

*Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament*

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DRAFT STATUTORY INSTRUMENTS

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**2005 No. (N.I. )**

**NORTHERN IRELAND**

**The Firearms (Amendment) (Northern Ireland) Order 2005**

*Made* - - - - 2005

*Coming into operation*

At the Court at Buckingham Palace, the \*\* day of \*\* 2005

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) 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:—

**Title and commencement**

1.—(1) This Order may be cited as the Firearms (Amendment) (Northern Ireland) Order 2005.

(2) This Order comes into operation on the expiration of two months from the day on which it is made.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“the principal Order” means the [Firearms \(Northern Ireland\) Order 2004 \(NI 3\)](#).

**Prohibition of certain air guns**

3.—(1) In Article 45(1) of the principal Order (list of weapons subject to general prohibition) after sub-paragraph (a) insert—

“(aa) any air gun which uses, or is designed or adapted for use with, a self-contained gas cartridge system;”.

(2) In Article 70 of the principal Order (minimum sentence for certain offences) in paragraph (1) (a)(ii) after “45(1)(a)” insert “, (aa)”.

(3) In Schedule 5 to the principal Order (table of punishments) in the first column of the entry relating to Article 45(1)(a), (b), (c), (d), (e) and (g) after “45(1)(a)” insert “, (aa)”.

(4) In the Customs and Excise Management Act 1979 (c. 2)—

(a) in section 50(5A)(b) (penalty for improper importation of goods);

(b) in section 68(4A)(b) (offences in relation to exportation of prohibited or restricted goods);  
and

(c) in section 170(4A)(b) (penalty for fraudulent evasion of duty, etc.),

after “45(1)(a)” insert “, (aa)”.

### **Order adding to list of prohibited weapons**

4.—(1) After Article 45(10) of the principal Order (order adding to list of prohibited weapons) insert—

“(11) An order under paragraph (10) may make such consequential amendments to this Order or to any other statutory provision as the Secretary of State thinks fit.”.

(2) In Article 81(3) of the principal Order (saving and transitional provisions) for the words “or 8(3)” substitute the words “, 8(3) or 45(10)”.

### **Carrying an air gun or imitation firearm in a public place**

5.—(1) In Article 61(1) of the principal Order (carrying a firearm in a public place) for the words from “in a public place a loaded shotgun” to the words “for use in that firearm” substitute the words—

“in a public place—

(a) a loaded shotgun;

(b) an air gun (whether loaded or not);

(c) any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm; or

(d) an imitation firearm;”.

(2) In Schedule 5 to the principal Order (table of punishments) in the entry relating to Article 61(1)—

(a) in the second column (general nature of offence) for the words “firearm and ammunition” substitute the words “firearm or imitation firearm”; and

(b) in the third column (mode of prosecution) after the word “not” insert the words “in the case of an imitation firearm or”.

(3) In Article 26(2) of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(NI 12\)](#) (list of offences to which powers of summary arrest apply) after sub-paragraph (m) insert—

“(n) an offence under Article 61(1) of the [Firearms \(Northern Ireland\) Order 2004 \(NI 3\)](#) (carrying a firearm in a public place) in respect of an air gun or imitation firearm.”.

Clerk of the Privy Council

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the [Firearms \(Northern Ireland\) Order 2004 \(NI 3\)](#). Article 3 provides that air guns which use a self-contained gas cartridge system are prohibited. Article 4 amends the power to add to the list of prohibited weapons. Article 5 provides that carrying air guns or imitation firearms in a public place is an offence and adds it to the list of offences for which there is a power of summary arrest.