



# **GUIDANCE ON NORTHERN IRELAND**

## **FIREARMS CONTROLS**

## INTRODUCTION

The firearms law and the policies and practices which underpin it are complex matters and this Guidance, which has been agreed by the Secretary of State and the Chief Constable, is intended to inform all those who have a legitimate interest in firearms, including the police, the public and firearms dealers. Every effort has been made to ensure that the Guidance is as comprehensive and clear as possible.

It is important to remember that the Guidance is not a definitive statement of the law but an attempt to explain it and its enforcement as simply as possible. Nor is it intended to cover every eventuality. The Chief Constable is responsible for the administration of the firearms licensing system and he must consider each case on its merits. He may, on occasions, have to depart from the Guidance where he feels that the circumstances justify it. In the event of an appeal the Secretary of State must adopt a similar approach. The intention is that the Guidance should be read alongside the legislation. Its layout, therefore, follows that of the legislation.

In the production of the Guidance due account has been taken of the Human Rights Act 1998 and section 75 of the Northern Ireland Act 1998. The Chief Constable and the Secretary of State are very aware of the importance of human rights issues in relation to firearms licensing procedures.

In any cases of difficulty, advice should in the first instance be sought from the Firearms and Explosives Branch of the Police Service of Northern Ireland.

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This Guidance will be subject to continuous review and amended when necessary. Amendments can be found on the Northern Ireland Office web site.

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# **THE FIREARMS (NORTHERN IRELAND) ORDER 2004**

## **PART I**

### **INTRODUCTORY**

#### **Article 1**

##### **Title and commencement**

The Order may be cited as the Firearms (Northern Ireland) Order 2004. Its provisions came into operation on 1 February 2005..

#### **Article 2**

##### **Interpretation**

**1** The Interpretation Act (Northern Ireland) 1954 applies to the Order as it applies to an Act of the Assembly. The Act makes provision for the operation, interpretation and citation of Acts of the Parliament of Northern Ireland and of instruments made under them.

**2** The Article defines certain terms and explains certain references in the Order. The Guidance on each article will refer to those definitions as appropriate.

## PART II

### FIREARM CERTIFICATES ETC

#### Article 3

##### Firearm certificate required.

**1** A person who has in his **possession, purchases or acquires** a firearm or ammunition without holding a firearm certificate for it shall be guilty of an offence, unless he does so in accordance with other provisions of the Order.

**2** The words “acquire”, “firearm”, “firearm certificate” and “ammunition” are defined in Article 2(1). The definition of “firearm” includes “any component part” which is also defined. A component part, notably, includes a magazine and anyone wishing to acquire one will need to have a firearm certificate for the appropriate firearm, unless he can show that he is entitled under the provisions of the Order to do so without holding a firearm certificate. See also the Guidance on Article 76 in relation to imitation firearms and on Article 80 in relation to antiques.

**3** The relevant case law suggests that possession of a firearm is an absolute offence. It is not a valid defence that the defendant does not know that a bag in his possession contains a firearm (*R v Steele 1993*) or that a supposedly antique firearm is subject to certification (*R v Howells 1997*). Possession may be constructive, that is, having free access to the firearm rather than physically possessing it (*Sullivan v Earl of Caithness 1976*).

**4** In some circumstances certain categories of people may be authorised by the Order to **possess** firearms and/or ammunition without a certificate. (Schedule 1)

##### Deactivated Firearms

**5** Article 2(7) provides that, unless it can be shown otherwise, a firearm which has been deactivated to a standard approved by the Secretary of State so that it is incapable of discharging any shot, bullet or other missile, has ceased to be a firearm within the meaning of the Order and is not subject to control if it bears a mark approved by the Secretary of State to denote that fact. The Article requires that a person approved by the Secretary of State has marked the firearm and certified in writing (that is, provided a certificate) that it has been deactivated to the approved standard. The London and Birmingham Proof Houses have been approved for this purpose and the Secretary of State may approve others at any time. **The certificate should be held securely and will need to be produced as evidence of deactivation.**

**6** Deactivation specifications were first set by GB by the Home Office in 1989. These were revised and new specifications were adopted in October 1995 but were not applied retrospectively. A firearm deactivated to the earlier specifications is, therefore, still regarded as deactivated for legal purposes in Great Britain. The new specifications encompass a substantially

greater range of firearms design and are generally more stringent than the preceding (1989) specifications.

7 The 1995 standard provided for alternative specifications to be agreed on a case-by-case basis for the class of firearms listed in the Home Office publication “Firearms Law – Specifications for the Adaptation of Shot Gun Magazines and the Deactivation of Firearms”, available from the Home Office web site [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) and The Stationery Office. Any alternative specifications will be equally stringent but will allow the firearms to retain some of the essential features required by collectors. The specifications may be reviewed from time to time.

8 **It is the 1995 standard that applies in Northern Ireland.** Any firearm with a pre-1 October 1995 deactivation certificate might, therefore, have to have further work done to it to comply with the new standard and be resubmitted to the Proof House for examination and certification before it can be held without a firearm certificate.

9 Article 2(7) is an evidential provision and does not preclude the possibility that a firearm, which has been deactivated in some other manner, may also have ceased to be a firearm. For example, firearms held by museums that were recovered from wrecked ships and aircraft may be corroded to the point that they cannot be fired. This should not be confused with wear or missing parts that can be replaced. The final arbiter of whether an item meets the definition of a firearm at Article 2(2) will be a Court.

10. See also the guidance on Article 41 in relation to informing the Chief Constable about deactivation.

## Article 4

### Application for firearm certificate

1 An application for the grant of a firearm certificate must be made on a form provided by the Chief Constable. An application package can be obtained by writing, e-mailing or phoning PSNI’s Firearms and Explosives Branch or by calling personally at a police station. The applicant must provide the information requested and comply with the requirements of the form. He must provide -

- (a) the appropriate fee ( see Article 75 and Schedule 6);
- (b) two full-face photographs which are a current and true likeness and sized 45mm x 35mm. Ordinary passport style photographs are suitable for this purpose. A computer generated likeness, against a plain background and printed on good quality photographic paper, is acceptable; and
- (c) the names and addresses of two people who are resident in the United Kingdom, have known him personally for at least two years, are of good character and who have agreed to act as referees for him.

## Referees

**2** A referee may be of any background or occupation but must not be a police officer, a member of the police support staff or a firearms dealer (but see paragraph 4). He must be of good character and someone on whom the police may rely to give honest replies to the questions contained on the referee form. He is not required to guarantee the applicant's good behaviour. The term firearms dealer is defined in Article 2(2).

**3** Relatives of the applicant may not act as referees. The term "relative" is defined in Article 2(2).

**4** If the Chief Constable is satisfied that the application is for the grant of a firearm certificate for a firearm for use for target shooting, one of the referees must be an official of the authorised firearms club specified in the application. In these circumstances, that referee may be a firearms dealer or a police officer or a member of the police support staff who has known the applicant personally for at least one year. The other referee must satisfy the requirements described in paragraph 1(c) above and must **not** be a member of any firearms club. Advice on authorised firearms clubs can be found in the guidance on Articles 49-51. The term "firearms club" is defined in Article 2(2).

**5** The referees are required to verify that the information provided by the applicant is correct. Each must also endorse one of the photographs in the manner required by the Chief Constable and sign the endorsement.

**6** Two copies of the reference form will be included in the application package and the applicant should give one to each of his referees, after completing those parts appropriate to him. The form includes instructions as to how the referees should complete the form and assess the applicant's fitness to possess firearms. The completed form must be sent by the referee directly to Firearms and Explosives Branch, PSNI and a pre-addressed envelope will be included in the package.

**7** The judgement as to whether a person is fit to be entrusted with a firearm rests in law with the police and, ultimately, with the Courts. The role of the referee is to provide information and opinions that the police can take into consideration when making that judgement. Referees are not expected to offer an "expert" opinion, regardless of their backgrounds. In particular, doctors acting as referees should do so on a personal basis rather than as medical professionals and they should not be expected to offer any medical opinion as to the applicant's mental state or likely future behaviour. Doctors would not, in these circumstances, be expected to charge a fee for acting as referees.

**8** The referee must have known the applicant **personally** for at least two years. During this period the referee should have had a reasonable amount of contact with the applicant, whether in a professional, business or social context. A referee need not have any knowledge of firearms or shooting sports but he should be able to comment on the applicant's general character and background.

**9** The term "good character" is not legally defined and may include people from a wide variety of backgrounds.



**10** As the role of the referee is to offer advice to the police on the applicant's fitness to possess firearms, the police should be satisfied that the referee is honest and reliable and can be trusted to offer a fair and sensible view of the applicant. The police will also wish to consider whether a potential referee has criminal convictions (an assessment will have to be made in the individual circumstances taking account of the offences and when they took place), is of intemperate habits or unsound mind or has ever had a firearm certificate revoked on the ground that he was unfit. A referee should be open to an assessment of his good character by the police.

**11** The police may contact a referee to discuss the information that he has provided on the reference form or any other matter relating to the application. If the police consider that a referee is unacceptable they will ask the applicant to put forward an alternative one. A person might, for example, satisfy the statutory requirements to act as a referee but be unacceptable because he has insufficient personal knowledge of the applicant to provide an informed reference. The Chief Constable **cannot** consider an application for a firearm certificate unless the nominated referees meet the requirements in respect of personal knowledge and good character. In such cases the application form, photographs and fee will be retained for 21 days pending receipt of the new referee form, after which time they will be returned, if no reply has been received.

**12.** The Firearms Order provides no right of appeal where the police consider that a nominated referee does not meet the requirements. If the referee meets these requirements, the police may not reject the reference, though they may of course take into account its adequacy in deciding whether to grant a certificate.

### **Medical Information**

**13** Article 4(7) requires the applicant to give permission for the police to approach his General Practitioner (GP), who should be registered, in order to obtain factual details of the applicant's medical history, which the GP considers relevant to the application. The applicant's permission will also allow the police to approach a medical consultant if they deem it appropriate to do so.

**14** This permission is to allow the police access to relevant medical opinion where there are genuine doubts or concerns about the applicant's medical history and his fitness to possess firearms. The permission should be used only where the doubts or concerns appear to require more detailed information to facilitate the final assessment. Such doubts or concerns might be raised by the applicant's answers to the medical questions on the application form or by other information available to the police.

**15** The police should not approach an applicant's doctor as a matter of routine. Nor should they approach a doctor simply to check the accuracy of the medical information provided in an application form, unless there are grounds for concern about the applicant or the information given. Where an approach to an applicant's doctor is deemed necessary, it should be made in writing.

**16** A GP may provide factual information on an applicant's medical history. He should not be asked to give general access to an applicant's medical records or to offer an opinion on any of the medical information given. In particular, a GP should not be asked either to endorse or oppose applications, though he may do so. Whilst we understand that a GP is unlikely to charge a fee for

the provision of information, where such a fee is sought and is appropriate the cost should be met by the Chief Constable.

**17** The Chief Constable may reach his own conclusions as to the significance of the medical information supplied, based on his own knowledge and experience, but may wish to seek advice from PSNI's Chief Medical Adviser or other medical source in cases where the information is difficult to understand or where its significance in terms of the possession of firearms is unclear. The decision as to the applicant's fitness, whether on medical or other grounds, is the responsibility of the Chief Constable.

**18** The Chief Constable may approach the applicant's GP at any time during the life of the certificate if there are concerns about his continued fitness to possess firearms.

**19** A GP may, as an act of public duty, approach the police at any time in order to pass on information of possible concern about a patient who has a firearm or is applying to acquire one. The point of initial contact in any such cases will probably be either PSNI's Firearms and Explosives Branch, who will know how best to respond to the information provided, or one of PSNI's Medical Advisers. If the former, it may be necessary in some cases for arrangements to be made for the GP to speak directly to the Medical Adviser who will then be able to provide advice to the Chief Constable.

**20** It is an offence knowingly or recklessly to make a false statement to obtain the grant of a firearm certificate. This would apply to any false statement made in answer to the medical questions on the application form.

## Article 5

### Grant of firearm certificate

**1** The Order imposes an obligation on the Chief Constable to decide whether or not an applicant can be permitted to have a firearm or ammunition in his possession without danger to public safety or to the peace. The key criteria that he should apply in making that judgement are set out in this Article. The Chief Constable must **not** grant a certificate to any person unless he is satisfied that he -

- (a) is fit to be entrusted with a firearm and ammunition; **and**
- (b) has a good reason for the firearm and ammunition in question.

**2** Guidance on the assessment of fitness is set out in Appendix 2. If the grant of the certificate is not precluded on fitness grounds, the Chief Constable must be satisfied that the applicant has a good reason for having the firearm or ammunition sought.

**3** The consideration of good reason will be crucial to applications and the ongoing possession of firearms. "It" should be neither confined to need nor equated with desire. Most firearm certificate holders possess firearms for reasons of their profession, sport or recreation

and may properly wish to exercise discretion as to what types of firearms they choose for these purposes. On the other hand, a simple wish to own a particular firearm is not in itself “good reason” without further supporting evidence of intentions. The Chief Constable should be mindful of case law (*Anderson v Neilans (1940)* and *Joy v Chief Constable of Dumfries and Galloway (1966)*) which suggests that he should consider the application firstly “from the standpoint of the applicant rather than from that of a possible objector”. The applicant will need to demonstrate good reason for **each** firearm. Further guidance on establishing good reason can be found in Appendix 3

4 The Chief Constable should give in writing the reasons for a decision to refuse an application for a firearm certificate and inform the applicant of any right of appeal against the decision and the procedures for doing so. Before reaching a final decision, he should give the applicant as much information as possible about his concerns and the opportunity (usually 21 days) to make representations. (see guidance on Article 74)

5 If the application is refused, the full fee should be refunded.

6. In the event of a person losing his firearm certificate or if it is accidentally destroyed, he may apply for a duplicate. There is no specific form for this. He must write to PSNI'S Firearms and Explosives Branch setting out the circumstances of the loss and enclosing the appropriate fee. (See Schedule 6 of the Order.)

### **Representatives of foreign States and Commonwealth countries**

7 A person who enjoys diplomatic privilege, whether representing a government or international organisation, should hold a firearm certificate in respect of any firearm or ammunition which he uses or carries outside the confines of the embassy, legation, consulate or similar establishment. The principles, which normally govern the granting of certificates, should be observed. The Diplomatic Privileges Act 1964 exempts diplomats from payment of the certificate fee (see paragraph 6 of the guidance on Article 75). Diplomatic privileges have also been extended to some international bodies, for example the International Maritime Organisation. Any inquires about the status of such an organisation or its employees should be referred to the International Organisations Section of the Protocol Division of the Foreign and Commonwealth Office (see Appendix 1)

## **Article 6**

### **Conditions**

1 The Chief Constable is empowered to attach conditions to a firearm certificate, the main objects of which are to impress upon the holder the importance of ensuring the safe custody of firearms and ammunition and their careful use or, if he thinks that the circumstances of the case indicate that it is necessary, to minimise the risk to public safety or the peace. He may vary or revoke any condition at any time.

2 In the case of *R v Wakefield Crown Court ex parte Oldfield (1978)* the Court gave expression to the common law requirement that individual judgement must be exercised in all cases. Article

6(2) empowers the Chief Constable to add, vary or revoke, by written notice, any such condition. The notice may require the holder to produce the certificate to the Chief Constable within twenty-one days for the purpose of amending the conditions. The certificate may be revoked if the holder fails to comply with the requirement.

**3** The Chief Constable may attach other conditions appropriate to individual circumstances but will try to avoid conditions that would make possession or use so difficult as to be impossible in practice.

**4** Some general conditions are that:

- (a) the holder should sign the certificate should be signed in ink;
- (b) the firearms and ammunition to which the certificate relates must at all times, when not in use, be kept in a secure place inaccessible to children;
- (c) only a person authorised by the Chief Constable should be allowed to use or have in his possession the firearms or ammunition to which the certificate relates;
- (d) the theft or loss of the certificate or any firearm or ammunition to which it relates must be notified to the police immediately on discovery;
- (e) a new address must be notified to the Chief Constable within 14 days;
- (f) unless otherwise specified all firearms and ammunition authorised by the firearm certificate must, when not in use, be securely stored at the holder's residence.

Appendix 10 deals with the security of firearms and ammunition held on certificate.

**5** In the case of a person being granted a firearm certificate for the first time or who has acquired a significantly different type of firearm, the Chief Constable, in the interests of public safety, may attach a specific condition requiring him to be supervised when in possession of the **loaded** firearm by a person aged 21 or over, who has held a certificate for that type of firearm for at least 3 years. The Supervisor will ensure that the novice shooter receives instruction on the safe handling and possession of firearms (see protocols and practices at Appendix 13) and to that end he should reinforce the initial instruction given by the firearms dealer at the time of purchase (see guidance on Schedule 1.1).

The holder should note that in accordance with the condition of his firearm certificate he may not load his firearm unless under supervision. He may possess and handle the firearm for the purposes of cleaning or familiarisation without the the supervisor being present. It is an offence not to comply with any condition of a firearm certificate.

The length of the supervision period is at the discretion of the Chief Constable in each case but it will normally be for 6 months.

## **Article 7**

## **Grant of firearm certificate to young persons**

**1** The Chief Constable can only grant a firearm certificate to a young person (ie under the age of 18) in the circumstances described in either of paragraphs 2 or 3 below.

**2** The young person is at least 16 years; **and**

(a) the firearm to which the certificate relates is an air gun (capable of discharging a missile at a kinetic energy in excess of one joule), a shotgun or a .22 rimfire rifle (5.59 millimetres); **and**

(b) the young person requires it only for pest control or the protection of livestock on agricultural land, which he occupies, or on land where he works and also resides.

The principal intention is to permit a young person to assist on the family farm. It will enable him, on the expiry of any supervisory period imposed by the Chief Constable under Article 6, to use the firearm unsupervised on the land specified.

**3** The young person is at least 16 years old; **and**

(a) the firearm is an air gun as described at 2(a) or a shotgun; **and**

(b) he has the firearm in his possession for sporting purposes and under the supervision of a person aged at least 21 years, who also has a firearm certificate for the same type of firearm and has 3 years' experience of that particular type of firearm. The period of supervision is for a minimum of 12 months or until he attains the age of 18, whichever is the longer period.

**4** The supervisor(s) may be any-one to whom the above criteria apply and his details need not be entered onto the young person's certificate.

**5** "Air gun" and "shotgun" are defined in Article 2(2).

## **Article 8**

### **Content and duration of firearm certificate**

**1** A firearm certificate will contain the following information when it is issued to the applicant -

(a) its issue number;

(b) the date of issue and the date of expiry;

(c) the holder's name and address;

(d) the holder's date of birth;

- (e) the details (including the description and identification number where known) of each of the firearms currently in the holder's possession;
- (f) the amount of ammunition that the holder is authorised to purchase and possess;
- (g) any conditions which pertain to the firearms or ammunition to which it relates;
- (h) the name of any firearms club of which the holder is a member;
  
- (i) a photographic image of the holder.

**2** Unless it is cancelled or revoked, a firearm certificate will last for 5 years, although the Secretary of State has made transitional arrangements under Article 81(3) for a period of 5 years which would allow for firearm certificates to be issued for lesser periods.

## **Article 9**

### **Revocation of firearm certificate**

**1** The Chief Constable **must** revoke a firearm certificate, if he is **satisfied** that the holder's possession of a firearm is a risk to public safety or to the peace. The Chief Constable **may** revoke a firearm certificate if he has **reason to believe** that the holder is no longer a fit person or no longer has a "good reason" to have a firearm.

