
STATUTORY INSTRUMENTS

1992 No. 3267

NORTHERN IRELAND

**The Firearms (Northern Ireland) Order
1981 (Amendment) Regulations 1992**

Made - - - - 21st December 1992

Coming into force - - 1st January 1993

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament in pursuance of paragraph 2(2) of Schedule 2 to the European Communities Act 1972⁽¹⁾:

Now, therefore, the Secretary of State, being a Minister designated⁽²⁾ for the purposes of subsection (2) of section 2 of that Act in relation to measures relating to firearms and ammunition, in exercise of the powers conferred on him by that subsection, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Firearms (Northern Ireland) Order 1981 (Amendment) Regulations 1992.

(2) These Regulations shall come into force on 1st January 1993.

(3) These Regulations extend to Northern Ireland only.

Interpretation

2. In these Regulations “the 1981 Order” means the Firearms (Northern Ireland) Order 1981⁽³⁾.

Definitions

3.—(1) In Article 2(2) of the 1981 Order (interpretation)—

(a) after the definition of “ammunition” there shall be inserted the following definitions—

““another member State” means a member State other than the United Kingdom;

“Article 7 authority” means a document issued by virtue of Article 33A(1)(b) or (2);

“European firearms pass” means a document to which the holder of a firearm certificate is entitled by virtue of Article 33A(1)(a);

(1) 1972 c. 68.

(2) The European Communities (Designation) (No. 2) Order 1991 (S.I.1991/755).

(3) S.I. 1981/155 (N.I. 2) as extended by S.I. 1983/1899 (N.I. 20) and amended by S.I. 1989/1338 (N.I. 10).

“European weapons directive” means the directive of the Council of the European Communities No.91/477/EEC(4) (directive on the control of the acquisition and possession of weapons);”;

- (b) in the definition of “prohibited weapon” and “prohibited ammunition”, after “Article 6(1)” there shall be added the words “or (1A) (including, in the case of ammunition, any missiles falling within Article 6(1A)(g))”.

- (2) In that Article, after paragraph (2) there shall be inserted the following paragraph—

“(2A) For the purposes of any reference in this Order to the use of any firearm or ammunition for a purpose not authorised by the European weapons directive, the directive shall be taken to authorise the use of a firearm or ammunition as or with a slaughtering instrument and the use of a firearm or ammunition—

- (a) for sporting purposes;
- (b) for the shooting of vermin, or, in the course of carrying on activities in connection with the management of any estate, of other wildlife; and
- (c) for competition purposes and target shooting outside competitions.”.

Prohibited weapons and ammunition

- 4.—(1) In Article 6 of the 1981 Order (weapons subject to general prohibition)—

- (a) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Subject to Article 6A, a person who without the authority of the Secretary of State has in his possession, or purchases or acquires, or sells or transfers—

- (a) any firearm which is disguised as another object;
- (b) any rocket or ammunition not falling within paragraph (1)(c) which consists in or incorporates a missile designed to explode on or immediately before impact and is for military use;
- (c) any launcher or other projecting apparatus not falling within paragraph (1)(ae) which is designed to be used with any rocket or ammunition falling within sub-paragraph (b) or with ammunition which would fall within that sub-paragraph but for its being ammunition falling within paragraph (1)(c);
- (d) any ammunition for military use which consists in or incorporates a missile designed so that a substance contained in the missile will ignite on or immediately before impact;
- (e) any ammunition for military use which consists in or incorporates a missile designed, on account of its having a jacket and hard-core, to penetrate armour plating, armour screening or body armour;
- (f) any ammunition which is designed to be used with a pistol and incorporates a missile designed or adapted to expand on impact;
- (g) anything which is designed to be projected as a missile from any weapon and is designed to be, or has been, incorporated in—
 - (i) any ammunition falling within sub-paragraphs (b) to (f); or
 - (ii) any ammunition which would fall within any of those subparagraphs but for its being specified in paragraph (1),

shall be guilty of an offence.”;

(b) after paragraph (5) there shall be added the following paragraph—

“(6) For the purposes of this Article and Article 6A—

- (a) any rocket or ammunition which is designed to be capable of being used with a military weapon shall be taken to be for military use;
- (b) references to a missile designed so that a substance contained in the missile will ignite on or immediately before impact include references to any missile containing a substance that ignites on exposure to air; and
- (c) references to a missile’s expanding on impact include references to its deforming in any predictable manner on or immediately after impact.”.

