
STATUTORY INSTRUMENTS

2004 No. 702

The Firearms (Northern Ireland) Order 2004

PART VII

ENFORCEMENT AND OFFENCES

General

Minimum sentence for certain offences

70.—(1) This Article applies where—

- (a) an individual is convicted of—
 - (i) an offence under Article 3(1)(a),
 - (ii) an offence under Article 45(1)(a)[^{F1}, (aa)], (b), (c), (d), (e) [^{F2}, (ea), (fa)] or (g), or
 - (iii) an offence under Article 45(2)(a), [^{F3}or]
 - [^{F4}(iv) an offence under any of the provisions of this Order listed in paragraph (1A) in respect of a firearm or ammunition specified in Article 3(1)(a) or Article 45(1)(a), (aa), (b), (c), (d), (e) [^{F5}, (ea), (fa)] or (g) or (2)(a), and]
- (b) the offence was committed after the commencement of this Article and at a time when he had attained the age of 16.

[^{F6}(1A) The provisions are—

- (a) Article 58 (possession of a firearm with intent);
- (b) Article 59 (use of firearm to resist arrest);
- (c) Article 60 (carrying a firearm with criminal intent);
- (d) Article 61(1) (carrying a firearm in a public place);
- (e) Article 62(1) (trespassing in a building with a firearm).]

(2) The court shall—

- (a) in the case of an offence under Article 3(1)(a) committed by a person who was aged 21 or over when he committed the offence, impose a sentence of imprisonment for a term of five years (with or without a fine), and
- (b) in any other case, impose an appropriate custodial sentence for a term of at least the required minimum term (with or without a fine),

unless (in any of those cases) the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this Article to have been committed on the last of those days.

(4) In this Article—

Changes to legislation: *The Firearms (Northern Ireland) Order 2004, Section 70 is up to date with all changes known to be in force on or before 18 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“appropriate custodial sentence” means—

- (a) in the case of an offender who has attained the age of 21 when convicted, a sentence of imprisonment, and
- (b) in the case of an offender who is under the age of 21 at that time, a sentence of detention under section 5(1) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29);

“the required minimum term” means—

- (a) in the case of an offender who had attained the age of 21 when he committed the offence, five years, and
- (b) in the case of an offender who was under the age of 21 at that time, three years.

- F1** 2005 NI 16
- F2** Words in art. 70(1)(a)(ii) inserted (14.7.2021) by **Offensive Weapons Act 2019** (c. 17), **ss. 55(5)**, 70(1) (with s. 55(7)); S.I. 2021/819, reg. 2(g)
- F3** Word in art. 70(1)(a)(iii) substituted (6.4.2007) by **Violent Crime Reduction Act 2006** (c. 38), ss. 51, 66(2), **Sch. 2 para. 3(2)(a)** (with Sch. 2 para. 3(5)); S.I. 2007/858, **art. 2(j)(i)**
- F4** Art. 70(1)(a)(iv) inserted (6.4.2007) by **Violent Crime Reduction Act 2006** (c. 38), ss. 51, 66(2), **Sch. 2 para. 3(2)(b)** (with Sch. 2 para. 3(5)); S.I. 2007/858, **art. 2(j)(i)**
- F5** Words in art. 70(1)(a)(iv) inserted (14.7.2021) by **Offensive Weapons Act 2019** (c. 17), **ss. 55(5)**, 70(1) (with s. 55(7)); S.I. 2021/819, reg. 2(g)
- F6** Art. 70(1A) inserted (6.4.2007) by **Violent Crime Reduction Act 2006** (c. 38), ss. 51, 66(2), **Sch. 2 para. 3(3)** (with Sch. 2 para. 3(5)); S.I. 2007/858, **art. 2(j)(i)**

Modifications etc. (not altering text)

- C1** Art. 70(2) excluded by S.I. 1986/595 (N.I. 4), art. 44(1A)(a) (as inserted (15.5.2008) by **Criminal Justice (Northern Ireland) Order 2008** (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(1), **Sch. 5 para. 5(1)**); S.R. 2008/217, **art. 2**, Sch. para. 18(c) (subject to savings in art. 3)

Changes to legislation:

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Changes and effects yet to be applied to :

- art. 70(2) excluded by [2016 c. 18 \(N.I.\) s. 170\(1\)s. 170\(2\)\(a\)](#)

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\(4\)](#)