**2** The Chief Constable **must** revoke a firearm certificate if the holder is prohibited by the Order from possessing a firearm.

**3** The Chief Constable may revoke a firearm certificate if the holder fails to produce it in accordance with a notice under Article 6(2).

**4** The Chief Constable **may** partially revoke a certificate, that is to say revoke those parts of a certificate that relate to the possession or acquisition of particular firearms or ammunition, if he is satisfied that the holder no longer has a good reason for purchasing, possessing or acquiring them.

**5.** The Chief Constable should follow the same procedure as is set out in paragraph 4 of the Guidance on Article 5 in explaining the grounds for his decision to the certificate holder and giving him an opportunity to make representations.

## **Article 10**

### **Consequences of revocation**

**1** When the Chief Constable revokes or partially revokes a certificate he must send the holder notice in writing requiring him to surrender his certificate and the relevant firearms and ammunition either -

- (a) within 21 days of the date of the notice in the case of revocation or partial revocation under Article 9; or
- (b) such period as may be specified in the notice in the case of revocation or partial revocation under Article 12(2) (prohibited weapons).

A certificate holder who fails to comply with such a notice is guilty of an offence.

**2** Normally, a notice will be served by means of the recorded delivery system, although there may be occasions when personal service is more practicable. Should the person wish to discuss the matter, he should contact the local firearms enquiry officer.

**3** Where a certificate is revoked or partially revoked the Chief Constable may by written notice require the holder to dispose of the relevant firearm and ammunition within the period specified in the notice.

**4** If the certificate holder appeals under Article 74 against the revocation or partial revocation the disposal notice shall not apply unless the appeal is abandoned or dismissed. In that event the notice will have effect with the date of the abandonment or dismissal of the appeal substituted for the original date of the notice.

**5** If the holder does not comply with the disposal notice within the period specified in it, or modified period as described in paragraph 4, or within whatever further time as the Chief Constable may, in special circumstances, allow, the Chief Constable may order the destruction or disposal of the relevant firearms or ammunition. Wherever possible he will do so in a manner agreed with the owner.

**6** If the appeal is successful the relevant firearms and ammunition should be returned to the owner as soon as possible after the decision is made.

## **Article 11**

### **Variation of firearm certificate**

**1** Where the holder of a firearm certificate wishes to acquire an **additional** firearm he will have to apply to the Chief Constable for a variation to his certificate. He must complete the appropriate form and send it to PSNI's Firearm and Explosives Branch, together with his certificate and the appropriate fee. Variations for an additional firearm will be considered against the grant criteria of Article 5.

### **One for one transactions**

**2 Bullet-firing firearms** – Where the holder of a bullet-firing firearm or an airgun, which is capable of discharging a missile with kinetic energy in excess of one joule, wishes to exchange his firearm for another one of a similar type, he must make application to the Chief Constable as above for a variation of his certificate before he can take possession of the new firearm. There is a reduced fee for such a transaction. See Schedule 6 of the Order.

**3 Shotguns** – Where the holder of a shotgun wishes to exchange it for another one the transaction may, in certain circumstances, be undertaken by a firearms dealer, without the holder having to seek a prior variation to his firearm certificate from the Chief Constable. Under this arrangement the dealer will delete from the certificate the details of the shotgun being relinquished and enter those of the replacement shotgun. Both parties, within 72 hours, must notify PSNI's Firearms and Explosives Branch, in writing, of the details of the transaction, in compliance with Article 40. There is no fee for this transaction. The firearm certificate has space for five such variations and after the fifth change the certificate holder should return the certificate to Firearms and Explosives Branch for reprinting. Again there is no charge for this.

This type of transaction only applies to those shotguns identified in Category D of the European Weapons Directive (see Appendix 8) and those where the magazine and chamber together cannot hold more than three cartridges. In cases of doubt about the appropriateness of a one for one transaction the dealer should seek the advice of Firearms and Explosives Branch.

## **Article 12**

### **Certificate for prohibited weapon**

Where a person has been authorised by the Secretary of State to have possession of a prohibited weapon or prohibited ammunition (see Part V), the Chief Constable has no discretion to refuse to grant or to revoke or to revoke partially the necessary firearm certificate for the prohibited weapon or prohibited ammunition. Similarly, if the Secretary of State revokes an authorisation, the Chief Constable must revoke or partially revoke the firearm certificate.

## **Article 13**

### **Surrender, etc. of firearms on expiration of firearm certificate.**

When a firearm certificate has expired and the holder has not applied for the grant of a new one, the Chief Constable may give notice in writing to the holder to surrender it and any related firearms and ammunition for which there is now no firearm certificate. He may also require the holder to dispose of the firearm and ammunition and, if the holder does not comply, he may order that they be destroyed or otherwise disposed of.

## **Article 14**

### **Museum firearms licence**



The provisions for museum firearms licences are described in the guidance on Schedule 2

## Article 15

### Visitor's firearm permit

**1** Visitors wishing to bring their legally-held firearms to Northern Ireland may do so, if they have obtained the appropriate permit from the Chief Constable. They may purchase or acquire ammunition, up to the limit specified in the permit. The permit requirement applies equally to someone passing through Northern Ireland en route to another country. There are separate arrangements for visitors from Great Britain – see the guidance on Articles 17 and 18.

**2** A visitor's firearm permit is valid for use for a period of up to 12 months and is subject to any territorial condition as to where it may be used. While the permit should normally be valid only for the duration of the particular visit, there may be circumstances where the Chief Constable may issue one for a longer period (and this need not be for the full 12 months). The decision should take into account the circumstances of each application, including evidence of planned, future visits and the visitor's history and character, perhaps on previous shooting trips to Northern Ireland. There is a fee for the permit (see Schedule 6 of the Order).

**3** Visitors from other European Union (EU) states must be in possession of a European Firearms Pass (EFP) in respect of the particular firearm(s) in order to obtain a visitor's firearm permit (see guidance on Articles 19, 20, 21 and 23 for more information about these passes). However, the prospective visitor need not produce an EFP if he is -

- (a) precluded by reason of residence or other circumstance from being granted an EFP by another EU state;
- (b) a recognised collector of firearms and requires the permit exclusively in connection with those activities; or
- (c) does not possess an EFP for a particular firearm, for example a muzzle loading one, because the legislation in his state of residence does not treat it as a firearm. In such cases, the applicant for the visitor's permit should be able to provide satisfactory evidence of why the prospective visitor does not hold an EFP.

**4** Applications for a visitor's firearm permit will be made by a sponsor, who must be a resident of Northern Ireland, to the Chief Constable on the appropriate application form and, in the case of visitors from other EU states, must be accompanied by the visitor's actual EFP (but see paragraph 3). The sponsor may make the application as a private individual or as the representative of, for example, a club, shooting syndicate, country estate or national shooting organisation. Where the sponsor is a private individual or represents a local shooting organisation, checks should be made as to his character in the same way as for a certificate applicant. Although in most cases private sponsors will themselves be firearm certificate holders, this need not necessarily be the case. Particular attention will need to be paid to security arrangements. The sponsor will be permitted to take possession of the visitor's firearms for safekeeping.

**5** A group application may be made for up to twenty permits for persons specified in the application. In addition to their fulfilling the criteria outlined in paragraphs 6 and 7 below, the Chief Constable must be satisfied that the persons specified in such an application are genuinely part of a group who propose to use the firearms in question either for sporting purposes on the same private premises during the same period or to participate in the same competition or event or series of competitions or events. Where six or more permits are issued on the basis of a group application, a reduced fee is payable (see Schedule 6).

**6** The Chief Constable must **not** grant a permit to any person if he has reason to believe that:

- (a) his possession of the firearms or ammunition in question would represent a danger to public safety or to the peace; or
- (b) he is prohibited by the Order from possessing firearms and ammunition, for example, a person to whom Article 63 of the Order or section 21 of the Firearms Act 1968 in Great Britain applies.

**7** If the grant of a permit is not precluded on the above grounds, the Chief Constable must satisfy himself that the visitor:

- (a) is visiting or intends to visit Northern Ireland;
- (b) has a good reason for having in his possession each firearm and the ammunition to which the application relates, or, in the case of ammunition, for purchasing or acquiring it, while visiting Northern Ireland; and
- (c) may lawfully possess the firearm and ammunition under the law of his own country.

**8** The information required to reach a decision on an application will be supplied by the sponsor, to whom all enquiries should be directed. Generally, it will be neither practicable nor appropriate to make detailed enquiries about a visitor's fitness to hold a firearm. It will normally be sufficient to see a copy of any current firearm certificate, hunting licence or membership card of a shooting organisation issued to an applicant in his own country. The original EFP must be submitted if the visitor is resident in another EU state. The verification by the sponsor of the event, if any, to be attended will normally satisfy the Chief Constable as to the applicant's good reason for having the firearm.

**9** The Chief Constable may attach conditions to a visitor's permit or vary, by written notice, any condition of the permit.

**10** In considering what conditions should be attached, the Chief Constable will have regard to both the purpose and the proposed duration of the visit. He will consider the following -

- (a) that all permits should contain conditions (a) to (e) set out in Appendix 6. However, it is important that each case is considered on its own merits with additional conditions added as appropriate (see below). A permit may be valid for up to twelve months but the period of validity should normally relate to the duration of the proposed visit (but see paragraph 2 above);

- (b) where an applicant for a visitor's firearm permit is coming to shoot in a particular competition or event, the permit should normally specify it as in condition (f) of Appendix 6. Where, however, the permit is required for other sporting purposes such as deerstalking, game shooting or wildfowling, the condition will necessarily reflect the locations specified by the sponsor in the application;
- (c) where the permit is required for one or more specified locations, condition (g) in Appendix 6 would be appropriate;
- (d) where the circumstances of the application merit a more open approach, condition (h) should be attached;

**11** A visitor's firearm permit must specify the firearms to which it relates, including their identification numbers, and give details of the quantities of ammunition authorised to be purchased or acquired and to be held at any one time.

**12** Article 16 allows the Chief Constable to vary the conditions attached to a permit. A request for variation, which must be made on a new application form, will most usually occur where a visitor has subsequently been invited to participate in some other competition or event. In such circumstances a variation may normally be granted on confirmation of the event to be attended, provided that there has been no material change in the applicant's circumstances and that he still qualifies as described in paragraphs 6 and 7 above. If the event is to take place after the expiry date of the existing permit, an application for a new permit will be required.

**13** Applications should be made at least six weeks prior to arrival in Northern Ireland. Inevitably, some applications will be made close to the date on which the applicant wishes to arrive because of a last-minute invitation to shoot, illness or a change in family or business circumstances or as a late addition or change to a group application. In such cases, every effort should be made to process the application in time. Similarly, it may be necessary to issue amended permits at short notice to cater for unavoidable last-minute changes to firearms (for example because of breakage) which visitors are authorised to bring with them (see also paragraph 12 above).

**14** Notification of refusal, giving the reasons for the decision, should be sent by letter to the sponsor. It is particularly important that it is done in good time so that the person concerned avoids incurring unnecessary travel costs and/or can appeal under Article 74.

**15** The completed permit should be sent to the sponsor who will forward it to the visitor in his country of residence for presentation to HM Customs and Excise on arrival. The visitor's permit will be accepted in lieu of a Department of Trade and Industry import licence. A visitor must carry his permit with him on leaving the country for presentation to HM Customs and Excise at the point of departure. An export licence would only be required for destinations not covered by the firearms personal effects exception in the Export of Goods (Control) Order (EG(C)O), that is those countries subject to arms embargoes. In some cases, the permit will be valid for further visits. An EU visitor need not declare his firearm(s) to HM Customs and Excise on arrival from, or departure to, another member State but must produce his EFP, in which details of his visitor's permit have been entered, to a HM Customs Officer if asked to do so. Failure to produce the permit or the EFP would render the firearms and ammunition liable to detention or seizure.

**16** The Chief Constable should enter on the EFP the visitor's permit number and its period of validity, indicating that it authorises the possession of specified firearms in Northern Ireland.

**17** An EU resident will need his EFP to travel between other member States and to obtain prior authorisations from other member States and every effort should, therefore, be made to return the EFP to the visitor's sponsor or representative as quickly as possible.

**18** An EU visitor who is not exempt from the requirement to have an EFP or visitor's permit should have it with him during any visit to Northern Ireland. Under Article 55 a constable may demand production of an EFP from a person whom he believes to be in possession of a firearm and who fails -

- (a) to produce a firearm certificate;
- (b) to show that he is not entitled, by reason of residence or other circumstances, to an EFP; or
- (c) to show that he is a recognised EU collector who is in possession of the firearm exclusively in connection with the activities of such collectors.

**19** It is an offence for a person not to comply with a constable's demand in such circumstances.

**20** Members of the Diplomatic Corps in Northern Ireland are not visitors and the normal considerations for the grant of a firearm certificate apply (see also the guidance on Article 5). Visiting diplomats and foreign dignitaries are, however, eligible for the grant of visitors' permits subject to the normal requirements of Article 15.

## **Article 16**

### **Revocation or variation of visitor's firearm permit**

**1** The Chief Constable may by written notice to the holder revoke a visitor's firearm permit or vary its conditions. He may require the holder to surrender the permit and if he fails to do so within the time specified in the notice or such further time as the Chief Constable may in special circumstances allow, he will be committing an offence.

**2** If the holder appeals, the surrender notice shall not apply unless the appeal is abandoned or dismissed. In either of those events the notice will then apply from the date of the abandonment or dismissal.

## **Article 17**

### **Firearm certificates and shotgun certificates granted in Great Britain**

1 A person holding a current Great Britain firearm or shotgun certificate may possess a firearm in Northern Ireland if he has a certificate of approval from the Chief Constable.

2 Article 2(2) explains that “shotgun certificate” means a certificate granted in Great Britain under section 28 of the Firearms Act 1968 to authorise a person to possess shotguns.

3 Article 2(5) explains that any reference in the Order to a firearm certificate includes a reference to a firearm certificate or shotgun certificate granted in Great Britain and having effect in Northern Ireland by virtue of Article 17. Similarly, any reference to a condition of a firearm certificate includes a condition of a Great Britain firearm or shotgun certificate.

4 An application for a certificate of approval must be made on a form provided by the Chief Constable and submitted at least four weeks prior to the intended date of visit to Northern Ireland. The form can be obtained by writing, e-mailing, phoning or faxing PSNI’s Firearms and Explosives Branch. The applicant must provide the information required and comply with the requirements of the form. In particular, he must submit details of his -

- ◆ ammunition allowances;
- ◆ Northern Ireland accommodation address;
- ◆ storage arrangements;
- ◆ provide a copy of a valid Great Britain certificate (except for air guns as described in the guidance on Article 18)

## Article 18

### **Air guns held without a firearm certificate in Great Britain**

A resident of Great Britain may possess an air gun in Northern Ireland without holding a firearm certificate, if the air gun is one which does not require a firearm certificate in Great Britain because it is not capable of discharging a missile with a muzzle energy in excess of 6 foot pounds (8.01 joules) in the case of an air pistol or 12 foot pounds (16.03 joules) in the case of an air rifle **and** he is authorised in writing by the Chief Constable. See also the guidance on paragraphs 8 and 9 of Schedule 1 about air guns with a muzzle energy of one joule or less.

## Article 19

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

1 The guidance on Articles 19 - 22 sets out the background to European weapons directive No. 91/477/EEC (directive on the control of the acquisition and possession of weapons). There are three main areas of interest -

- (a) the European Firearms Pass (EFP) (including its issue to Northern Ireland residents and its use in Northern Ireland by people from other European Union (EU) States);
- (b) the purchase of firearms and ammunition by EU residents within the EU (including the issue of Article 7 authority); and
- (c) the exchange of information between EU States and the obligations that this places on both the Home Office and the police.

A list of current EU membership is at Appendix 7. The acronym EC is used only where it relates to specific directives or documents that make use of the term.

## The directive

2 The directive provides for –

- (a) the partial harmonisation to minimum standards of EU states' firearms controls. The directive classifies firearms and ammunition into four categories - A to D - and sets minimum criteria for the control of each category. The categories are set out in Appendix 8;
- (b) the European Firearms Pass (EFP) for EU residents wishing to take firearms to other EU states and the Article 7 authority for those wishing to acquire or possess a category B firearm in another EU State;
- (c) a harmonised community licensing system for commercial and permanent firearms movements (that is, imports/exports); and
- (d) a weapons information exchange system (WIES) by which a member State is to be notified of every commercial or permanent transfer of firearms to its territory from another member State and the acquisition or possession of firearms by one of its residents in another member State. Regulation 9 of the Firearms (Northern Ireland) Order 1981 (Amendment) Regulations 1992 removes any obligation for secrecy with regard to the disclosure of information which is required to be disclosed in pursuance of the Directive.

## The European Firearms Pass (EFP)

3 The EFP acts as a form of passport for firearms and is intended for use by shooters travelling with their firearms throughout the EU. EFPs are issued by the member State of residence. The Chief Constable is responsible for the issue of EFPs to Northern Ireland residents and only firearm certificate holders are entitled to one. The Chief Constable **cannot refuse** to issue a EFP to the holder of a valid Northern Ireland firearm certificate in respect of the firearms entered on that certificate. EFPs should only be issued to those who request them. A EFP will only include the firearms which the applicant applies to have included in it and which he is authorised to possess under domestic law by virtue of a valid firearm certificate.

There is no fee for a EFP.

4 All member states issue EFPs in the same format to make it easy for a EFP issued by one state to be recognised by customs and police officers in others. Supplies of the EFP are available from The Stationery Office. The Chief Constable may produce his own EFP if he wishes but the format or content must not vary in any way from the agreed format and must incorporate the weapons directive logo.

5 For each firearm included, the EFP must specify under which category of the directive the firearm falls (see Appendix 8). It must also give details, in respect of each firearm, of any member State which requires the EFP holder to obtain its authorisation before taking the firearm there, or which prohibits altogether the acquisition or possession of such a firearm in its territory. Details of the requirements of other member States were circulated following the introduction of the directive and the Northern Ireland Office will advise the Chief Constable of any changes to these requirements notified to it by the Home Office.

6 There has been difficulty in obtaining comprehensive information from other member States in this respect. Where the Chief Constable is aware of the requirements in other member States, he should include them in the EFP. Where such information is not available, the Chief Constable should advise applicants, who wish to take their firearms to another member State, to contact its authorities to confirm whether prior authorisation is needed.

7 Application for a EFP may be made at any time, including the time of application for the renewal of a firearm certificate.

8 The application process should be as simple as possible and a telephone request for a EFP by an existing certificate holder should normally be acceptable. Applicants must give details of the firearms which they want entered on the EFP and should be asked to provide a photograph or authorise the use of one already supplied with the application for the grant of the firearm certificate for inclusion on it. However, there is no statutory obligation on an applicant to provide a photograph for this purpose. If the applicant refuses to supply one, the EFP should be issued without a photograph on it. A written entry should be made in the space for the photograph on the EFP to the effect that the holder did not supply a photograph and the police stamp affixed for security purposes.

9 There should be no investigation into an application for a EFP other than to check that the applicant holds a valid firearm certificate in respect of the firearms to be included on the EFP or, in the case of an applicant for the grant of a certificate, that he will hold such a certificate.

## **Article 20**

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

A EFP will be valid until the date on which the supporting firearm certificate expires. Records of all EFPs issued should be kept for a minimum of five years.

## **Article 21**

## Renewal of European firearms pass

A EFP can be renewed at the same time as a firearm certificate is granted. If a EFP expires and the holder does not apply for it to be renewed, the Chief Constable should send a notice to him requiring it to be surrendered within 21 days. It is an offence for the holder not to comply.