(2) After that Article there shall be inserted the following Article—

“Exemptions from requirement of authority under Article 6

6A.—(1) Subject to paragraph (2), the authority of the Secretary of State shall not be required by virtue of Article 6(1A) for any person to have in his possession, or to purchase, acquire, sell or transfer, any prohibited weapon or ammunition if he is authorised by a firearm certificate to possess, purchase or acquire that weapon or ammunition subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.

(2) No sale or transfer may be made under paragraph (1) except to a person who—

- (a) produces the authority of the Secretary of State under Article 6 for his purchase or acquisition; or
- (b) shows that he is entitled under this Article to make the purchase or acquisition without the authority of the Secretary of State.

(3) The authority of the Secretary of State shall not be required by virtue of Article 6(1A) for any person to have in his possession, or to purchase or acquire, any prohibited weapon or ammunition if his possession, purchase or acquisition is exclusively in connection with the carrying on of activities in respect of which—

- (a) that person; or
- (b) the person on whose behalf he has possession, or makes the purchase or acquisition, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons.

(4) The authority of the Secretary of State shall not be required by virtue of Article 6(1A) for any person to have in his possession, or to purchase or acquire, any expanding ammunition or the missile for any such ammunition if—

- (a) he is authorised by a firearm certificate to possess, purchase or acquire ammunition which is designed to be used with a pistol; and
- (b) the firearm certificate contains a condition prohibiting the use of expanding ammunition for purposes not authorised by the European weapons directive.

(5) The authority of the Secretary of State shall not be required by virtue of Article 6(1A) for any person to have in his possession any expanding ammunition or the missile for any such ammunition if—

- (a) he is entitled under Article 11 to have a slaughtering instrument and the ammunition for it in his possession; and
- (b) the ammunition or missile in question is designed to be capable of being used with a slaughtering instrument.

(6) The authority of the Secretary of State shall not be required by virtue of Article 6(1A) for the sale or transfer of any expanding ammunition or the missile for any such ammunition to any person who produces a firearm certificate by virtue of which he is authorised under paragraph (4) to purchase or acquire it without the authority of the Secretary of State.

(7) The authority of the Secretary of State shall not be required by virtue of Article 6(1A) for a person carrying on the business of a firearms dealer, or any servant of his, to have in his possession, or to purchase, acquire, sell or transfer, any expanding ammunition or the missile for any such ammunition if—

- (a) the person carrying on that business is registered as a firearms dealer subject to a condition which prohibits the purchase or acquisition of any such ammunition or missile except for the purpose of making sales or transfers to persons whose purchases or acquisitions are authorised by paragraph (4) or this paragraph; and
- (b) the possession, purchase, acquisition, sale or transfer in question is in the ordinary course of that business.

(8) In this Article—

- (a) references to expanding ammunition are references to any ammunition which is designed to be used with a pistol and incorporates a missile which is designed to expand on impact; and
- (b) references to the missile for any such ammunition are references to anything which, in relation to any such ammunition, falls within Article 6(1A)(g).”.

Documents for European purposes

5. After Article 33 of the 1981 Order (fees for firearm certificate) there shall be inserted the following Articles—

“Issue, etc., of documents for European purposes

Documents for European purposes

33A.—(1) Where a person who resides in Northern Ireland is granted, or is the holder of, a firearm certificate, he shall be entitled to be issued by the Chief Constable with—

- (a) a document (“a European firearms pass”) containing the required particulars; and
- (b) a document stating that, for the purposes of Article 7 of the European weapons directive, the holder of the firearm certificate has the agreement of the United Kingdom authorities, for so long as the firearm certificate remains in force, to any purchase or acquisition by him in another member State of any firearm or ammunition to which the firearm certificate relates;

and an application for the issue of a document falling within sub-paragraph (a) or (b) may be made at the same time as any application for a firearm certificate the grant of which will entitle him to the issue of the document or subsequently while the firearm certificate is in force.

(2) Where—

- (a) a person who resides in Northern Ireland is proposing to purchase or acquire any firearm or ammunition in another member State;
- (b) that person is not the holder of a firearm certificate relating to that firearm or ammunition;

- (c) the firearm falls within category B for the purposes of Annex I to the European weapons directive or the ammunition is capable of being used with such a firearm; and
- (d) that person satisfies the Chief Constable that he is not proposing to bring that firearm or ammunition into the United Kingdom,

the Chief Constable may issue that person with a document stating that, for the purposes of Article 7 of the European weapons directive, that person has the agreement of the United Kingdom authorities to any purchase or acquisition by him in another member State of that firearm or ammunition.

