

1981 No. 155 (N.I. 2)

NORTHERN IRELAND

**The Firearms
(Northern Ireland) Order 1981**

Laid before Parliament in draft

Made 10th February 1981

Coming into Operation 11th March 1981

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At the Court at Buckingham Palace, the 10th day of February 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Firearms (Northern Ireland) Order 1981.

(2) This Order shall come into operation on the expiration of the period of one month from the date on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“acquire” means hire, accept as a gift or borrow;

“air weapon” means an air gun, air rifle or air pistol;

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

- “ammunition” means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition;
- “firearm” means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes—
- (a) any prohibited weapon, whether it is such a lethal weapon as aforesaid or not; and
 - (b) any component part of such a lethal or prohibited weapon; and
 - (c) any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;
- “firearm certificate” means, subject to paragraph (4), a certificate granted in Northern Ireland under Article 28;
- “firearms club” means a club established for the purpose of promoting and practising skill in the use of firearms (other than shot guns) and includes (without prejudice to the generality of the foregoing) a cadet corps;
- “firearms dealer” means a person who by way of trade or business manufactures, sells, transfers, repairs, tests or proves firearms or ammunition;
- “imitation firearm” means anything which has the appearance of being a firearm whether or not it is capable of discharging any shot, bullet or other missile;
- “the police force” means the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;
- “prescribed” means prescribed by regulations made by the Secretary of State;
- “prohibited weapon” and “prohibited ammunition” respectively mean a weapon and ammunition prohibited under Article 6 (1);
- “registered”, in relation to a firearms dealer, means registered either—
- (a) in Northern Ireland under Article 34; or
 - (b) in Great Britain under section 33 of the Firearms Act 1968 (a);
- “shot gun” means a smooth bore gun with a barrel not less than twenty-four inches in length, not being an air gun;
- “shot gun certificate” means a certificate granted in Great Britain under section 28 of the Firearms Act 1968 and authorising a person to possess shot guns;
- “slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;
- “special permit” means a permit granted under Article 40;
- “transfer” includes let on hire, give, lend and part with possession.
- (3) For the purpose of this Order—
- (a) the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing; and
 - (b) a shot gun or an air weapon shall be deemed to be loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

(4) In this Order any reference—

(a) to a firearm certificate includes a reference to a firearm certificate and a shot gun certificate granted under the law for the time being in force in Great Britain and having effect in Northern Ireland by virtue of Article 15;

(b) to a condition subject to which a firearm certificate is held includes a reference to a condition subject to which a firearm certificate or shot gun certificate is held under the law for the time being in force in Great Britain as that condition has effect in Northern Ireland by virtue of Article 15.

(5) For the purposes of section 42 (2) of the Northern Ireland Constitution Act 1973 (a) (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

PART II

PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION: PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

General restrictions on possession and handling of firearms and ammunition

Requirement of firearm certificate

3.—(1) Subject to any exemption under this Order, a person who—

(a) has in his possession, or purchases or acquires, a firearm without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate; or

(b) has in his possession, or purchases or acquires, any ammunition without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised,

shall be guilty of an offence.

(2) A person who fails to comply with a condition subject to which a firearm certificate is held by him, shall be guilty of an offence.

Business and other transactions with firearms and ammunition

4.—(1) Subject to any exemption under this Order, a person who, by way of trade or business,—

(a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition; or

(b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, test or proof any firearm or ammunition, without being registered as a firearms dealer, shall be guilty of an offence.

(2) Subject to any exemption under this Order, a person who sells or transfers to any other person in the United Kingdom other than a registered firearms dealer, any firearm or ammunition, unless that other person produces a firearm certificate authorising him to purchase or acquire it, or shows that he is by virtue of this Order entitled to purchase or acquire it without holding a certificate, shall be guilty of an offence.

(3) Subject to any exemption under this Order, a person who undertakes the repair, test or proof of a firearm or ammunition for any other person in the United Kingdom, other than a registered firearms dealer as such, unless that other person produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition or shows that he is by virtue of this Order entitled to have possession of it without holding a certificate, shall be guilty of an offence.

(4) A person who, with a view to purchasing or acquiring, or procuring the repair, test or proof of, any firearm or ammunition, produces a false firearm certificate or a certificate in which any false entry has been made, or personates a person to whom a certificate has been granted, or makes any false statement, shall be guilty of an offence.

(5) A pawnbroker who takes in pawn from any person any firearm or ammunition shall be guilty of an offence.

Conversion of weapons

5.—(1) Subject to paragraph (2), a person who shortens the barrel of a shot gun to a length less than twenty-four inches shall be guilty of an offence.

(2) It shall not be an offence under paragraph (1) for a registered firearms dealer to shorten the barrel of a shot gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel of not less than twenty-four inches in length.

(3) A person, other than a registered firearms dealer, who converts into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through its barrel, shall be guilty of an offence.

Prohibition of certain weapons and control of arms traffic

Weapons subject to general prohibition

6.—(1) A person who, without the authority of the Secretary of State, has in his possession, or purchases or acquires, or manufactures, sells or transfers—

- (a) any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;
- (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; and
- (c) any ammunition containing, or designed or adapted to contain, any such noxious thing,

shall be guilty of an offence.

(2) An authority given to a person by the Secretary of State under this Article shall be in writing and shall be subject to such conditions as may be specified in the authority.

(3) The conditions of the authority shall include such as the Secretary of State, having regard to the circumstances of each particular case, thinks fit to impose for the purpose of securing that the prohibited weapon or ammunition to which the authority relates will not endanger the public safety or the peace.

(4) It is an offence for a person to whom an authority is given under this Article to fail to comply with any condition of the authority.

(5) The Secretary of State may at any time if he thinks fit revoke an authority given to a person under this Article by notice in writing requiring him to deliver up the authority to such person as may be specified in the notice within twenty-one days from the date of the notice; and it is an offence for that person to fail to comply with that requirement.

Power to prohibit movement of arms and ammunition

7.—(1) The Secretary of State may by order prohibit the removal of any firearms or ammunition from one place to another in Northern Ireland unless the removal is authorised by the Chief Constable and unless such other conditions as may be specified in the order are complied with.

(2) The Secretary of State may by order prohibit the removal of any firearms or ammunition—

- (a) from Northern Ireland to Great Britain, or
- (b) for export from Northern Ireland,

unless the removal is authorised by the Chief Constable and unless such other conditions as may be specified in the order are complied with.

(3) An order under this Article may apply—

- (a) either generally to all such removals, or to removals from and to particular localities specified in the order; and
- (b) either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and
- (c) either to all modes of conveyance or to such modes of conveyance as may be so specified,

but no such order shall prohibit the holder of a firearm certificate from carrying with him any firearms or ammunition authorised by the certificate to be so carried.

(4) It is an offence to contravene any of the provisions of an order made under this Article or of an order under section 6 of the Firearms Act 1968 prohibiting the removal of firearms or ammunition from Great Britain to Northern Ireland.

(5) Any order made under paragraph (2) shall be made by statutory instrument and may be varied or revoked by a subsequent order made under that paragraph.

Special exemptions from Articles 3 and 4

Possession of certain explosive instruments

8. A person may, without holding a firearm certificate, purchase or have in his possession explosive tools or instruments except explosive tools or instruments of such description as may be prescribed and used for such purposes as may be prescribed.

Permitted dealing in firearms

9.—(1) A person carrying on the business of a firearms dealer and registered as such or a servant of such a person may, without holding a firearm certificate, have in his possession, or purchase or acquire, a firearm or ammunition in the ordinary course of that business.

(2) It is not an offence under Article 4 (2) for a person to part with the possession of any firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Order entitled to have possession of the firearm or ammunition without holding a firearm certificate.

Auctioneers, carriers and warehousemen

10.—(1) A person carrying on the business of an auctioneer, carrier or warehouseman, or a servant of such a person, may, without holding a firearm certificate, have in his possession a firearm or ammunition in the ordinary course of that business.

(2) It is not an offence under Article 4 for an auctioneer to sell by auction, expose for sale by auction or have in his possession for sale by auction, firearms or ammunition, without being registered as a firearms dealer, if he has obtained from the Chief Constable a permit for that purpose in the prescribed form and complies with the terms of the permit.

