

## SCHEDULES

### SCHEDULE 7

Article 82

#### CONSEQUENTIAL AMENDMENTS

##### *Criminal Jurisdiction Act 1975 (c. 59)*

1. In Schedule 1, for paragraph 9 substitute the following paragraph—

“9. An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004—

- (i) Article 58(1) (possession of firearm or ammunition with intent to endanger life or cause serious damage to property);
- (ii) Article 59(1) (use of firearm or imitation firearm with intent to resist arrest);
- (iii) Article 59(2) (possession of firearm or imitation firearm when committing or arrested for specified offences) where the specified offence is one under Article 172 of the Road Traffic (Northern Ireland) Order 1981 (taking and driving away motor vehicle);
- (iv) Article 60 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another);
- (v) Article 64 (possession of firearm or ammunition in suspicious circumstances).”.

##### *Suppression of Terrorism Act 1978 (c. 26)*

2. In Schedule 1, for paragraph 15 substitute the following paragraph—

“15. The following offences under the Firearms (Northern Ireland) Order 2004—

- (a) an offence under Article 58(1) consisting of a person’s having in his possession any firearm or ammunition within the meaning of that Article with intent by that means to endanger life, or to enable another person by that means to endanger life;
- (b) an offence under Article 59(1) (use of firearm or imitation firearm to resist arrest) involving the use or attempted use of a firearm within the meaning of that Article.”.

##### *Customs and Excise Management Act 1979 (c. 2)*

3. In section 50(5A)(b), for “Article 6(1)(a), (ab), (ac), (ad), (ae) or (c) or (1A)(a)” and “1981” substitute respectively “Article 45(1)(a), (b), (c), (d), (e) or (g) or (2)(a)” and “2004”.

4. In Article 68(4A)(b), for “Article 6(1)(a), (ab), (ac), (ad), (ae), or (c) or (1A)(a)” and “1981” substitute respectively “Article 45(1)(a), (b), (c), (d), (e) or (g) or (2)(a)” and “2004”.

5. In section 170(4A)(b), for “Article 6(1)(a), (ab), (ac), (ad), (ae) or (c) or (1A)(a)” and “1981” substitute respectively “Article 45(1)(a), (b), (c), (d), (e) or (g) or (2)(a)” and “2004”.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Firearms (Northern Ireland) Order 2004 No. 702*

*Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)*

6. In Article 29(1), for sub-paragraph (f) substitute the following sub-paragraph—  
“(f) Article 3, 61(2) or 64 of the Firearms (Northern Ireland) Order 2004”.

*Repatriation of Prisoners Act 1984 (c. 47)*

7. In the Schedule—  
(a) in the cross-heading preceding paragraph 8, for “1981” substitute “2004”;  
(b) in paragraph 8, for “Article 22” and “1981” substitute respectively “Article 63” and “2004”.

*Wildlife (Northern Ireland) Order 1985 (NI 2)*

8. In Article 2(2)—  
(a) in the definition of “ammunition”, for “1981” substitute “2004”;  
(b) in the definition of “firearm”, for “1981” substitute “2004”.
9. In Schedule 11, in paragraph 3 for “1981” substitute “2004”.

*Mental Health (Northern Ireland) Order 1986 (NI 4)*

10. In Article 44(4A), for “Article 52A” and “1981” substitute respectively “Article 70” and “2004”.

*Criminal Justice Act 1988 (c. 33)*

11. In section 141(13) for “1981” substitute “2004”.

*Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

12. In Schedule 5, in Part II, after paragraph 15 add the following—

*“Firearms (Northern Ireland) Order 2004*

16. Article 58(1) (possession of firearm with intent to endanger life, etc.).  
17. Article 59(1) (use of firearm or imitation firearm to resist arrest).  
18. Article 60 (carrying firearm or imitation firearm with criminal intent).”

*Criminal Justice (Northern Ireland) Order 1996 (NI 24)*

13. In Article 2(9), for “Article 52A” and “1981” substitute respectively “Article 70” and “2004”.
14. In Article 4(1), for “Article 52A(2)” and “1981” substitute respectively “Article 70(2)” and “2004”.
15. In Article 10(1), for “Article 52A(2)” and “1981” substitute respectively “Article 70(2)” and “2004”.
16. In Article 13(1), for “Article 52A(2)” and “1981” substitute respectively “Article 70(2)” and “2004”.

**17.** In Article 15(1), for “Article 52A(2)” and “1981” substitute respectively “Article 70(2)” and “2004”.

**18.** In Article 19(1), for “Article 52A(2)” and “1981” substitute respectively “Article 70(2)” and “2004”.

**19.** In Article 20(1), for “Article 52A(2)” and “1981” substitute respectively “Article 70(2)” and “2004”.

**20.** In Article 24(1), for “Article 52A(2)” and “1981” substitute respectively “Article 70(2)” and “2004”.

*Northern Ireland Arms Decommissioning Act 1997 (c. 7)*

**21.** In section 10(1)—

- (a) in paragraph (a) of the definition of “ammunition”, for “1981” substitute “2004”;
- (b) in paragraph (a) of the definition of “firearm”, for “1981” substitute “2004”.