## Article 22

### Article 7 authority

#### Purchase of firearms and ammunition by EU residents within the EU

##### Northern Ireland residents – purchase of category B firearms in other EU States

1 Any EU resident who wants to buy or acquire a **category B firearm** (see Appendix 8) in another member State must, unless he is exempt under the directive, be able to show that he has the agreement of the authorities of his state of residence to its purchase or acquisition. A Northern Ireland resident wishing to buy or acquire a category B firearm, or ammunition for such a firearm, in the territory of another EU State will have to obtain this agreement from the Chief Constable. This agreement is called “Article 7 authority”.

2 Article 7 authority is given in different circumstances depending on whether the applicant has a valid firearm certificate and whether the firearm or ammunition is to be brought back to Northern Ireland.

There is no fee for the issue of the document.

3 If the purchaser wants to bring the firearm or ammunition back to Northern Ireland, Article 7 authority can only be given for a firearm or ammunition which the applicant is authorised to acquire by his firearm certificate. Article 7 authority can be given to the person at the time that his certificate is granted or at any time while the certificate is in force.

4 Article 7 authority may also be given to a person who wants to buy or acquire a category B firearm, or ammunition for such a firearm, in another EU State but who does not hold a firearm certificate or whose firearm certificate does not authorise the purchase or acquisition of the firearm or ammunition which is to be purchased or acquired **if that person satisfies the Chief Constable that the firearm or ammunition will not be brought into Northern Ireland.** This means that Article 7 authority may be issued to both certificate and non-certificate holders to purchase or acquire, in another EU State, category B firearms and ammunition which they would not be allowed to possess in Northern Ireland.

5 A common form of document is used by EU States for this purpose. The Stationery Office produces it but the Chief Constable can produce his own provided that it does not depart from the agreed EU design.

6 No restriction should be placed on **where** the firearm, to which Article 7 authority relates, may be purchased or acquired. The Chief Constable should **in all cases** enter the words “Any EU State” in section 3 of the Article 7 authority. Where Article 7 authority is issued in



circumstances where the firearm(s) or ammunition to which the authority relates are not to be brought into Northern Ireland, the Chief Constable should enter the following statement in section 4 of the Article 7 authority -

“Note: A firearm or ammunition to which this authority relates must not be brought into Northern Ireland”.

**7** If the firearm certificate of the Article 7 authority holder is varied and the variation affects the Article 7 authority, the Chief Constable should send the holder a notice requiring the authority to be produced within 21 days to be varied or cancelled, as the case may be. Similarly, if a firearm certificate is revoked or cancelled and the holder has Article 7 authority in respect of a firearm covered by the certificate, the Chief Constable should send the holder a notice requiring the authority to be surrendered for cancellation within 21 days.

**8** The Chief Constable may revoke Article 7 authority given for a firearm, which will not be brought to Northern Ireland at any time. In such cases he should send a notice to the holder requiring him to surrender the authority within 21 days.

**9** There is no statutory right of appeal against such revocation but the Chief Constable will bear in mind that any decision may be open to challenge by judicial review. Except in cases where there may be immediate danger to public safety or the peace if revocation is delayed, the Chief Constable should normally write to the authority holder advising that consideration is being given to the revocation of the Article 7 authority and giving him an opportunity to respond. Any comments, which the holder makes in response, should be carefully considered before a decision on revocation is made.

**10** Where a Northern Ireland resident purchases or acquires a category B firearm or ammunition in another EU State and keeps it, or them, there, the authorities in that State should notify the Home Office, who will in turn notify PSNI. Notifications should therefore be received of every purchase or acquisition made under Article 7 authority which has been given on the basis that the firearm or ammunition will not be brought into Northern Ireland. The Chief Constable will wish to check that the resident in question has been granted Article 7 authority and that the purchase or acquisition has been in accordance with its terms.

## **Article 23**

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

**1** If a EFP holder's firearm certificate is varied by deletion of a firearm which is also entered on the EFP, the Chief Constable should send a notice to the holder requiring him to produce the EFP within 21 days for amendment. It is an offence for the holder not to comply.

**2** If a EFP holder wants to have an additional firearm included in his EFP, he must apply to the Chief Constable.

**3** Where a firearm certificate is revoked or cancelled by a court order and the certificate holder also holds a EFP, the Chief Constable should send to the holder a notice requiring him to surrender the EFP within 21 days. It is an offence for the holder not to comply.

**4** Where a firearm identified in a EFP is lost or stolen, the holder must report the loss or theft to the Chief Constable immediately and produce his EFP for amendment. It is an offence for the holder not to do so. If the firearm is subsequently returned to the EFP holder, the Chief Constable can endorse the EFP accordingly.

## **PART III**

### **FIREARMS DEALERS**

#### **Article 24**

##### **Firearms dealer's certificate required**

**1** Anyone who acts as a firearms dealer without a firearms dealer's certificate or contrary to the conditions of a firearms dealer's certificate is committing an offence.

**2** The terms "firearms dealer" and "firearms dealer's certificate" are defined in Article 2(2). That Article also explains that a "holder of a firearms dealer's certificate" includes a person registered under section 33 of the Firearms Act 1968 in Great Britain.

#### **Article 25**

##### **Application for firearms dealer's certificate**

An application should be made on a form obtained from the Chief Constable and contain all the information required by the form, including every place of business in Northern Ireland. It should be accompanied by the appropriate fee. (see Schedule 6).

#### **Article 26**

##### **Grant of a firearms dealer's certificate**

**1** Before granting a firearms dealer's certificate the Chief Constable must be satisfied that the applicant can be permitted to carry on business as a dealer in firearms without danger to public safety or to the peace.

**2** In particular, the Chief Constable must be satisfied that –

- (a) the applicant is a fit person to carry out business as a firearms dealer and is not prohibited from holding a firearms dealer's certificate by a court in Northern Ireland under Article 33 or by a court in Great Britain under Article 45 of the Firearms Act 1968;
- (b) every place where he proposes to carry on the business is suitable; and
- (c) the applicant will engage in business as a firearms dealer to a substantial extent or as an essential part of another trade or profession.

**3** As regards paragraph 2(a), the Chief Constable will focus mainly on information as to the character, antecedents and background of the applicant, his experience and knowledge of

firearms and the security of his premises. The personal and professional conduct of the applicant will also be factors in the decision.

4 Bearing in mind the diversity of the business, the applicant should be able to demonstrate a basic knowledge of the firearms legislation, including the Gun Barrell Proof Acts (see Appendix 9). This may require that an assessment may best be conducted as a series of questions in a structured interview, bearing in mind the applicant's speciality.

5 Anyone applying to run a dealership from home should be advised of the need to satisfy local planning regulations about which he should contact his local planning office.

6 As regards Article 26 (2)(c), the Chief Constable will have to reach a conclusion about the level of business likely to be conducted by the applicant. Factors which may need to be taken into account will include the size and location of premises in relation to the volume of business proposed and the extent of any other business activities being carried on. Where appropriate, the applicant should provide a business plan and be able to show that he will be providing a service to the public. If, for example, an applicant does not intend to deal in firearms or ammunition for his principal livelihood, that might indicate that he only intends trading as a part-time extension of his interest in firearms and would therefore be less likely to meet the "substantial extent" test.

7. In applying the substantial extent test to an application from an existing dealer, it should be sufficient to reach a conclusion on the basis of the volume of transactions during the previous period of certification with particular regard to any trade in the recent past and any business plan for the future. The test must be applied on a relative rather than an absolute basis in the context of the business under consideration. The size and staffing of the business will need to be taken into account. A certificate should not be withheld because the turnover is comparatively small due to the specialist nature of the service provided or where a service is directed at an exclusive section of the market. On the other hand, a certificate should not be granted to facilitate a private collection of firearms. Nor should it be granted to someone intending to provide a service to friends and associates only, rather than to the general public.

8 Article 26 (2)(c) also provides for those persons, who need to purchase, possess or transfer firearms and ammunition as part of another trade, business or profession, to be authorised as dealers. Such applicants might include manufacturers of associated equipment or businesses engaged in firearms research and development or journalism or research into firearms. In all of these cases, some documentary evidence may be required.

9 Where the Chief Constable refuses an application, he should write to the applicant giving the grounds for refusal. He should keep a record of all refusals. If there is an appeal against a refusal, it and the result should be noted and, if the appeal is successful, the record of the refusal should contain a reference to the subsequent grant of a certificate.

#### **Article 45 Authority**

10 The Chief Constable has no discretion to refuse to grant a firearms dealer's certificate to an applicant who has been granted the Secretary of State's authority to deal in weapons prohibited by Article 45.

**11** The Secretary of State may attach any conditions that he thinks fit to the authority to ensure that the prohibited weapons or ammunition will not endanger public safety or the peace. The authority shall be in writing with any conditions specified on it. These will include the numbers and types of prohibited weapons and ammunition so authorised and all other conditions and relevant matters.

**12** Those persons granted the Secretary of State's authority will fall into three main groups -

- (a) Those who possess, purchase, acquire, manufacture, sell or transfer – they will be subject to inspection and verification as firearms dealers. The frequency and levels of inspections should be as required in Article 38 and should include all categories of prohibited weapons and ammunition authorised;
- (b) Those who only possess – they will possess prohibited weapons in connection with other activities, that is ammunition evaluation, armoured vehicle manufacture, ballistic tests, etc. They should also be subject to inspections as described in the guidance on Article 38.
- (c) Those who only transport – they are is only responsible for the movement between authorised persons and firms and do not require any other certification. The movement and transport of prohibited weapons and ammunition by those persons or companies authorised by the Secretary of State are subject to the conditions of that authority.

**13** Some sales and transfers, for example the import or export of items, may require checks and information from outside this country and the assistance of other Government departments. Close liaison with the Firearms and Explosives Officer (FXO) of local HM Customs and Excise should be fostered and maintained. Where there are specific grounds for suspicion, the FXO will, on request, supply details of the consignors and the quantity and type of firearms previously imported. Additionally, where the general credibility of dealers' records is being tested, the FXO will, on request, provide details of a selection of future importations.

**14** Information in relation to sales and movement of prohibited items needs to be kept confidential in the interests of public safety. The results of all visits and inspections will facilitate considered advice to the Northern Ireland Office if the Secretary of State is to renew or amend his authority.

## **Article 27**

### **Conditions**

**1** The Chief Constable may at any time impose, vary or revoke conditions to which the firearms dealer's certificate will be subject. Some standard conditions are shown in Appendix 11 to this Guidance. Conditions should not be applied automatically but selectively on a case by case basis. Before reaching a final decision on which conditions should be attached to a

certificate, the police should discuss them with the dealer and ensure that, as far as possible, they are practical and effective and will not place an unreasonable burden on him.

**2** The Chief Constable must specify all conditions on the certificate and, where a condition is imposed, varied or revoked during the currency of a certificate, he must give the dealer particulars in writing. He is empowered to recall, by notice, the dealer's certificate within 21 days to amend it. This period of notice will allow time for any representations to be made to the Chief Constable.

**3** Conditions are intended to ensure that a firearms dealer takes reasonable precautions for the safekeeping of his firearms and ammunition. Firearms Enquiry Officers, in consultation with Crime Prevention Officers if necessary, should consider carefully the level of security required in each case. Circumstances may vary between one area and another and between one dealer or premises and another. Much will depend on the degree of risk and the steps that it is practicable to take.

**4** Where a person deals only in one type of firearm or in a restricted range of firearms at the time of the application, it may be appropriate to include a condition to the effect that any change in the nature of the business should be notified without delay to the Chief Constable so that further safekeeping conditions may, if necessary, be attached.

**5** Matters relating to the inspection of dealers' premises are covered in the guidance on Article 38.

## **Article 28**

### **Content and duration of firearms dealer's certificate**

**1** A firearms dealer's certificate should specify all the premises from which the dealer operates and any conditions attached.

**2** A certificate will last for a period of five years from the date on which it is granted unless revoked or cancelled.

## **Article 29**

### **Revocation or variation of firearms dealer's certificate**

**1** The Chief Constable **must** revoke a firearms dealer's certificate if he is satisfied that the dealer can no longer be permitted to carry on his business without danger to public safety or the peace.

**2** He must also revoke the certificate if the dealer –

(a) is no longer a fit person to carry on the business;

- (b) no longer engages in the business to a substantial extent or as an essential part of another trade or profession;
- (c) has ceased to have a place of business in Northern Ireland;
- (d) has failed to comply with any condition of the certificate or fails to produce the certificate within 21 days for the purposes of attaching, varying or revoking conditions; or
- (e) is prohibited by this Order from possessing a firearm or holding a firearms dealer's certificate.

**3** If the Chief Constable is minded to revoke a certificate, he will write to the dealer. He will usually give reasonable notice and allow time for the dealer to make any representations.

**4** If, despite the dealer's representations, the Chief Constable decides to revoke his certificate, he will confirm his decision in writing and give his reasons for it. The revocation will preclude the dealer from carrying on business as a firearms dealer unless he appeals and his appeal is allowed.

## **Article 30**

### **Consequences of expiration or revocation of firearms dealer's certificate**

This Article provides for the procedures to be followed when a firearms dealer's certificate is revoked or expires and is not being renewed. In the case of revocation, those procedures would be suspended pending the outcome of any appeal. The intention is that firearms and ammunition will be disposed of in a manner mutually acceptable to the dealer and the Chief Constable within an agreed period. However, if the dealer does not dispose of them, ultimately the Chief Constable will do it.

## **Article 31**

### **Places of business: addition to certificate**

A firearms dealer wishing to open an additional place of business must complete an application form, obtainable from the Chief Constable. The Chief Constable will exercise his power to refuse only where he has the strongest grounds, for example, if the location of the business gives rise to real concerns about the safety of firearms and ammunition to be stored there.

## **Article 32**

### **Places of business: removal from certificate**

A place of business may be removed from an existing dealer's certificate, if he fails to comply with the conditions of the certificate in relation to that place or if the Chief Constable is satisfied that carrying on the business there would constitute a danger to public safety or to the peace.

## **Article 33**

### **Consequences where dealer convicted of an offence**

A court may order various sanctions on a firearms dealer if he is convicted of any offence under the Order or customs offences in respect of the import and export of firearms and ammunition. The court may suspend the operation of its order pending any appeal against it. The Chief Constable may revoke a dealer's certificate if the dealer is the subject of a court order but he may not act in the matter during the period allowed for an appeal if the court has suspended the operation of the Order pending the appeal.

## **Article 34**

### **Exemptions from Article 24 for auctioneers**

**1** The exemption in paragraph 2 of Schedule 1 from the requirement to have a firearm certificate allows an auctioneer, carrier or warehouseman to **possess** firearms in the ordinary course of the business. However, to **sell** firearms and ammunition by auction, expose them for sale by auction or have them in his possession for sale by auction, an auctioneer must have a permit issued by the Chief Constable. An auctioneer who deals regularly in firearms may wish to apply for a firearms dealer's certificate.

**2** When auctioneers are selling firearms or ammunition, they should ensure that the person purchasing the items either has the necessary firearm certificate or permit or is able to show that he is exempt from the requirement for such a certificate (see paragraph 1 of the guidance on Article 37).

**3** The permit will require the auctioneer to inform the Chief Constable immediately of the name and address of any person other than a firearms dealer, who purchases or acquires any firearm or ammunition to which the permit refers.

**4** The Chief Constable may grant an auctioneer's permit not just for the day of the sale but for a period both before and after it. This would allow the auctioneer to take possession of the firearms and to have an appropriate period after the auction to return or dispose of unsold firearms.

## **Article 35**

### **Occasional permits**

A firearms dealer can apply to the Chief Constable for a permit authorising him to deal in firearms temporarily at a place which is not a place of business specified in his dealer's certificate.



The application must be made on a form provided by the Chief Constable and it must contain all the information required by the form. The Chief Constable may grant a permit if he is satisfied that the applicant can trade in firearms and ammunition at the place and on the dates specified without danger to public safety or to the peace. In granting a permit, he may attach conditions to it, which he can vary or revoke at any time by written notice. He may restrict the types and numbers of firearms and quantities of ammunition and impose conditions as to their security. The Chief Constable will exercise his power to refuse only where he has strong grounds, for example, if the location gives rise to real public safety concerns..

## **Article 36**

### **Revocation or variation of occasional permit**

The Chief Constable can revoke an occasional permit if there is a danger to public safety or the peace or if a condition of the permit is breached. He can also vary a permit on the application of the holder. The applicant can appeal to the Secretary of State against such a decision.

## PART IV

### CONTROL OF TRANSACTIONS

#### Article 37

##### Business and other transactions with firearms and ammunition

**1** A person can sell or transfer firearms or ammunition, other than by way of trade or business, without having a firearms dealer's certificate but must observe the provisions of the Order about -

- (a) persons to whom firearms and ammunition may be sold or transferred, namely -
- i. a person producing a firearm certificate authorising him to acquire that firearm or ammunition;
  - ii. a firearms dealer;
  - iii. someone who shows that by virtue of the Order he is entitled to purchase or acquire the firearm or ammunition without a firearm certificate (see Schedule 1).
- (b) instructions contained in firearm certificates and notification to the Chief Constable of the sale etc. of a firearm to a person who is neither a firearms dealer nor otherwise exempt from holding a certificate.

**2** Article 2(2) explains that "transfer" includes let on hire, give, lend and part with possession.

**3** Similarly, a person, who does not have a firearms dealer's certificate, must not repair, test or prove a firearm or ammunition for a firearm, unless the person has a firearm certificate authorising him to possess it or shows that he is entitled to possess it without having a certificate.

**4** Unless an exemption under Article 46, applies the authority of the Secretary of State is needed in addition to a firearm certificate for the possession of a prohibited weapon or prohibited ammunition.

**5** Whilst Article 37(5) prohibits pawnbrokers from taking in pawn any firearm or ammunition, they are not debarred from being firearms dealers.

**6** It is not an offence **to part with possession** of a firearm, otherwise than by sale, hire, gift or loan, to a person who shows that he is entitled to possess the firearm or ammunition without a certificate.

## **Article 38**

### **Record of transactions**

**1** Article 38 requires a firearms dealer to maintain a record of all transactions involving firearms and ammunition. The form of the record is not prescribed but it must include the particulars specified in Schedule 3. It may be kept on computer or on paper.

**2** The record should be retained for not less than five years from the date of the last transaction. Relevant documents must be kept for two years. For those dealers who keep paper records there are on the market bound ledgers with numbered pages for individual transactions laid out across the double pages. Acquisitions should be shown on the left-hand page and the corresponding disposal entries opposite. These dealers, who prefer a proper record, should be encouraged to purchase such ledgers but in any event the actual record used should conform to that design. Exercise books and card index systems are not acceptable.

**3** If a dealer keeps his records on computer, he must be able to produce information required by law readily in a readable form, which can be taken away. Daily backups of data ( Floppy disk, zip drive, tape etc) should be made and stored in such a way as to preserve their integrity in a case of fire or other mishap. Alternatively, the system should produce a daily hard copy of transactions, dated and page numbered so that there is an effective paper trail. In order to reduce the risk of fraud, dealers should be encouraged to establish procedures involving and identifying separation of duties and accountability and to show by whom and when the daily record was created, updated and amended.

### **Inspection of dealers premises etc.**

**4** The Article allows the police or police support staff, who are authorised in writing, to inspect dealers' premises, records and stock. The size and type of business will often dictate the frequency of visits. They will take the form of "formal inspections" and "occasional liaison" visits, depending on police resources.

**5** In general, formal inspection visits should be based on a five-year cycle. Each firearms dealer should be visited, on average, at least once a year. On each of the formal visits, the inspection will be undertaken by the local PSNI Firearms Enquiry Officer.

