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*Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, SCHEDULE 5. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 5

Section 58.

#### AMENDMENTS OF THE FIREARMS (NORTHERN IRELAND) ORDER 2004

### Part 1

#### Firearms - Persons under 18

##### *Authorisation of shotgun clubs to allow use of shotguns by persons under the age of 16*

1.—(1) In Article 2(2) (interpretation), after the definition of “shotgun certificate” insert—

““shotgun club” means a club established for the purpose of promoting and practising skill in the use of shotguns;”.

(2) In the heading to Part 6, add at the end “ AND SHOTGUN CLUBS ”.

(3) After the heading to Part 6 add— “ Firearms clubs ”.

(4) After Article 50 insert—

##### *“Shotgun clubs*

#### **Authorisation of shotgun clubs to allow use of shotguns by minors for limited purposes**

**50A.**—(1) If the Chief Constable is satisfied that there will not be a danger to public safety or to the peace, the Chief Constable may, on payment of the appropriate fee, grant an authorisation for a shotgun club to allow persons under the age of 16 who have attained the age of 12 to use shotguns under appropriate supervision in accordance with the authorisation.

(2) An authorisation must state that it is limited to the use of shotguns for clay target shooting or for such other purposes as may be prescribed.

(3) The Chief Constable may at any time by notice in writing—

(a) attach conditions to an authorisation;

(b) vary or revoke conditions attached under this Article.

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(4) An authorisation shall continue in force for a period of five years from the date on which it is granted but if the Chief Constable is satisfied that there is a danger to public safety or to the peace, the Chief Constable may revoke the authorisation.

(5) Any person who—

(a) operates a shotgun club which allows a person under the age of 16 to use a shotgun except in accordance with an authorisation, or

(b) contravenes any condition of an authorisation,

shall be guilty of an offence.

(6) In this Article—

“appropriate supervision” means under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least five years;

“authorisation” means an authorisation granted under this Article;

“prescribed” means prescribed by regulations made by the Department of Justice.

(7) The Department of Justice may make regulations substituting a different age for the lower age mentioned in paragraph (1) and paragraph 11(4) of Schedule 1.

(8) The Department of Justice shall not make regulations under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(5) Before the heading to Article 51 insert— “ Power of entry ”.

(6) In Article 51 (power of entry), in paragraph (1)—

(a) in sub-paragraph (a), after “club” insert “ or a shotgun club ”;

(b) after “Article 49” insert “ or 50A ”.

(7) In Schedule 1 (firearm certificates - exemptions), in paragraph 11, after sub-paragraph (3) add—

“(4) A person who is under the age of 16 but has attained the age of 12 may, without holding a firearm certificate, use a shotgun in accordance with an authorisation under Article 50A.”.

(8) In Schedule 5 (table of punishments), after the entry relating to Article 49(5) (b) insert—

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|                    |  |             |   |
|--------------------|--|-------------|---|
| “Article 50A(5)(a) | Operating a shotgun club which allows unauthorised use of shotguns | (a) Summary | 1 year or a fine of the statutory maximum or both |
|--------------------|--|-------------|---|

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|                   |  |                |   |
|-------------------|--|----------------|---|
|                   |  | (b) Indictment | 3 years or a fine or both                         |
| Article 50A(5)(b) | Contravention of conditions of authorisation | (a) Summary    | 1 year or a fine of the statutory maximum or both |
|                   |  | (b) Indictment | 3 years or a fine or both”.                       |

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(9) In Schedule 5, in the second column of the entry relating to Article 51(2), after “club” insert “ or shotgun club ”.

*Other amendments relating to persons under 18*

2.—(1) Article 7 (purposes for which a young person may acquire and have in possession certain firearms and ammunition), in paragraph (3)(b)(i), after “sporting purposes” insert “ or for the purpose of pest control ”.

(2) In Schedule 1 (firearm certificates—exemptions)—

- (a) in paragraph 9 (air guns and ammunition), in sub-paragraph (3)(b), (person under 18 may not purchase an air gun without a certificate unless the person has attained the age of 17), the words “unless he has attained the age of 17” are repealed;
- (b) in paragraph 11 (shotguns), in sub-paragraph (3), at the end add “ unless the person has attained the age of 16 and is under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least three years ”.

