

**FIREARMS (AMENDMENT)
(NORTHERN IRELAND) ORDER 2005**

S.I. 2005 1966

EXPLANATORY MEMORANDUM

PROVISIONS OF THE ORDER

Article 1 provides that the Order may be cited as the Firearms (Amendment) (Northern Ireland) Order 2005 and that it will come into operation 2 months from the day on which it is made.

Article 2 attracts to the Order the provisions of the Interpretation Act (Northern Ireland) 1954 and provides some additional interpretation.

Article 3 adds to the list of prohibited weapons at Article 45(1) of the Firearms (Northern Ireland) Order 2004, any air gun which uses, or is designed or adapted for use with, a self-contained gas cartridge system. It is therefore an offence to possess, purchase, acquire, manufacture, sell or transfer one of these firearms without the Secretary of State's written authority. The Government has decided that existing legal owners of these air guns may keep and continue to use them, as is the case in Great Britain.

Certificate controls apply to the small number of these air guns held in Northern Ireland and arrangements will be made for them to be covered by the Secretary of State's authority.

The Article makes some consequential amendments to the 2004 Order including adding the new offence to the list of offences punishable on indictment and which attract a maximum sentence of 10 years with a minimum sentence of 5 years. It also adds the new provision to the references to the 2004 Order in the Customs and Excise Management Act 1979

Article 4 provides that the Secretary of State may make such consequential amendments to the 2004 Order, or any other statutory provision, arising from any addition he may make to the list of prohibited weapons by virtue of the order making power at Article 45(10).

Article 5 adds to the list of firearms covered by the offence in Article 61(1) of the 2004 Order of carrying a firearm in a public place without lawful authority or reasonable excuse. The offence previously applied to the possession of loaded shotguns, loaded air guns or any other firearm (whether loaded or not) together with its ammunition. Article 5(1) adds unloaded air guns and imitation firearms to the list. Article 5(3) adds the offence to the list of offences to which powers of summary arrest apply, set out in Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989.