**6** There should be no fixed programme or timetable of inspections. The decision as to which dealer is to be inspected, and when, should be the decision of PSNI's Firearms and Explosives Branch.

**7** Ideally, a full stock check should be undertaken annually. However, exceptionally there will be some dealerships where this is impractical. In the case of the five-year period mentioned above, visits during some of the five years could well be just record inspections with the others requiring a combined stock check and records inspection, if practicable. In the case of large dealerships, extensive dip-samples could be made.

**8** A random sample of entries should be selected from the records for verification purposes. The number selected should be relative to the level of business being conducted. The total

number of transactions conducted by the dealer since the date of the previous inspection should also be recorded so that the Chief Constable can satisfy himself that this is consistent with the stated intentions of the dealer.

Details of transactions in each of the following categories of sale or transfer of a firearm should be selected -

- (a) to a firearm certificate holder
- (b) to a firearms dealer
- (c) to a firearm certificate holder outside Northern Ireland
- (d) to a firearms dealer outside Northern Ireland

**9** When the inspection is complete the records should be ruled off and signed by the inspecting officers. If practicable, all “open entries” should then be brought forward and the original entry suitably cross-referred. This will allow for fewer records being kept open with only one or two entries in them and will lessen the likelihood at the next inspection of missing an item. In some businesses this will not be possible.

Dates of visits, types of inspection and the outcome of any enquiries should be recorded on police files.

## **Article 39**

### **Transfer of firearms and ammunition to be in person**

Whenever a firearm or ammunition is sold, let on hire, lent or given by one person (the transferor) to another (the transferee), who is neither a firearms dealer nor is entitled to purchase or acquire it without a certificate or a visitor’s permit, the transferee must produce the certificate or permit entitling him to purchase or acquire it. The transferor must comply with any instructions in the certificate or permit and hand the firearm or ammunition to the transferee **in person**.

## **Article 40**

### **Notification of dealings involving firearms**

The Article requires that, within 72 hours of the sale, hire, lending or gift of the firearm (but not “parting with possession” to someone who is entitled to possess it without a certificate), the transferor and transferee must send notice of it to the Chief Constable. The transferor is the person who originally possessed the firearm and the transferee is the recipient (and it is the transferor who must write the details of the firearm and its transfer onto the certificate of the transferee although it should be sent to PSNI’s Firearms and Explosives Branch for updating). The notice of the transaction must contain a description of the firearm (including any identification number), state the nature of the transaction and give the name and address of the

other person concerned. A firearm placed with a firearms dealer or auctioneer for sale or return is not regarded as a transfer. Notice is only required once the transfer is complete when all three parties notify the police. As the transferor may not know the name of the ultimate transferee, it is sufficient for the transferor to notify the police of the disposal to the dealer or auctioneer.

## **Article 41**

### **Notification of loss, repair or deactivation of firearms, etc.**

**1** The Chief Constable must be notified within 72 hours of the deactivation or destruction in Northern Ireland of any firearm to which a firearm certificate or a visitor's firearm permit relates. The notification must describe the firearm in question (including any identification number) and the nature of the event. Similarly, if any ammunition to which a firearm certificate or visitor's permit relates is lost (whether by theft or otherwise) in Northern Ireland, the Chief Constable must be notified immediately. The actual methods of destruction of firearms are not covered by legislation but to provide adequate safeguards it is generally more appropriate for certificate holders to surrender them either to a firearms dealer or to the police rather than to destroy them themselves (see Appendix 12 for further information).

**2** When a firearm, which has been subjected to ballistic or other testing by the police in accordance with Article 54, is subsequently altered or repaired, the certificate holder must notify the Chief Constable within 72 hours.

**3** The requirements of the law in relation to deactivation are explained in the guidance on Article 3.

## **Article 42**

### **Notification of disposal or destruction, etc. taking place outside Northern Ireland**

**1** If a person, whose acquisition or purchase of a firearm is authorised by a firearm certificate, sells or otherwise disposes of the firearm outside Northern Ireland he must notify the Chief Constable within **seven days**. The notice must contain a description of the firearm (including any identification number) and the name and address of the person to whom he sold or disposed of it.

**2** If a firearm to which a firearm certificate relates is deactivated, destroyed or lost (whether by theft or otherwise) or if any ammunition is lost outside Northern Ireland, the Chief Constable must be notified within **seven days**. The notice must contain the same information as the notice of sale or disposal.

## **Article 43**

### **Purchase or acquisition of firearms in other member States**

**1** A person who is resident in Northern Ireland and who purchases or acquires a **category C** firearm (see Appendix 8) in another EU State must notify the Chief Constable of the transaction within 7 days. He need not do so if -

- (a) the terms of the transaction restrict his possession of the firearm to the whole or a part of his visit to and prevent its removal from that State; or
- (b) he holds a firearm certificate containing the special collector's condition and both the certificate and the condition relate to that firearm.

**2** The Home Office should also be notified of such transactions through the Information Exchange Network by the authorities of the EU State in which the transaction takes place. The Home Office will pass such notifications to the Chief Constable who will check that the persons are authorised to purchase, acquire or possess the firearm concerned.

## Article 44

### Firearms acquired for export

**1** A visitor, who has not been in Northern Ireland for more than thirty days in the preceding twelve months, may, without holding a firearm certificate, purchase a firearm from a firearms dealer for the purpose only of exporting it (without it first coming into his possession). The firearms dealer must record the transaction together with the number and place of issue of any passport in the purchaser's possession. A passport will normally provide evidence for a firearms dealer that a visitor satisfies the thirty day criterion.

**2** The dealer must send a notice of such a transaction to the Chief Constable within forty-eight hours, including the details of the purchaser's passport, if any.

**3** A resident of another EU State who wishes to purchase a **category B** firearm (see Appendix 8) in Northern Ireland will have to be able to show evidence of the agreement of the authorities of their State of residence to the purchase, corresponding to Article 7 authority. Such evidence is not necessary, if the purchaser can show that he is a recognised collector who is purchasing the firearm exclusively in connection with the recognised activities, or that he is resident in the UK or outside the EU or is otherwise precluded from being granted such an authorisation.

**4** A EU visitor will not be able to purchase firearms which are classified as category B by the directive but which are prohibited under Article 45.

**5** The firearms dealer should include details of any agreement given by the purchaser's State of residence in the notice of transaction which he is required to send to the Chief Constable under Article 44(3).

**6** The Chief Constable is also required to give the Home Office notice of transactions received under Article 44(2) in respect of **category C** weapons purchased by residents of other EU States.

## PART V

### PROHIBITION OF CERTAIN WEAPONS AND CONTROL OF ARMS TRAFFIC

#### Article 45

##### Weapons subject to general prohibition

**1** The guidance on this Part describes the weapons and ammunition prohibited under Article 45, how the Secretary of State can authorise their possession and the various exemptions from the need to have his authority under Article 46.

**2** Article 45(1)(a) includes weapons such as machine guns, sub-machine guns, chain guns and the so-called “burst-fire” weapons which discharge several missiles (typically 3-5) in succession on a single application of the trigger. Case law also suggests that the courts should consider the actual operation of the firearm rather than the intent of the designers.

Article 45(1)(a)(a), introduced by the Firearms (Amendment) (Northern Ireland) Order 2005, adds to the list of prohibited weapons any air gun which uses, or is designed or adapted for use with, a self-contained cartridge system, the Brocock being the most commonly cited example. This action was taken because of the ease with which one can be converted to take conventional ammunition. Anyone holding one of these air guns on certificate at the time the Amendment Order was made will be permitted to continue to do so provided he obtains the Secretary of State’s written authority. He will not be permitted to transfer ownership to another party.

**3** Article 45(1)(b) includes carbines. Originally, a carbine was a short musket or rifle intended for use by mounted troops but the term has come to mean any rifle with a short barrel. Also caught in this category are the so-called “hybrid” firearms such as the Colt Armalite AR-15 “pistol”. These weapons are self-loading versions of long arms made to operate in self-loading mode only and sold without a shoulder stock. The term “automatic” is also sometimes incorrectly applied to self-loading pistols.

**4** Article 45(1)(c) includes short-barrelled or short overall length pump-action and self-loading shotguns, which may have folding or retracting shoulder stocks. The terms “self-loading” and “pump-action” are defined in Article 2(2). Article 2(3) explains that the barrel of a firearm is measured from the muzzle to the point at which the charge is exploded on firing.

**5** Article 45(1)(d) includes most smooth-bore revolver firearms though an exception is made for the so-called “ratting” or “garden” guns chambered for 9mm rimfire and for muzzle-loading revolver firearms, both of which are subject to control under Article 3. Article 2 defines a

smooth-bore revolver gun as one containing a series of chambers which revolve when the gun is fired. Examples of such guns are the “Dragon” and the “Striker”.

6 In relation to Article 45(1)(e), a rocket launcher is effectively a tube designed to launch a rocket-propelled missile, whereas a mortar uses an explosive charge to launch a bomb. All modern rocket launchers and mortars are caught by this sub-section. Antique or replica mortars (often used by historical re-enactment groups) are used to fire blanks or unstabilised projectiles and are subject to control under Article 3.

7 Article 45(1)(f) includes stun guns but not cattle prods because they are not designed or adapted as weapons. This category does include flame throwers and poison gas projectors and personal protection sprays using CS gas, Mace or OC pepper. Additionally, it covers dart guns and blowpipes for shooting drugged or poisoned darts (but see the exemption contained in Article 46(1) in relation to the treatment of animals).

8 Article 45(1)(g) includes cartridges containing explosive bullets and ammunition containing noxious substances such as CS gas. Explosive bullets are those containing an explosive charge the purpose of which is to cause the bullet to explode on or immediately before impact with the target. Tracer bullets, which contain a chemical flaring compound designed so that the flight of the bullet can be seen, are not prohibited. Smoke canisters are not covered by this provision.

9 Article 45(2)(a) covers any firearm disguised as something else, for example a walking stick shotgun or a pen pistol. A firearm with camouflage applied for legitimate use, for example by gamekeepers or wildfowlers, is not considered to be a disguised firearm.

10 Article 45(2)(b) includes such weapons as air-to-air, air-to-ground or ground-to-air missiles that are fired from launch rails rather than through a tube. It also includes rocket grenades and torpedoes. It does not cover free-fall bombs, which are not considered to be ammunition.

11 Article 45(2)(c) includes such items as launch tubes fitted to fixed- or rotary-wing aircraft for the types of missile mentioned in Article 45 (2)(b). Launch rails, which provide solely for carriage and release, are not considered to be launchers unless they also provide the initial guidance for the missile.

12 Article 45(2)(d) includes ammunition designed to have an incendiary effect at the target. This includes missiles containing napalm and similar substances. It does **not** include tracer rounds.

13 Article 45(2)(e) is typified by tungsten-cored rounds designed to penetrate armour using kinetic energy alone. It extends to depleted uranium rounds and armour piercing discarding sabot ammunition.

14 Article 45(2)(f) prohibits ammunition incorporating a projectile that is designed or adapted to expand on impact in a controlled manner when it is for use in a pistol. Expanding ammunition is the kind normally used in deerstalking and pest control because it is more likely than non-expanding ammunition to ensure a quick, clean kill. Semi-jacketed soft point and hollow point are typical forms of expanding ammunition but care must be taken to distinguish between match target hollow point ammunition, which has a tiny hole at the front for manufacturing purposes, and true hollow point. Match hollow point rounds, such as the Sierra



Match King, are not prohibited; neither are flat-nosed bullets designed to be used in tubular magazines. This is to prevent magazine explosions caused by a pointed bullet resting on the primer of the cartridge ahead of it. **All** bullets will distort on impact but only those which were designed or adapted to do so in a controlled manner fit this category. (See also paragraphs 1 to 9 of the guidance on Article 46 (exemptions))

**15** Article 45(2)(g) extends the prohibition on the various types of prohibited ammunition to the actual bullet or missile itself, not just the complete round of ammunition (a complete round consists of the bullet, the cartridge case, the propellant and the primer). There is no need for the bullets to be listed separately on the firearm certificate, other than in the circumstances described below. However, where a certificate holder requests large quantities of bullets, it is important to remember that the total number of bullets authorised counts towards his overall limit on possession of expanding ammunition. The exception to the rule on listing bullets separately on a certificate applies in the case of a certificate holder who wishes to possess a variety of different types of bullets. This may be reflected in a relatively higher overall limit on possession and, in these circumstances, the bullets may be listed separately to help avoid unnecessary stockpiling of complete rounds. The dealer making the sale must record transactions of expanding bullets on certificates and in his records.

**16** Applications for the Secretary of State's authority to manufacture, sell, transfer, purchase, acquire or possess prohibited weapons or prohibited ammunition are processed by the Northern Ireland Office. Those who wish to apply should write to the Northern Ireland Office at the address given in the Introduction to this Guidance. Exemptions from the requirement to have the Secretary of State's authority to have prohibited items are described in the guidance on Article 46

**17** Article 45(10) enables the Secretary of State, subject to the approval of Parliament, to make an order adding to the list of prohibited weapons and ammunition.

**18** Before the Secretary of State makes a decision concerning a particular application for authority, he will ask the Chief Constable for his recommendation. If he grants authority, he will inform the Chief Constable. As a matter of policy, the Secretary of State would normally grant authority only to those with a good reason, such as legitimate commercial need, to possess prohibited weapons, rather than for private use or speculative business interest. The Chief Constable will also be informed of any case where authority is refused or revoked.

**19** Prohibited weapons are subject to more stringent control than other firearms and the authority may restrict the holder to a particular category of prohibited weapon or prohibited ammunition and specify the range of transactions that may be undertaken. The Chief Constable should report to the Northern Ireland Office any circumstances that might justify revoking authority.

**20** When it receives an application for renewal of authority, the Northern Ireland Office will again seek the views of the police. It is essential, therefore, that applications for renewal are made well in advance of the expiry date.

**21** Prohibited weapons and ammunition are included in the definitions of "firearm" and "ammunition" in Article 2(2) of the Order and are therefore subject to the restrictions applicable to other types of firearms and ammunition. A firearm certificate should not be granted in respect

of any weapon or ammunition to which Article 45 applies unless the Secretary of State has given his authority for its possession or the applicant is exempt. If any person applies for a certificate for a prohibited weapon or ammunition already in his possession where he is neither exempt nor able to produce authority from the Secretary of State, the application should be refused and the person required to surrender the weapon or ammunition immediately.

**22** The Guidance on Articles 12, 26 and 29 deals with the Chief Constable's action in relation to the grant or revocation of a firearm certificate or a firearms dealer's certificate when the Secretary of State grants or revokes his authority.

**23** The authority to possess prohibited weapons granted to a theatrical, television or film producer may permit their possession by such other persons as he may select to have them whilst taking part in the performance, rehearsal or production.

**24** Article 45(4) provides that authority will be subject to appropriate conditions to ensure that the prohibited weapon or prohibited ammunition will not endanger public safety or the peace. Article 45(5) makes it an offence to fail to comply with such conditions. Under Article 45(6) it is an offence, upon revocation, for a person to fail to surrender the authority to the Northern Ireland Office within 21 days of the date of the notice of revocation.

## **Article 46**

### **Exemptions from requirement to have the Secretary of State's authority under Article 45**

**1** A person will not need the authority of the Secretary of State in relation to a prohibited weapon or ammunition designed or adapted for the purpose of tranquillising or treating any animal if he has a firearm certificate with a condition restricting its use to that purpose..

**2** A collector does not require the authority of the Secretary of State to possess, purchase, acquire, sell or transfer any prohibited weapon or ammunition in the categories mentioned in Article 45(2)(a)–(g) provided he has a suitably conditioned, valid firearm certificate or permit. It is important to note, however, that sale or transfer can only be to a person who produces the Secretary of State's authority under Article 45 or can show that he can under Article 46 make the purchase or acquisition without that authority. Collectors, or their representatives, from another member State can possess, purchase or acquire (but not sell or dispose of) weapons and ammunition in these categories if they are recognised by the law of that State as collectors or as a body concerned in the cultural or historical aspects of weapons.

**3** A person does not require the Secretary of State's authority to possess etc. expanding ammunition or expanding bullets for use in a pistol provided he has a firearm certificate or visitor's permit with a special condition restricting their use to purposes permitted by the European weapons directive. Article 2(6) explains that these purposes are -

- (a) the slaughter of animals;
- (b) sporting purposes;
- (c) shooting pests or, in connection with estate management, other wildlife;

- (d) competition purposes;
- (e) target shooting whether in competition or not.

See also paragraphs 14 and 15 of the guidance on Article 45.

**4** A person who wishes to acquire expanding ammunition for any of these purposes must first satisfy the Chief Constable that he has a good reason to possess a firearm for any of the above. Once this good reason requirement has been satisfied, the person's firearm certificate or visitor's permit must be conditioned to include expanding ammunition and, for home loaders, the bullets for such ammunition. The conditions should restrict the use of the bullets or ammunition to their precise intended purpose.

**5** However, the use of the phrase "in connection with" means that it is acceptable for shooters to use expanding ammunition to zero their rifles with the ammunition they will be using in the field provided it is for one or more of the four activities listed above. Zeroing might also include training and testing, whether on a rifle range or other suitable land. These exemptions apply only to use in Northern Ireland, not overseas.

**6** The possession of expanding ammunition for target shooting or any competition use is not allowed. Applicants wishing to possess expanding ammunition for any other purposes (for example, to zero a large calibre rifle for big game hunting abroad) should also be refused (see also paragraph 45.14)

**7** There should be no prescribed limits set on the number of rounds of ammunition that can be expended during zeroing, although this will need to be compatible with these functions and consistent with the overall limits on possession and purchase.

**8** The bulk purchase of ammunition for the purpose of economy is not acceptable as good reason for possession. Possession of 500 rounds should generally be regarded as reasonable.

**9** Licensed slaughtermen may, without the authority of the Secretary of State, have expanding ammunition for use in a slaughtering instrument, defined in Article 2(2) as being a firearm specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them, provided that they are entitled under paragraph 3 of Schedule 1 to have the instrument and ammunition for it. Licensed slaughtermen can without the need for a firearm certificate, have a slaughtering instrument and ammunition for it in any slaughterhouse or knacker's yard in which they are employed. In addition the provisions allows other people to possess a slaughtering instrument if they have a firearm certificate allowing possession of it. This provision is meant to apply to those people such as vets and hunt servants who could reasonably be expected in the course of their normal work to have to destroy sick or injured animals.

**10** Article 46(8) exempts firearms dealers and their employees from the requirement for the authority of the Secretary of State to possess, purchase, acquire sell or transfer any expanding ammunition in the ordinary course of business.

**11** See Appendix 3, paragraphs 61 and 62 for guidance on the use of dart guns and blow pipes on animals.

## Article 47

### Possession of firearms on service premises

1 A person may possess firearms and ammunition **on service premises** without holding a firearm certificate or authority from the Secretary of State provided he is under the supervision of a member of the armed forces. This applies to “open days” on military bases (and could include military training areas) and similar occasions but does not allow civilians to handle firearms away from service premises, even under supervision.

2 Similarly, a person undergoing training or assessment in the use of firearms under the supervision of a member of the Military of Defence Police on relevant premises, may have a prohibited firearm or ammunition in his possession without having a firearm certificate or the authority of the Secretary of State.

3. The terms “service premises” and “relevant premises” are defined in Article 47(4).

## Article 48

### Power to prohibit movement of firearms and ammunition

1 The Secretary of State is empowered to prohibit by order the movement of firearms or ammunition within Northern Ireland unless the Chief Constable has authorised it and unless any other conditions specified in the order are met.