(3) For the purposes of paragraph (1) the required particulars, in relation to a person issued with a European firearms pass, are—

- (a) particulars identifying that person;
- (b) particulars identifying every firearm which—
 - (i) that person has applied to have included in a European firearms pass; and
 - (ii) is a firearm in relation to which a firearm certificate granted to that person is in force;
- (c) a statement in relation to every firearm identified in the pass as to the category into which it falls for the purposes of Annex I to the European weapons directive;
- (d) the date of the issue of the pass and the period from its issue for which the pass is to be valid;
- (e) the statements required by paragraph (f) of Annex II to that directive (statements as to travel in the member States with the firearms identified in the pass).

(4) A European firearms pass shall contain space for the making of entries by persons authorised to so do under the law of any member State.

(5) The period specified in a European firearms pass as the period for which it is to be valid shall be whichever is the shorter of the following—

- (a) the period until the firearm certificate relating to a firearm identified in the pass expires; and
- (b) the maximum period for the duration of that pass.

(6) For the purposes of paragraph (5) the maximum period for the duration of a European firearms pass is—

- (a) in the case of a pass identifying only a firearm or firearms stated in the pass to fall within category D for the purposes of Annex I to the European weapons directive, ten years; and
- (b) in any other case, five years.

Renewal of European firearms pass

33B.—(1) On an application for the renewal of a firearm certificate relating to a firearm identified in a European firearms pass, the holder of the firearm certificate may apply to the Chief Constable for the renewal of the pass.

(2) Where a European firearms pass ceases to be valid without being renewed under this Article, the Chief Constable shall by notice in writing require the person to whom the pass was issued to surrender it; and if that person fails to do so within twenty-one days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow, he shall be guilty of an offence.

Variation, endorsement, etc., of European documents

33C.—(1) Where—

- (a) a firearm certificate relating to a firearm identified in a European firearms pass or a firearm certificate in respect of which an Article 7 authority has been issued is varied, revoked or cancelled;
- (b) the Secretary of State gives notice that any European firearms pass needs to be modified by the addition or variation of any such statement as is mentioned in Article 33A(3)(e); or
- (c) the holder of a European firearms pass applies to have particulars of another firearm added to the pass,

the Chief Constable shall make such variations of the pass or authority as are appropriate in consequence of the variation, revocation, cancellation, notice or application or, where appropriate, cancel it.

(2) For the purpose of performing his duty under paragraph (1) the Chief Constable shall by notice in writing require any person who is or has been the holder of any firearm certificate to produce or surrender any European firearms pass or Article 7 authority issued to him.

(3) The Chief Constable may at any time—

- (a) revoke an Article 7 authority issued under Article 33A(2); and
- (b) by notice in writing require the holder of the authority to surrender it.

(4) Where a firearm identified in a European firearms pass is lost or stolen, the holder of the pass shall immediately—

- (a) inform the Chief Constable about the loss or theft; and
- (b) produce the pass to the Chief Constable for him to endorse particulars of that loss or theft on the pass.

(5) Where a firearm to which an endorsement under paragraph (4) relates is returned to the possession of the holder of the pass in question, the Chief Constable may, on the production to him of that pass, make such further endorsement on that pass as may be appropriate.

(6) A person—

- (a) who fails to comply with a notice given to him under paragraph (2) or (3) within twenty-one days from the date of the notice or within such further time as the Chief Constable may in special circumstances allow; or
- (b) who fails to comply with any obligation imposed on him by virtue of paragraph (4) (a) or (b),

shall be guilty of an offence.”.

Production of passes issued in other member States

6.—(1) In Article 28(4) of the 1981 Order (grant of firearm certificate to applicants resident outside the United Kingdom), after the words “apply to him” there shall be added the following words—

“; but a firearm certificate shall not be granted as respects any firearm in such a case unless—

- (a) there is produced to the Chief Constable a document which—
 - (i) has been issued in another member State under provisions corresponding to the provisions of this Order for the issue of European firearms passes;

- (ii) identifies the firearm as a firearm to which the document relates; and
- (iii) is valid;
- (b) the applicant shows that, by reason of his place of residence or any other circumstances, he is not entitled to be issued with such a document in any of the other member States; or
- (c) the applicant shows that he requires the firearm exclusively in connection with the carrying on of activities in respect of which he is recognised for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons;

and if, in a case where a document has been produced to the Chief Constable in pursuance of subparagraph (a), he grants a firearm certificate, he shall endorse on the document a statement which identifies the firearm certificate and the firearm to which it relates and briefly describes the effect of the firearm certificate.”.

