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## STATUTORY INSTRUMENTS

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# 2004 No. 702

## The Firearms (Northern Ireland) Order 2004

### PART VII

#### ENFORCEMENT AND OFFENCES

##### *Offences with firearms*

##### **Possession with intent**

**58.**—(1) A person who has in his possession any firearm or ammunition with intent—

- (a) by that means to endanger life or cause serious damage to property; or
- (b) to enable any other person by that means to endanger life or cause serious damage to property,

shall be guilty of an offence whether any injury to person or any damage to property has been caused or not.

(2) A person who has in his possession any firearm or imitation firearm with intent—

- (a) by that means to cause; or
- (b) to enable another person by that means to cause,

any person to believe that unlawful violence will be used against him or another person, shall be guilty of an offence.

##### **Use of firearm to resist arrest**

**59.**—(1) A person who makes any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or any other person shall be guilty of an offence.

(2) A person who at the time of his committing, or of his being arrested for, an offence specified in Schedule 4 has in his possession a firearm or imitation firearm, shall be guilty of an offence under this paragraph unless he shows that he had it in his possession for a lawful purpose.

(3) For the purposes of this Article, the definition of “firearm” in Article 2(2) shall apply as if paragraphs (b) and (c) were omitted.

##### **Carrying firearm with criminal intent**

**60.**—(1) A person who has with him a firearm or imitation firearm with intent—

- (a) to commit an indictable offence; or
- (b) to resist arrest or to prevent the arrest of another,

in either case while he has the firearm or imitation firearm with him, shall be guilty of an offence.

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(2) In proceedings for an offence under this Article proof that the accused had a firearm or imitation firearm with him and intended to commit an indictable offence or to resist or prevent arrest is evidence that he intended to have it with him while doing so.

(3) In this Article “indictable offence” means an offence which, if committed by an adult, is triable on indictment (whether or not it is also triable by a court of summary jurisdiction) except an offence otherwise triable only by a court of summary jurisdiction which under Article 29 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) or any other statutory provision, is required to be tried on indictment at the instance of the accused or the prosecution.

### Carrying or discharging firearm in a public place

**61.**—(1) A person who has with him<sup>[F1]</sup> in a public place—

- (a) a loaded shotgun;
- (b) an air gun (whether loaded or not);
- (c) any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm; or
- (d) an imitation firearm,]

, shall be guilty of an offence unless he shows that he had lawful authority or reasonable excuse for doing so.

(2) A person who discharges any firearm on any public road, or within 18 metres of the centre of any public road, or in any church, churchyard or burial ground shall be guilty of an offence unless he shows that he had lawful authority or reasonable excuse for doing so.

<b>F1</b> 2005 NI 16
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### Trespassing with firearm

**62.**—(1) A person who enters or is in any building or part of a building as a trespasser while he has a firearm or imitation firearm with him shall be guilty of an offence unless he shows that he had lawful authority or reasonable excuse for doing so.

(2) A person who enters or is on any land as a trespasser while he has a firearm or imitation firearm with him shall be guilty of an offence unless he shows that he had lawful authority or reasonable excuse for doing so.

### Prohibition of possession, etc. of firearm by certain persons

**63.**—(1) Subject to paragraph (7), a person who has been sentenced to—

- (a) imprisonment; or
- (b) detention in a young offenders centre,

shall not at any time purchase, acquire or have in his possession a firearm or ammunition unless the term of imprisonment or detention to which he was sentenced was less than three years.

(2) Subject to paragraph (7), a person who has been sentenced to—

- (a) imprisonment for a term of three months or more but less than three years; or
- (b) detention in a young offenders centre or a juvenile justice centre for such a term,

shall not at any time before the expiration of the period of eight years from the date of his conviction, purchase, acquire or have in his possession a firearm or ammunition.

(3) Subject to paragraph (7), while a person is prohibited by section 21 of the Firearms Act 1968 in Great Britain from having a firearm or ammunition in his possession, he shall also be prohibited from purchasing, acquiring or having in his possession a firearm or ammunition in Northern Ireland.

(4) Subject to paragraph (7), a person who has been sentenced to detention during the pleasure of the [<sup>F2</sup>Minister of Justice] under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9) shall not purchase, acquire or have in his possession a firearm or ammunition.

(5) A person shall not, while he is subject to—

- (a) a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm;
- (b) a probation order containing a requirement that he shall not possess, use or carry a firearm, or
- (c) a licence under Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998,

purchase, acquire or have in his possession a firearm or ammunition.

(6) A person who contravenes any of the foregoing provisions of this Article shall be guilty of an offence.