**22.** In paragraph 8 of the Schedule, after “1981” insert “or a corresponding provision of the Firearms (Northern Ireland) Order 2004”.

*Terrorism Act 2000 (c. 11)*

**23.** In section 77(3) for the entry relating to the Firearms (Northern Ireland) Order 1981 substitute—

*“The Firearms (Northern Ireland) Order 2004*

Article 45(1) (manufacturing, dealing in or possessing certain weapons, etc.).

Article 58(1) (possessing firearm or ammunition with intent to endanger life or cause serious damage to property).

Article 59(2) (possessing firearm or imitation firearm at time of committing, or being arrested for, a specified offence).

Article 63(1), (2) or (4) (possession of a firearm or ammunition by a person who has been sentenced to imprisonment, &c.).

Article 64 (possessing firearm or ammunition in suspicious circumstances).”.

**24.** In Schedule 9, in Part I, for paragraph 16 substitute the following paragraph—

*“Firearms (Northern Ireland) Order 2004 (S.I. 2004/ (N.I. ))*

**16.** Offences under the following provisions of the Firearms (Northern Ireland) Order 2004 subject to note 1 below—

- (a) Article 24(1) (manufacturing, dealing in, repairing, etc., firearm or ammunition without firearms dealer’s certificate),
- (b) Article 37(1), (2) or (4) (sale, etc., of firearm or ammunition),
- (c) Article 45(1) (manufacturing, dealing in or possessing certain weapons, etc.),
- (d) Article 58(1) (possessing firearm or ammunition with intent to endanger life or cause serious damage to property),
- (e) Article 59 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another),

- (f) Article 60 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another),
- (g) Article 61 (carrying firearm, etc. in public place) subject to note 4 below,
- (h) Article 63 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc. and sale of firearm or ammunition to such a person),
- (i) Article 64 (possessing firearm or ammunition in suspicious circumstances), and
- (j) Article 67 (shortening barrel of shotgun or converting imitation firearm into firearm).”.

*Criminal Justice and Police Act 2001 (c. 16)*

**25.** In Schedule 1 (powers of seizure)—

- (a) for paragraph 30 substitute the following paragraph—

*“Firearms (Northern Ireland) Order 2004 (S.I. 2004) (N.I. )*

**30.** The power of seizure conferred by Article 52 of the Firearms (Northern Ireland) Order 2004 (seizure of firearms, etc.)”;

- (b) for paragraph 80 substitute the following paragraph—

*“Firearms (Northern Ireland) Order 2004 (S.I. 2004/ (N.I. ))*

**80.** The power of seizure conferred by Article 52 of the Firearms (Northern Ireland) Order 2004 (seizure of firearms, etc.)”;

- (c) for paragraph 102 substitute the following paragraph—

*“Firearms (Northern Ireland) Order 2004 (S.I. 2004/ (N.I. ))*

**102.** The power of seizure conferred by Article 52 of the Firearms (Northern Ireland) Order 2004 (seizure of firearms, etc.)”.

*Proceeds of Crime Act 2002 (c. 29)*

**26.** In Schedule 5, in paragraph 5(2) for “Article 4(1)” and “1981 (S.I. 1981/155 (N.I. 2))” substitute respectively “Article 24(1)” and “2004 (S.I. 2004/ (N.I. ))”.

*Sexual Offences Act 2003 (c. 42)*

**27.** In paragraph 145 of Schedule 5 (other offences for the purposes of Part 2 of that Act), for “Article 17” and “1981 (S.I. 1981/155 (N.I. 2))” substitute respectively “Article 58(1)” and “2004 (S.I. 2004/ (N.I. ))”.

**28.** In paragraph 146 of that Schedule for “Article 17A” substitute “Article 58(2)”.

**29.** In paragraph 147 of that Schedule for “Article 18(1)” substitute “Article 59(1)”.

**30.** In paragraph 148 of that Schedule for “Article 18(2)” and “Schedule 1” substitute respectively “Article 59(2)” and “Schedule 4”.

**31.** In paragraph 149 of that Schedule for “Article 19” substitute “Article 60”.

*Criminal Justice Act 2003 (c. 44)*

32. In paragraph 33 of Schedule 17 (violent offences and sexual offences), for “Article 17” and “1981 (S.I. 1981/155 (N.I. 2))” substitute respectively “Article 58(1)” and “2004 (S.I. 2004/ (N.I. ))”.
33. In paragraph 34 of that Schedule for “Article 17A” substitute “Article 58(2)”.
34. In paragraph 35 of that Schedule for “Article 18(1)” substitute “Article 59(1)”.
35. In paragraph 36 of that Schedule for “Article 18(2)” and “Schedule 1” substitute respectively “Article 59(2)” and “Schedule 4”.
36. In paragraph 37 of that Schedule for “Article 19” substitute “Article 60”.