(2) In Article 48 of the 1981 Order (production of certificates)—

(a) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Where a person upon whom a demand has been made by a constable under paragraph (1) and whom the constable believes to be in possession of a firearm fails—

- (a) to produce a firearm certificate; or
- (b) to show that he is a person who, by reason of his place of residence or any other circumstances, is not entitled to be issued with a document identifying that firearm under any of the provisions which in the other member States correspond to the provisions of this Order for the issue of European firearms passes; or
- (c) to show that he is in possession of the firearm exclusively in connection with the carrying on of activities in respect of which he or the person on whose behalf he has possession of the firearm, is recognised, for the purposes of the law of another member State relating to firearms, as a collector of firearms or a body concerned in the cultural or historical aspects of weapons,

the constable may demand from that person the production of a document which has been issued to that person in another member State under any such corresponding provisions, identifies that firearm as a firearm to which it relates and is valid.”;

(b) in paragraph (2), after the word “certificate”, in the first place where it occurs, there shall be inserted the words “or document”;

(c) after paragraph (3) there shall be added the following paragraph—

“(4) A person who, being in possession of a firearm, fails to comply with a demand under paragraph (1A) shall be guilty of an offence.”.

Purchase or acquisition of firearms in other member States

7. At the beginning of Part V of the 1981 Order (miscellaneous and general), there shall be inserted the following Article—

“Purchase or acquisition of firearms in other member States

53A.—(1) Subject to paragraphs (2) and (3), where—

- (a) a person who resides in Northern Ireland purchases or acquires a firearm in another member State; and
- (b) that firearm is a firearm which falls within category C for the purposes of Annex I to the European weapons directive,

he shall, within fourteen days from the transaction, send notice of the transaction to the Chief Constable.

(2) A person shall not be required to give notice under paragraph (1) of a transaction under which he acquires a firearm on terms which—

- (a) restrict his possession of the firearm to the whole or a part of the period of a visit to the member State where the transaction takes place; and
- (b) preclude the removal of the firearm from that member State.

(3) A person shall not be required to give notice under paragraph (1) of a transaction under which he purchases or acquires a firearm if he is the holder of a firearm certificate relating to that firearm and containing, in relation to that firearm, a condition that he may have the firearm in his possession only for the purpose of its being kept or exhibited as part of a collection.

(4) A notice under paragraph (1) shall contain a description of the firearm (giving the identification number if any) and state the nature of the transaction and the name and address in Northern Ireland of the person giving the notice.

(5) A notice under paragraph (1) which is sent from a place in Northern Ireland shall be sent by registered post or by the recorded delivery service and, in any other case, shall be sent in such manner as most closely corresponds to the use of registered post or the recorded delivery service.

(6) A person who fails to comply with this Article shall be guilty of an offence.”.

Offences

8. In the Table in Schedule 2 to the 1981 Order (punishment for offences)—

(a) after the entry relating to Article 6(1) there shall be inserted the following entry—

“Article 6(1A)	Possession of or dealing in other prohibited weapons	(a)	Summary	3 months or a fine of the statutory maximum or both.
		(b)	Indictment	2 years or a fine or both”;

(b) after the entry relating to Article 31(3) there shall be inserted the following entries—

“Article 33B(2)	Failure to surrender expired European firearms pass	Summary	A fine of level 3 on the standard scale
Article 33C(6)	Failure to produce European firearms pass or Article 7 authority for variation or cancellation etc.; failure to notify loss or theft of firearms identified in pass or to produce pass for endorsement	Summary	3 months or a fine of level 5 on the standard scale or both”;

(c) after the entry relating to Article 48(3) there shall be inserted the following entry—

“Article 48(4)	Failure to produce firearms pass issued in another member State	Summary	A fine of level 3 on the standard scale”;
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(d) after the entry relating to Article 53(2) there shall be inserted the following entry—

“Article 53A(6)	Failure to notify Chief Constable of purchase or acquisition of a firearm in another member State	Summary	3 months or a fine of level 5 on the standard scale or both”.
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Exchange of information

9.—(1) No obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise shall preclude—

- (a) the disclosure by the Secretary of State or an officer of his to the competent authorities of a member State other than the United Kingdom of any information which is required to be disclosed in pursuance of the directive of the Council of the European Communities No. [91/477/EEC](#)(4) (directive on the control of the acquisition and possession of weapons); or
- (b) the disclosure to the Secretary of State or any officer of his by the Chief Constable of the Royal Ulster Constabulary or by any government department or officer of a government department, of any information required by the Secretary of State for the purpose of facilitating the communication or exchange of information in pursuance of that directive.

