

*These notes refer to the Justice Act (Northern Ireland)
2016 (c.21) which received Royal Assent on 12 May 2016*

Justice Act (Northern Ireland) 2016

EXPLANATORY NOTES

SCHEDULES

Schedule 5

Amendments of the Firearms (Northern Ireland) Order 2004

Paragraph 1: Definition of a Shotgun Club

This paragraph introduces a definition for a shotgun club to enable young shooters to learn clay target shooting. Paragraph 1(4) inserts Article 50A which enables the Chief Constable to authorise shotgun clubs to undertake clay target shooting with young people aged 12 to 15 while they are under appropriate supervision.

This will enable young people to have access to shotguns from a lower age, but in a controlled environment.

Paragraph 2: Grant of a Firearm Certificate to a person aged 16 or 17 for a shotgun or airgun

This paragraph provides that Article 7 of the 2004 Order should be amended so that the Chief Constable may grant a firearm certificate to a 16 or 17 old for the acquisition and possession of a firearm (i.e. an airgun with a kinetic energy in excess of 1 joule or a shotgun) for sporting purposes or for pest control.

The extension to control is new. The current supervision requirement remains unchanged (i.e. by a person aged at least 21 years and who has held a firearm certificate for that type of firearm for at least 3 years).

In a further easing of current arrangements paragraph 2(2)(b) amends paragraph 11 of Schedule 1 to the 2004 Order to provide for 16 year olds and 17 year olds to have access to a shotgun in the same circumstances as an adult can at present although subject to supervision.

In other words even without a firearm certificate they may shoot for sporting or vermin uses while under appropriate supervision (i.e. by a person aged at least 21 years and who has held a firearm certificate for that type of firearm for at least 3 years). This access is not permitted at present.

Paragraph 3: Introduction of fees for variations (including banded exchanges) transacted by a firearms dealer

This paragraph deals with one on one off exchanges for shotguns and exchanges of firearms of the same type and calibre. Both of these options exist now but a fee is being introduced.

One off exchanges (this is where a dealer can carry out a one off transaction to remove a firearm from a certificate without it being replaced), and the exchange of rifles within bands (the banded system) are also provided for.

These are new provisions. Conditions for the banded system are included. These are covered in new Article 11(4)(c).

The fees concerned have been the subject of extensive stakeholder consultation.

Paragraph 3(2) inserts Schedule 1A in the 2004 Order to set out the new bands.

Paragraph 4: Introduces a fee for the variation of a firearms dealer's certificate

This paragraph amends Article 29(6) to introduce a fee for the variation of a firearms dealer's certificate. This is "nil" until further work has been carried out to cost it.

Paragraph 5: Updated certificates

This paragraph amends Article 5 to provide for a situation where an individual or a dealer wishes to have an updated certificate as opposed to a duplicate certificate (a duplicate is the certificate as originally issued whereas an updated one would take account of any changes up to the date of reissue).

Paragraph 6: Certificates granted in Great Britain

This paragraph amends Articles 17 and 18 to clarify the law so that firearm and shotgun certificates from Great Britain would be accepted here without the need for a Certificate of Approval from the Chief Constable.

Our certificates are recognised in GB (those firearms without a certificate in GB would still need a certificate of approval e.g. airguns in excess of 1 Joule but under 12 foot pounds).

Paragraph 7: Schedule of Fees

Paragraph 7 substitutes Schedule 6 to the 2004 Order which sets out the recent revisions of the existing fees as well as the new fees.