(3) A permit under this Article may be issued in respect of one or more than one auction and may be issued subject to such conditions as may be prescribed, including a condition that the auctioneer shall furnish to the Chief Constable particulars of the firearms and ammunition sold at each auction and the name and address of each purchaser.

(4) Without prejudice to Article 10 of the Perjury (Northern Ireland) Order 1979 (a), a person shall be guilty of an offence if he makes any statement which he knows to be false for the purpose of procuring, whether for himself or for another person, the grant of a permit under this Article.

(5) It is not an offence under Article 4 (2) for a person who is a carrier or warehouseman or servant of a carrier or warehouseman, to deliver any firearm or ammunition in the ordinary course of his business or employment as such.

Slaughter of animals

11.—(1) A person holding a licence under section 2 of the Slaughter of Animals Act (Northern Ireland) 1932 (b) may, without holding a firearm certificate, have in his possession a slaughtering instrument and ammunition therefor in any slaughterhouse or knacker's yard in which he is employed.

(2) The proprietor of a slaughterhouse or knacker's yard or a person appointed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that slaughterhouse or knacker's yard may without holding a firearm certificate have in his possession a slaughtering instrument or ammunition therefor for that purpose.

Sports, athletics and other approved activities

12.—(1) A person carrying a firearm or ammunition belonging to another person holding a firearm certificate may, without himself holding such a certificate, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only.

(2) A person may, without holding a firearm certificate, have a firearm and blank cartridges in his possession at an athletic meeting or other competitive occasion for the purpose of starting, finishing or abandoning races.

(a) S.I. 1979/1714 (N.I. 19).
(b) 1932 c. 9 (N.I.).

(3) A member of a firearms club which is authorised under or deemed to be authorised under Article 54 may, without holding a firearm certificate, have in his possession a firearm and ammunition when engaged as a member of the club in, or in connection with, drill or target practice.

(4) A company which is registered as a firearms dealer and which is engaged in the business of letting or hiring goods under hire purchase agreements may, without holding a firearm certificate, purchase or have in its possession a firearm or ammunition preparatory to entering into any such agreement or recover possession of a firearm or ammunition under any such agreement.

(5) A person may, without holding a firearm certificate, acquire or have in his possession at a miniature rifle range or shooting gallery an air weapon and ammunition therefor where—

- (a) the person conducting or carrying on that miniature rifle range or shooting gallery holds a firearm certificate relating to that weapon; and
- (b) the air weapon is not capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess, in the case of an air pistol, of six foot pounds or, in the case of an air weapon other than an air pistol, of twelve foot pounds.

Theatre and cinema

13.—(1) A person taking part in a theatrical performance or a rehearsal thereof, or in the production of a cinematograph film, may, without holding a firearm certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.

(2) Where the Secretary of State is satisfied on the application of a person in charge of a theatrical performance, a rehearsal of such a performance or the production of a cinematograph film, that a firearm such as is described in Article 6 (1) (a) is required for the purpose of the performance, rehearsal or production, the Secretary of State may, if he thinks fit, not only authorise that person to have possession of the firearm but also authorise such other persons as he may select to have possession of it while taking part in the performance, rehearsal or production.

Equipment for ships and aircraft

14.—(1) A person may, without holding a firearm certificate,—

- (a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship, or aircraft or aerodrome;
- (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and
- (c) if he has obtained from the Chief Constable a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

(2) Without prejudice to Article 10 of the Perjury (Northern Ireland) Order 1979, a person shall be guilty of an offence if he makes any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the grant of a permit under paragraph (1) (c).

Firearm certificates and shot gun certificates granted in Great Britain

15.—(1) Subject to any regulations made by the Secretary of State—

- (a) the holder of any firearm certificate granted under the law for the time being in force in Great Britain may, subject to the conditions under which the certificate is held, have in his possession in Northern Ireland any firearm and ammunition in respect of which the certificate is granted; and
- (b) the holder of any shot gun certificate granted under the law for the time being in force in Great Britain may, subject to the conditions under which the certificate is held, have a shot gun and ammunition therefor in his possession in Northern Ireland.

(2) The Secretary of State may by regulations provide for any conditions specified in a firearm certificate or shot gun certificate granted under the law for the time being in force in Great Britain to have effect in Northern Ireland, for the purposes of this Article, subject to such omissions, modifications and additions as may be specified by or under the regulations.

(3) Subject to the power of renewal conferred by Article 28 (8), a firearm or shot gun certificate granted or last renewed in Great Britain shall not continue in force in Northern Ireland for a period longer than that for which it was so granted or last renewed.

Air weapons held without a firearm certificate in Great Britain

16. Subject to any regulations made by the Secretary of State, a person resident in Great Britain may, without holding a firearm certificate, have in his possession in Northern Ireland an air weapon and ammunition therefor, if he may have that air weapon and ammunition in his possession in Great Britain without a firearm certificate by virtue of section 1 (3) (b) and (4) (b) of the Firearms Act 1968.

*Prevention of crime and preservation of public safety**Possession of firearm with intent to injure*

17. A person who has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property or to enable any other person by means thereof to endanger life or cause serious injury to property, shall be guilty of an offence whether any injury to person or property has been caused or not.

Use of firearm to resist arrest

18.—(1) A person who makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or any other person shall be guilty of an offence.

(2) A person who at the time of his committing, or of his being arrested for, an offence specified in Schedule 1 has in his possession a firearm or imitation firearm, shall be guilty of an offence under this paragraph unless he shows that he had it in his possession for a lawful object.

(3) For the purposes of this Article, the definition of “firearm” in Article 2 (2) shall apply as if paragraphs (b) and (c) of that definition were omitted.

Carrying firearm with criminal intent

19.—(1) A person who has with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist arrest or to prevent the

arrest of another, in either case while he has the firearm or imitation firearm with him, shall be guilty of an offence.

(2) In proceedings for an offence under this Article proof that the accused had a firearm or imitation firearm with him and intended to commit an indictable offence or to resist or prevent arrest is evidence that he intended to have it with him while doing so.

(3) In this Article "indictable offence" means an offence which, if committed by an adult, is triable on indictment (whether or not it is also triable by a court of summary jurisdiction) except—

- (a) an offence otherwise triable only by a court of summary jurisdiction which under section 41 of the Magistrates' Courts Act (Northern Ireland) 1964 (a) or any other enactment, is required to be tried on indictment at the instance of the accused or the prosecutor; and
- (b) an offence which is triable on indictment only after one or more previous summary convictions thereof.

Carrying or discharging firearm in a public place

20.—(1) A person who, without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in a public place a loaded shot gun or loaded air weapon or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, shall be guilty of an offence.

(2) A person who discharges any firearm on any public road, or within sixty feet of the centre of any public road, or in any street or passage of a town or in any church, churchyard or burial ground shall be guilty of an offence unless he establishes to the satisfaction of the court that he did so for a purpose which is in all respects reasonable and lawful.

Trespassing with firearm

21.—(1) A person who, while he has a firearm with him, enters or is in any building or part of a building as a trespasser and without reasonable excuse, the proof whereof shall lie on him, shall be guilty of an offence.

(2) A person who, while he has a firearm with him, enters or is on any land as a trespasser and without reasonable excuse, the proof whereof shall lie on him, shall be guilty of an offence.

Possession of firearm by person previously convicted of crime

22.—(1) Subject to paragraph (6), a person who has been sentenced to preventive detention, or to either imprisonment or corrective training for a term of three years or more, shall not at any time purchase, acquire or have in his possession a firearm or ammunition.

(2) Subject to paragraph (6), a person who has been sentenced to borstal training, to detention in a young offenders centre, to corrective training for less than three years or to imprisonment for a term of three months or more but less than three years, shall not at any time before the expiration of the period of eight years from the date of his conviction, purchase, acquire or have in his possession a firearm or ammunition.

(3) Subject to paragraph (6), where by section 21 of the Firearms Act 1968, or by any other corresponding enactment for the time being in force in Great Britain, a person is prohibited in Great Britain from having a firearm or ammunition in his possession, he shall also be prohibited from purchasing,

acquiring or having in his possession a firearm or ammunition in Northern Ireland at any time when to have it in his possession in Great Britain would be a contravention of the said section 21 or corresponding enactment.