2 The Secretary of State may also prohibit by order the movement of firearms and ammunition from Northern Ireland to Great Britain or for export from Northern Ireland, unless the Chief Constable has authorised it and any other conditions specified in the order are met.

3 Such an order of the Secretary of State may apply generally or particularly to any movements, localities, classes of firearms and ammunition and modes of transport. It is not intended to affect a firearm certificate holder carrying firearms and ammunition in accordance with his certificate.

## **PART VI**

### **FIREARMS CLUBS**

#### **Article 49**

##### **Authorisation**

**1** “Firearms Club” is defined in Article 2(2) as meaning a club established for the purpose of promoting skill in the use of firearms (other than shotguns) and it includes a cadet corps.

**2** The guidance on Schedule 1 7 describes the exemption for club members from the firearm certificate requirement.

**3** An application on behalf of a club should be made on the appropriate form, accompanied by the required fee, and submitted for the approval of the Chief Constable. The club secretary should complete the form and submit it to Firearms and Explosives Branch, PSNI, at the address given in the Introduction to this Guidance.

**4** The Chief Constable may grant an authorisation if he is satisfied that the club meets the criteria set out in paragraph 7 and that it can operate without danger to public safety or the peace.

**5** Should a club not be immediately in a position to satisfy the criteria but it appears that, given time, it will be, the club secretary should be advised of the shortcomings. The consideration of the application should then be deferred until such time as the club has been able to remedy the deficiencies (to a maximum of six months from the date of the original application). Once the club satisfies the criteria, authorisation can be granted. Should the club not be in a position to satisfy the criteria at the end of the six months period, the application should be refused.

**6** In considering whether or not to authorise a club the Chief Constable must satisfy himself that -

- (a) the club has regular use of a range which is appropriate for the muzzle energy and velocity of the firearms to be used on it;
- (b) the security arrangements for the storage of club firearms and ammunition are satisfactory;
- (c) the application is being made by or on behalf of a genuine club which is able to meet the criteria set out in paragraph 7; and
- (d) there are no other considerations which would make the club’s approval inappropriate.

**7** The Chief Constable attaches great importance to the responsible administration of authorised clubs and will ensure that the following criteria are met -

- (a) the club is a genuine firearms club with a written constitution;
- (b) the principal officers of the club are responsible persons who can be entrusted with the proper administration of the club;
- (c) the club has at least 10 members at the time of application for authorisation and at all times whilst authorised unless, exceptionally, the Chief Constable determines that there are special circumstances which justify a lesser number;
- (d) members must be of good character;
- (e) the club must appoint a member to act as a liaison officer with the police and the Chief Constable must have confidence that this person is providing him with such information as he requires to ensure that the activities of the club and its members are conducted properly and safely and give no cause for concern;
- (f) the club will maintain a register of the attendance of all members with details, for each visit, of the firearms which they used and the competitions, if any, in which they took part;
- (g) the club will inform the police of any holder of a firearm certificate who has ceased to be a member for whatever reason;
- (h) the club will inform the police if any member who holds a firearm certificate has not shot with the club for a period of 12 months;
- (i) the club will inform the police of any application for membership, giving the applicant's name and address and the outcome ;
- (j) an applicant for full or probationary membership must inform the club whether the police have ever refused an application of his for a firearm certificate or revoked his certificate;
- (k) members, prospective members and guests must be asked to sign a declaration that they are not prohibited from possessing a firearm or ammunition by virtue of Article 63 of the Order. (This will usually apply to persons who have received a prison sentence, including a suspended sentence);
- (l) the security arrangements for the storage of club firearms and ammunition are satisfactory;
- (m) the club does not run a day or temporary membership scheme. This should not be confused with properly run guest days as at (n) below;
- (n) the club does not have more than 12 guest days a year. Guest members must be either members of a recognised outside organisation or known personally to at least one full member of the club;
- (o) guests must be supervised on a one-to-one basis at all times when handling firearms and ammunition, by either a full club member or someone who is a coach with a qualification recognised by the UK or national Sports Council. The club secretary must provide details of each guest day to local police, at least 48 hours in advance;

- (p) anyone who applies for membership must be sponsored by at least one full club member;
- (q) before becoming a full member, a person must complete a probationary period of at least 12 months during which time he must attend and shoot regularly but see paragraph (s) for exemptions. The probationary member must be given a course in the safe handling and use of firearms on a one-to-one basis by someone who is either a full member of the club or who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
- (r) until a probationary member has satisfactorily completed a course in the safe handling and use of firearms, he must be supervised at all times when in possession of firearms or ammunition by either the range officer or a full member of the club or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
- (s) the probationary period may be waived, at the club's discretion, for someone who -
  - is already a full member of another club and holds a firearm certificate in respect of the same type or types of firearm; or
  - has handled firearms in the course of his duty in the police or the armed services and has a statement from his existing or former senior/commanding officer that he is fully trained in handling the type of firearms in respect of which the club has obtained authorisation and is able to use them safely without supervision;
- (t) the club never has more probationary members than full members unless the Chief Constable determines that there are special circumstances which justify it;
- (u) there is no other public safety concern that would make the club's authorisation inappropriate.

**8** The authorisation criteria for school target shooting clubs differ significantly from the above and are as follows:

- (a) target shooting with full-bore or small-bore rifles should be an authorised school activity;
- (b) all aspects of shooting at the school must be under the control of a responsible adult nominated by and responsible to the Head Teacher. This person must have personal experience of shooting with the firearms used by the club and at least one year's experience of exercising control of pupils of the age group concerned;
- (c) the school must have regular use of ranges which are suitable for the categories of firearm to be used;
- (d) the security arrangements for storing the school firearms and ammunition must be satisfactory;



- (e) all shooting activities, including the handling of firearms and ammunition, must be supervised at all times either by the responsible adult mentioned at (b) above, or by at least one other equally experienced person nominated by the Head Teacher, or by someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
- (f) shooting is normally available only to pupils and staff of the school, visiting teams from schools which have also been authorised by the Chief Constable under Article 49, full members of authorised clubs, members of authorised Cadet Corps or persons who hold a personal firearm certificate and shoot in accordance with the conditions of that certificate;
- (g) the school does not allow shooting by guests on more than eight days each year. On such occasions, only parents, guardians and other relatives of pupils of the school or other adults known to the person responsible for shooting, may handle firearms and ammunition. Guest members must be under constant one-to-one supervision when handling firearms and ammunition either by the responsible adult at the school, or another equally experienced person nominated by the Head Teacher, or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies. The Head Teacher or the responsible adult at the school must tell the local police about guest days at least 48 hours in advance;
- (h) the Head Teacher must appoint a person to act as liaison officer with the police and the Chief Constable must have confidence that this person can provide the police with such information as they require to ensure that shooting is conducted properly and gives no cause for concern;
- (i) the school will maintain a register of the attendance, for each session, of all members together with details of the firearms which they used and the competitions, if any, in which they took part;
- (j) the school will inform the police of any holder of a firearm certificate who has ceased to be a member of the club;
- (k) the school will inform the police if any member who holds a firearm certificate has not attended a meeting for a year; and
- (l) there is no other public safety concern that would make the school's authorisation inappropriate.

### **Disclosure of information**

9 Under the terms of its authorisation, a club is obliged to notify the police of any application for membership, giving the applicant's name and address, and of the outcome. A club should make its own arrangements for assessing whether members or prospective members are of good character and should not ask the police to disclose whether or not someone has a criminal record. Notification will enable the police to take prompt action where the applicant is found to be a prohibited person or is considered not to be of good character.

**10** Current legislation and common law do not allow for the disclosure by the police to a shooting club of personal details of a member, or prospective member, unless the information is needed to prevent (or detect) a crime, or to enable the apprehension or prosecution of an offender. If, for example, an applicant is a prohibited person, an offence could have taken place and the club's full co-operation would be required to provide evidence for any prosecution under Article 63. If it is necessary to disclose the prohibition in order to investigate the matter, it would be lawful to do so. If a person is judged to be unsuitable for other reasons, the club's liaison officer should be formally notified. No other details need be supplied to the club. The liaison officer should then inform the applicant that the police consider him to be unsuitable and refuse the application. In doing so, the applicant should be given the contact details of PSNI's Firearms and Explosives Branch to enable him to make representations should he so wish.

### **Authorisation**

**11** The Chief Constable will inform the applicant in writing of his decision. If he refuses an application, he will give his reasons.

**12** A club may apply for authorisation for full-bore rifles, small-bore rifles and handguns. The decision on which categories are permitted will mainly depend on the availability of suitable ranges.

**13** A fee is payable for the grant or renewal of the Chief Constable's authorisation. No fee is payable for a firearm certificate granted to the responsible officer of any authorised club relating to firearms and ammunition to be used solely for target shooting by members of the club. A fee is payable for any subsequent variation of the certificate. The exemption does not extend to certificates given for firearms of a type not mentioned in a club's authorisation. Responsible officers of authorised clubs who are granted firearm certificates should be reminded of the necessity for strict compliance with the law confining privileges to members.

**14** Authorisation is issued in the name of the club and it does not cease to be valid if the secretary changes. Changes of secretary or club title must be notified to the Chief Constable. In the latter case the Chief Constable will issue an amended authorisation in the club's new name.

### **Ranges**

**15** The Chief Constable must be informed if the club wishes to use an alternative range or to use an additional range regularly (this does not apply to regular competitions between approved clubs).

**16** The ranges included in a club's application for authorisation should be available for the club to use on a minimum of six occasions a year, although in some circumstances a lower frequency might be justified. An application to use a range belonging to another club must be accompanied by the written permission of that club.

**17** The police will inspect the structure and access points of existing ranges to ensure that they present no danger. When clubs are proposing to construct new ranges or modify existing ones, it would be wise to take the advice of the police at an early stage. It is important to remember that,

while the police will advise on safety matters relating to ranges, the entire responsibility for their use must necessarily rest with their owners and users. They will also be responsible for compliance with planning regulations.

**18** If a club seeking authorisation proposes to use a range situated on licensed premises, it is essential in view of the provisions of Article 32 of the Licensing (Northern Ireland) Act 1996 that the matter be considered by the licensing authority. The Chief Constable will withhold approval until he is advised that the licensing authority has no objections to the proposal and to the use of the range in general.

### **Security of club firearms**

**19** The police should seek the club's cooperation to ensure that its firearms and ammunition are stored securely. The signatory of the club certificate (usually the club secretary) is ultimately responsible for the safekeeping of club firearms and ammunition but the Chief Constable takes the view that he need not necessarily be present each time that they are issued to or used by club members. A member other than the firearm certificate holder may, if the activity is clearly in connection with target shooting, transport firearms to another club or authorised range for a competition or to a dealer for repair if he has the Chief Constable's authorisation to do so. Firearms should be returned to their place of storage without delay after use.

### **Extension of club authorisation**

**20** Applications for the initial authorisation of a club to be extended to cover additional categories of firearm should be submitted under the same procedure as for the initial authorisation. No fee is payable for this.

### **Club authorisation renewals**

**21** The authorisation may be renewed for a further period of five years on application. The procedure is the same as for the initial authorisation.

### **Police records**

**22** The Chief Constable should maintain an index of all authorised clubs. Details of the club's secretary, police liaison officer and ranges should be recorded and maintained. The index can be used as a reference point when dealing with applications for firearm certificates though there will still be a need to contact the secretary or other officer in all such cases.

### **Combined Cadet Forces, Sea Cadet Corps, Army Cadet Forces and Air Training Corps**

**23** The definition of "firearms club" in Article 2 (2) includes "members of any cadet corps". Article 77 (4)(b) refers to members of a cadet corps approved by the Secretary of State engaged as members of the corps in or in connection with drill or target shooting. Effectively,

cadets are regarded as Crown servants for the purpose of the Order and are exempt from the requirement to possess a firearm certificate when shooting as a member of the corps but one authorised officer should hold the firearms on a firearm certificate.

## **Article 50**

### **Revocation or variation of authorisation**

Where problems arise with the running of a club, which are not resolved by local discussion, the Chief Constable may consider revoking the club's authorisation. In most circumstances, he will invite the club to make representations on the matter before reaching his decision.

## **Article 51**

### **Power of entry**

**1** A firearms club authorised by the Chief Constable must allow any constable or member of the police support staff duly authorised in writing to enter any premises occupied or used by the club and to inspect those premises and anything on them to see whether the club is complying with provisions of Article 49 and any limitations or conditions in the authorisation.

**2** Matters for inspection might include whether or not the ranges used by the club remain safe, both for members and for the general public, and whether the standard of the organisation and membership of the club remains satisfactory. The club's attendance register should also be checked to ensure that all members with firearm certificates are regularly using all their firearms and that the club's return of members who have not used them for twelve months is accurate. The frequency of use of ranges will vary depending on the club's individual circumstances. These will include the proximity of the nearest suitable range and the ease with which bookings can be made. Target shooters may be expected to use their firearms regularly, at least three times a year.

## **PART VII**

### **ENFORCEMENT AND OFFENCES**

#### **Enforcement**

##### **Article 52**

###### **Power of search with a warrant**

**1** If a justice of the peace is satisfied that there is reasonable ground for suspecting that an offence under the Order has been, is being or is about to be committed, or that, in connection with a firearm or ammunition, there is a danger to public safety or to the peace, he may grant a search warrant authorising a constable or member of the police support staff -

- (a) to enter at any time premises or a place named in the warrant, if necessary by force, to search the premises or place and persons found there;
- (b) to seize and detain anything found there, or on any person there, which he suspects of being connected with an offence, or a possible offence, under the Order, including imitation firearms.

**2** The power to seize and detain includes a power to require information held on computer, which is accessible from the premises or place in question, to be produced in a readable form which can be taken away. "Readable" is defined in Article 2(2) as meaning "visible or legible" or "capable of being readily produced in a visible or legible form."

##### **Article 53**

###### **Powers of constables to stop and search**

**1** A constable, who has reasonable cause to suspect a person of having a firearm or ammunition in a public place, or to be committing or about to commit an offence under Articles 60 or 62, elsewhere than in a public place, may require him to hand over the firearms or ammunition for examination. If he has reasonable cause to suspect the person of having a firearm or ammunition contrary to any provision of the Order, he may search the person and detain him for the purpose of doing so. If a vehicle is involved, he may search it and for that purpose require the driver to stop it. A constable may enter any place to exercise these powers.

**2** The primary purpose of the power is to enable a constable to require the handing over of a firearm and any ammunition for examination so that he may ascertain, for instance, whether a firearm is real or an imitation, what type of firearm it is (if this is not apparent), whether it is loaded or whether the ammunition is suitable for use in the firearm. It is, for example, an offence under Article 61 to have a shotgun in a public place only if it is loaded. If a constable

sees a person with a shotgun in a public place, he may suspect an offence but cannot be sure until he has examined it. If the person refuses to hand over a firearm or ammunition when required to do so, he commits an offence and there is a power of arrest arises.

**3** The powers to detain, search, enter and seize are also intended to enable a police officer to ascertain whether an offence has been committed and to take immediate and effective action. The powers are, however, limited to certain offences under the Order and any officer using them may have to satisfy a court as to the grounds upon which he did so. The Chief Constable should carefully monitor the use of these powers and satisfy himself that they are used properly and with discretion.

## **Article 54**

### **Production of firearms for ballistic and other tests**

The Chief Constable may at any time by notice in writing require the production of a firearm for ballistic testing and the recording of distinctive characteristics. It is an offence not to comply.

## **Article 55**

### **Production of certificates, etc.**

**1** A constable may ask any person he believes to be in possession of a firearm or ammunition to produce his firearm certificate or other appropriate document. He has the power to seize firearms and ammunition if a person refuses. When carrying a firearm, a person should have his firearm certificate with him.

**2** Powers of arrest are contained in the Police and Criminal Evidence Order (Northern Ireland) 1989.

**3** The offence mentioned in Article 55(5) is in relation to non-production of a firearms pass issued in another member State.

## **Article 56**

### **Police powers in relation to firearms traffic**

A 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 48 or of one made under section 6 of the Firearms Act 1968 prohibiting their removal from Great Britain to Northern Ireland.

## **Article 57**

### **Seizure and detention of firearms and ammunition**

In addition to any other powers that a constable has under the Order, he may seize any firearms or ammunition from a person who, he believes, has them in contravention of any provisions of the Order.

## **Offences with firearms**

## **Article 58**

### **Possession of firearm with intent**

It is an offence to possess a firearm or ammunition with intent to endanger life or cause serious damage to property or with intent to enable another person to do so. It is also an offence to possess a firearm or imitation firearm with intent to cause, or to enable another person to cause, someone else to fear that unlawful violence will be used against him or another person.

## **Article 59**

### **Use of firearm to resist arrest**

1. It is an offence for a person to use a firearm or imitation firearm to resist or prevent his arrest or detention, or that of some other person, and to possess it when committing, or being arrested for, one of the offences in Schedule 4, unless he can show that he possessed it for a lawful purpose. This Article creates the offence of aggravated burglary in respect of burglary with firearms. For the purpose of this Article the definition of “firearm” in Article 2(2) applies as if paragraphs (b) and (c), which cover component parts and certain accessories, were omitted. “Imitation firearm” is construed accordingly.

2. See Article 68 in relation to a defence.

## **Article 60**

### **Carrying firearm with criminal intent**

1 It is an offence for a person to have with him a firearm or imitation firearm with intent to commit an indictable offence or to resist arrest or prevent the arrest of someone else while he has it with him. “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. An exception is an offence that is triable only by a court of summary jurisdiction which, under Article 29 of the Magistrates’ Courts (Northern Ireland) Order 1981 or any other statutory provision, is required to be tried on indictment at the request of the accused or the prosecution.

**2** In order to prove an offence under this Article, it is necessary to show that -

- (a) the accused had a firearm or imitation firearm with him; and
- (b) he intended to commit an indictable offence or to resist arrest or prevent the arrest of someone else, as the case may be.

**3** If (a) and (b) are proved, that shall be evidence of an intention by the accused to have the firearm with him at the time of committing the offence or of resisting or preventing the arrest, which can be displaced by evidence to the contrary.

**4** The Article covers all types of firearms, including shotguns and air guns and imitation firearms.

## **Article 61**

### **Carrying or discharging a firearm in a public place**

**1** It is an offence to have in a public place without lawful authority or reasonable excuse -

- (i) a loaded shotgun;
- (ii) an air gun (whether loaded or not);
- (iii) or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm; or
- (iv) an imitation firearm.

Care should be taken to ensure that those who may have lawful authority or reasonable excuse to carry firearms in a public place are not unnecessarily inconvenienced.

**Note:** unloaded airguns and imitation firearms were added to the list of firearms covered by this offence by way of the Firearms (Northern Ireland) Order 2005.

**2** Article 2(4) explains that a shotgun or an airgun is to be treated as loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in a position where the ammunition can be fed into the chamber or barrel by the normal or automatic operation of some part of the firearm.

**3** “Public place” is not defined but has its normal meaning of any premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.

**4** It is an offence for any person, without lawful authority or excuse, to discharge any firearm on a public road or within 18 metres of the centre of a public road or in a church, churchyard or burial ground.

**5** See Article 68 in relation to a defence.



## **Article 62**

### **Trespassing with firearm**

**1** It is an offence for a person, while he has a firearm or imitation firearm with him, to enter or be in any building or part of a building or enter or be on any land as a trespasser and without reasonable excuse. In each case, the trespass consists of entering or being in or on the building or land as a trespasser. Reasonable excuse is a defence, if it can be proved, but no exception is made for “lawful authority” since lawful authority itself would be incompatible with trespass. It is immaterial whether or not the firearm is loaded or whether or not the accused has ammunition with him.