(7) A person prohibited under paragraph (1), (2), (3) or (4) from purchasing, acquiring or having in his possession a firearm or ammunition may apply to the Secretary of State to remove the prohibition <sup>F3</sup>. . . .

[<sup>F4</sup>(7A) Where an application is made to the Secretary of State under paragraph (7) for the removal of a prohibition, the Secretary of State must—

- (a) remove the prohibition,
- (b) refuse the application, or
- (c) refer the application to the Minister of Justice.

(7B) But the Secretary of State may act under paragraph (7A)(a) or (b) only if the Secretary of State's view that the prohibition should be removed or the application should be refused is arrived at (wholly or partly) on the basis of information the disclosure of which may, in the view of the Secretary of State, be against the interests of national security.

(7C) Where an application is referred to the Minister of Justice under paragraph (7A)(c), the Minister may remove the prohibition or refuse the application.]

(8) A person who sells or transfers a firearm or ammunition to, or repairs, tests or proves a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this Article from purchasing, acquiring or having in his possession a firearm or ammunition, shall be guilty of an offence.

(9) In this Article “sentenced” means sentenced in any part of the United Kingdom.

**F2** Words in art. 63(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 9, **Sch. 11 para. 5(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F3** Words in art. 63(7) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 9, **Sch. 11 para. 5(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**F4** Art. 63(7A)-(7C) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 9, **Sch. 11 para. 5(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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### Possession of firearm or ammunition in suspicious circumstances

**64.**—(1) A person who has in his possession any firearm or ammunition in suspicious circumstances shall be guilty of an offence unless he shows that he had it in his possession for a lawful purpose.

(2) In paragraph (1) “suspicious circumstances” means circumstances such as to give rise to a reasonable suspicion that the person does not have the firearm or the ammunition in his possession for a lawful purpose.

(3) This Article is without prejudice to any other provision of this Order.

### Possession of loaded firearm while drunk or under influence of drugs

**65.** A person who has in his possession any loaded firearm while drunk or under the influence of drugs shall be guilty of an offence.

### Supplying firearm or ammunition to person who is drunk, etc.

**66.** A person who sells or transfers any firearm or ammunition to, or repairs, proves or tests any firearm or ammunition for, a person whom he knows or has reasonable cause for believing to be drunk, under the influence of drugs, or suffering from mental disorder, shall be guilty of an offence.

### [<sup>F5</sup>Supplying imitation firearms to minors

**66A.**—(1) It is an offence for a person under the age of 18 to purchase an imitation firearm.

(2) It is an offence to sell an imitation firearm to a person under the age of 18.

(3) In proceedings for an offence under paragraph (2) it is a defence to show that the person charged with the offence—

- (a) believed the other person to be aged 18 or over; and
- (b) had reasonable ground for that belief.]

<p><b>F5</b> <a href="#">Art. 66A</a> inserted (1.10.2007) by <a href="#">Violent Crime Reduction Act 2006 (c. 38)</a>, ss. 51, 66(2), <a href="#">Sch. 2 para. 8(1)</a>; S.I. 2007/2180, <a href="#">art. 4(d)(i)</a></p>
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### Conversion of weapons

**67.**—(1) Subject to paragraph (2), a person who shortens the barrel of a shotgun to a length less than 60.96 centimetres shall be guilty of an offence.

(2) It shall not be an offence under paragraph (1) for the holder of a firearms dealer's certificate to shorten the barrel of a shotgun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel of not less than 60.96 centimetres in length.

(3) A person, other than the holder of a firearms dealer's certificate, who converts into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through its barrel, shall be guilty of an offence.

(4) A person who commits an offence under Article 3 by having in his possession, or purchasing or acquiring—

- (a) a shotgun which has been shortened contrary to paragraph (1); or
- (b) a firearm which has been converted as mentioned in paragraph (3) (whether by the holder of a firearms dealer's certificate or not),

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without holding a firearm certificate authorising him to have it in his possession, or to purchase or acquire it, shall be treated for the purposes of the provisions of this Order relating to the punishment of offences as committing that offence in an aggravated form.

## Defences

**68.** In proceedings for an offence under Article 59(2), 61, 62 [<sup>F6</sup>, 64 or 66A] , if a person adduces evidence which is sufficient to raise an issue with respect to a matter which he is required to show under any of those Articles, he shall be treated as having shown that matter unless the prosecution proves the contrary beyond reasonable doubt.

**F6** Words in art. 68 substituted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 51 , 66(2), [Sch. 2 para. 8\(2\)](#); S.I. 2007/2180, [art. 4\(d\)\(i\)](#)

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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\(4\)](#)