
STATUTORY INSTRUMENTS

2004 No. 702

The Firearms (Northern Ireland) Order 2004

PART VII

ENFORCEMENT AND OFFENCES

Enforcement

Power of search with warrant

52.—(1) If a justice of the peace is satisfied that there is reasonable ground for suspecting—

- (a) that an offence under this Order has been, is being or is about to be committed; or
- (b) that, in connection with a firearm or ammunition, there is a danger to public safety or to the peace,

he may grant a warrant for any of the purposes mentioned in paragraph (2).

(2) A warrant under this Article may authorise a constable or a member of the police support staff—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there;
- (b) to seize and detain anything which he may find there, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting—
 - (i) that an offence under this Order has been, is being or is about to be committed; or
 - (ii) that, in connection with a firearm, imitation firearm or ammunition, there is a danger to public safety or to the peace.

(3) The power under paragraph (2)(b) to seize and detain anything found on any premises or place shall include power to require any information which is kept in any electronic form and is accessible from the premises or place to be produced in a readable form which can be taken away.

(4) Any person who intentionally obstructs a constable or a member of the police support staff in the exercise of his powers under this Article shall be guilty of an offence.

Powers of constables to stop and search

53.—(1) A constable may require any person whom he has reasonable cause to suspect—

- (a) of having a firearm or ammunition with him in a public place; or
- (b) to be committing or about to commit an offence under Article 60 or 62 elsewhere than in a public place,

to hand over the firearm or ammunition for examination.

(2) A person who, having a firearm or ammunition with him, fails to hand it over when required to do so by a constable under paragraph (1), shall be guilty of an offence.

(3) If a constable has reasonable cause to suspect a person of having in his possession a firearm or ammunition in contravention of any provision of this Order, the constable may search that person.

(4) If a constable has reasonable cause to suspect—

(a) that there is a firearm in a vehicle in a public place; or

(b) that a vehicle is being or is about to be used in connection with the commission of an offence under Article 60 or 62 elsewhere than in a public place,

he may search the vehicle and for that purpose require the person driving or in control of it to stop it.

(5) If the person driving or in control of any vehicle fails to stop it when required to do so by a constable under paragraph (4) or refuses to permit the vehicle to be searched, he shall be guilty of an offence.

(6) For the purpose of exercising the powers conferred by this Article a constable may enter any place.

Production of firearms for ballistic and other tests

54.—(1) The Chief Constable may by notice in writing require any person having lawful possession of a firearm to produce it at such time and place as may be specified in the notice for the purpose of having ballistic or other tests carried out on it and of establishing and recording any distinctive characteristics.

(2) A person who without reasonable excuse fails to comply with a notice issued under paragraph (1) shall be guilty of an offence.

Production of certificates, etc.

55.—(1) A constable may demand from any person whom he believes to be in possession of a firearm or ammunition the production of his firearm certificate.

(2) Where a person upon whom a demand has been made by a constable under paragraph (1) and whom the constable believes to be in possession of a firearm fails—

(a) to produce a firearm certificate; or

(b) to show that he is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with a document identifying that firearm under any of the provisions which in the other member States correspond to the provisions of this Order for the issue of European firearms passes; or

(c) to show that he is in possession of the firearm exclusively in connection with the carrying on of activities in respect of which he or the person on whose behalf he has possession of the firearm, 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,

the constable may demand from that person the production of a document which has been issued to that person in another member State under any such corresponding provisions, identifies that firearm as a firearm to which it relates and is valid.

(3) If any person upon whom a demand is made under this Article fails—

(a) to produce the firearm certificate or document or to permit the constable to read it; or

(b) to show that he is entitled by virtue of this Order to have the firearm or ammunition in his possession without holding a firearm certificate,

the constable may seize and detain the firearm or ammunition and may require the person to declare to him immediately his name and address.

(4) If under this Article a person is required to declare to a constable his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.

(5) A person who, being in possession of a firearm, fails to comply with a demand under paragraph (2) shall be guilty of an offence.

Police powers in relation to firearms traffic

56.—(1) Any constable may search for and seize any firearms or ammunition which he has reason to believe are being removed or have been removed, in contravention of an order made under Article 48 or of an order prohibiting the removal of firearms or ammunition from Great Britain to Northern Ireland made under section 6 of the Firearms Act 1968 (c. 27).

(2) A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a constable—

- (a) allow him all reasonable facilities for their examination and inspection; and
- (b) produce any documents relating to them in the possession of that person.

(3) A person who fails to comply with paragraph (2) shall be guilty of an offence.

Seizure and detention of firearms and ammunition

57. In addition to any other powers conferred on him under this Order, a constable may seize and detain any firearms or ammunition in the possession of a person whom he believes to be in possession of them in contravention of any of the provisions of this Order.