(4) A person who—

(a) is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or

(b) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm,

shall not at any time during which he is so subject, purchase, acquire or have in his possession a firearm or ammunition.

(5) A person who contravenes any of the foregoing provisions of this Article shall be guilty of an offence.

(6) A person prohibited under paragraph (1), (2) or (3) from purchasing, acquiring or having in his possession a firearm or ammunition may apply to the Secretary of State under Article 55 to remove the prohibition, and, if the application is granted, the prohibition shall not then apply to that person.

(7) A person who sells or transfers a firearm or ammunition to, or repairs, tests or proves a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this Article from purchasing, acquiring or having in his possession a firearm or ammunition, shall be guilty of an offence.

Possession of firearm or ammunition in suspicious circumstances

23. Without prejudice to any other provision of this Order, a person who has in his possession any firearm or any ammunition under such circumstances as to give rise to a reasonable suspicion that he does not have it in his possession for a lawful object shall, unless he can show that he had it in his possession for a lawful object, be guilty of an offence.

Possession of loaded firearm by person who is drunk

24. A person who has in his possession any loaded firearm while he is drunk shall be guilty of an offence.

Supplying firearm or ammunition to person who is drunk or of unsound mind

25. A person who sells or transfers any firearm or ammunition to, or repairs, proves or tests any firearm or ammunition for, a person whom he knows or has reasonable cause for believing to be drunk or of unsound mind, shall be guilty of an offence.

Acquisition and possession of firearm by persons under age of eighteen

26.—(1) Except as provided by paragraphs (3) and (4), a person who, being under the age of eighteen years, purchases, acquires or has in his possession a firearm or ammunition, shall be guilty of an offence.

(2) A person who sells or transfers a firearm or ammunition to any person whom he knows, or has reasonable grounds for believing, to be prohibited by this Article from purchasing, acquiring or having in his possession that firearm or ammunition, shall be guilty of an offence.

(3) It is not an offence under this Article for any person to have in his possession a firearm or ammunition if—

- (a) he shows that he is by virtue of this Order entitled to have possession of the firearm or ammunition without holding a firearm certificate; or
 - (b) he shows that he is entitled to have possession of the firearm or ammunition by virtue of Article 15.
- (4) It is not an offence under this Article for any person not being under the age of sixteen years—
- (a) to have with him a firearm or ammunition for sporting purposes where he is in the company, and under the supervision, of another person not under the age of eighteen years who holds a firearm certificate in respect of that firearm or ammunition; or
 - (b) to purchase, acquire or have in his possession a shot gun, or any other firearm of a calibre not exceeding .22 inches, and ammunition therefor for the purpose of destroying or controlling animals and birds—
 - (i) on agricultural lands occupied by him; or
 - (ii) on agricultural lands on which he works and on which he also resides.

PART III

FIREARM CERTIFICATES: REGISTRATION OF FIREARMS DEALERS

Grant, renewal, variation and revocation of firearm certificates

Application for firearm certificate

27.—(1) An application for the grant or renewal of a firearm certificate shall be made in such form and shall contain such particulars and other information as may be prescribed.

(2) Without prejudice to the generality of paragraph (1), regulations made under that paragraph may—

- (a) require any application for a certificate to be accompanied by a photograph of the applicant; and
- (b) require the verification in the prescribed manner of any prescribed particulars and of the likeness of any such photograph to the applicant.

(3) Without prejudice to Article 10 of the Perjury (Northern Ireland) Order 1979, a person shall be guilty of an offence if he makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a firearm certificate.

Grant of firearm certificate

28.—(1) Subject to paragraphs (2) to (4), the Chief Constable may grant a firearm certificate to an applicant on payment of the fee payable under Article 33 (1).

(2) In the case of an applicant—

- (a) who is resident in the United Kingdom, or
- (b) who is resident in a country outside the United Kingdom and has elected, in pursuance of paragraph (4), to have this paragraph apply to him,

a firearm certificate shall not be granted unless the Chief Constable is satisfied that the applicant—

- (i) is not prohibited by this Order from possessing a firearm, is not of intemperate habits or unsound mind and is not for any reason unfitted to be entrusted with a firearm; and
 - (ii) has a good reason for purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made; and
 - (iii) can be permitted to have that firearm or ammunition in his possession without danger to the public safety or to the peace.
- (3) In the case of an applicant who is resident in a country outside the United Kingdom and has elected, in pursuance of paragraph (4), to have this paragraph apply to him, a firearm certificate shall not be granted unless the Chief Constable is satisfied that the applicant—
- (a) is not prohibited by this Order from possessing a firearm; and
 - (b) requires the firearm or ammunition in respect of which the application is made for sporting purposes only; and
 - (c) may lawfully possess that firearm or ammunition under the law for the time being in force in the country in which he resides; and
 - (d) can be permitted to have that firearm or ammunition in his possession without danger to the public safety or to the peace.
- (4) An applicant who is resident in a country outside the United Kingdom may elect to have either paragraph (2) or paragraph (3) apply to him.
- (5) The Chief Constable may when granting a firearm certificate attach conditions to the firearm certificate.
- (6) A firearm certificate shall be in the prescribed form and shall specify—
- (a) the conditions, if any, subject to which it is held,
 - (b) the nature and number of the firearms to which it relates, and
 - (c) the quantities of ammunition authorised to be purchased and to be held at any one time under the firearm certificate.
- (7) Paragraphs (1) to (6) apply to the renewal of a firearm certificate as they apply to a grant.
- (8) Subject to paragraph (9), a firearm certificate shall, unless previously revoked or cancelled, continue in force for three years, or such shorter period as may be prescribed, from the date when it was granted or last renewed, but shall be renewable by the Chief Constable for a further period of three years or such shorter period as may be prescribed and so on from time to time.
- (9) A firearm certificate granted to an applicant to whom paragraph (3) applies shall, unless previously revoked or cancelled, have effect for a period of one month ending on a date specified for the purposes of this paragraph in the certificate.
- (10) A person aggrieved by the refusal of the Chief Constable to grant or renew a firearm certificate under this Order, or by any condition attached to such a certificate under paragraph (5) may appeal to the Secretary of State under Article 55.

Variation of firearm certificate

29.—(1) The Chief Constable may at any time by notice in writing attach or add conditions to a firearm certificate or vary the conditions specified in a firearm certificate except such of them as may be prescribed, and may by the

notice require the holder to deliver up the firearm certificate to him within twenty-one days from the date of the notice for the purpose of attaching conditions to the firearm certificate or adding to or amending the conditions specified in the firearm certificate.

(2) A firearm certificate may also, on the application of the holder, be varied by the Chief Constable.

(3) A person aggrieved by a refusal of the Chief Constable to vary a firearm certificate or by any conditions attached, added or varied under this Article may appeal to the Secretary of State under Article 55.

(4) Without prejudice to Article 10 of the Perjury (Northern Ireland) Order 1979, a person shall be guilty of an offence if he makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the variation of a firearm certificate.

Revocation of firearm certificate

30.—(1) A firearm certificate may be revoked by the Chief Constable if he is satisfied that—

- (a) the holder is prohibited by this Order from possessing a firearm, or is a person of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with firearms; or
- (b) the possession of a firearm by the holder is likely to endanger the public safety or the peace; or
- (c) the holder—
 - (i) if he is a person to whom Article 28 (3) applies, does not require the firearm or ammunition for sporting purposes only; or
 - (ii) in any other case, no longer has a good reason for possessing the firearm; or
- (d) the holder has failed to comply with a notice under Article 47; or
- (e) the holder has failed when required to do so to furnish a photograph in accordance with regulations made under Article 58 (1) (b); or
- (f) the holder, if he is a person to whom Article 28 (3) applies, may not lawfully possess the firearm or ammunition under the law for the time being in force in the country in which he resides;

or if the holder fails to comply with a notice under Article 29 (1) requiring him to deliver up the firearm certificate.

(2) A person aggrieved by the revocation of a firearm certificate on any of the grounds specified in paragraph (1) (a) to (f) may appeal to the Secretary of State under Article 55.