**2** The offence of trespassing with an imitation firearm in a building (in contrast to the offence committed with a firearm) is triable only by a court of summary jurisdiction.

**3.** See Article 68 in relation to a defence.

## **Article 63**

### **Prohibition of possession, etc, of firearm by certain persons**

**1** A person convicted of a crime and sentenced to a period of imprisonment or detention in a young offenders’ centre of 3 years or more is prohibited for life from purchasing, acquiring or having a firearm or ammunition in his possession. Where the sentence is for a period of 3 months or more but less than 3 years he is prohibited for a period of 8 years. A person sentenced to detention during the pleasure of the Secretary of State under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 is also prohibited for life. The prohibition is effective from the date of conviction and it applies equally in cases where the sentence is suspended.

**2** A person subject to a recognizance to keep the peace or to be of good behaviour; or a probation order, a condition or requirement of which is that he shall not possess, use or carry a firearm; or a licence under Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998, must not purchase, acquire or possess a firearm or ammunition. A person prohibited in Great Britain under section 21 of the Firearms Act 1968 is also prohibited in Northern Ireland.

**3.** Prohibited persons may not possess any firearms or ammunition, not just those for which a certificate is required. Thus the prohibition extends to all air guns and air gun pellets.

**4.** It is an offence to contravene any of the provisions of this Article. It is also an offence to sell, transfer, repair, test, etc. any firearm or ammunition to or for a prohibited person.

**5.** Article 63(6) enables a person who is prohibited to apply to the Secretary of State for the removal of the prohibition. The Firearms (Appeals and Applications) Regulations (Northern Ireland) 2005 provide that -

- (a) an application should be made by the person subject to the prohibition serving written notice of application on the Secretary of State. An application form can be obtained from any police station or from the Firearms and Explosives Branch of the NIO.
- (b) the notice should state the grounds of the application.
- (c) the application may be made at any time.

**6.** The Secretary of State, while considering each application on its own merits, will -

- (a) where an applicant is subject to an 8-year prohibition, not normally remove the prohibition unless he is satisfied that there are exceptional circumstances for doing so;
- (b) where an applicant is subject to a life prohibition, not normally remove the prohibition within 15 years of the applicant's release from prison, unless there are exceptional circumstances for doing so.

**7.** The Secretary of State will take into account the following -

- (a) the nature and seriousness of the original offence and, for example, whether it involved violence or the threat of violence.
- (b) the period of time since the applicant's release from prison or the end of a suspended sentence;
- (c) the applicant's behaviour since release, his current personal circumstances and whether there is there evidence of recidivism, a stable background etc.
- (d) the reasons for the application, including the type of firearm sought, and whether it is intended for use in connection with employment and, if so, to what extent the applicant's livelihood (or that of his family) is affected; and
- (e) the Chief Constable's assessment of the danger to public safety and the peace, if the person were permitted to have firearms and ammunition.

**8.** The application should address the factors above as appropriate and include any other factors which the applicant considers relevant. He may wish to consider submitting supporting evidence, such as character references, statements from employers, etc. Character references should be from persons of good character themselves and, ideally, should include comments on the offence(s) which led to the prohibition and the applicant's desire to acquire firearms.

## **Article 64**

### **Possession of firearm or ammunition in suspicious circumstances**

1. Anyone who has a firearm or ammunition in circumstances that give rise to a reasonable suspicion that he does not have it for a lawful purpose shall be guilty of an offence, unless he shows that he had it for a lawful purpose.
2. See Article 68 in relation to a defence.

## **Article 65**

### **Possession of loaded firearm while drunk or under influence of drugs**

It is an offence for anyone to have a loaded firearm while drunk or under the influence of drugs.

## **Article 66**

### **Supplying firearm or ammunition to person who is drunk, etc.**

It is an offence for anyone to sell or transfer any firearm or ammunition or to repair, prove or test it for someone, who he knows or has reasonable cause to believe is drunk, under the influence of drugs or suffering from a mental disorder.

Article 2(2) explains that “mental disorder” has the same meaning as in the Mental Health (Northern Ireland) Order 1986.

## **Article 67**

### **Conversion of weapons**

1. It is an offence to -
  - (a) shorten the barrel of a shotgun to a length less than 60.96 centimetres; or,
  - (b) convert an imitation firearm into a firearm.
2. A person who commits an offence under Article 3 by possessing, purchasing or acquiring a shotgun with a barrel shortened to less than 60.96 centimetres or a converted imitation firearm without holding an appropriate firearm certificate is liable to the more severe penalty prescribed by Article 67(4) (See Schedule 4)
3. It is not an offence for a firearms dealer to shorten the barrel of a shotgun for the sole purpose of replacing a defective part of it, as long as the barrel when repaired is not less than 60.96 centimetres in length, or to convert an imitation firearm into a firearm.

4 Article 2(2) defines a shotgun as a smoothbore firearm with a barrel not less than 60.96 centimetres in length, not being an air gun, and Article 2(3) explains that the length of the barrel of a firearm is measured from the muzzle to the point at which the charge is exploded on firing.

## **Article 68**

### **Defences**

This Article provides that in any proceedings for an offence under Articles 59(2), 61,62 or 64, where the accused is required to show evidence of his innocence and he raises an issue to that effect, it is for the prosecution to prove the contrary beyond reasonable doubt.

## **General**

### **Article 69**

#### **Prosecution and punishment of offences**

1 Under Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time for taking proceedings), summary proceedings for any offence under the Order (except an offence that is also triable on indictment) may be instituted at any time within four years after the commission of the offence.

2 No proceedings shall be instituted more than six months after the date of the offence, unless they are instituted by, or under the direction of the Attorney General. Such cases requiring the consent of the Attorney General should be referred to the Department of the Director of Public Prosecutions.

3. Schedule 5 of the Order sets out the mode of trial and the punishment for offences on conviction.

### **Article 70**

#### **Minimum sentence for certain offences**

The courts are required to impose the minimum sentence for offences by persons over the age of 16 involving the illegal possession of handguns and prohibited weapons unless there are exceptional circumstances relating to the offence or to the offender which justify not doing so. The purpose of the minimum sentence is to tackle gun crime and gun culture. It is not aimed at purely technical offences. Exceptional circumstances might, therefore, include those where the holder of a firearm certificate forgets to renew his certificate or where a war trophy is discovered amongst a deceased person's effects.

### **Article 71**

## **Power by order to exclude application of minimum sentence to those under 18**

The Article enables the Secretary of State to make an order to amend Article 70 by raising the minimum age limit of 16 years to 18 years. There is also power to make consequential amendments to other legislation. An order under this power is subject to affirmative resolution procedure (Article 80).

## **Article 72**

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

This Article describes the circumstances in which, on conviction, a Court may order the forfeiture and disposal of firearms and ammunition and cancel firearm certificates. Power is given to a constable to seize and detain any firearm or ammunition that may be the subject of an order for forfeiture. In the event of a cancellation of a certificate, the court must notify the Chief Constable, who in turn must, by notice in writing, require the holder to surrender the certificate, and the holder must comply within 21 days.

See Appendix 12 for guidance on the disposal of firearms.

## **Article 73**

### **False statements**

**1** This is a general provision whereby it is an offence for anyone knowingly or recklessly to make a false statement in order to obtain the grant or variation of any certificate under the Order, whether for himself or someone else.

**2** The Article defines a certificate as including a licence, permit or authorisation and also provides that “variation of any certificate” in relation to a firearms dealer’s certificate includes the addition of a place of business under Article 31.

## **PART VIII**

### **MISCELLANEOUS AND GENERAL**

#### **Article 74**

##### **Appeal from decision of Chief Constable**

**1** This Article gives the right of appeal to the Secretary of State against various decisions of the Chief Constable.

**2** Appeals will be determined by the Secretary of State on the merits of each case and not by way of review of the Chief Constable's decision. The Secretary of State may consider any evidence or other matter, whether or not it was available or known when the Chief Constable made his decision. This means that the Secretary of State will consider the case afresh, including any matters that may have come to light since the Chief Constable's decision was made. The Chief Constable should, therefore, consider prior to the decision on the appeal any such matters, which have arisen which might have a bearing on his decision.

**3** The Firearms (Appeals and Applications) Regulations (Northern Ireland) 2005 provide that -

- (a) an appeal should be made by the person aggrieved serving written notice of appeal on the Secretary of State. The appeal form may be obtained from any police station or from Firearms and Explosives Branch of the NIO. The appeal should be sent to the latter at the address given in the Introduction to the Guidance.
- (b) the notice of appeal should be served not later than one month from the date on which the Chief Constable's decision is notified to the appellant, or such longer period as the Secretary of State may allow in special circumstances.
- (c) the notice should state the relevant decision of the Chief Constable and the grounds of the appeal.

**4** Before reaching a decision on the appeal, the Secretary of State will disclose as much relevant information as possible to the applicant and give him the opportunity to make further written representations.

**5.** Every effort will be made to reach a decision on the appeal quickly and if there are delays appellants will be informed of the reasons.

## Article 75

### Fees

1 The various licensing fees are set out in Schedule 6. The Secretary of State, with the approval of the Treasury, has the power to vary the fees, which are intended to cover the costs of administration. They will be reviewed regularly.

2 No fee is payable for the grant of a firearm certificate to the responsible officer of any firearms club approved by the Chief Constable and relating to firearms and ammunition to be used solely for target shooting by members of the club but there is a fee for any subsequent variation of the certificate. A fee is also payable for the authorisation of the club.

3 No fee is payable on the grant or variation of a certificate if the Chief Constable is satisfied that the certificate relates solely to -

- (a) a firearm or ammunition which the applicant requires as part of the equipment for a ship or hovercraft; or
- (b) a signalling apparatus (for example Verey pistols) or ammunition which the applicant requires as part of the equipment of an aircraft or aerodrome; or
- (c) a slaughtering instrument (as defined in Article 2(2)) or ammunition for it which the applicant requires for the slaughter of animals. The term “slaughtering instrument” means a firearm designed or adapted for this purpose. It does not include a handgun possessed for the humane destruction of animals.

4 In categories (a) and (b) above a free certificate should, in general, be granted only to the owner or charterer of the ship, hovercraft, aircraft or aerodrome, the owner or charterer’s agent or the master or other responsible officer in charge of the stores of the ship, hovercraft, aircraft or aerodrome. As regards (c), the persons to whom free certificates in respect of slaughtering instruments or ammunition may be granted will include master butchers, superintendents of abattoirs, farmers, smallholders and crofters who kill their own animals.

5 Article 77(2)(c) provides for the issue of a free firearm certificate to a person in the armed forces who is required to purchase or acquire a firearm or ammunition for his own use in his capacity as such.

6 The Diplomatic Privileges Act 1964 exempts diplomats and members of some international bodies from payment of the certificate fee (see also paragraph 6 of the guidance on Article 5).

## Article 76

### Application of Order to imitation firearms which are readily convertible into firearms

1 A firearm is defined in Article 2(2) as a “lethal barrelled weapon from which any shot, bullet or other missile can be discharged”. An imitation firearm is defined in Article 2(2) as “anything which has the appearance of being a firearm, whether or not it is capable of firing or discharging any shot, bullet or other missile”. Article 76 extends the provisions of Article 3 to an

imitation firearm which is so constructed or adapted as to be readily convertible into a firearm to which that Article applies, a firearm certificate is required to possess, purchase or acquire one.

2 An imitation firearm is regarded as readily convertible into a firearm if –

- (a) it can be converted without any special skill in the construction or adaptation of firearms of any description on the part of the person converting it; and
- (b) the work involved in converting it does not require specialist equipment or tools other than those in everyday use.

## Article 77

### Application of Order to Crown servants

1 Statute law does not bind the Crown or its servants unless specifically stated in the legislation concerned. Article 77, therefore, is a general provision limiting the immunity which Crown servants have. The effect of this is that Crown servants who **possess** firearms and ammunition in their capacity as such do not require firearm certificates. This means that, for example, Customs Officers do not require written authority to detain, seize or otherwise possess firearms they encounter in carrying out their official duties. Soldiers would be exempt if they possess a service firearm in, or for the purpose of, the performance of their duty, but not, for example, if they possess other firearms for their own private purposes.

2 In general, Crown servants in Northern Ireland who are required to **possess** firearms and ammunition in the performance of their official duties have them supplied by the departments in which they serve. This Article does **not** empower Crown servants to **purchase or acquire** firearms or ammunition without a certificate, except as provided by Article 77(2)(b). It enables a person in the service of Her Majesty, who has written authority from a senior officer, to **purchase or acquire** firearms and ammunition for the public service without holding a certificate and is intended to cover the necessary purchases by government departments such as the Ministry of Defence. There may also be cases in which a department may authorise its officers under the Article to make emergency purchases for their use in the public service. Employees of the Forest Service Northern Ireland concerned with wildlife management are Crown servants and operate under the general provision of Article 77. The Forest Service owns a number of firearms for use by their employees countrywide. These firearms may be held at central locations or by employees who are authorised to hold specific firearms. A list is normally supplied annually to the Chief Constable as to which firearms are held by whom and at which location.

3 Whether a firearm, in the possession of a Crown servant, is in his possession in his capacity as such can be authoritatively determined only by a court but, when in doubt, the department or the commanding officer of the person concerned should be consulted before proceedings are instituted; otherwise the facts should be reported to the department or the commanding officer so that the need for disciplinary action may be considered.

4 Members of the reserve forces may, in certain circumstances, be persons in the service of Her Majesty who are entitled to possess firearms and ammunition in their capacity as such and



are therefore Crown servants for the purposes of Article 77. Whether or not such personnel are entitled to exemption from Article 3 will depend on such matters as whether they have been called out for service and the terms under which they undertake service. If any person claims that on this basis he is entitled to possess a firearm or ammunition without a firearm certificate his department or commanding officer should be consulted before proceedings are instituted. However, if such a person wishes to purchase or acquire a firearm or ammunition for private use, he should obtain a firearm certificate for the purpose, in which case the appropriate fee would be payable.

5 The Visiting Forces and International Headquarters (Application of Law) Order 1965 (SI 1965 No 1536), made under section 8 of the Visiting Forces Act 1952, extends the exemptions covering Her Majesty's forces to visiting NATO and Commonwealth forces. Furthermore, members of any foreign force when they are serving with any of Her Majesty's forces are regarded as Crown servants for the purposes of Article 77.

6 Members of a cadet corps and their instructors are regarded as Crown servants when they are engaged as members of the corps in, or in connection with, drill or target shooting. In the case of prohibited weapons the Article only applies when they are in possession of them on **service premises**.

## Article 78

### Application of certain provisions of this Order to police

1. The Northern Ireland Policing Board is not regarded as the servant or agent of the Crown (see paragraph 1 of Schedule 1 to the Police (Northern Ireland) Act 2000) and does not enjoy Crown immunity. Separate provision has been made to exempt the police and their support staff from certain provisions of the Order.

2. Article 78(1) lists the relevant provisions, which are the same as those in Article 77. Under the Article the following persons, in their capacity as such, may **possess** firearms and ammunition without the need for a firearm certificate -

- ◆ police officers;
- ◆ members of the police support staff;
- ◆ police trainees and police reserve trainees; and
- ◆ members of any Harbour or Airport Police.

3. The provisions listed at Article 78(1) do apply, however, so far as they relate to the **purchase** of firearms and ammunition. Article 78(4) provides for the Chief Constable to purchase or acquire firearms and ammunition for police purposes without the need for a firearm certificate. Article 79 permits him to delegate this function to police officers and members of the police support staff.

4. The respective chief officers of the Harbour and Airport Police will require a firearm certificate for the purchase or acquisition of firearms and ammunition.

5. Article 45 is not included in the list of relevant provisions in Article 78 and therefore the possession of prohibited weapons by those persons listed at paragraph 2 and their purchase require a written authorisation from the Secretary of State. See the guidance on Article 45.

## **Article 79**

### **Delegation of functions**

The Chief Constable may delegate (in writing) any of his functions under the Order to police officers and members of the police support staff.

## **Article 80**

### **Regulations and orders**

The Secretary of State is empowered to make regulations in relation to how the Chief Constable carries out his duties under the Order or how the Order is to be put into effect.

## **Article 81**

### **Saving and transitional provisions**

1 Article 81 (1) exempts from the provisions of the Order – including certificate controls under Article 3 and the requirements for authorisation of prohibited weapons under Article 45 – any antique firearm which is sold, transferred, purchased, acquired or possessed as “a curiosity or ornament”. The word “antique” is not defined in the Order and it is for the Chief Constable and the courts to consider cases on their merits. However, the categories mentioned below should be used as a guide in deciding whether a particular firearm might be considered to be an antique for these purposes.

2 The Northern Ireland Office takes the view that this term should be taken to cover those firearms which are of such a vintage and design that their possession does not pose a danger to public safety. Those firearms, which are commonly used in crime, should remain subject to certificate control, irrespective of age.

3 It remains the case that where an antique firearm is possessed for any other purpose than as a curiosity or ornament, all the provisions of the Order will continue to apply, including those relating to certificate requirements. The intent to fire the firearm concerned, even with a blank charge or ammunition (for example for the purposes of historical re-enactment), would take it beyond the terms curiosity or ornament. This does not preclude the possession of such firearms **on certificate** for the purposes of collection and occasional firing. In the case of such firearms, which might otherwise be covered by Article 81 but where the owner wishes to fire them for test,

research, re-enactment, target shooting or competition purposes, no test of frequency of use should be applied. The primary reason for possession may be collection and the owner may reasonably not wish to subject such a firearm to the wear and tear of regular use. An antique may therefore be included on or removed from a certificate, as the case might be, from time to time or where there is a change of ownership. A signed statement of intent should be sufficient to effect the necessary change of status when required. A variation fee would be payable where an antique is included on a certificate to allow it to be fired.

4 The person in possession of a particular firearm should be able to demonstrate to the satisfaction of the Chief Constable that it can be treated as an antique for the purposes of Article 81, although it would be for the prosecution to prove otherwise in the event of the matter coming to court. Evidence of antique status may include an indication of date of manufacture, details of technical obsolescence, a lack of commercial availability of suitable ammunition or a written opinion by an accredited expert.

#### **Old firearms which should benefit from exemption as antiques**

5 Pre- 1939 firearms that would benefit from exemption as antiques are as follows -

- (a) all muzzle-loading firearms;
- (b) breech-loading firearms capable of discharging a rimfire cartridge other than 4mm, .22 inch or .23 inch (or their metric equivalents), 6mm or 9mm rimfire;
- (c) breech-loading firearms using ignition systems other than rimfire and centrefire (these include pin-fire and needle-fire ignition systems, as well as the more obscure lip-fire, cup-primed, teat-fire and base-fire systems);
- (d) breech-loading centrefire firearms originally chambered for one of the obsolete cartridges listed in Appendix 4 and which retain their original chambering;
- (e) shotguns and punt guns chambered for the following cartridges (expressed in imperial measurements): 32 bore, 24 bore, 14 bore, 10 bore ( $2\frac{5}{8}$  and  $2\frac{7}{8}$  inch only), 8 bore, 4 bore, 3 bore, 2 bore,  $1\frac{1}{8}$  bore,  $1\frac{1}{4}$  bore and  $1\frac{1}{2}$  bore, and vintage punt guns and shotguns with bores greater than 10. It also includes vintage (pre – 1939) rifles in these bores.

Note (i) The exemption does not apply to ammunition and the possession of live ammunition suitable for use with an otherwise antique firearm may indicate that the firearm is not possessed as a curiosity or ornament.

