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## STATUTORY INSTRUMENTS

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# 2004 No. 702

## The Firearms (Northern Ireland) Order 2004

### PART IV

#### CONTROL OF TRANSACTIONS

##### **Business and other transactions with firearms and ammunition**

**37.**—(1) A person who sells or transfers to any other person in the United Kingdom, other than the holder of a firearms dealer's certificate, any firearm or ammunition, unless that other person—

- (a) produces a firearm certificate authorising him to purchase or acquire it; or
- (b) shows that he is by virtue of this Order entitled to purchase or acquire it without holding a certificate,

shall be guilty of an offence.

(2) A person who undertakes the repair, test or proof of a firearm or ammunition for any other person in the United Kingdom, other than the holder of a firearms dealer's certificate, unless that other person—

- (a) produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition; or
- (b) shows that he is by virtue of this Order entitled to have possession of it without holding a certificate,

shall be guilty of an offence.

(3) Paragraphs (1) and (2) have effect subject to any exemption under this Order.

(4) A person who, with a view to purchasing or acquiring, or procuring the repair, test or proof of, any firearm or ammunition—

- (a) produces a false certificate or other document or a certificate or other document in which any false entry has been made;
- (b) personates a person to whom a certificate or other document has been granted; or
- (c) knowingly or recklessly makes a statement false in any material particular,

shall be guilty of an offence.

(5) A pawnbroker who takes in pawn from any person any firearm or ammunition shall be guilty of an offence.

(6) It is not an offence under paragraph (1) for a person who is a carrier or warehouseman or an employee of a carrier or warehouseman to deliver any firearm or ammunition in the ordinary course of his business or employment as such.

(7) It is not an offence under paragraph (1) for a person to part with the possession of any firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Order entitled to have possession of the firearm or ammunition without holding a firearm certificate.

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## Record of transactions in firearms

**38.**—(1) A firearms dealer shall—

- (a) keep a record of each transaction; <sup>F1</sup>...
- (b) retain all relevant documents for a period of at least two years after their coming into his possession<sup>F2</sup>; and
- (c) send a copy of the record of each transaction involving a firearm within 72 hours of the transaction to the Chief Constable.]

(2) The record shall—

- (a) include the particulars specified in Schedule 3 and any particulars required by paragraph (3) or Article 44(5);
- (b) be made within 24 hours after the transaction;
- (c) be kept for a period not less than five years from the date of the transaction.

(3) In the case of a sale or transfer, he shall at the time of the transaction require the purchaser or transferee, if not known to him, to provide him with particulars sufficient for identification.

(4) If he keeps a record in any electronic form, he shall ensure that the information comprised in the record can readily be produced in a readable form which can be taken away.

(5) He shall—

- (a) allow an authorised officer to enter and inspect all stock in hand;
- (b) produce on request for inspection by an authorised officer—
  - (i) any record of transactions required to be kept by paragraph (1) (or if the record is kept in any electronic form, a copy of the record in a readable form); and
  - (ii) any relevant documents required to be kept by that paragraph.

(6) An authorised officer shall produce his authority if required to do so.

<sup>F3</sup>(6A) A person who fails to comply with paragraph (1)(c) shall be guilty of an offence.]

(7) A person who—

- (a) fails to comply with any<sup>F4</sup>other] provision of this Article; or
- (b) knowingly makes a false record,

shall be guilty of an offence.

(8) In this Article—

“authorised officer” means—

- (a) a constable authorised by the Chief Constable;
- (b) a member of the police support staff authorised by the Chief Constable; or
- (c) an officer of customs and excise;

“relevant documents”, in relation to a transaction recorded under this Article, means all invoices, consignment notes, receipts or other documents relating to the transaction.

(9) Nothing in this Article applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under Article 34(1).

**F1** Word in art. 38(1) omitted (16.4.2015) by virtue of [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1)(3), **3(3)(a)**

**F2** Art. 38(1)(c) and word inserted (16.4.2015) by [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1)(3), **3(3)(b)**

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- F3** Art. 38(6A) inserted (16.4.2015) by [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1)(3), **3(3)(c)**
- F4** Word in art. 38(7)(a) inserted (16.4.2015) by [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1)(3), **3(3)(d)**

### **[<sup>F5</sup>Recording of transactions in firearms by Chief Constable**

**38A.**—(1) This Article applies where the Chief Constable receives a copy of a record of a transaction involving a firearm in accordance with Article 38(2)(a).

