
Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 5

AMENDMENTS OF THE FIREARMS (NORTHERN IRELAND) ORDER 2004

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,

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

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- (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.

(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)

BAND	CALIBRE
1. Small quarry air rifles	.177
	.20
	.22
	.25
2. Small quarry	.17 Mach 2

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	.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”.

(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”.
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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 ”.

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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.”.

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 ”;

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(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.”.

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