

## SCHEDULES

### SCHEDULE 11

#### Amendments relating to firearms

##### *Violent Crime Reduction Act 2006*

**14.** Amend Schedule 2 to the Violent Crime Reduction Act 2006(1) (weapons etc.: corresponding provisions for Northern Ireland) as follows.

#### **Commencement Information**

**II** Sch. 11 para. 14 in force at 12.4.2010, see [art. 1\(2\)](#)

**15.—**(1) Amend paragraph 4 (manufacture, import and sale of realistic imitation firearms) as follows.

(2) After sub-paragraph (2) insert—

“(2A) The Department of Justice may by regulations—

- (a) provide for exceptions and exemptions from the offence under sub-paragraph (1) (a), (b) or (c); and
- (b) provide for it to be a defence in proceedings for such an offence to show the matters specified or described in the regulations.”

(3) In sub-paragraph (3) for “(1)” substitute “(1)(d)”.

(4) In sub-paragraph (4)—

- (a) for “(3)” substitute “(2A) or (3)”; and
- (b) in paragraph (c) after “as” insert “the Department of Justice or (as the case may be)”.

(5) After sub-paragraph (4) insert—

“(4A) The power of the Department of Justice to make regulations under sub-paragraph (2A) shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(2).

(4B) That power includes power—

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.

(1) 2006 c. 38, to which there are amendments not relevant to this Order.

(2) S.I. 1979/1573 (N.I. 12).

*Changes to legislation:* There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Violent Crime Reduction Act 2006. (See end of Document for details)

(4C) Regulations under sub-paragraph (2A) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(3)).”

**Commencement Information**

**I2** Sch. 11 para. 15 in force at 12.4.2010, see [art. 1\(2\)](#)

**16.**—(1) Amend paragraph 5 (defences to offence under paragraph 4) as follows.

(2) In sub-paragraph (2)(e) for “Secretary of State” substitute “appropriate authority”.

(3) After sub-paragraph (2) insert—

“(2A) In sub-paragraph (2)(e) “the appropriate authority” means—

(a) in relation to the offence under paragraph 4(1)(a), (b) or (c), the Department of Justice;

(b) in relation to the offence under paragraph 4(1)(d), the Secretary of State.”

(4) After sub-paragraph (4) insert—

“(4A) The power of the Department of Justice to make regulations under this paragraph shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(4B) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.

(4C) Regulations made by the Department of Justice under this paragraph shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(4)).”

**Commencement Information**

**I3** Sch. 11 para. 16 in force at 12.4.2010, see [art. 1\(2\)](#)

**17.**—(1) Amend paragraph 6 (meaning of “realistic imitation firearm”) as follows.

(2) In sub-paragraph (4) for “Secretary of State” substitute “appropriate authority”.

(3) After sub-paragraph (4) insert—

“(4A) In sub-paragraph (4) “the appropriate authority” means—

(a) in the application of this paragraph for the purposes of the offence under paragraph 4(1)(a), (b) or (c), the Department of Justice;

(b) in the application of this paragraph for the purposes of the offence under paragraph 4(1)(d) or for the purposes of paragraph 4(7), the Secretary of State.

(3) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

(4) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

(4B) The power of the Department of Justice to make regulations under this paragraph shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(4C) That power includes power—

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.

(4D) Regulations made by the Department of Justice under this paragraph shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).”

#### Commencement Information

**I4** Sch. 11 para. 17 in force at 12.4.2010, see [art. 1\(2\)](#)

**18.**—(1) Amend paragraph 7 (specification for imitation firearms) as follows.

(2) Before sub-paragraph (1) insert—

“(A1) For the purposes of sub-paragraph (2)(a) to (c), the Department of Justice may by regulations make provision requiring imitation firearms to conform to specifications which are—

- (a) set out in the regulations; or
- (b) approved by such persons and in such manner as may be so set out.”

(3) In sub-paragraph (1) for “The” substitute “For the purposes of sub-paragraph (2)(d), the”.

(4) In sub-paragraph (2)—

- (a) in paragraph (a) for “this paragraph” substitute “sub-paragraph (A1)”; and
- (b) in paragraph (d) for “so required of it” substitute “required of it by regulations under sub-paragraph (1)”.

(5) In sub-paragraph (4)—

- (a) for “this paragraph”, where it occurs first, substitute “sub-paragraph (A1) or (1)”; and
- (b) for “this paragraph”, where it occurs second, substitute “sub-paragraph (2)(a) to (c) or (as the case may be) sub-paragraph (2)(d)”.

(6) In sub-paragraph (5) for “this paragraph” substitute “sub-paragraph (1)”.

(7) After sub-paragraph (6) insert—

“(6A) The power of the Department of Justice to make regulations under this paragraph shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(5).

(6B) That power includes power—

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and

(5) [S.I. 1979/1573 \(N.I. 12\)](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Violent Crime Reduction Act 2006. (See end of Document for details)

(c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.

(6C) Regulations made by the Department of Justice under this paragraph shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954<sup>(6)</sup>.)”

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**Commencement Information**

**I5** Sch. 11 para. 18 in force at 12.4.2010, see [art. 1\(2\)](#)

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<sup>(6)</sup> 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

**Changes to legislation:**

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Violent Crime Reduction Act 2006.