(2) The reference in paragraph (1) to the competent authorities of a member State is a reference to the persons appointed by that member State to deal with the communication or exchange of information in pursuance of the directive mentioned in that paragraph.

Northern Ireland Office
21st December 1992

P. B. B. Mayhew
One of Her Majesty’s Principal Secretaries of
State

(4) OJ No. L256, 13.9.91 p. 51.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which are made under section 2(2) of the European Communities Act 1972) amend the Firearms (Northern Ireland) Order 1981 “the 1981 Order”) for the purpose of implementing requirements of Council Directive No. [91/447/EEC](#) (on the control of the acquisition and possession of weapons) (O.J. No. L256, 13.9.91, page 51) (“the Directive”). References in this note to categories are references to categories in Annex I to the Directive.

Regulation 3 defines certain expressions used in the 1981 Order as amended by these Regulations.

Regulation 4 makes the additional provision in the 1981 Order which is necessary for the purpose of implementing the requirements of Article 6 of the Directive. The weapons and ammunition referred to in the regulation are classified as prohibited weapons and ammunition under Article 6 of the 1981 Order, that is to say, in this instance, weapons and ammunition whose possession, purchase, acquisition, sale or transfer requires the authority of the Secretary of State. The regulation contains an exception for collectors and bodies recognised for the purposes of the law of another member State as being concerned with the cultural and historical aspects of weapons, in light of their general exception under Article 2.2 of the Directive. There is an exception for licensed slaughterers in respect of expanding ammunition for use with a slaughtering instrument. There is also an exception in respect of expanding pistol ammunition for persons whose firearm certificates limit its use for purposes authorised by the Directive (“the authorised purposes”) that is to say use with a slaughtering instrument or for the purposes of sport, the shooting of vermin and, in connection with estate management, other wildlife, competition and target shooting outside competition. Registered firearms dealers whose certificates of registration enable them to do so may acquire such ammunition for sale or transfer to persons who fall within the exception.

Regulation 5 implements the requirements of Article 1.4 of and Annex II to the Directive by providing for the issue or renewal, on request, of a European Firearms Pass. The regulation also implements Article 7.1 of the Directive, insofar as it requires a resident of Northern Ireland to have the agreement of his domestic authorities to his purchase of a category B firearm, or ammunition for such a firearm, in another member State; it does this by providing for the issue of an authorisation which is referred to as an “Article 7 authority”. In both cases the document in question is to be issued by the Chief Constable to a person who is granted or is the holder of a firearm certificate. However, there is provision also for the issue of an Article 7 authority to a person without a certificate who does not intend to bring the firearm or ammunition in question into the United Kingdom.

Regulation 6(1) implements the requirement in Article 12.1 of the Directive that a visitor’s European Firearms Pass should record the authorisation given by the State he is visiting. The effect of regulation 6(1) is that details of a visitor’s firearm certificate are to be entered on his European Firearms Pass, unless he can show that he is not entitled to have such a pass or that he falls wholly within the general exception for collectors and bodies concerned in the cultural and historical aspects of weapons.

Regulation 6(2) implements the requirements in Articles 1.4 and 12.1 of the Directive respectively that the visitor is to retain possession of his European Firearms Pass and produce it whenever so required by the authorities. It requires the production of a pass on demand by a constable.

Regulation 7 implements the requirement in Article 8.2 of the Directive that a resident of Northern Ireland who purchases or acquires a Category C firearm in another member State must inform his own domestic authorities of the transaction, by requiring him to give notice of the transaction to the Chief Constable. There are exceptions if he does not intend to remove the firearm from the member

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State where the acquisition takes place or if he falls wholly within the general exception for collectors and bodies concerned in the cultural and historical aspects of weapons.

Regulation 8 sets out the punishments for the new offences created by these regulations.

Regulation 9 removes any obligation as to confidentiality or secrecy with regard to the disclosure of information which is required to be disclosed in pursuance of the Directive, in particular by Article 13.