Consequences where firearm certificate is revoked or not renewed

31.—(1) Subject to paragraph (2), paragraphs (3) and (4) apply where a firearm certificate—

- (a) is revoked under Article 30;
- (b) expires and the holder does not apply to renew it; or
- (c) expires and the Chief Constable refuses to renew it.

(2) If an appeal is brought against the revocation of a firearm certificate under Article 30 or against the refusal of the Chief Constable to renew a firearm certificate, paragraph (4) shall not apply unless the appeal is abandoned or

dismissed, and shall then apply with the substitution for the reference to the date of the notice of a reference to the date on which the appeal was abandoned or dismissed.

(3) Where this paragraph applies, the Chief Constable shall by notice in writing require the holder to surrender the firearm certificate and any firearms or ammunition to which the firearm certificate relates; and it shall be an offence for the holder to fail 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.

(4) Where this paragraph applies, the Chief Constable may by notice in writing require the holder to dispose of any firearms or ammunition to which the firearm certificate relates within such period from the date of the notice as may be specified in the notice; and if the holder does not comply with such notice within the period specified in the notice, or within such further time as the Chief Constable may in special circumstances allow, the Chief Constable may order that such firearms or ammunition shall be destroyed or otherwise disposed of.

Certificate for prohibited weapon

32.—(1) The Chief Constable shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant or the holder is for the time being authorised by the Secretary of State under Article 6 to have possession of that weapon or ammunition.

(2) Where any authority to purchase or have possession of a prohibited weapon or prohibited ammunition is revoked by the Secretary of State, the firearm certificate relating to that weapon or ammunition shall be revoked or varied accordingly by the Chief Constable.

Fees for firearm certificate

33.—(1) Subject to this Order, there shall be payable—

- (a) on a grant of a firearm certificate (except in the case of the grant of a firearm certificate to an applicant to whom Article 28 (3) applies), a fee of £18.50;
- (b) on the renewal of a firearm certificate, a fee of £11.50;
- (c) on any variation of a firearm certificate (otherwise than when it is renewed or replaced at the same time) so as—
 - (i) to increase the number of firearms to which the certificate relates, or
 - (ii) to substitute a firearm (other than a shot gun or air weapon) of a higher calibre or of a different type for one specified in the certificate,
 a fee of £11.50;
- (d) on the replacement of a certificate which has been lost or destroyed or for other cause cannot be produced, a fee of £11.50.

(2) No fee shall be payable on the grant to a responsible officer of a firearms club authorised under Article 54, of a firearm certificate in respect of firearms or ammunition to be used solely for target practice or drill by the members of the club, or on the variation or renewal of a certificate so granted.

(3) No fee shall be payable on the grant, variation or renewal of a firearm certificate if the Chief Constable is satisfied that the certificate relates solely to and, in the case of variation, will continue when varied to relate solely to—

- (a) a firearm or ammunition which the applicant requires as part of the equipment of a ship; or
- (b) a signalling apparatus, or ammunition therefor, which the applicant requires as part of the equipment of an aircraft or aerodrome; or
- (c) a slaughtering instrument or ammunition therefor which the applicant requires for the purpose of the slaughter of animals.

(4) No fee shall be payable—

- (a) on the grant or renewal of a firearm certificate relating solely to a firearm which is shown to the satisfaction of the Chief Constable to be kept by the applicant as a trophy of a war; or
- (b) on the variation of a certificate the sole effect of which is to add a firearm such as is mentioned in sub-paragraph (a) to the firearms to which the certificate relates,

if the certificate is granted, renewed or varied subject to the condition that the applicant shall not use the firearm.

(5) No fee shall be payable on the grant of a firearm certificate to an applicant to whom Article 28 (3) applies.

Registration of firearms dealers

Police register

34.—(1) For the purposes of this Order, the Chief Constable shall keep in the prescribed form a register of firearms dealers.

(2) Except as provided by Article 35, the Chief Constable shall enter in the register the name of any person who, having or proposing to have a place of business in Northern Ireland, applies to be registered as a firearms dealer.

(3) In order to be registered as a firearms dealer, the applicant must furnish the Chief Constable with the prescribed particulars which shall include particulars of every place of business in Northern Ireland at which he proposes to carry on business as a firearms dealer and, except as provided by this Order, the Chief Constable shall enter every such place of business in the register.

(4) When a person is registered as a firearms dealer, the Chief Constable shall grant or cause to be granted to him a certificate of registration.

(5) A person for the time being registered as a firearms dealer shall, on or before 1st January in each year,—

- (a) surrender his certificate to the Chief Constable; and
- (b) if he desires to renew his registration, apply in the prescribed form for a new certificate;

and, if he so applies, the Chief Constable shall thereupon, subject to Article 39 (1), (3) and (4), grant him a new certificate of registration.

Grounds for refusal of registration

35.—(1) The Chief Constable shall not register an applicant as a firearms dealer if he is prohibited to be so registered by order of a court in Northern Ireland made under Article 44 or by order of a court in Great Britain made under section 45 of the Firearms Act 1968.

(2) Subject to paragraph (3), the Chief Constable may refuse to register an applicant if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(3) In the case of a person for the time being authorised by the Secretary of State under Article 6 to manufacture, sell or transfer prohibited weapons or prohibited ammunition, the Chief Constable shall not refuse to enter his name in the register on the ground that he cannot be permitted to carry on or to continue to carry on business as a firearms dealer without danger to the public safety or to the peace.

(4) The Chief Constable shall not enter in the register a place of business particulars of which have been furnished to him under Article 34 (3) by an applicant for registration unless he is satisfied—

(a) that the applicant can be permitted to carry on business as a firearms dealer at that place without danger to the public safety or to the peace; and

(b) that there is need at that place for such a business.

(5) A person aggrieved by the refusal of the Chief Constable to register him as a firearms dealer, or to enter in the register a place of business of his may appeal to the Secretary of State under Article 55.

Fees for registration and renewal

36.—(1) On the registration of a person as a firearms dealer there shall be payable by him a fee of £69.

(2) Before a person for the time being registered as a firearms dealer can be granted a new certificate of registration under Article 34 (5) he shall pay a fee of £22.50.

Conditions of registration

37.—(1) The Chief Constable may at any time impose conditions subject to which the registration of a person as a firearms dealer is to have effect and may at any time, of his own motion or on the application of the dealer, vary or revoke any such conditions.

(2) The power to impose or vary conditions under paragraph (1) shall include power to restrict the types and numbers and quantities of firearms and ammunition which may be kept or kept in any particular place.

(3) The Secretary of State may give directions as to the conditions to be imposed or varied under paragraph (1) and it shall be the duty of the Chief Constable to comply with any such direction.

(4) The Chief Constable shall specify the conditions for the time being in force under this Article in the certificate of registration granted to the firearms dealer and where any such condition is imposed, varied or revoked during the currency of the certificate of registration the Chief Constable—

(a) shall give notice in writing to the dealer of the condition or variation (giving particulars) or of the revocation as the case may be; and

(b) may by that notice require the dealer to deliver up to him his certificate of registration within twenty-one days from the date of the notice for the purpose of amending the certificate.

(5) A person aggrieved by the imposition or variation of, or refusal to vary or revoke, any condition of registration of a firearms dealer may appeal to the Secretary of State under Article 55.

Registration of new place of business

38.—(1) A person registered as a firearms dealer and proposing to carry on business as such at any place of business in Northern Ireland which is not

entered in the register, shall notify the Chief Constable and furnish him with such particulars as may be prescribed; and the Chief Constable shall, subject to paragraph (2), enter that place of business in the register.

(2) The Chief Constable shall not enter in the register any place of business notified to him by any person under paragraph (1) unless he is satisfied—

(a) that that person can be permitted to carry on business as a firearms dealer at that place without danger to the public safety or to the peace; and

(b) that there is need at that place for such a business.

(3) A person aggrieved by the refusal of the Chief Constable to enter in the register a place of business of his may appeal to the Secretary of State under Article 55.

Removal from register of dealer's name or place of business

39.—(1) If the Chief Constable, after giving reasonable notice to a person whose name is on the register, is satisfied that the person—

(a) is no longer carrying on business as a firearms dealer; or

(b) has ceased to have a place of business in Northern Ireland; or

(c) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace,

he shall, subject to the following provisions of this Article, cause the name of that person to be removed from the register.