## **Part 2**

### Firearm certificates and other certificates

#### *Variation of firearm certificate*

3.—(1) In Article 11 (variation of firearm certificate), for paragraphs (3) to (5) substitute—

“(3) If a person—

- (a) sells a firearm (“the first firearm”) to the holder of a firearms dealer's certificate (“the dealer”); and
- (b) as part of the same transaction purchases from the dealer another firearm (“the second firearm”); and
- (c) paragraph (4) applies,

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the dealer may, on payment of the appropriate fee, vary that person's firearm certificate by substituting the second firearm for the first firearm.

- (4) This paragraph applies—
- (a) if both the first firearm and the second firearm are shotguns; or
  - (b) if—
    - (i) the second firearm is of the same type and calibre as the first firearm; and
    - (ii) neither firearm is a prohibited weapon or a shotgun; or
  - (c) if—
    - (i) the first firearm is a rifle of a description mentioned in the first column of Schedule 1A; and
    - (ii) the second firearm is a rifle of a calibre specified in relation to the same Band of Schedule 1A as the calibre of the first firearm; and
    - (iii) neither firearm is a prohibited weapon, a muzzle-loading firearm as defined in Article 45(9) or a shotgun; and
    - (iv) the second firearm will not be of the same calibre as any other firearm to which the firearm certificate relates; and
    - (v) the firearm certificate is not held subject to a condition that the first firearm may be used only for the purposes of target shooting.
- (5) If a person—
- (a) sells or transfers a firearm to the holder of a firearms dealer's certificate (“the dealer”); and
  - (b) does not as part of the same transaction purchase or acquire from the dealer another firearm,

the dealer may, on payment of the appropriate fee (if any), vary that person's firearm certificate by deleting that firearm.

(6) Where the holder of a firearms dealer's certificate (“the dealer”) varies a firearm certificate under this Article, the dealer shall—

- (a) notify the Chief Constable of the variation within 72 hours of the variation being made; and
- (b) where the dealer receives the fee for varying the certificate, pay it to the Chief Constable.

(7) A person who fails to comply with paragraph (6)(a) shall be guilty of an offence.

(8) Schedule 1A (relevant firearms for Article 11(4)(c)) shall have effect.

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(9) The Department of Justice may make regulations amending Schedule 1A if a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(2) After Schedule 1 insert—

“SCHEDULE 1A

Article 11(8)

Relevant firearms for Article 11(4)(c)

| <b>BAND</b>                | <b>CALIBRE</b>                      |
|----------------------------|-------------------------------------|
| 1. Small quarry air rifles | .177                                |
|                            | .20                                 |
|                            | .22                                 |
|                            | .25                                 |
| 2. Small quarry            | .17 Mach 2                          |
|                            | .17 HMR (Hornady Magnum Rimfire)    |
|                            | .22 LR (Long Rifle)                 |
|                            | .22 WMR (Winchester Magnum Rimfire) |
| 3. Medium quarry           | .17 Hornet                          |
|                            | .17 Remington                       |
|                            | .17 Remington Fireball              |
|                            | .22 Hornet/5.6x36Rmm                |
|                            | .222 Remington                      |
|                            | .204 Ruger                          |
|                            | .223 Remington/5.56x45mm            |
|                            | .220 Swift                          |
|                            | .22-250                             |
| 4. Large quarry            | .243 Winchester                     |
|                            | .25-06                              |
|                            | 6.5mm x 55/.256                     |
|                            | 7mm x 08 Remington                  |
|                            | .270                                |
|                            | 7.62 x 51mm/.308 Winchester         |
|                            | .30-06”.                            |

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(3) In Schedule 5 (table of punishments), after the entry relating to Article 10(3) insert—

|                |  |         |           |
|----------------|--|---------|-----------|
| “Article 11(7) | Failure of firearms dealer to notify Chief Constable of variation of firearm certificate | Summary | Level 3”. |
|----------------|--|---------|-----------|