- (2) The Chief Constable must keep a record which includes the following information—
- (a) a description of the firearm which includes the matters mentioned in paragraph 6(a) [<sup>F6</sup>and (b)] of Schedule 3;
  - (b) the names and addresses of the seller or transferor and the purchaser or transferee [<sup>F7</sup>, together with the date of the transaction] .
- (3) The record mentioned in paragraph (2) must be kept—
- (a) on a computerised data filing system;
  - (b) for a period of not less than [<sup>F8</sup>30 years after the destruction of the firearm in question] .]

- F5** Art. 38A inserted (16.4.2015) by [The Firearms Regulations 2015 \(S.I. 2015/860\)](#), regs. 1(1)(3), **3(4)**
- F6** Words in art. 38A(2)(a) substituted (12.12.2019) by [The Firearms Regulations 2019 \(S.I. 2019/1420\)](#), regs. 1(1), **5(3)(a)**
- F7** Words in art. 38A(2)(b) inserted (12.12.2019) by [The Firearms Regulations 2019 \(S.I. 2019/1420\)](#), regs. 1(1), **5(3)(b)**
- F8** Words in art. 38A(3)(b) substituted (12.12.2019) by [The Firearms Regulations 2019 \(S.I. 2019/1420\)](#), regs. 1(1), **5(3)(c)**

### **Transfers of firearms and ammunition to be in person**

**39.**—(1) This Article applies where in Northern Ireland a firearm or ammunition is sold, let on hire, lent or given by any person ( “the transferor”) to another person ( “the transferee”) who is neither the holder of a firearms dealer's certificate nor a person who is entitled to purchase or acquire the firearm or ammunition without a firearm certificate or a visitor's firearm permit.

- (2) Where this Article applies—
- (a) the transferee must produce to the transferor the certificate or permit entitling him to purchase or acquire the firearm or ammunition being transferred;
  - (b) the transferor must comply with any instructions contained in the certificate or permit produced by the transferee;
  - (c) the transferor must hand the firearm or ammunition to the transferee, and the transferee must receive it, in person.
- (3) A person who fails to comply with paragraph (2) shall be guilty of an offence.

### **Notification of dealings involving firearms**

- 40.**—(1) This Article applies where in Northern Ireland a firearm is sold, let on hire, lent or given.
- (2) Any party to a transfer to which this Article applies who is the holder of—
- (a) a firearm certificate or visitor's firearm permit which relates to the firearm in question; or
  - (b) a firearms dealer's certificate,

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shall within 72 hours of the transfer send notice of it to the Chief Constable.

- (3) A notice required by paragraph (2) shall—
  - (a) contain a description of the firearm in question (giving its identification number and the reference number of the certificate or permit if any); and
  - (b) state the nature of the transaction and the name and address of the other party.
- (4) A person who fails to comply with this Article shall be guilty of an offence.

#### **Notification of loss, repair or deactivation of firearms, etc.**

**41.**—(1) Where in Northern Ireland any firearm or ammunition to which a firearm certificate or visitor's firearm permit relates is lost (whether by theft or otherwise), the certificate or permit holder shall notify the Chief Constable immediately.

(2) Where a person holding a firearm certificate or visitor's firearm permit in respect of any firearm which has been tested by virtue of Article 54 repairs or alters it or causes it to be repaired or altered, he shall, within 72 hours of the completion of the repair or alteration, send notice of it to the Chief Constable.

(3) Where in Northern Ireland a firearm to which a firearm certificate or visitor's firearm permit relates is deactivated or destroyed, the certificate or permit holder shall within seven days of that event send notice of it to the Chief Constable.

- (4) A notice required by this Article shall—
  - (a) describe the firearm or ammunition in question (giving the identification number of the firearm and the reference number of the certificate or permit if any); and
  - (b) state the nature of the event.

(5) Any person who, without reasonable excuse, fails to comply with this Article shall be guilty of an offence.

(6) For the purposes of this Article and Article 42 a firearm is deactivated if it would by virtue of Article 2(7) be presumed to have been rendered incapable of discharging any shot, bullet or other missile.

#### **Notification of disposal or destruction, etc. taking place outside Northern Ireland**

**42.**—(1) Where outside Northern Ireland any firearm is sold or otherwise disposed of by a transferor whose acquisition or purchase of the firearm was authorised by a firearm certificate, the transferor shall within 7 days of the disposal send notice of it to the Chief Constable.

