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STATUTORY INSTRUMENTS

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**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), (b), (c), (d), (e) or (g), or
  - (iii) an offence under Article 45(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.

(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—

“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.