Note (ii) The exemption does not apply to firearms of modern manufacture which otherwise conform to the description above. For these purposes, “modern manufacture” should be taken to mean manufacture after the outbreak of the Second World War in 1939. Fully working modern firing replicas of muzzle-loading and breech-loading firearms, for example those used to fire blanks by historical re-enactment societies but capable of firing live ammunition, must be held on certificate. These include replica pieces of ordnance that are to be fired; some replicas have been produced with a true bore size of just under 2 inches but with significant counter-boring at the muzzle to preserve the necessary appearance of external authenticity.

### **Old firearms which should not benefit from exemption as antiques**

**6** Old firearms that should not benefit from exemption as antiques are set out below. This list is not exhaustive and there may be other types and calibres of firearms that should be considered “modern” rather than “antique”:

- (a) shotguns and smooth-bore guns, including shot pistols chambered for standard shotgun cartridges, .22 inch, .23 inch, 6mm and 9mm rimfire cartridges;
- (b) rifles and handguns chambered for 4mm, 5mm, .22 inch, .23 inch, 6mm or 9mm rimfire ammunition;
- (c) revolvers, single-shot pistols and self-loading pistols which are chambered for, and will accept, centrefire cartridges for the type .25, .30, .32, .38, .380, .44, .45, .450 and .476 inch or their metric equivalents including 6.35mm, 7.62mm, 7.63mm, 7.65mm, 8mm and 9mm, unless otherwise specified in the list in Appendix 4;
- (d) modern reproduction firearms or old firearms which have been modified to allow the use of shotgun cartridges or cartridges not listed in Appendix 4;
- (e) extensively modified firearms;
- (f) signalling pistols chambered for 1 and 1 ½ inch cartridges or 26.5/27mm cartridges;
- (g) pump-action and self-loading centrefire rifles, except those examples originally chambered for one of the obsolete cartridges listed in Appendix 4 and retaining that original chambering, may benefit from exemption as antiques under Article 81 (1).

### **Transitional provisions**

**7** The transitional provisions mentioned in Article 80(3) are particularly intended to allow the Chief Constable to make efficient, effective and economical administrative arrangements for the transition from 3 year to 5 year firearm certificates.

## **Article 82**

### **Amendments and repeals**

This Article provides for the consequential amendments and repeals described in Schedules 7 and 8 respectively.

All the firearms legislation prior to the 2004 Order has been repealed with the exception of regulation 9 of the Firearms (Northern Ireland) Order 1981 (Amendment) Regulations (Northern Ireland) 1992, which removes any obligation as to confidentiality or secrecy with regard to the

disclosure of information which is required by the European directive on the control of the acquisition and possession of weapons. (See also the guidance on Article 19.)

## SCHEDULE 1

### FIREARM CERTIFICATE EXEMPTIONS

#### 1 Firearms Dealers

- i. This exemption covers purchase, acquisition or possession of firearms and ammunition in the ordinary course of a dealer's business anywhere in Northern Ireland and extends to a dealer's employees. There is no legal definition of "employee" but it is important to note that a letter of authority does not automatically make someone an employee for those purposes. A firearms dealer must have a firearm certificate for any firearm he possesses for his personal use.
- ii. Firearms dealers are **not** exempt from the requirement to have the Secretary of State's authority in respect of any prohibited weapon or prohibited ammunition which they may possess.
- iii. A dealer's customers are also exempted from the need of a firearm certificate when handling a firearm under his or an employee's supervision in the ordinary course of the dealer's business. The exemption will also enable the customer to receive instruction in the safe handling of any firearm he purchases.

In the interest of public safety the firearm dealer will provide instruction to any person who has little or no shooting experience or who is unfamiliar with the firearms in question. In particular the dealer will ensure that the customer is able to –

1. pick up the firearm with an awareness of "safe direction", "dangerous space" and general safe handling;
2. prove the firearm is unloaded and safely hand it to or take it from another person;
3. carry out a basic firearm function check, including the correct operation of the safety catch or other safety features;
4. load and unload the firearm;
5. make the firearm ready to fire;

6. make the firearm safe;
7. carry out necessary remedial action in the event of the firearm misfiring or jamming;
8. strip the firearm down for cleaning and re-assemble it

## 2 Auctioneers, carriers and warehousemen

- i. This exemption is limited to possession in the ordinary course of the business of the auctioneer, carrier or warehouseman. However, to sell firearms and ammunition by auction, expose them for sale by auction or have them in his possession for sale by auction, an auctioneer still requires a permit issued by the Chief Constable. When auctioneers are selling firearms or ammunition they should ensure that the persons purchasing the items either have the relevant certificate or permit, or are able to show that they are exempt from the requirement for such a certificate or permit.
- ii. An auctioneer, carrier or warehouseman must take reasonable precautions for the safe custody of the firearms or ammunition in his or his employees' possession in the course of his business. The loss or theft of any such firearm or ammunition must be reported to the police immediately.
- iii. Auctioneers, carriers or warehousemen are **not** exempt from the requirement to have the Secretary of State's authority in respect of any prohibited weapon or prohibited ammunition which they may possess, whether in the ordinary course of business or otherwise. "Possession" does not simply relate to physical possession and a person exercising direction and control over prohibited weapons might also be said to be in possession of them

## 3 Slaughtering of animals

- i. Persons licensed under the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 may possess a slaughtering instrument and ammunition for it without a certificate in any slaughterhouse or knacker's yard in which they are employed. Furthermore, the proprietor of a slaughterhouse or knacker's yard may, without holding a certificate, possess a slaughtering instrument and ammunition for it when he is storing them in safe custody at the premises. This applies equally to a person appointed by the proprietor to take charge of slaughtering instruments and ammunition for storage. Possession of a slaughtering instrument away from such locations will require a firearm certificate. **Purchase or acquisition** of a slaughtering instrument or ammunition will require a certificate (but see the guidance on Article 75 as to the grant of free certificates).
- ii. Butchers may sometimes find it necessary to hire or borrow a slaughtering instrument for the purpose of their business, for example when their own instrument needs repair and they must apply for a variation of their firearm certificate on such occasions.
- iii. This is also the requirement when butchers or others, who hold, or are entitled to hold, a free certificate in respect of a slaughtering instrument, satisfy the Chief Constable that they may need occasionally to hire or borrow an additional instrument to enable them to carry on their

work when their own instrument needs attention or repair. The person providing the hired or borrowed instrument must complete the appropriate table on the borrower's certificate and notify the transaction to the Chief Constable in accordance with Article 40.

#### 4 Equipment for ships and aircraft

i. A certificate is not required to authorise the **possession** of firearms and ammunition on board ship as part of the ship's equipment. A certificate is, however, required to **purchase or acquire** them. Under paragraph 4(3) of Schedule 1 the Chief Constable may issue a permit authorising the removal of a firearm to or from a ship for any purpose specified in the permit. There is no legal definition of what constitutes a "ship" but in the absence of a Court ruling it is taken to mean a vessel designed to be ocean-going rather than one for travel on inland waterways.

ii. Article 4 of the Hovercraft (Application of Enactments) Order 1972, taken in conjunction with Schedule 1 to the Order, provides, amongst other things, that any reference in the Order in whatever terms to ships, vessels, boats or activities or places connected with them includes a reference to hovercraft or activities or places connected with hovercraft.

iii. Paragraph 4(2)(a) of Schedule 1 applies to the possession of signalling apparatus (for example, a Verey pistol) and ammunition for it (but not to other types of firearms and ammunition) which are required as part of the equipment of an aircraft or an aerodrome. Paragraph 1(2)(b) provides for such apparatus and ammunition, which are part of the equipment of aircraft, to be stored in safe custody at an aerodrome and to be removed between the place of storage and the aircraft, or from one aircraft to another at an aerodrome, without the requirement for a certificate or permit.

iv. A permit may be issued under paragraph 4(3)(b) to cover any other case of removal of signalling apparatus.

v. A firearm certificate is necessary to authorise the **purchase or acquisition** of signalling apparatus and ammunition for it but this may be issued free of charge in accordance with Article 75(6)(a) and (b).

vi. There are two main types of firearm used for bird scaring, a necessary safety measure at airfields: a firearm designed as signalling apparatus and modified accordingly (for example, a modified Verey pistol) or a purpose-made firearm, almost without exception 12-bore. Persons wishing to purchase or acquire firearms designed as signalling apparatus can also benefit from the provisions in Article 75 (6) in that no fee is payable where the certificate relates solely to signalling apparatus which the applicant requires as part of the equipment of the aerodrome. The certificate should, however, be conditioned to the effect that the firearm should be used only for signalling purposes and bird scaring. Firearms specifically designed for bird scaring and used for that purpose (rather than for signalling as part of the equipment of an aircraft or aerodrome), attract a fee when held on certificate.

#### 5 Sporting purposes

A person may, without holding a firearm certificate, carry a firearm or ammunition belonging to another person who holds a certificate for it and for that person's use and under the instruction of that person. The exemption is for sporting purposes only. The exemption does not permit the bearer to use the firearm. The Courts have found that there is a limit to this exemption and that it does not extend, for example, to a chauffeur driving from one town to another, in which instance a certificate or permit would be required.

## 6 Athletics meetings, etc.

i. This paragraph allows a person to possess, without a firearm certificate, a firearm at an athletics meeting for the purpose of controlling races. A person wishing to **purchase or acquire** a firearm for such purposes will require a certificate. The exemption does not extend to ammunition but blank ammunition not exceeding one inch in diameter may be held. See Appendix 3 about establishing good reason.

ii. A person wishing to possess the small starting cannon used by yacht clubs must have a firearm certificate.

## 7 Firearms Clubs

Members of a firearms club authorised by the Chief Constable may, without holding firearm certificates, have in their possession firearms and ammunition when engaged as members in, or in connection with, target shooting. The firearms need not be club firearms and it is lawful for a member to possess temporarily a firearm belonging to another person for target shooting as a member of a club. Members may not purchase or acquire firearms or ammunition unless they have been granted firearm certificates and the exemption does not cover the use of firearms for purposes other than target shooting. In the case of *R v Wilson (1989)* the court held that possession of firearms and ammunition must only be in connection with the club's activities and the Article does not give members a wider authority.

## 8 Recreational facilities

A person may without holding a firearm certificate hire or borrow an air gun of kinetic energy in excess of one joule and in the case of -

- (i) a pistol, of not more than 8.13 joules (6-foot pounds); or
- (ii) any other air gun, of not more than 16.27 joules (12-foot pounds)

at a miniature rifle range, shooting gallery or a facility for combat games (paintball), providing that the operator holds a firearm certificate for the air gun. In the case of combat games the exemption only applies to persons aged 16 years or more.



## **Combat Games**

Before granting a firearm certificate to a person authorising him to purchase or acquire paintball guns for commercial use, the Chief Constable will expect the site for the activities to be such as to minimise the risk of injury to members of the public, including the participants. He will take account of the following matters –

### **Site Security**

There must be adequate controls to prevent non-participating members of the public entering the site. To this end the following will be important factors –

- ◆ The number of entrances;
- ◆ Ease of public access;
- ◆ Proximity to roads, car parks and other public thoroughfares;
- ◆ Proximity to housing developments, schools or other public places.

An ordinance survey map of a suitable scale together with an accurate sketch plan showing the extent of the site, participant access routes and playing and safe areas must accompany the application.

### **Playing and safe areas within the site**

There must be adequate precautions taken to differentiate between playing and safe areas. The following are important provisions –

- ◆ The site must have a designated “safe area” where players can assemble without the need of protective equipment before and after play. It must -
  - (a) have a no shooting rule
  - (b) have a “barrel plug” rule requiring the barrels of the firearms to be plugged to prevent negligent discharges.
  - (c) be situated some distance from the field of play or at the very least separated by a physical barrier (eg. fine mesh netting).

## Other Issues

- ◆ All players must be provided with appropriate protective equipment for use in the playing area, particularly face and head protection specifically designed for paintball games. (*cover to include the rear of the head and neck*)
- ◆ Safety rules governing the control of the site must be drawn up by the promoters/owners and be acceptable to the police and;
- ◆ a copy should accompany the firearm certificate application;
- ◆ A copy of the rules must be prominently displayed for the information of all participants;
- ◆ Operators of such a facility must have appropriate public liability insurance;
- ◆ For realism some games may wish to make use of pyrotechnics and other explosive materials and that may require the consent of PSNI's Firearms and Explosives Branch. Contact should be maintained with the local Explosives Inspector;
- ◆ There may be a requirement to obtain a licence from the local council to operate a place of public entertainment;
- ◆ All paintball guns must be held either on the firearm certificate of the operator of the facility or the user;
- ◆ No automatic paintball guns will be authorised;
- ◆ Players cannot use paintball guns belonging to a firearm certificate holder other than the operator of the facility;
- ◆ Sites must have a properly functioning chronograph to ensure that the air guns do not exceed the maximum discharge energy
- ◆ When not in use all firearms must be securely stored to prevent unauthorised access. Security standards will be dependent on the number of air guns held. The Firearms Enquiry Officer can provide advice on this .

## 9 Air guns and ammunition

- i. Air guns which discharge ammunition so that it has a kinetic energy of one joule or less may be possessed, purchased or acquired, without a firearm certificate. Air gun ammunition may be possessed, purchased and acquired without a certificate.

ii. A person must have reached the age of 14 years to have such an air gun in his possession. If he is younger than that, he must be under the supervision of someone aged at least 21 years. He can only **purchase** such an airgun, if he has reached the age of 17 years

## 10 Rifles

i. A person of at least 18 years may borrow a rifle from the occupier of private premises (which includes any lands) and use it on those premises in the presence of the occupier or his employee or representative. The Order does not define the term “occupier” nor has a court clarified its meaning. However, the definition contained in the Wildlife (Northern Ireland) Order 1985 may be adopted as a general guide. That is that “occupier includes any person having any right of hunting, shooting or taking of game or fish”. The occupier must hold a firearm certificate for the rifle and the borrower must comply with its conditions regarding borrowing and use. He may also purchase or acquire ammunition for use with the rifle which should not exceed the quantity which the certificate holder is authorised to have in his possession at that time.

ii. The effect of the provision is to permit a person of 18 years or more to borrow and use a rifle on a private estate, principally for the purposes of deerstalking, without the requirement of a firearm certificate.

## 11 Shotguns

1. Paragraph 11 provides for a **person of 18 years or over**, without holding a firearm certificate, to borrow and use shotguns in certain circumstances. There is a degree of overlap between sub-paragraphs (1) and (2) which means that some activities may be provided under either (1) or (2).

The intention is that they will provide for the following –

### Paragraph 11(1)

2. A person, without holding a firearm certificate, may borrow a shotgun **from the occupier of private premises/lands** (as described in paragraph 10 above) and **use it in the occupier’s presence**. He also has a responsibility of care to ensure that the use of firearms on the premises/lands does not endanger anyone. In cases of doubt as to the status of an occupier the Chief Constable may wish to seek legal advice. The presence of the occupier is normally taken to mean within sight and earshot of the person borrowing the shotgun.

3. The main purpose of the provision is to allow the occupier to lend shotguns for the purposes of shooting game, pests, etc, but does not preclude clay pigeon shooting. The majority of clay pigeon shoots (including corporate entertainment) however, will be facilitated under 11(2).

### Paragraph 11(2)

4. A person, without holding a firearm certificate, may use a shotgun at a time and place approved by the Chief Constable for shooting at artificial targets. This allows the owner of an established shooting ground to provide for a person, who does not have a certificate, to use

shotguns for clay pigeon shooting. The Chief Constable's approval is required and this can be for a one-off event or an ongoing facility. In the case of the latter the Order does not stipulate a maximum duration for the approval but leaves it to the Chief Constable's discretion. As a rule it would not extend beyond 12 months after which a fresh application would be required.

5. Other one-off events such as country fairs or charity events may be approved under this provision. The owners of hotels with suitable grounds who wish to provide clay pigeon shooting for guests may also be facilitated.

6. There is a responsibility of care on the organisers of these events and the Chief Constable will wish to satisfy himself that they are properly conducted and supervised and that there is no risk to public safety. In granting his approval the Chief Constable should advise the organisers that they are responsible for ensuring, so far as is practicable, that all reasonable precautions are taken for the safety of the participants, spectators and anyone else in the area. Providers of corporate entertainment will have additional responsibilities under the Health and Safety at Work (Northern Ireland) Order 1978.

## 12 Theatre and Cinema

i. A person may, while taking part in a theatrical performance or rehearsal or in the production of a film, **possess** a firearm without holding a firearm certificate. This may be taken to apply equally to television productions. The Article does not, however, authorise the **purchase or acquisition**, without a certificate, of a firearm for such purposes.

ii. Theatrical, television or film producers who wish to acquire firearms for the purpose of their production must obtain certificates. In such cases the fact that the firearm will be handed to and carried by actors in the production will as a rule justify the addition of special conditions to the firearm certificate.

iii. It may be desirable to make it clear on the firearm certificate that the firearms specified may be hired only once unless second or subsequent hirings are authorised by specific variations of the certificate. .

iv. Article 37(7) enables a producer to part with the possession of firearms to the persons taking part in the performance or production.

v. The exemption in Paragraph 12 does not extend to the possession of ammunition. In view of the exemption for blank cartridges not exceeding one inch in diameter, it is not an offence for persons taking part in a theatrical or television performance or rehearsal or the production of films to use such blank cartridges without a firearm certificate. Explosives legislation covers blank cartridges and the local police Explosives Inspector can advise on their acquisition. A firearm certificate authorising the acquisition of firearms for the purposes specified in paragraph 12(1) and (2), should not normally authorise the acquisition or possession of ammunition. In the absence of any relevant Court rulings, the Chief Constable should consider any applications on their individual merits and be mindful of the need for consistent administration of the Order. There might be value in distinguishing between **historical plays** and presentations, where there are costumed characters in a public presentation for which firearms and blank ammunition may be needed as props and where there are some form of script and rehearsals, **and battle re-enactment**, where it would be more likely that the exemption would not apply. Paragraph 12(1)

does not extend to prohibited weapons. However, under paragraph 12(3), the Secretary of State may authorise a person in charge of a theatrical or television performance or rehearsal or the production of films to possess weapons prohibited under Article 45 and he may also authorise selected other persons to have possession of those weapons while taking part in the performance, rehearsal or production.

## SCHEDULE 2

### MUSEUM FIREARMS LICENCES

**1** A museum firearms licence permits the persons responsible for the management of the museum and museum employees -

- (a) to possess, purchase or acquire for the purposes of the museum, firearms and ammunition which are, or are to be, normally kept or exhibited on the museum premises (or those that are specified in the licence), without holding a firearm certificate; and
- (b) where the licence so provides, to possess, purchase or acquire prohibited weapons and prohibited ammunition for these purposes without having to seek separately the authority of the Secretary of State under Article 45.

**2** A museum firearms licence may be granted to any museum or similar institution which -

- (a) has as its purpose, or one of its purposes, the preservation for the public benefit of a collection of historic, artistic or scientific interest which includes or is to include firearms: and
- (b) which is maintained, **wholly or mainly**, out of money provided by Parliament or a local authority: or

**3** A museum firearms licence cannot be granted to a non-registered, privately funded museum. Nor can it be granted for the purpose of a private collection, whether such a collection is for the public benefit or otherwise. **In such cases, the grant of a firearm certificate should be considered.** A museum firearms licence does not provide for the disposal or transfer, temporary or otherwise, of prohibited weapons or ammunition to which it may relate. A separate application must be made to the Secretary of State for authority under Article 45.

**4** In most cases the publicly funded nature of a museum will be self-evident but where doubt arises the Secretary of State will make enquiries of the museum authorities. Additionally enquiries

may be made to The Director of the Northern Ireland Museums Council at the address in Appendix 1.

