
STATUTORY INSTRUMENTS

1973 No. 415 (N.I. 6)

NORTHERN IRELAND

The Firearms (Amendment) (Northern Ireland) Order 1973

<i>Made</i> - - - -	8th March 1973
<i>Laid before Parliament</i>	13th March 1973
<i>Coming into Operation</i>	15th March 1973

At the Court at Buckingham Palace, the 8th day of March 1973

Present,

The Queen's Most Excellent Majesty in Council

Whereas it has been made to appear to Her Majesty that by reason of urgency this Order requires to be made without a draft having been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972(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:—

Title and commencement

1. This Order may be cited as the Firearms (Amendment) (Northern Ireland) Order 1973 and shall come into operation on 15th March 1973.

Interpretation and temporary provision

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 an Act of the Parliament of Northern Ireland.

(2) In this Order “the Act of 1969” means the Firearms Act (Northern Ireland) 1969(c).

(3) So long as section 1 of the Northern Ireland (Temporary Provisions) Act 1972 has effect, subsection (1)(a) of that section applies to all functions conferred by or under this Order on the Minister of Home Affairs.

(a) 1972 c. 22.

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

(c) 1969 c. 12 (N.I.).

Amendments to Part II of the Act of 1969

3.—(1) Part II of the Act of 1969 shall have effect subject to the amendments specified in the following provisions of this Article.

(2) In section 23 (grant of firearm certificates and permits) for subsections (1) to (3) there shall be substituted the following subsections:—

“(1) Subject to subsections (2) and (3), a chief superintendent may grant a firearm certificate or a firearm permit to an applicant on payment of the prescribed fee.

(2) A firearm certificate shall not be granted unless the chief superintendent is satisfied that the applicant—

(a) is not prohibited by this Act 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

(b) 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

(c) can be permitted to have that firearm or ammunition in his possession without danger to the public safety or to the peace.

(3) A firearm permit shall not be granted unless the chief superintendent is satisfied that the applicant—

(a) is not prohibited by this Act 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

(b) has a good reason for having in his possession within his dwelling house the firearm or ammunition in respect of which the application is made ; and

(c) can be permitted to have that firearm or ammunition in his possession within his dwelling house without danger to the public safety or to the peace.”.

(3) In section 24 (variation of firearm certificates and permits) in subsection (1) before the word “vary” there shall be inserted the words “attach or add conditions to the firearm certificate or the firearm permit or” and before the word “amending” there shall be inserted the words “attaching conditions thereto or adding to or” ; and in subsection (3) before the word “varied” there shall be inserted the words “attached, added or”.

(4) In section 25 (revocation of firearm certificates and permits), at the end of both subsections (1) and (2) there shall be added the following words:—

“or

(c) the chief superintendent is satisfied that the possession of a firearm by the holder is likely to endanger the public safety or the peace ;
or

(d) the chief superintendent is satisfied that the holder no longer has a good reason for possessing the firearm ; or

(e) the chief superintendent is satisfied that the holder has failed to comply with a notice under section 39A ; or

(f) the chief superintendent is satisfied that the holder has failed when required to do so to furnish a photograph in accordance with regulations made under section 49(1)(aa).”.

and in subsection (3) after the words “in subsection (1)(a)” and “in subsection (2)(a)” there shall be inserted “, (c), (d), (e) or (f)”.

(5) In section 29 (grounds for refusal of registration of firearms dealers) for subsection (4) there shall be substituted the following subsection:—

“(4) The chief superintendent shall not enter in the register a place of business particulars of which have been furnished to him under section 28(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.”.

(6) In section 31 (conditions of registration of firearms dealers), after subsection (1) there shall be inserted the following subsections:—

“(1A) The power to impose or vary conditions under subsection (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.

(1B) The Minister may give directions as to the conditions to be imposed or varied under subsection (1) and it shall be the duty of the chief superintendent to comply with any such direction.”.

(7) In section 32 (registration of new places of business of a firearms dealer), for subsection (2) there shall be substituted the following subsection:—

“(2) The chief superintendent shall not enter in the register any place of business notified to him by any person under subsection (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.”.

Amendment to Part III of the Act of 1969

4. In Part III of the Act of 1969, after section 39 there shall be inserted the following section:—

“Production of firearms for ballistic and other tests. 39A. The Chief Constable or any officer of the Royal Ulster Constabulary authorised by him in that behalf may by notice in writing require any person having lawful possession of a firearm (other than a shotgun 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.”.

Amendment of Part IV of the Act of 1969

5.—(1) In Part IV of the Act of 1969, in section 49(1) (power of Minister to make regulations) after paragraph (a) there shall be inserted the following paragraph:—

“(aa) making provision for requiring holders of firearm certificates or firearm permits to furnish photographs of themselves and requiring the likeness of any such photograph to the holder of the certificate or permit to be verified in the prescribed manner ;”.

(2) In section 49(2) of the Act of 1969 (under which regulations are subject to negative resolution, but regulations requiring applications for firearms certificates or permits to be accompanied by photographs of applicants are subject to affirmative resolution) the words from "but" onwards are hereby repealed.

W. G. Agnew

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Firearms Act (Northern Ireland) 1969. It confers power to revoke existing firearms certificates and permits in certain circumstances (Article 3(4)). It extends the existing powers to refuse firearms certificates and permits (Article 3(2)) and to refuse registration of premises of firearms dealers (Article 3(5) and (7)). It permits conditions to be imposed so as to restrict the types and quantities of firearms and ammunition which may be kept by firearms dealers and enables the Minister to give directions as to conditions to be imposed (Article 3(6)). The Order also makes provision for firearms to be called in for test and for requiring photographs of the holder of firearms certificates and permits (Articles 4 and 5).