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## STATUTORY INSTRUMENTS

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# 2004 No. 702

## The Firearms (Northern Ireland) Order 2004

### PART II

#### FIREARM CERTIFICATES, ETC.

*Issue, etc. of documents for European purposes*

#### **Issue of European firearms pass**

**19.**—(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 European firearms pass.

(2) A European firearms pass is a document—

- (a) to which a person is entitled under paragraph (1); and
- (b) which contains the particulars required by paragraph (3).

(3) The particulars required by this paragraph are—

- (a) particulars identifying the person to whom the pass is issued;
- (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) A person may make an application under paragraph (1)—

- (a) at the same time as an application for a firearm certificate which will entitle him to the issue of the pass; or
- (b) subsequently while the firearm certificate is in force.

#### **Duration of European firearms pass**

**20.**—(1) 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 earliest time when a firearm certificate relating to a firearm identified in the pass expires; and

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- (b) the maximum period for the duration of that pass.
- (2) For the purposes of paragraph (1) the maximum period for the duration of a European firearms pass is—
  - (a) in the case of a pass identifying only a firearm 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**

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

- (2) Where—
  - (a) a firearm certificate relating to a firearm identified in a European firearms pass is to expire without another firearm certificate for that firearm being granted; but
  - (b) a firearm certificate relating to another firearm identified in that pass will continue in force after the other firearm certificate expires,

the holder of the pass may apply to the Chief Constable for the renewal of the pass subject to the deletion of the reference to any firearm to which the expiring firearm certificate relates.

- (3) Where, on an application to the Chief Constable under paragraph (1) or (2)—
  - (a) the pass in question is produced to him; and
  - (b) a firearm certificate relating to a firearm identified in the pass is granted or will continue in force after the time when the pass would (apart from its renewal) have ceased to be valid,

he shall renew the pass, subject to any appropriate deletion, from that time to whichever is the shorter of the periods specified in Article 20(1)(a) and (b).

(4) 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 21 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.

### **Article 7 authorities**

**22.**—(1) In this Order “Article 7 authority” means a document issued under paragraph (2) or (4).

(2) 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 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 [<sup>F1</sup>a member State] of any firearm or ammunition to which the firearm certificate relates.

- (3) A person may make an application for the issue of an Article 7 authority under paragraph (2)—
  - (a) at the same time as an application for a firearm certificate which will entitle him to the issue of the document under that paragraph; or
  - (b) subsequently while the firearm certificate is in force.

- (4) Where—
  - (a) a person who resides in Northern Ireland is proposing to purchase or acquire any firearm or ammunition in [<sup>F1</sup>a member State];
  - (b) he 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) he satisfies the Chief Constable that he is not proposing to bring that firearm or ammunition into [F2Northern Ireland],

the Chief Constable may issue him with a document stating that, for the purposes of Article 7 of the European weapons directive, he has the agreement of the United Kingdom authorities to any purchase or acquisition by him in [F1a member State] of that firearm or ammunition.

- F1** Words in [Order](#) substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **5(3)**
- F2** Words in [art. 22\(4\)\(d\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1371\)](#), regs. 1, **5(5)**

### Variation, endorsement, etc. of European documents

23.—(1) Where—

- (a) a firearm certificate—
  - (i) relating to a firearm identified in a European firearms pass; or
  - (ii) in respect of which an Article 7 authority has been issued, is varied, revoked or cancelled;
- (b) the [F3Department of Justice] 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 19(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 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 22(4); 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 on it particulars of that loss or theft.

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

(6) A person—

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- (a) who fails to comply with a notice given to him under paragraph (2) or (3) within 21 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.

**F3** Words in art. 23(1)(b) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 9, **Sch. 11 para. 3(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- art. 19 and cross-heading omitted by [S.I. 2019/742 reg. 64\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/742, reg. 64 omitted immediately before IP completion day by virtue of S.I. 2020/1371, regs. 1, 4(3))

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 6(3A) inserted by [2019 c. 17 s. 62\(2\)](#)
- art. 6A inserted by [2019 c. 17 s. 62\(3\)](#)
- art. 11(1A) inserted by [2019 c. 17 s. 62\(4\)](#)