(2) In the case of a person for the time being authorised by the Secretary of State under Article 6 to manufacture, sell or transfer prohibited weapons or ammunition, the Chief Constable shall not remove his name from the register on the ground that he cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace.

(3) If the Chief Constable is satisfied that a person registered as a firearms dealer has failed to comply with any of the conditions of registration in force under Article 37, he may remove from the register that person's name or any place of business of his to which the condition relates.

(4) The Chief Constable shall cause the name of a person to be removed from the register if the person so desires.

(5) If the Chief Constable is satisfied that a place entered in the register as a person's place of business is one at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace he may remove that place from the register.

(6) If a person for the time being registered as a firearms dealer fails to comply with any requirement of Article 34 (5) or 36 (2) on or before 1st January in any year, the Chief Constable shall by notice in writing require him to comply with that requirement and, if the 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, shall cause his name to be removed from the register.

(7) A person aggrieved by the removal of his name from the register, or by the removal from the register of a place of business of his may appeal to the Secretary of State under Article 55.

(8) Subject to paragraph (9), where the Chief Constable causes the name of a person to be removed from the register, he shall by notice in writing require

the dealer to surrender his certificate of registration; and if the dealer 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, the dealer shall be guilty of an offence.

(9) If an appeal is brought against the removal, paragraph (8) shall not apply to that removal unless the appeal is abandoned or dismissed and shall then apply with the substitution for the reference to the date of the notice of a reference to the date on which the appeal was abandoned or dismissed.

Special permits

40.—(1) The Chief Constable may, on the application of a person registered as a firearms dealer, grant a permit (in this Order referred to as a “special permit”) authorising that person to deal in ammunition at such place, not being a place of business which is entered in the register, and on such occasion, as may be specified in the special permit.

(2) Each special permit may be granted in respect of one, or more than one, occasion, and it shall be granted subject to such conditions as the Chief Constable thinks fit including conditions with respect to quantities of ammunition and security.

(3) The Chief Constable may revoke a special permit at any time.

(4) A person aggrieved by the refusal of the Chief Constable to grant a special permit, or by any condition attached to a special permit, or by the revocation of a special permit, may appeal to the Secretary of State under Article 55.

(5) A person who fails to comply with any condition attached to a special permit under paragraph (2), shall be guilty of an offence.

Offences in connection with registration

41.—(1) Without prejudice to Article 10 of the Perjury (Northern Ireland) Order 1979, a person who, for the purpose of procuring—

- (a) the registration of himself or any other person as a firearms dealer; or
- (b) the entry of any place of business in the register of firearms dealers, whether for himself or any other person,

makes any statement which he knows to be false, shall be guilty of an offence.

(2) Subject to paragraph (3), a person who, being a registered firearms dealer, has a place of business in Northern Ireland which is not entered in the register and carries on business as a firearms dealer at that place, shall be guilty of an offence.

(3) It is not an offence under paragraph (2) for a person registered as a firearms dealer to deal in ammunition at a place of business not entered in the register if he has a special permit authorising him to deal in ammunition at that place, and the dealing takes place on an occasion specified in the special permit.

(4) Without prejudice to Article 39 (3) a person who fails to comply with any of the conditions of registration imposed by the Chief Constable under Article 37 shall be guilty of an offence.

Supplementary

Compulsory register of transactions in firearms

42.—(1) Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition shall provide and keep a register of trans-

actions and shall enter or cause to be entered in the register the particulars specified in Schedule 3.

(2) Every entry required by paragraph (1) to be made in the register shall be made within twenty-four hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom that paragraph applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall immediately enter those particulars in the register.

(3) Every register of transactions required to be kept under paragraph (1) shall be kept for a minimum period of ten years from the date of the last entry made in that register.

(4) Every person keeping a register in accordance with this Article shall, on demand, allow a constable, duly authorised in writing in that behalf by the Chief Constable, to enter and inspect all stock in hand and shall, on request by a constable so authorised or by an officer of customs and excise, produce the register for inspection.

(5) Where a written authority is required by paragraph (4), the authority shall be produced on demand.

(6) Every person required by paragraph (1) to keep a register shall retain all invoices, consignment notes, receipts or other documents relating to the transactions entered in the register, for a period of at least two years after their first coming into his possession, and shall, at any time during that period, produce them for inspection by, and make them immediately available to, a constable or an officer of customs and excise on demand.

(7) A person who fails to comply with any provision of this Article or knowingly makes any false entry in the register required to be kept under this Article, shall be guilty of an offence.

(8) Nothing in this Article applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under Article 10 (2).

Notification of transactions in, and repairs to, firearms

43.—(1) A person who sells, lets on hire, gives or lends a firearm or ammunition to another person in the United Kingdom (whether or not the other person is a registered firearms dealer) shall, unless the other person shows that he is by virtue of this Order entitled to purchase or acquire the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced; and in the case of a firearm he shall, within forty-eight hours from the transaction, send by registered post or the recorded delivery service notice of the transaction to the Chief Constable.

(2) Where a person holding a firearm certificate in respect of any firearm (other than a shot gun or an air weapon) which has been tested by virtue of the provisions of Article 47 repairs or alters that firearm or causes that firearm to be repaired or altered he shall, within forty-eight hours of the completion of the repair or alteration, send to the Chief Constable by registered post or the recorded delivery service notice of the repair or alteration.

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

Consequences where registered dealer convicted of an offence

44.—(1) Where a registered firearms dealer is convicted of any offence under this Order or an offence under the enactments relating to customs in respect of the import and export of firearms or ammunition the court may order—

- (a) that the name of the registered dealer be removed from the register; and
- (b) that neither the dealer nor any person who acquires his business, nor any person who took part in the management of the business and was knowingly a party to the offence shall be registered as a firearms dealer; and
- (c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence or any person who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and
- (d) that any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.

(2) A person aggrieved by an order made under this Article may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

PART IV

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

Power of search with warrant

45.—(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Order has been, is being or is about to be committed, he may grant a search warrant authorising any constable named in the warrant—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize and detain any firearm, prohibited weapon or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Order has been, is being or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer, to examine any books, documents or records relating to the business.

(2) Any constable authorised in writing in that behalf by the Chief Constable shall have the same powers as if the authority were a search warrant issued by a justice of the peace under paragraph (1).

Powers of constables to stop and search

46.—(1) A constable may require any person whom he has reasonable cause to suspect—

- (a) of having a firearm or ammunition with him in a public place; or
- (b) to be committing or about to commit an offence under Article 19 or 21 elsewhere than in a public place,

to hand over the firearm or ammunition for examination by the constable.

(2) A person who, having a firearm or ammunition with him, fails to hand it over when required to do so by a constable under paragraph (1), shall be guilty of an offence.

(3) If a constable has reasonable cause to suspect a person of having in his possession a firearm or ammunition in contravention of any provision of this Order, the constable may search that person.

(4) If a constable has reasonable cause to suspect that there is a firearm in a vehicle in a public place or that a vehicle is being or is about to be used in connection with the commission of an offence under Article 19 or 21 elsewhere than in a public place he may search the vehicle and for that purpose require the person driving or in control of it to stop it.

(5) If the person driving or in control of any vehicle fails to stop it when required to do so by a constable under paragraph (4) or refuses to permit the vehicle to be searched he shall be guilty of an offence.

(6) For the purpose of exercising the powers conferred by this Article a constable may enter any place.

Production of firearms for ballistic and other tests

47.—(1) The Chief Constable may by notice in writing require any person having lawful possession of a firearm (other than a shot gun or an air weapon) to produce that firearm at such time and such place as may be specified in the notice for the purpose of having ballistic or other tests carried out on that firearm and of establishing and recording the distinctive characteristics of that firearm.

(2) A person who without reasonable excuse fails to comply with a notice issued under paragraph (1), shall be guilty of an offence.

Production of certificates

48.—(1) Any constable may demand from any person whom he believes to be in possession of a firearm or ammunition the production of his firearm certificate.

(2) If any person upon whom a demand is made under this Article fails to produce the firearm certificate or to permit the constable to read it, or to show that he is entitled by virtue of this Order to have the firearm or ammunition in his possession without holding a firearm certificate, the constable may seize and detain the firearm or ammunition and may require the person to declare to him immediately his name and address.

