

SCHEDULES

SCHEDULE 11

Amendments relating to firearms

Firearms (Northern Ireland) Order 2004

- 8.**—(1) Amend Article 74 (appeal from decision of Chief Constable) as follows.
- (2) In paragraph (1) for “Secretary of State” substitute “relevant authority”.
- (3) In paragraph (2) for “Secretary of State may make such order as he” substitute “relevant authority may make such order as the relevant authority”.
- (4) After paragraph (4) insert—
- “(5) In this Article “the relevant authority” means—
- (a) the Secretary of State, in any case where the Chief Constable’s decision was taken wholly or partly on the basis of information the disclosure of which may, in the view of the Secretary of State or of the Chief Constable, be against the interests of national security;
- (b) the Department of Justice, in any other case.
- (6) Where the Chief Constable makes a decision within paragraph (3)(a) to (d), he must notify (as the case may be)—
- (a) the applicant, or
- (b) the holder of the certificate,
- who the relevant authority is for the purposes of any appeal against the decision.
- (7) An order under Article 72(4) must be accompanied by a written statement by the Chief Constable specifying who the relevant authority is for the purposes of any appeal against the order.”
- (5) Sub-paragraph (6) below applies to an appeal made, but not determined, under Article 74 before the coming into force of this Order.
- (6) The Secretary of State must determine who the relevant authority (as defined in Article 74(5) (as inserted by sub-paragraph (4) above)) is for the purposes of the appeal and then—
- (a) if the relevant authority is determined to be the Secretary of State, must proceed to determine the appeal;
- (b) if not, must refer the appeal to the Department of Justice for determination.

Commencement Information

II Sch. 11 para. 8 in force at 12.4.2010, see [art. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 8.