(2) Any person who without reasonable excuse fails to comply with paragraph (1) shall be guilty of an offence.

- (3) Where, outside Northern Ireland—
  - (a) a firearm to which a firearm certificate relates is deactivated, destroyed or lost (whether by theft or otherwise); or
  - (b) any ammunition to which a firearm certificate relates is lost (whether by theft or otherwise),

the certificate holder who was last in possession of the firearm or ammunition before that event shall within 7 days of the event send notice of it to the Chief Constable.

(4) Any person who, without reasonable excuse, fails to comply with paragraph (3) shall be guilty of an offence.

- (5) A notice required by this Article shall—

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- (a) describe the firearm or ammunition in question (giving the identification number of the firearm and the reference number of the certificate if any); and
- (b) state the nature of the event and, in the case of a disposal, the name and address of the other party.

### **Purchase or acquisition of firearms in <sup>F9</sup>... member States**

**43.—**(1) Subject to paragraphs (2) and (3), where—

- (a) a person who resides in Northern Ireland purchases or acquires a firearm in [<sup>F10</sup>a member State]; and
- (b) that firearm is a firearm which falls within category C for the purposes of Annex I to the European weapons directive,

he shall, within 7 days from the transaction, send notice of it to the Chief Constable.

(2) A person shall not be required to give notice under paragraph (1) of a transaction under which he acquires a firearm on terms which—

- (a) restrict his possession of the firearm to the whole or a part of the period of a visit to the member State where the transaction takes place; and
- (b) preclude the removal of the firearm from that member State.

(3) A person shall not be required to give notice under paragraph (1) of a transaction under which he purchases or acquires a firearm if he is the holder of a firearm certificate relating to that firearm and containing, in relation to that firearm, a condition that he may have it in his possession only for the purpose of its being kept or exhibited as part of a collection.

(4) A notice required by paragraph (1) shall—

- (a) describe the firearm in question (giving its identification number and the reference number of the certificate if any); and
- (b) state the nature of the transaction and the name and address in Northern Ireland of the person sending the notice.

(5) A person who fails to comply with this Article shall be guilty of an offence.

**F9** Word in [art. 43](#) heading omitted (31.12.2020 immediately before IP completion day) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **5(6)**

**F10** Words in [Order](#) substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **5(3)**

### **Firearms acquired for export**

**44.—**(1) A person may, without holding a firearm certificate, purchase a firearm from a firearms dealer if—

- (a) that person has not been in Northern Ireland for more than 30 days in the preceding twelve months; and
- (b) the firearm is purchased for the purpose only of being exported from Northern Ireland without first coming into that person's possession.

(2) A person shall not be entitled under paragraph (1) to purchase any firearm which falls within category B for the purposes of Annex I to the European weapons directive unless he—

- (a) produces to the dealer from whom he purchases it a document which—

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- (i) has been issued under provisions which, in the member State where he resides, correspond to the provisions of Article 22 for the issue of Article 7 authorities; and
  - (ii) contains the prior agreement to its purchase which is required by Article 7 of the European weapons directive;
  - (b) shows that he is purchasing it exclusively in connection with the carrying on of activities in respect of which he, or the person on whose behalf he is purchasing the firearm, is recognised, for the purposes of the law of [<sup>F10</sup>a member State] relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons; or
  - (c) shows that he resides in the United Kingdom or outside the member States.
- (3) A firearms dealer who sells a firearm to a person who shows that he is entitled by virtue of paragraph (1) to purchase it without holding a certificate shall within 48 hours from the transaction send the Chief Constable notice of it.
- (4) The notice of a transaction under paragraph (3) shall contain the particulars required to be recorded under Article 38(2)(a).
- (5) In the case of a transaction to which paragraph (3) applies, the particulars of which a dealer is required by Article 38(2) to keep a record shall include—
- (a) the number and place of issue of the purchaser's passport, if any; and
  - (b) where the transaction is one for the purposes of which a document such as is mentioned in paragraph (2)(a) is required to be produced, particulars of the agreement contained in that document.
- (6) A firearms dealer who fails to comply with paragraph (3) shall be guilty of an offence.

**F10** Words in [Order](#) substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **5(3)**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 6(3A) inserted by [2019 c. 17 s. 62\(2\)](#)
- art. 6A inserted by [2019 c. 17 s. 62\(3\)](#)
- art. 11(1A) inserted by [2019 c. 17 s. 62\(4\)](#)