(3) If under this Article a person is required to declare to a constable his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.

Police powers in relation to firearms traffic

49.—(1) Any constable may search for and seize any firearms or ammunition which he has reason to believe are being removed or have been removed, in contravention of an order made under Article 7 or of an order prohibiting the removal of firearms or ammunition from Great Britain to Northern Ireland made under section 6 of the Firearms Act 1968.

(2) A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a constable allow the constable all

reasonable facilities for the examination and inspection thereof and shall produce any documents in his possession relating thereto.

(3) A person who fails to comply with paragraph (2) shall be guilty of an offence.

Powers of arrest without warrant

50.—(1) A constable making a search of premises under the authority of a warrant or authorisation under Article 45 may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Order.

(2) Any constable may arrest without warrant any person whom he believes to be in possession of firearms or ammunition in contravention of the provisions of this Order.

(3) A constable may arrest without warrant a person who refuses to declare his name and address when required by the constable to do so under Article 48 (2) or whom he in such a case suspects of giving a false name and address or of intending to abscond.

(4) A constable may arrest without warrant any person who is or whom he with reasonable cause suspects to be in the act of committing an offence under Article 24.

Seizure and detention of firearms and ammunition

51. In addition to any other powers conferred on him under this Order, a constable may seize and detain any firearms or ammunition in the possession of a person whom he believes to be in possession of those firearms or that ammunition in contravention of any of the provisions of this Order.

Prosecution and punishment of offences

52.—(1) Schedule 2 sets out in tabular form the manner in which offences under this Order are punishable on conviction.

(2) In relation to an offence under a provision of this Order specified in column 1 of Schedule 2 (the general nature of that offence being described in column 2)—

(a) column 3 shows whether that offence is punishable on summary conviction or on indictment or in either one way or the other; and

(b) column 4 shows the maximum punishment which may be imposed on a person convicted of the offence in the way specified in relation thereto in column 3 (that is to say, summarily or on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment of that duration.

(3) Notwithstanding anything in section 34 of the Magistrates' Courts Act (Northern Ireland) 1964 (limitation of time for taking proceedings), summary proceedings for an offence under this Order, other than under Article 3 (1), 4 (1), (2), (3) or (4), 5 (1) or (3), 6 (1), 20 (1), 21 (1), 22 (5) or (7), 23, 43, or 54 (3) (a) or (b), may be instituted at any time within four years after the commission of the offence but shall not be instituted after the expiration of six months from the commission of the offence unless they are instituted by, or by the direction of, the Attorney General.

(4) Section 41 of the Magistrates' Courts Act (Northern Ireland) 1964 (right to claim trial by jury for certain summary offences) shall not apply to offences charged under Article 3, 20 (2) or 23.

Forfeiture and disposal of firearms; cancellation of certificate by convicting court

53.—(1) Where a person—

- (a) is convicted of an offence under this Order or is convicted of any crime for which he is sentenced to imprisonment or borstal training; or
- (b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour a condition of which is that the offender shall not possess, use or carry a firearm; or
- (c) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm,

the court before whom he is convicted or by whom the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate held by the person convicted.

(2) Where the court cancels a firearm certificate under this Article—

- (a) the court shall cause notice to be sent to the Chief Constable; and
- (b) the Chief Constable shall by notice in writing require the holder of the certificate to surrender it; and
- (c) if the holder of the certificate fails to surrender it within twenty-one days from the date of the notice given him by the Chief Constable or within such further time as the Chief Constable may in special circumstances allow, the holder of the certificate shall be guilty of an offence.

(3) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this Article.

(4) The Chief Constable may order that any firearm (other than firearms to which Article 60 (1) applies) or ammunition, which is surrendered to, or seized or found by, any constable and in respect of which a firearm certificate has not been granted, shall be destroyed or otherwise disposed of.

(5) Any person aggrieved by an order made by the Chief Constable under paragraph (4) may appeal to the Secretary of State under Article 55.

(6) Without prejudice to paragraph (4), a court of summary jurisdiction may on the application of the Chief Constable order any firearm, prohibited weapon or ammunition seized and detained by a constable under this Order to be destroyed or otherwise disposed of.

(7) In the case of an offence under Article 7 (4) or 49 (3), the court before which the offender is convicted may, if the offender is the owner of the firearms or ammunition, make an order as to the forfeiture of the firearms or ammunition as the court thinks fit.

(8) A person aggrieved by an order under paragraph (1) or paragraph (7) may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

PART V

MISCELLANEOUS AND GENERAL

Firearms clubs

54.—(1) It shall be unlawful for any person to operate, or participate in the activities of, a firearms club unless the Secretary of State has granted an authorisation for that club.

(2) An authorisation granted under paragraph (1)—

- (a) shall be for such period as is specified in the authorisation;
- (b) shall be subject to such conditions and limitations as may be specified in the authorisation and to such other conditions as may be prescribed;
- (c) may, notwithstanding anything in the foregoing provisions of this paragraph, be revoked by the Secretary of State at any time.

(3) Any person who—

- (a) operates, or participates in the activities of, a firearms club for which an authorisation from the Secretary of State is not in force; or
- (b) contravenes any condition or limitation of an authorisation granted under paragraph (1),

shall be guilty of an offence.

(4) The Unlawful Drilling Act 1819 (a) shall not have effect in relation to firearms clubs so, however, that any authorisation granted to a firearms club by the Secretary of State under that Act of 1819 before 27th August 1979 shall be deemed to have been granted under paragraph (1).

Appeals and applications to the Secretary of State

55. An appeal to the Secretary of State under Articles 28 (10), 29 (3), 30 (2), 35 (5), 37 (5), 38 (3), 39 (7), 40 (4) and 53 (5), and an application to the Secretary of State under Article 22 (6) shall be made in accordance with such rules as may be prescribed and, on such an appeal or application, the Secretary of State may make such order as he thinks fit having regard to the circumstances.

Variation of fees payable under this Order

56.—(1) The Secretary of State, with the approval of the Treasury, may make an order varying any sum—

- (a) specified by Article 33 to be payable for the grant, renewal or variation of a firearm certificate; or
 - (b) specified by Article 36 to be payable for the registration of any person as a firearms dealer or for the renewal of such registration;
- or providing that any such sum or any such sum as varied under this paragraph shall cease to be payable.

(2) An order made under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (b) shall apply accordingly.

Application of Parts II and III to Crown servants, etc.

57.—(1) Articles 3, 9, 14 and 27 to 33 apply, subject to the modifications specified in paragraph (2), to persons in the service of the Crown, and to persons

(a) 1819 c. 1 (60 Geo. 3 & 1 Geo. 4). (b) 1946 c. 36.

employed by the Police Authority for Northern Ireland, in their capacity as such so far as those provisions relate to the purchase and acquisition, but not so far as they relate to the possession, of firearms and ammunition.

- (2) The modifications referred to in paragraph (1) are the following—
- (a) a person in the service of the Crown in right of Her Majesty's Government in the United Kingdom duly authorised in writing in that behalf may purchase or acquire firearms or ammunition for the public service without holding a firearm certificate;
 - (b) a person in the service of the Crown in right of Her Majesty's Government in Northern Ireland duly authorised in writing by the Secretary of State may purchase or acquire firearms or ammunition for the public service without holding a firearm certificate;
 - (c) a person in the naval, military or air service of the Crown shall, if he satisfies the Chief Constable on an application under Article 27 that he is required to purchase or acquire a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorising the purchase or acquisition;
 - (d) a person employed by the Police Authority for Northern Ireland and duly authorised in writing in that behalf may purchase or acquire firearms or ammunition for the purposes of the police force without holding a firearm certificate.

Regulations

- 58.—(1) The Secretary of State may make regulations—
- (a) prescribing the form of firearm certificates and the form of the register required to be kept under Article 42 (1) and of other documents;
 - (b) making provision for requiring holders of firearm certificates to furnish photographs of themselves and requiring the likeness of any such photograph to the holder of the certificate to be verified in the prescribed manner;
 - (c) regulating the manner in which the Chief Constable is to carry out his duties under this Order;
 - (d) prescribing any other thing which under this Order is to be prescribed;
 - (e) generally for carrying this Order into effect.
- (2) Regulations made under this Order shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Delegation of functions of Chief Constable

59. The Chief Constable may direct in writing that such of his functions under this Order as are specified in the direction may be exercised by such other members of the Royal Ulster Constabulary as are specified in the direction.