*Variation of firearms dealer's certificate*

4 In Article 29(6) (variation of firearms dealer's certificate), at the end add “ on payment of the appropriate fee ”.

*Updated certificates*

5.—(1) In Article 5 (grant of firearm certificate)—

(a) in paragraph (5), after “duplicate certificate” insert “ or an updated certificate ”;

(b) after paragraph (5) add—

“(6) In paragraph (5)—

“duplicate certificate” means a copy of the firearm certificate as granted; and

“updated certificate” means the firearm certificate revised up to such date as may be specified on the certificate.”.

(2) In Article 26 (grant of firearms dealer's certificate)—

(a) in paragraph (7)—

(i) after “duplicate certificate” insert “ or an updated certificate ”;

(ii) the words “(if any)” are repealed;

(b) after paragraph (7) add—

“(8) In paragraph (7)—

“duplicate certificate” means a copy of the firearms dealer's certificate as granted;

“updated certificate” means the firearms dealer's certificate revised up to such date as may be specified on the certificate.”.

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### *Certificates granted in Great Britain*

6.—(1) The following provisions of Article 17 (firearm certificate or shotgun certificate granted in Great Britain has effect in Northern Ireland if Chief Constable grants certificate of approval) are repealed—

- (a) in paragraph (1), the words from “if” to the end;
- (b) paragraphs (2) and (3);
- (c) in paragraph (4)—
  - (i) in the definition of “applicable conditions” the words from “, subject” to the end;
  - (ii) the definitions of “certificate of approval” and “modifications”.

(2) In Article 18 (air guns held without a firearm certificate in Great Britain)—

- (a) in paragraph (1)—
  - (i) after “an air gun” insert “ to which paragraph (3) applies ”;
  - (ii) in sub-paragraph (c) after “issued to him by the Chief Constable” add “ on payment of the appropriate fee ”;
- (b) after paragraph (2) add—
  - “(3) This paragraph applies to an air gun which is capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of one joule.”.

## **Part 3**

### Supplementary

#### *Fees*

7.—(1) For Schedule 6 (fees) substitute—

#### “SCHEDULE 6

Article 75.

#### Fees

#### Firearm certificate

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|   |     |
|---|-----|
| 1. Grant of firearm certificate   | £98 |
| 2. Variation by Chief Constable   | £30 |
| 3. Variation by firearms dealer under Article 11(3) to substitute firearm | £15 |

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|   |        |
|---|--------|
| 4. Variation by firearms dealer under Article 11(5) to delete firearm   | No fee |
| 5. Duplicate certificate  | £14    |
| 6. Updated certificate  | £14    |
| <hr/>   |        |
| Museum firearms licence   |        |
| 7. Grant of museum firearms licence by Department of Justice  | £110   |
| 8. Extension to additional premises   | £75    |
| <hr/>   |        |
| Visitor's firearm permit  |        |
| 9. Grant of visitor's firearm permit (except where paragraph 10 applies)  | £16    |
| 10. Grant of six or more permits (taken together) on a group application  | £80    |
| <hr/>   |        |
| Certificate of approval for air gun for resident in Great Britain   |        |
| 11. Certificate of approval for air gun for resident in Great Britain   | £11    |
| <hr/>   |        |
| Firearms dealer's certificate   |        |
| 12. Grant of firearms dealer's certificate  | £300   |
| 13. Duplicate certificate   | £14    |
| 14. Updated certificate   | £14    |
| <hr/>   |        |
| Firearms clubs and shotgun clubs  |        |
| 15. Authorisation of firearms club  | £71    |
| 16. Authorisation of shotgun club to allow use of shotgun by persons 12 or over but under 16, except where the shotgun club is also a firearms club and an authorisation under Article 49 is granted at the same time | £71.”. |
| <hr/>   |        |

*Consequential amendment*

**8** In Article 80(5) (regulations and orders made by the Department of Justice), after “Order” insert “, except regulations under Article 11(9) or 50A, ”.



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