



Northern Ireland Office

The Firearms (Northern Ireland) Order 2004 [2004 No. 702 (N.I.3)]

Notes for Guidance on making an application to the Secretary of State under Article 63 of the above Order for the removal of a statutory prohibition on holding firearms.

The Law

Article 63 of the Order prohibits a person from purchasing, acquiring or possessing a firearm and ammunition **at any time** if he has been sentenced to imprisonment or detention in a young offenders' centre for a term of 3 years or more.

The Article similarly prohibits a person who has been sentenced to imprisonment or detention in a young offenders' centre or juvenile justice centre for a term of 3 months or more but less than 3 years **for a period of 8 years** from the date of his conviction.

A person prohibited by section 21 of the Firearms Act 1968 in Great Britain from having a firearm or ammunition in his possession shall also be prohibited in Northern Ireland.

A person who has been sentenced to detention at the pleasure of the Secretary of State under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9) shall be prohibited from having a firearm or ammunition.

Prohibition will equally apply where a **suspended** sentence of imprisonment has been imposed: see Treatment of Offenders Act (NI) 1968.

A prohibited person may apply under Article 63 to the Secretary of State to remove the prohibition.

The Secretary of State's discretion

The Secretary of State will consider each application on its own merits but –

1. In those cases where an applicant is subject to an **8-year prohibition**, he will not normally remove the prohibition unless he is satisfied that there are **exceptional circumstances** for doing so; and
2. In those cases where an applicant is subject to a **life prohibition**, he will not normally remove the prohibition within 15 years of the applicant's release from prison, unless there are **exceptional circumstances** for doing so.

3. When deciding on whether to remove **any** statutory prohibition, the Secretary of State will consider all relevant factors including -
- the nature and seriousness of the original offence (for example did it involve violence or the threat of violence?);
 - the period of time since the applicant's release from prison or the end of a suspended sentence;
 - the applicants behaviour since release and his current personal circumstances (is there evidence or recidivism, a stable family background etc?);
 - the reasons for the application (including the type of firearm sought and whether it is intended for employment and, if so, to what extent the applicant's livelihood (or that of his family) will be affected); and
 - the Chief Constable's assessment of the implications (if any) for the public safety and the peace, where the prohibition to be removed.

Note

A decision by the Secretary of State to remove a person's statutory prohibition will not prejudice or constrain the Chief Constable's consideration of any subsequent application for a firearm certificate which the person might make.

Making the application

1. The application should be made on the appropriate form obtainable from any police station or the Northern Ireland Office, using additional sheets of paper if necessary.
2. The applicant should address the criteria set out at 3 above as appropriate and include any factors which he considers relevant. He may wish to consider submitting supporting evidence, such as character references, statements from employers etc. Ideally, character references should make reference to offence(s) which led to the prohibition and the applicant's desire to acquire firearms.

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