Savings

60.—(1) Nothing in this Order relating to firearms shall apply to an antique firearm which is sold, purchased, acquired or possessed as a curiosity or ornament.

(2) The provisions of this Order shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.

(3) The powers of arrest and entry conferred by Part IV shall be without prejudice to any power of arrest or entry which may exist apart from this Order; and Article 51 is not to be taken as prejudicing the power of a constable, when arresting a person for an offence, to seize property found in his possession or any other property, being a power exercisable apart from that Article.

(4) No offence under this Order shall be deemed to be committed in the case of any person in a police force by having in his possession a firearm or ammunition in his capacity as such.

(5) Notwithstanding the repeal by this Order of section 44 (3) of the Firearms Act (Northern Ireland) 1969 (a), any offence under any enactment repealed by that Act committed before 1st March 1969 shall be prosecuted, and shall be subject to penalties to which it would have been subject, if the Firearms (Amendment) Act (Northern Ireland) 1968 (b) had not been passed.

Consequential amendments, repeals and revocations

61.—(1) The statutory provisions specified in Schedule 4 shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Order.

(2) The statutory provisions specified in Schedule 5 are hereby repealed or revoked to the extent specified in the third column of that Schedule.

N. E. Leigh,
Clerk of the Privy Council.

FIREARMS
SCHEDULES

Article 18 (2).

SCHEDULE 1

OFFENCES TO WHICH ARTICLE 18 (2) APPLIES

1. Offences under any of the following provisions of the Offences Against the Person Act 1861 (a):—

sections 20 to 22	(inflicting bodily injury; garrotting; criminal use of stupefying drugs);
section 30	(laying of explosive near a building, etc.);
section 32	(endangering railway passengers by tampering with track);
section 47	(criminal assaults);
section 48	(rape);
sections 53 to 55	(abduction of women);
section 56	(child stealing or abduction).

2. Offences under section 4 (k) of the Vagrancy Act 1824 (b) (suspected persons and reputed thieves being abroad with criminal intent).

3. Theft, burglary, blackmail and any offence under section 12 (2) of the Theft Act (Northern Ireland) 1969 (c).

4. Offences under section 7 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (d) (assault on, and obstruction of, constables, etc.).

5. Offences under section 148 of the Road Traffic Act (Northern Ireland) 1970 (e) (taking and driving away in so far as it relates to a motor vehicle).

6. Offences under any of the following provisions of the Criminal Damage (Northern Ireland) Order 1977 (f):—

Article 3	(destroying or damaging property);
Article 4	(threats to destroy or damage property).

7. Attempting to commit any offence specified in paragraphs 1 to 6.

8. Aiding, abetting, counselling or procuring the commission of any offence so specified.

(a) 1861 c. 100.
(d) 1968 c. 28 (N.I.).

(b) 1824 c. 83.
(e) 1970 c. 2 (N.I.).

(c) 1969 c. 16 (N.I.).
(f) S.I. 1977/426 (N.I. 4).

Article 52.

SCHEDULE 2

TABLE OF PUNISHMENTS

1 Article of this Order creating offence	2 General Nature of Offence	3 Mode of Prosecution	4 Punishment
Article 3 (1)	Purchase, acquisition or possession of firearm or ammunition without firearm certificate	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both
Article 3 (2)	Failure to comply with a condition of a firearm certificate	Summary	1 year or a fine of £400 or both
Article 4 (1)	Manufacturing, selling, repairing, etc., without being registered as a dealer	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both
Article 4 (2), (3)	Sale to any person, other than a dealer, who does not produce a certificate; repair for a person, other than a dealer, who does not produce a certificate	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both
Article 4 (4)	Production of a false certificate, or a certificate in which a false entry has been made or making a false statement with a view to purchasing or acquiring a firearm	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both
Article 4 (5)	Pawnbroker taking firearm in pawn	Summary	3 months or a fine of £50 or both
Article 5 (1), (3)	Shortening the barrel of a shot gun or converting an imitation firearm into a firearm	(a) Summary (b) Indictment	1 year or a fine of £400 or both 5 years or a fine or both
Article 6 (1)	Manufacture, dealing in or possession of prohibited weapons	(a) Summary (b) Indictment	1 year or a fine of £400 or both 5 years or a fine or both
Article 6 (4)	Failure to comply with conditions of authority relating to prohibited weapons	Summary	1 year or a fine of £400 or both

FIREARMS

1 Article of this Order creating offence	2 General Nature of Offence	3 Mode of Prosecution	4 Punishment
Article 6 (5)	Failure to surrender authority relating to prohibited weapons	Summary	A fine of £50
Article 7 (4)	Contravention of an order prohibiting the removal of firearms or ammunition	Summary	1 year or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £50, or both
Article 10 (4)	Making false statement to procure auctioneer's permit	Summary	1 year or a fine of £400 or both
Article 14 (2)	Making a false statement to procure the grant of a permit under Article 14 (1) (c)	Summary	1 year or a fine of £400 or both
Article 17	Possession of firearm with intent to injure	Indictment	Life imprisonment
Article 18 (1)	Use or attempted use of firearm to resist arrest	Indictment	Life imprisonment
Article 18 (2)	Possession of firearm while committing offence specified in Schedule 1	Indictment	14 years
Article 19 (1)	Carrying firearm with criminal intent	Indictment	14 years
Article 20 (1)	Carrying firearm and ammunition in public place	(a) Summary	1 year or a fine of £400 or both
		(b) Indictment (but not if the firearm is an air weapon)	10 years or a fine or both
Article 20 (2)	Discharge of firearm in public place	Summary	1 year or a fine of £300 or both
Article 21 (1)	Trespassing with a firearm in any building	(a) Summary	1 year or a fine of £400 or both
		(b) Indictment	10 years or a fine or both
Article 21 (2)	Trespassing with a firearm on land	Summary	1 year or a fine of £400 or both

1 Article of this Order creating offence	2 General Nature of Offence	3 Mode of Prosecution	4 Punishment
Article 22 (5)	Possession of firearm or ammunition by convicted person	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both
Article 22 (7)	Sale of firearm to convicted person; repair of firearm for convicted person	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both
Article 23	Possession of firearm or ammunition in suspicious circumstances	(a) Summary (b) Indictment	2 years or a fine of £300 or both 10 years or a fine or both
Article 24	Possession of loaded firearm by person who is drunk	Summary	6 months or a fine of £100 or both
Article 25	Supplying firearm or ammunition to person who is drunk or of unsound mind	Summary	1 year or a fine of £400 or both
Article 26	Non-compliance with restrictions on acquisition and possession of firearm by person under age of 18	Summary	1 year or a fine of £400 or both
Article 27 (3)	Making false statement to procure the grant or renewal of a firearm certificate	Summary	1 year or a fine of £400 or both
Article 29 (4)	Making a false statement to procure the variation of a firearm certificate	Summary	1 year or a fine of £400 or both
Article 31 (3)	Failure to surrender a firearm certificate, firearms or ammunition when certificate is revoked or not renewed	Summary	A fine of £50
Article 39 (8)	Failure of firearms dealer to surrender certificate of registration on removal from register	Summary	A fine of £50

FIREARMS

1 Article of this Order creating offence	2 General Nature of Offence	3 Mode of Prosecution	4 Punishment
Article 40 (5)	Failure to comply with conditions of a special permit	Summary	1 year or a fine of £400 or both
Article 41 (1)	Making false statement to procure registration as firearms dealer or entry of place of business in the register	Summary	1 year or a fine of £400 or both
Article 41 (2)	Registered firearms dealer having place of business not entered in the register	Summary	1 year or a fine of £400 or both
Article 41 (4)	Failure of firearms dealer to comply with conditions of registration	Summary	1 year or a fine of £400 or both
Article 42 (7)	Failure to keep a register of transactions; failure to comply with provisions of Article 42	Summary	1 year or a fine of £400 or both
Article 43	Failure to comply with instructions of certificate in transactions or failure to notify the Chief Constable	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both
Article 46 (2)	Failure to hand over firearm to constable for examination by him	Summary	1 year or a fine of £400 or both
Article 46 (5)	Failure to stop vehicle when required to do so by constable or refusal to permit it to be searched	Summary	1 year or a fine of £400 or both
Article 47 (2)	Failure to produce firearm for ballistic or other tests	Summary	1 year or a fine of £400 or both
Article 48 (3)	Refusal to declare name and address or failure to give true name and address	Summary	A fine of £50
Article 49 (3)	Failure to give constable facilities for inspecting, or failure to produce, documents	Summary	1 year or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £50, or both

1 Article of this Order creating offence	2 General Nature of Offence	3 Mode of Prosecution	4 Punishment
Article 53 (2)	Failure to surrender certificate when cancelled by court	Summary	A fine of £50
Article 54 (3) (a)	Operating or participating in the activities of a fire-arms club with no authorisation	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both
Article 54 (3) (b)	Contravention of conditions or limitations of an authorisation	(a) Summary (b) Indictment	1 year or a fine of £400 or both 3 years or a fine or both

Article 42 (1).

