certificate.

Consequences of expiration or revocation of firearms dealer's certificate

30.—(1) Where a firearms dealer's certificate expires or is revoked, the Chief Constable may, if the certificate has expired, and shall, if it has been revoked, by notice in writing require the holder to surrender—

- (a) his certificate;
- (b) any records of transactions kept by him under Article 38 (or if, the records are stored in any electronic form, a copy of the information comprised in those records in a readable form), and
- (c) any firearms or ammunition held by him for which there is no firearm certificate in force,

and if he fails to do so within 21 days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow, he shall be guilty of an offence.

(2) If an appeal is brought against the revocation of the certificate, paragraph (1) 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) The Chief Constable may by notice in writing require the holder of a firearms dealer's certificate which has expired or been revoked to dispose of any firearms or ammunition mentioned in paragraph (1) within such period from the date of the notice as may be specified in 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.

Places of business: addition to certificate

31.—(1) The holder of a firearms dealer's certificate may apply for a place of business at which he proposes to carry on business as a firearms dealer to be added to the certificate.

(2) An application under paragraph (1) must—

- (a) be made to the Chief Constable on a form provided by him for the purpose;

- (b) state the place of business at which the applicant proposes to carry on business as a firearms dealer;
 - (c) contain such information as may be required by the form; and
 - (d) comply with any other requirements specified in the form.
- (3) If the Chief Constable is satisfied that the place of business is suitable for the purpose, he may amend the certificate.

Places of business: removal from certificate

32. The Chief Constable may remove a place of business from a firearms dealer's certificate if, after giving reasonable notice to the holder, he is satisfied that the holder—

- (a) cannot be permitted to carry on business as a firearms dealer at that place without danger to public safety or to the peace; or
- (b) has failed to comply with any condition of the certificate applicable to that place.

Consequences where dealer convicted of an offence

33.—(1) Where the holder of a firearms dealer's certificate is convicted of any offence under this Order or an offence under the enactments relating to customs in respect of the import and export of firearms or ammunition the court may order—

- (a) that the certificate be cancelled; and
- (b) that neither he nor any person who acquires his business, nor any person who took part in the management of the business and was knowingly a party to the offence, shall hold a firearms dealer's certificate; and
- (c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence or any person who was knowingly a party to the offence, shall not hold a firearm dealer's certificate; and
- (d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.

(2) A person aggrieved by an order made under this Article may appeal against it in the same manner as against the conviction, and the court may suspend its operation pending the appeal.

Exemptions from Article 24 for auctioneers

34.—(1) It is not an offence under Article 24 for an auctioneer to sell by auction, expose for sale by auction or have in his possession for sale by auction, firearms or ammunition, without holding a firearms dealer's certificate, if he—

- (a) has obtained from the Chief Constable a permit for that purpose; and
- (b) complies with the permit.

(2) A permit may be granted in respect of one or more than one auction.

(3) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to a permit;
- (b) vary or revoke conditions attached under this Article;
- (c) revoke a permit.

Occasional permits

35.—(1) The holder of a firearms dealer’s certificate may apply for a permit authorising him to deal in firearms and ammunition on one, or more than one, occasion at a place which is not a place of business specified in the certificate.

(2) An application under paragraph (1) must—

- (a) be made to the Chief Constable on a form provided by him for the purpose;
- (b) state—
 - (i) the place, and
 - (ii) every occasion,

which the applicant wishes to be specified in the permit;

- (c) contain such information as may be required by the form;
- (d) comply with any other requirements specified in the form.

(3) The Chief Constable may grant a permit under this Article if he is satisfied that the applicant can be permitted to deal in firearms and ammunition at the place and on every occasion specified in the permit without danger to public safety or the peace.

(4) The Chief Constable may when granting a permit under this Article attach conditions to it.

(5) The Chief Constable may at any time by notice in writing—

- (a) attach conditions to a permit under this Article;
- (b) vary or revoke conditions attached under this Article.

(6) The powers of the Chief Constable under paragraphs (4) and (5) include power to restrict the types, numbers and quantities of firearms and ammunition and impose requirements as to their security.

(7) A permit under this Article shall specify—

- (a) the place at which the holder is authorised to deal in firearms and ammunition;
- (b) every occasion on which the holder is so authorised; and
- (c) any conditions subject to which it is held.

(8) For the purposes of paragraph (5) the Chief Constable may at any time by notice under that paragraph require the holder of the permit to produce it to him within 21 days from the date of the notice.

(9) A person who fails to comply with any condition attached to a permit under this Article shall be guilty of an offence.

Revocation or variation of occasional permit

36.—(1) The Chief Constable shall revoke a permit granted under Article 35 if he is satisfied that the holder cannot be permitted to deal in firearms and ammunition at the place or on an occasion specified in the permit without danger to public safety or to the peace.

(2) The Chief Constable may revoke a permit granted under Article 35—

- (a) if he is satisfied that the holder has failed to comply with any condition attached to the permit; or
- (b) if the holder fails to produce the permit in accordance with a notice under paragraph (5) of that Article.

(3) Subject to paragraph (4), where the Chief Constable revokes a permit under this Article, he shall by notice in writing require the holder to surrender it, and if the holder fails to do so within 21

days from the date of the notice or within such further period as the Chief Constable may in special circumstances allow, the holder shall be guilty of an offence.

(4) If an appeal is brought against the revocation, paragraph (3) 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.

(5) The Chief Constable on the application of the holder may vary a permit granted under Article 35.