
STATUTORY INSTRUMENTS

1989 No. 1338 (N.I. 10)

NORTHERN IRELAND

The Firearms (Amendment) (Northern Ireland) Order 1989

<i>Made</i>	- - - -	<i>2nd August 1989</i>
<i>Laid before Parliament</i>		<i>18th August 1989</i>
<i>Coming into operation</i>		<i>3rd October 1989</i>

At the Court at Buckingham Palace, the 2nd day of August 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those provisions of the Firearms (Amendment) Act 1988(1) to which section 26 of that Act applies:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(2) (as modified by section 26 of the said Act of 1988) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Introductory

Title, commencement and citation

1.—(1) This Order may be cited as the Firearms (Amendment) (Northern Ireland) Order 1989 and shall come into operation on the expiration of two months from the day on which it is made.

(2) The principal Order, the Firearms (Northern Ireland) Order 1983(3) and this Order may be cited together as the Firearms (Northern Ireland) Orders 1981 to 1989.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(4) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(1) 1988 c. 45
(2) 1974 c. 28
(3) 1983 NI 20
(4) 1954 c. 33 (N.I.)

(2) In this Order “the principal Order” means the Firearms (Northern Ireland) Order 1981(5) and any expression which is also used in that Order has the same meaning in this Order.

Specially dangerous weapons

Prohibited weapons and ammunition

3.—(1) Article 6 of the principal Order shall have effect with the amendments made by paragraphs (2) and (3) the purpose of which is to extend the class of prohibited weapons and ammunition, that is to say weapons and ammunition the possession, purchase, acquisition, manufacture, sale or transfer of which requires the authority of the Secretary of State.

(2) In paragraph (1) of that Article, for sub-paragraph (a) there shall be substituted the following sub-paragraphs—

- “(a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;
- (ab) any self-loading or pump-action rifle other than one which is chambered for .22 rim-fire cartridges;
- (ac) any self-loading or pump-action smooth-bore gun which is not chambered for .22 rim-fire cartridges and either has a barrel less than twenty-four inches in length or (excluding any detachable, folding, retractable or other movable butt-stock) is less than forty inches in length overall;
- (ad) any smooth-bore revolver gun other than one which is chambered for 9mm. rim-fire cartridges or loaded at the muzzle end of each chamber;
- (ae) 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;”.

(3) For sub-paragraph (c) of that paragraph there shall be substituted the following sub-paragraph—

- “(c) 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 (b) 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 as aforesaid.”.

(4) In Article 2(2) of the principal Order (interpretation), after the definition of “registered” there shall be inserted the following definitions—

““revolver”, in relation to a smooth-bore gun, means a gun containing a series of chambers which revolve when the gun is fired;

“self-loading” and “pump-action” in relation to any weapon mean respectively that it is designed or adapted (otherwise than as mentioned in Article 6(1)(a)) so that it is automatically re-loaded or that it is so designed or adapted that it is re-loaded by the manual operation of the fore-end or forestock of the weapon;”.

(5) In Article 13(2) of the principal Order (exemption for theatrical, etc. performances)—

- (a) for the words “firearm such as is described in Article 6(1)(a)” there shall be substituted the words “prohibited weapon”; and
- (b) for the words “the firearm” there shall be substituted the words “the weapon”.

Identification of certificate-holders

Photographs

4.—(1) In Article 27(2)(a) of the principal Order (regulations requiring applications for firearm certificates to be accompanied by a photograph of the applicant) for the words “a photograph” there shall be substituted the words “up to four photographs”.

(2) In Article 58 of the principal Order (regulations), after paragraph (1) there shall be inserted the following paragraph—

“(1A) The power conferred by paragraph (1)(a) to prescribe the form of firearm certificates shall include power to require the certificate to bear a photograph of the holder.”.

Firearms dealers and other businesses

Firearms dealers

5.—(1) In Article 34(5) of the principal Order (annual renewal of dealer’s certificate of registration), for the words “on or before 1st January in each year” there shall be substituted the words “on or before the expiration of the period of three years from the grant of the certificate of registration for the time being held by him”.

(2) In Article 39(8) of the principal Order (dealer to surrender his certificate of registration on being removed from the register) after the words “surrender his certificate of registration” there shall be inserted the words “and the register of transactions kept by him under Article 42”.

(3) In the Table in Schedule 2 to the principal Order (punishments for offences), in column 2 of the entry relating to Article 39(8), after the words “certificate of registration” there shall (in consequence of paragraph (2)) be inserted the words “or register of transactions”.

Auctioneers, carriers and warehousemen

6.—(1) In Article 10 of the principal Order (exemptions for auctioneers, carriers and warehousemen), after paragraph (1) there shall be inserted the following paragraph—

“(1A) An auctioneer, carrier or warehouseman who—

- (a) fails to take reasonable precautions for the safe custody of any firearm or ammunition which, by virtue of paragraph (1), he or any servant of his has in his possession without holding a firearm certificate; or
- (b) fails to report forthwith to the Chief Constable the loss or theft of any such firearm or ammunition,

shall be guilty of an offence.”.

(2) In the Table in Schedule 2 to the principal Order (punishments for offences), after the entry relating to Article 7(4) there shall be inserted the following entry—

“Failure of auctioneer, carrier or warehouseman to take reasonable precautions for safe custody of firearm or ammunition or failure to report loss or theft	Summary	6 months or a fine of level 5 on the standard scale or both”.
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Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Firearms clubs

Power to enter and inspect premises

7.—(1) At the end of Article 54 of the principal Order (firearms clubs) there shall be added the following paragraphs—

“(5) Any constable authorised in writing in that behalf by the Chief Constable may, on producing if required his authority, enter any premises occupied or used by a firearms club authorised or deemed to have been authorised under paragraph (1) and inspect those premises, and anything on them, for the purpose of ascertaining whether the provisions of this Article are being complied with.

(6) Any person who intentionally obstructs a constable in the exercise of his powers under paragraph (5) shall be guilty of an offence.”.

(2) In the Table in Schedule 2 to the principal Order (table of punishments), after the entry relating to Article 54(3)(b) there shall be added the following entry—

“Obstruction of constable inspecting firearms club premises	Summary	A fine of level 3 on the standard scale”.
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G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to those of certain provisions of the Firearms (Amendment) Act 1988 (c. 45).

Article 3 extends the class of prohibited weapons and ammunition which cannot be held without the authority of the Secretary of State under Article 6 of the Firearms (Northern Ireland) Order 1981.

By virtue of Article 4 regulations may require an application for a firearm certificate to be accompanied by up to four photographs of the applicant. Regulations may also require the firearm certificate to bear a photograph of the holder.

Article 5 extends the period of registration of a firearms dealer from one year to three years and provides for the surrender of his register of transactions if his name is removed from the register of firearms dealers. Article 6 makes it an offence for an auctioneer, carrier or warehouseman to fail to take reasonable precautions for the safe custody of firearms or ammunition or to fail to report their loss immediately to the Chief Constable.

Article 7 enables any constable authorised by the Chief Constable to enter and inspect any premises occupied or used by a firearms club which is authorised under Article 54 of the Firearms (Northern Ireland) Order 1981 for the purpose of ascertaining whether Article 54 is being complied with.