
STATUTORY INSTRUMENTS

2004 No. 702

The Firearms (Northern Ireland) Order 2004

PART VII

ENFORCEMENT AND OFFENCES

General

Forfeiture and disposal of firearms; cancellation of certificate by convicting court

72.—(1) Where a person—

- (a) is convicted of an offence under this Order or is convicted of any crime for which he is sentenced to imprisonment or to detention during the pleasure of the [^{F1}Minister of Justice] or in a young offenders centre or a juvenile justice centre; or
- (b) has been ordered to enter into 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; or
- (c) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm,

the court before which he is convicted or by which the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate held by the person convicted.

(2) Where the court cancels a firearm certificate under this Article—

- (a) it shall cause notice to be sent to the Chief Constable; and
- (b) the Chief Constable shall by notice in writing require the holder of the certificate to surrender it; and
- (c) if the holder of the certificate fails to surrender it within 21 days from the date of the notice given to him by the Chief Constable or within such further time as the Chief Constable may in special circumstances allow, he shall be guilty of an offence.

(3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this Article.

(4) The Chief Constable may order that any firearm or ammunition which is surrendered to, or seized or found by, any constable and in respect of which a firearm certificate has not been granted, shall be destroyed or otherwise disposed of.

(5) Without prejudice to paragraph (4), a court of summary jurisdiction may on the application of the Chief Constable order any firearm or ammunition seized and detained by a constable under this Order to be destroyed or otherwise disposed of.

(6) In the case of an offence under Article 48(4) or 56(3), the court before which the offender is convicted may, if he is the owner of the firearms or ammunition, make such an order as to their forfeiture as it thinks fit.

Changes to legislation: *The Firearms (Northern Ireland) Order 2004, Section 72 is up to date with all changes known to be in force on or before 24 August 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*

(7) A person aggrieved by an order under paragraph (1) or paragraph (6) may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

F1 Words in [art. 72\(1\)\(a\)](#) 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. 7](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

Modifications etc. (not altering text)

C1 [Art. 72](#) applied (with modifications) (6.4.2007 for specified purposes and 1.10.2007 to the extent not already in force) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 51, 66(2), [Sch. 2 para. 14\(3\)\(c\)](#); [S.I. 2007/858](#), [art. 2\(j\)\(ii\)\(bb\)](#); [S.I. 2007/2180](#), [art. 4\(d\)\(ii\)](#)

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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\(4\)](#)