SCHEDULE 3

PARTICULARS TO BE ENTERED IN REGISTER KEPT BY FIREARMS DEALERS

1. The quantities and descriptions of firearms and ammunition manufactured and the dates thereof.
2. The quantities and descriptions of firearms and ammunition purchased or acquired, with the names and addresses of the sellers or transferors and the dates of the several transactions.
3. The quantities and descriptions of firearms and ammunition sold or transferred, with the names and addresses of the purchasers or transferees and the dates of the several transactions.
4. The quantities and descriptions of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.

Article 61 (1).

SCHEDULE 4

CONSEQUENTIAL AMENDMENTS

The Criminal Jurisdiction Act 1975 (c. 59)

1. In Schedule 1—

(a) in Part I, for paragraph 9 substitute—

“9. An offence under any of the following provisions of the Firearms (Northern Ireland) Order 1981—

- (i) Article 17 (possessing firearms or ammunition with intent to endanger life or cause serious damage to property);
- (ii) Article 18 (1) (use of firearm to resist arrest);
- (iii) Article 18 (2) (possessing firearm when committing or arrested for specified offences) where the specified offence is one under section 148 of the Road Traffic Act (Northern Ireland) 1970 (taking and driving away a motor vehicle);

- (iv) Article 19 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another);
 - (v) Article 23 (possessing firearms or ammunition in suspicious circumstances).”;
- (b) in Part II, in paragraph 12 (2), for “section 19A of the Firearms Act (Northern Ireland) 1969” substitute “Article 23 of the Firearms (Northern Ireland) Order 1981”.

The Criminal Injuries (Compensation) (Northern Ireland) Order 1977
S.I. 1977/1248 (N.I. 15)

2. In Article 2 (2), in paragraph (d) of the definition of “violent offence”, for “Firearms Act (Northern Ireland) 1969” substitute “Firearms (Northern Ireland) Order 1981”.

The Northern Ireland (Emergency Provisions) Act 1978 (c. 5)

3. In section 9 (4), omit the words from “*The Firearms Act (Northern Ireland) 1969*” to “firearm or ammunition in suspicious circumstances.” and at the end of the subsection insert—

“*The Firearms (Northern Ireland) Order 1981*

Article 3 (possessing firearm or ammunition without, or otherwise than as authorised by, a firearm certificate).

Article 6 (possessing machine gun, or weapon discharging, or ammunition containing, noxious substance).

Article 17 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property).

Article 18 (2) (possessing firearm or imitation firearm at time of committing, or being arrested for, a specified offence).

Article 22 (1), (2) or (4) (possession of a firearm or ammunition by a person who has been sentenced to imprisonment, etc.).

Article 23 (possessing firearm or ammunition in suspicious circumstances).”.

4. In Schedule 4, in Part I—

(a) omit paragraph 11 and after paragraph 19 insert—

“*The Firearms (Northern Ireland) Order 1981*

19A. Offences under the following provisions of the Firearms (Northern Ireland) Order 1981—

- (a) Article 3 (1) (possessing, purchasing or acquiring firearm or ammunition without certificate);
- (b) Article 4 (1), (2), (3) or (4) (manufacturing, dealing in, repairing, etc., firearm or ammunition without being registered);
- (c) Article 5 (shortening barrel of shot gun or converting imitation firearm into firearm);
- (d) Article 6 (1) (manufacturing, dealing in or possessing machine gun, or weapon discharging, or ammunition containing, noxious substance);
- (e) Article 17 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property);
- (f) Article 18 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another, etc.);
- (g) Article 19 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another);

- (h) Article 20 (1) (carrying firearm, etc., in public place) subject to note 3 below;
- (i) Article 22 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc., and sale of firearm or ammunition to such a person);
- (j) Article 23 (possessing firearm or ammunition in suspicious circumstances).";
- (b) in note 3, for "section 17 of the Firearms Act (Northern Ireland) 1969" substitute "Article 20 (1) of the Firearms (Northern Ireland) Order 1981".

The Suppression of Terrorism Act 1978 (c. 26)

5. In Schedule 1, in paragraph 15—

- (a) for "Firearms Act (Northern Ireland) 1969" substitute "Firearms (Northern Ireland) Order 1981";
- (b) in sub-paragraph (a)—
- (i) for "section 14" substitute "Article 17";
- (ii) for "that section" substitute "that Article";
- (c) in sub-paragraph (b)—
- (i) for "subsection (1) of section 15" substitute "paragraph (1) of Article 18";
- (ii) for "that section" substitute "that Article".

Article 61 (2).

SCHEDULE 5

REPEALS AND REVOCATIONS

Chapter or Number	Short Title	Extent of repeal or revocation
1969 c. 12.	The Firearms Act (Northern Ireland) 1969.	The whole Act.
1971 c. 25.	The Firearms (Amendment) Act (Northern Ireland) 1971.	The whole Act.
S.I. 1973/415 (N.I. 6).	The Firearms (Amendment) (Northern Ireland) Order 1973.	The whole Order.
S.I. 1973/2163.	The Northern Ireland (Modification of Enactments—No. 1) Order 1973.	In Schedule 1 the words "The Firearms Act (Northern Ireland) 1969 (c. 12 (N.I.))" and "The Firearms (Amendment) (Northern Ireland) Order 1973."
S.R. 1974 No. 301.	The Firearm Certificates and Permits (Variation of Fees) Order (Northern Ireland) 1974.	The whole Order.
1975 c. 59.	The Criminal Jurisdiction Act 1975.	Section 8.
S.I. 1975/2173 (N.I. 20).	The Firearms (Amendment) (Northern Ireland) Order 1975.	The whole Order.
S.I. 1976/1341 (N.I. 24).	The Firearms (Amendment) (Northern Ireland) Order 1976.	The whole Order.

FIREARMS

Chapter or Number	Short Title	Extent of repeal or revocation
S.I. 1977/426 (N.I. 4).	The Criminal Damage (Northern Ireland) Order 1977.	In Article 13, paragraph (4).
1978 c. 5.	The Northern Ireland (Emergency Provisions) Act 1978.	In section 9 (4), the words from " <i>The Firearms Act (Northern Ireland) 1969</i> " to "firearm or ammunition in suspicious circumstances).". In Schedule 4, in Part I, paragraph 11.
S.I. 1979/923 (N.I. 7).	The Firearms (Amendment) (Northern Ireland) Order 1979.	The whole Order.
S.I. 1979/1714 (N.I. 19).	The Perjury (Northern Ireland) Order 1979.	In Schedule 1, paragraphs 12 to 16.
S.I. 1980/704 (N.I. 6).	The Criminal Justice (Northern Ireland) Order 1980.	In Article 10, paragraph (3); and in paragraph (4), the words "or (3)". In Schedule 1, in Part II, paragraphs 51 and 52.
S.R. 1980 No. 43.	The Firearms (Variation of Fees) Order (Northern Ireland) 1980.	The whole Order.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the Firearms Act (Northern Ireland) 1969 and enactments amending that Act together with a provision in the Criminal Justice (Northern Ireland) Order 1980 prohibiting the possession of a loaded firearm by a person who is drunk.