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STATUTORY INSTRUMENTS

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**2004 No. 702**

**The Firearms (Northern Ireland) Order 2004**

**PART V**

**PROHIBITION OF CERTAIN WEAPONS AND CONTROL OF ARMS TRAFFIC**

**Weapons subject to general prohibition**

**45.**—(1) Subject to Article 46, a person who, without the authority of the Secretary of State, has in his possession, or purchases or acquires, or manufactures, sells or transfers—

- (a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;
- (b) any self-loading or pump-action rifle other than one which is chambered for .22 rimfire cartridges;
- (c) any self-loading or pump-action smoothbore firearm which is not an air gun or chambered for .22 rimfire cartridges and either has a barrel less than 60.96 centimetres in length or is less than 102 centimetres in length overall;
- (d) any smoothbore revolver firearm other than one which is chambered for 9 mm. rimfire cartridges or a muzzle-loading firearm;
- (e) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signalling apparatus;
- (f) any weapon of whatever description designed or adapted for the discharge of electricity or any noxious liquid, gas or other thing; and
- (g) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in sub-paragraph (f) and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode on or immediately before impact,

shall be guilty of an offence.

(2) Subject to Article 46, a person who without the authority of the Secretary of State has in his possession, or purchases or acquires, or sells or transfers—

- (a) any firearm which is disguised as another object;
- (b) any rocket or ammunition not falling within paragraph (1)(g) which consists in or incorporates a missile designed to explode on or immediately before impact and is for military use;
- (c) any launcher or other projecting apparatus not falling within paragraph (1)(e) which is designed to be used with any rocket or ammunition falling within sub-paragraph (b) or with ammunition which would fall within that sub-paragraph but for its being ammunition falling within paragraph (1)(g);

- (d) any ammunition for military use which consists in or incorporates a missile designed so that a substance contained in the missile will ignite on or immediately before impact;
- (e) any ammunition for military use which consists in or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour;
- (f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;
- (g) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been, incorporated in—
  - (i) any ammunition falling within sub-paragraphs (b) to (f); or
  - (ii) any ammunition which would fall within any of those sub-paragraphs but for its being specified in paragraph (1),

shall be guilty of an offence.

(3) An authority given to a person by the Secretary of State under this Article shall be in writing and shall be subject to such conditions as may be specified in the authority.

(4) The conditions of the authority shall include such as the Secretary of State, having regard to the circumstances of each particular case, thinks fit to impose for the purpose of ensuring that the prohibited weapon or ammunition to which the authority relates will not endanger public safety or the peace.

(5) It is an offence for a person to whom an authority is given under this Article to fail to comply with any of its conditions.

(6) The Secretary of State may at any time revoke an authority given to a person under this Article by notice in writing requiring him to surrender the authority to such person as may be specified in the notice within 21 days from the date of the notice; and if he fails to comply with that requirement, he shall be guilty of an offence.

(7) For the purposes of this Article and Article 46—

- (a) any rocket or ammunition which is designed to be capable of being used with a military weapon shall be taken to be for military use;
- (b) references to a missile designed so that a substance contained in it will ignite on or immediately before impact include any missile containing a substance that ignites on exposure to air; and
- (c) references to a missile's expanding on impact include its deforming in any predictable manner on or immediately after impact.

(8) For the purposes of paragraph (1)(c), any detachable, folding, retractable or other movable butt-stock shall be disregarded in measuring the length of any firearm.

(9) In this Article "muzzle-loading firearm" means a firearm which is designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).

(10) The Secretary of State may by order add any firearm or any ammunition to the weapons or ammunition specified in paragraph (1) whether by altering the description of any weapon or ammunition in that paragraph or otherwise.

#### **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).

### **Possession of firearms on service premises, etc.**

**47.**—(1) A person under the supervision of a member of the armed forces may, without holding a firearm certificate or obtaining the authority of the Secretary of State under Article 45, have in his possession a firearm and ammunition on service premises.

(2) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a firearm certificate or obtaining the authority of the Secretary of State under Article 45, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.

(3) Paragraph (1) does not apply to a person while engaged in providing security protection on service premises and paragraph (2) does not apply to a person while engaged in providing security protection on relevant premises.

(4) In this Article—

“service premises” means any place, including any ship or aircraft, used for any purpose of the armed forces; and

“relevant premises” means any place used for any purpose of the Ministry of Defence Police.

### **Power to prohibit movement of firearms and ammunition**

**48.**—(1) The Secretary of State may by order prohibit the removal of any firearms or ammunition from one place to another in Northern Ireland unless the removal is authorised by the Chief Constable and unless such other conditions as may be specified in the order are complied with.

(2) The Secretary of State may by order prohibit the removal of any firearms or ammunition—

- (a) from Northern Ireland to Great Britain; or
- (b) for export from Northern Ireland,

unless the removal is authorised by the Chief Constable and unless such other conditions as may be specified in the order are complied with.

(3) An order under this Article may apply—

- (a) either generally to all such removals or to removals from and to particular localities specified in the order; and
- (b) either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and
- (c) either to all modes of conveyance or to such modes of conveyance as may be so specified,

but no such order shall prohibit the holder of a firearm certificate from carrying with him any firearms or ammunition authorised by the certificate to be so carried.

(4) It is an offence to contravene any of the provisions of an order made under this Article or of an order under section 6 of the Firearms Act 1968 (c. 27) prohibiting the removal of firearms or ammunition from Great Britain to Northern Ireland.