**5** In Northern Ireland the Secretary of State is the issuing authority for museum firearms licences. An application by a museum must initially be made in writing to the Northern Ireland Office, Firearms and Explosives Branch, at the address given in the Introduction to this Guidance.

**6** The Secretary of State cannot grant a museum firearms licence unless he is satisfied, after consultation with the Chief Constable, that the arrangements for keeping and exhibiting the firearms will not endanger public safety or the peace. When the Northern Ireland Office receives an application it will request the Chief Constable to verify that there are proper arrangements to ensure the safe custody of the firearms and/or ammunition.

**7** Usually, the Northern Ireland Office will ask the Chief Constable to inspect the museum premises and to provide a report. These inspections and reports should only cover arrangements for safe custody and not deal with the condition or physical state of exhibits, which are entirely a matter for the museum authorities. Where a museum has its own security staff, they should be consulted.

**8** The Secretary of State may attach conditions to the museum firearms licence relating to the safe custody of the firearms and ammunition in question. The Chief Constable's report should, therefore, include any recommendations which he wishes to make in this regard.

**9** A licence may be granted for all or some of the museum's buildings. Should the museum have a number of separate buildings but keep or display its firearms in only one of them, the licence will normally relate to it only. The report should, therefore, make clear which premises the museum wishes to use for this purpose and the security inspection need relate only to them.

**10** The Northern Ireland Office will inform the museum of whether the Secretary of State has granted the licence in principle and of the appropriate fee (see Schedule 6). The museum will then be asked to pay it to the Northern Ireland Office's Firearms and Explosives Branch. The licence will be issued to the museum and copied to the Chief Constable.

**11** A museum firearms licence is valid for a period of five years, unless it is revoked or cancelled before then.

**12** The Secretary of State is empowered to vary by notice in writing -

- (a) the conditions attached to the licence; and
- (b) the licence in respect of the premises to which it applies.

A notice under this Article may require the persons responsible for the management of the museum to return the licence to the Secretary of State within 21 days so that it may be amended in accordance with the variation.

**13** A variation may arise from a request by the museum or from new circumstances that come to light. For example, the museum may wish to use additional premises for the storage or display

of firearms. In that case it should apply in writing to the Northern Ireland Office, who may then ask the police to undertake an additional security inspection. Alternatively, circumstances may come to police notice which suggest that an additional condition to ensure safe keeping should be attached to the licence or that security arrangements for particular premises are no longer suitable. In such a case the Chief Constable should submit a full report on the circumstances with his recommendation. Where difficulties arise, every effort will be made to resolve them in consultation with the museum authorities.

**14** Where the Secretary of State grants a museum's request to extend the licence to additional premises, the licence will be issued on receipt of the appropriate fee (see Schedule 6).

**15** The Secretary of State is empowered to revoke a licence by notice in writing to the persons responsible for the management of a museum if -

- (a) after consultation with the Chief Constable, he is satisfied that the continuation of the exemption afforded by the licence would result in a danger to public safety or the peace; or
- (b) the persons responsible for the management of the museum, or any employee of theirs, has been convicted of an offence under the Order; or
- (c) the persons responsible for the management of the museum have failed to comply with a notice under Schedule 2, paragraph 3(2) requiring them to return the licence to the Secretary of State.

**16** Should the police become aware of anything, which indicates that the continuation of a licence may give rise to a danger to public safety, they should report it to the Northern Ireland Office. Where a problem arises over security arrangements, the museum authorities should be approached in the first instance with a view to resolving it.

**17** A conviction, as mentioned at 15(b) above, need not of itself lead to revocation. The Secretary of State will wish to take account of the circumstances surrounding the offence(s), the position in the organisation of the offender and the response of the museum authorities.

**18** Where the Secretary of State revokes a licence, he will require, by notice in writing, the licence to be surrendered to him. It is an offence not to comply.

**19** It is an offence –

- (a) for a person to make any statement which he knows to be false for the purpose of the grant, renewal or variation of a licence; and
- (b) for any of the persons responsible for the management of the museum to fail to comply with or to cause or permit another person to fail to comply with any condition specified in the museum licence.

**20** Schedule 2, paragraph 5(3) provides a defence of due diligence against a charge under 19(b). Under paragraph 5(2) where an offence committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person

who was purporting to act in any such capacity, he, as well as the body corporate, will be guilty of that offence and be liable to be prosecuted and punished accordingly. References to the persons responsible for the management of the museum are to the Board of Trustees, the governing body or any other person exercising corresponding functions of management.



**APPENDIX 1****CONTACT DETAILS FOR ORGANISATIONS****REFERRED TO IN THE GUIDANCE****The Association of Chief Police Officers**

25 Victoria Street  
London  
SW1H 0EX

**Forensic Science Northern Ireland**

151 Belfast Road  
Carrickfergus  
Co Antrim  
BT38 8PL

**Chief Constable**

Command Secretariat  
PSNI HQ  
Brooklyn  
Knock Road  
Belfast  
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**Health and Safety Executive (NI)**

83 Ladas Drive  
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**Department of Agriculture and Rural  
Development**

Corporate Services  
Room 34  
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**HM Customs and Excise (NI)**

Custom House Square  
Belfast  
BT1 3ET

**Home Office**

Public Order & Crime Issues Unit  
Firearms Section  
5<sup>th</sup> Floor  
50 Queen Anne's Gate  
London  
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**Environment and Heritage Service**

Commonwealth House  
35 Castle Street  
Belfast  
BT1 1GU

**Humane Slaughter Association**

The Old School  
Brewhouse Hill  
Wheathampstead  
Herts  
AL4 8AN

**Foreign and Commonwealth Office,  
International Organisations Section,  
Protocol Division**

Old Admiralty Building  
London  
SW1A 2PA

**The Northern Ireland Museums Council**

66 Donegal Pass  
Belfast  
BT7 1BU

**Department for Culture, Media and Sport**

2-4 Cockspur Street  
London  
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**Weapons and Explosives Research Centre (WERC) PSNI**

151 Belfast Road  
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## APPENDIX 2 (Articles 5 and 9)

### FITNESS TO BE ENTRUSTED WITH A FIREARM

1 This Appendix offers guidance on how the Chief Constable may assess a person's fitness to be entrusted with a firearm as he is required to do by Article 5. It is without prejudice to what a Court may decide constitutes fitness and contains a list of factors which are **not** intended to be exhaustive or prescriptive.

#### Assessing fitness

2 The Chief Constable should, when considering an application for, or the revocation of, a firearm certificate, take into account the following factors -

#### Prohibited persons and others known to have, or suspected of having, criminal involvement

3 The guidance on Article 63 describes restrictions on the possession of firearms by certain categories of persons convicted of crimes and given custodial sentences, including suspended sentences.

4 The Chief Constable will consider any previous convictions or cautions of persons who do not fall within the provisions of Article 63 and, in particular, any conviction, which involves the use of a firearm, violence, dishonesty or a disregard for public safety. Cautions for offences such as a failure to comply with conditions of a firearm certificate (taking account of the seriousness of the breach will cause concern). The Chief Constable will be aware of the judgements in the following cases. Although they were decided on their particular conditions, they offer broad guidance that may be applicable to other cases -

- (a) *Dabek v Chief Constable of Devon and Cornwall (1991)*, where the court ruled that a woman of good character should not possess a firearm where her husband had two old drug convictions but still associated with drug users;
- (b) *Chief Constable of Essex v Germain (1991)*, where the court ruled that a chief officer was entitled, in revoking a shotgun certificate, to take into account the certificate holder's drink driving convictions. The court considered that this demonstrated irresponsibility and lack of self-control and justified the chief officer believing there was a future risk to the peace involving the shotgun; and
- (c) *Spencer-Stewart v Chief Constable of Kent (1989)*, where the court ruled that the certificate holder's conviction for handling stolen goods did not indicate any future risk in relation to possession of a shotgun and that the revocation of the certificate was not justified.

- (d) *Judicial Review – Tennyson (2001)*, where the Court of Appeal in Northern Ireland held that the blatant disregard of simple rules and regulations in other aspects of life as demonstrated by the applicant's criminal record could be sufficient reason to consider the applicant unfit to possess a firearm.
- (e) *Firearms appeal by Paul Dugdale (at Preston Crown Court 2001)*, where the court ruled that hearsay evidence was admissible when considering a firearm application.
- (f) *Judicial Review – Chalmers Brown (2002)*, where the High Court in Northern Ireland ruled that only those in whom there can be full confidence as to their fitness to hold a firearm certificate should be granted one.

**5** Criminal intelligence in relation to the applicant should be assessed with particular regard to alleged or known involvement in criminal offences, particularly those involving the use or threat of violence or firearms or evidence of association with known criminals.

**6** When an applicant is a foreign national or has lived several years overseas the enquiries should be made with the authorities of the country concerned through Interpol as to whether the applicant has a criminal record overseas that would have a bearing on his fitness. This includes applicants from overseas who have been granted British citizenship.

### **Intemperate habits**

**7** Factors for consideration include evidence of -

- (a) alcohol or drug abuse that may indicate that a person is unfit to possess a firearm due to the possible impairment of judgement and loss of self-control. The relevant case law here is "*Luke v Little*" (1980) and "*Chief Constable of Essex v Germain*" (1991). Usually, it will be a pattern of behaviour that causes concern but there may also be cases where one-off incidents will bring into question a person's fitness to possess firearms. In the case of "*Lubbock v Chief Constable of Lothian and Borders*" (2001) the Sheriff ruled that the revocation of a firearm and shotgun certificate following one isolated drink driving incident was justified given the person's general attitude towards the offence;
- (b) aggressive or anti-social behaviour which may include domestic disputes or evidence of hostility likely to lead to violent acts against particular groups categorised by, for example, race, gender, sexual orientation, religion or class; or
- (c) disturbing and unusual behaviour of a kind which gives rise to well-founded fears about the future misuse of firearms. A pattern of abuse should generally be regarded more seriously than a single incident, although isolated incidents should not be disregarded in the assessment.

### **Unsound mind**

**8** This is a particularly difficult and sensitive area and it is not possible to provide a definition that covers every eventuality. It is impractical for a psychiatric assessment to be conducted on

every applicant's fitness to possess firearms. However, the Chief Constable should be alert to cases in which a General Practitioner's report reveals that an applicant has exhibited, or is exhibiting, signs of depression, suicidal tendencies, long-standing or intermittent periods of either emotional instability or unpredictable behaviour. The Chief Constable should also be alert to any of these signs exhibited by existing certificate holders. This would include persons who had been detained under the civil powers of the Mental Health (Northern Ireland) Order 1986 on the basis of their behaviour posing a risk to the public. Particular attention should be paid to anyone who has previously been subject to a hospital order, guardianship order or restriction order under the provisions of the Mental Health Act following the commission of offences. Although there is no correlation between periods of imprisonment and periods of detention under the Mental Health Act, it is important to examine the nature of the offences and the period of the order in these situations.

9 It is important to remember that simply because a person has received treatment in the past for certain illnesses or conditions, such as depression or stress, it does not automatically follow that he is unfit to possess a firearm. It is simply one of the factors to be considered with all other evidence relating to the applicant's character and history. In such cases, account should be taken of the latest medical opinion.

### **Safe-keeping and handling of firearms**

10 Consideration should include any evidence that unauthorised persons, such as family members or associates, who may themselves present a danger to public safety, might have access to the firearms, notwithstanding any arrangements for their security which may have already been made. Any history of serious incidents involving firearms, including their loss, or a careless approach to the handling of other potentially dangerous items, should also receive close consideration. Where the latter exists, the police should consider the likelihood of repetition.

### **Co-operation with the licensing authority**

11 The following examples may indicate that a person has not complied with the need to co-operate -

- (a) the making of abusive or threatening phone calls to the staff of PSNI's Firearms and Explosives Branch;
- (b) refusal to permit a police officer to inspect firearms or security provisions. The relevant case law here is "*Bianchi v Chief Constable of Northumbria*" (1998); or
- (c) failures to respond to requests for information or to reply to correspondence. The case of *Morris v Chief Constable of South Wales Police* (1999) is relevant. There might be genuine reasons for a failure to respond to requests for information, or to reply to correspondence. For example, illness, particular family circumstances or extended absence overseas. Such failures should not necessarily be taken to indicate a lack of co-operation with the licensing authority.

12 Care should be taken to ensure that reasonable complaints about delays or inappropriate handling of a case are not categorised as a failure to co-operate, or perceived by potential

complainants as being so categorised. Where the police consider that a person's actions have brought him within the above paragraphs but where they have decided that his application for a certificate should not be refused, or that his current certificate should not be revoked, the person should receive a warning in writing that further examples of such actions may lead to future applications being refused or existing certificates being revoked. Such a procedure ensures that, where the reasons for refusal or revocation are based on **persistent** failures, adequate records exist of them. It also ensures that the person has been made aware how his behaviour has been interpreted, allowing him to alter it in future or complain at the time of the warning about the interpretation placed on it. If, in the light of the query or complaint, the police consider that the person's actions should not have been so interpreted, they should write and tell him.

### **Further information**

**13** Where the applicant has previous convictions, or where information has cast doubts on his fitness, the Chief Constable should consider whether to approach agencies likely to have had involvement with him, such as the probation service or social services. The Chief Constable should ensure that the reason for the enquiry is to ascertain whether there is any further evidence that the person would be unfit to possess a firearm. Where an applicant's reason for possessing the firearm is shooting on a farm or at a club, for example, the Chief Constable should also consider whether to seek additional information from persons such as the relevant farmer or club secretary who may have close knowledge of the applicant's character. Where this is considered necessary, care should be taken not to divulge information about the applicant which is of a sensitive or confidential nature.

**14** Where an applicant has declared on the application form that he has suffered from a mental or nervous disorder, including depression, and has given his consent to an approach being made to his General Practitioner (GP) or medical adviser, the GP should be asked in writing to provide factual details about the condition. The failure of a GP to provide such information should not in itself result in the refusal of an application. See also paragraphs 13 to 19 of the guidance on Article 4.

**15** Decisions on fitness should be made on an assessment of all the relevant information and on the individual merits of each case. Evidence of previous convictions or intemperate behaviour, for example, might not result in an automatic refusal if, for a significant period since the conviction, the applicant has led a law-abiding life and shown a capacity to be entrusted to possess a firearm .

## APPENDIX 3 (Articles 5, 9 and 11)

### GOOD REASON TO POSSESS A FIREARM

1 This Appendix sets out -

- the issues that the Chief Constable will wish to consider in assessing “good reason” in individual cases as he is required to do by Articles 5, 9 and 11; and
- advice on the more common good reasons that the Chief Constable would accept for the possession of particular firearms and ammunition.

2 Under Article 5 (2)(b) the Chief Constable may grant a firearm certificate if he is satisfied that the applicant has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made. Apart from assessing fitness to possess firearms, good reason is one of the most substantial and complex areas of discretion that the Chief Constable has in licensing firearms.

3 This guidance is **not** exhaustive and the Chief Constable may encounter cases not covered here but where he may properly judge that good reason is proven. He must judge each case on its own merits, being mindful of the need for consistent administration of the Order, the need to provide fair and equitable treatment to all applicants and the wider interests of public safety.

4 Apart from having a good reason in principle, an applicant’s reasons for owning firearms should be genuine and substantial. The Chief Constable should exercise caution in dealing with cases where the applicant presents a nominal reason for possessing firearms but may have ulterior motives. The police will make reasonable inquiries to verify the applicant’s good reason for the possession of firearms. This may include verification of the likelihood of the quarry species being present; the suitability of land for the firearms requested commensurate with the applicant’s experience; his authority to shoot on the land; and, in the case of target shooters, verification of club membership and shooting activities.

5 The acquisition of a firearm certificate, with the attendant privileges and responsibilities, should generally involve a genuine intent to acquire the firearm concerned and to use it regularly. Failure to do either (but see paragraphs 47 to 53 and 58 to 60 of this Appendix on firearms of historical importance, collections and trophies of war) may be cause for further inquiry as to the applicant’s intention.

6 Good reason should be neither confined to need nor equated with desire. Most firearm certificate holders possess firearms for reasons of their occupation, sport or recreation and may properly wish to exercise discretion as to what types of firearms they choose for these purposes. On the other hand, a simple wish to own a particular sort of firearm is not in itself good reason without further supporting evidence of intention. The Chief Constable should be mindful of case law (*Anderson v Neilans (1940)* and *Joy v Chief Constable of Dumfries and Galloway (1966)*) which suggests that he should consider the application firstly “from the standpoint of the applicant rather than from that of a possible objector”. Good reason will need to be demonstrated for **each** firearm sought and for their continued possession.

### **Quarry shooting, including shooting pest species and other shooting over land**

**7** “Quarry” is the general term for live animals (including birds) shot over land. Firearm certificate holders may wish to use firearms to shoot deer, game, pest or other quarry species. Calibres authorised should be powerful enough to ensure a clean kill of the quarry concerned. More information on quarry species and open seasons can be found in the Wildlife and Game Protection leaflet produced by Environment and Heritage Service and issued with all firearm certificates. A booklet entitled “The Wildlife Law and You” may also be obtained from EHS. In a shooting context, “land” includes woodland, moorland, heath, wetland, foreshore, field or open water.

**8** A person wishing to shoot over land should nominate in his application a specific area of land over which he intends to or has permission to shoot. In the case of shotguns and air guns this does not restrict his ability to shoot elsewhere where permission is also given. He will be required to provide written authority from the person entitled to grant the shooting rights. The land may then be inspected and approved by the police (if it is not already known to be suitable) in order to help to establish that the use of firearms and ammunition will not endanger public safety or the peace. (Article 5(1)) and that the good reason requirement has been met

**9** The named land need not be owned or rented by the applicant, nor need he have regular or automatic access to it. Farmers and landowners may allow shooters to shoot on their land, for payment or otherwise, on a formal or informal basis. An applicant need not always nominate a piece of land as evidence of good reason but in such cases he may be required to provide written evidence, for example, from a relevant organisation or a professional pest controller or of a booking to shoot.

**10** The good reason aspect is closely linked to the wider considerations of public safety. Land is not intrinsically “safe” or “unsafe” and any shooter will have to exercise a strong measure of discretion in deciding whether to shoot in particular circumstances. However, the police will wish to be satisfied as part of their consideration of his good reason that the land nominated is not clearly unsuitable for the types of firearms to be used. The land inspection is intended only as part of the process of verifying that a good reason exists. It should not normally be extended to other areas of land on which the applicant intends to shoot unless there is to be a condition restricting him to specified land only. An inspection, where it is required, may provide a good opportunity to confirm that the applicant understands the characteristics of the land and where he can shoot safely on it. Where an application for a firearm certificate requires a land inspection and one has not been undertaken in the past five years, the police may wish to conduct another one to ensure that circumstances have not changed significantly. The applicant’s knowledge of safe shooting is also very important and, where possible, he should be present when the inspection takes place. This will allow him the opportunity to confirm that he is aware of any potential hazards and the need for a safe backstop. Some of the issues that the police will need to consider in relation to all the circumstances of the application are -

- (a) the presence of rights of way, public roads and footpaths and their frequency of use;
- (b) the proximity of dwellings;
- (c) whether public access can be restricted;



- (d) the general topography of the land and the quarry species;
- (e) that there is no risk of shots straying beyond the boundaries of the designated area;
- (f) that backstops **must** comprise of soft earth. Conifer plantations, forests, woods, thickets or hedges are **never** a safe backstop;
- (g) that backstops should extend from base to crest in excess of 10 metres and in excess of 15 metres edge to edge;
- (h) whether a safe shot can be taken with the firearm in question on the designated land;
- (i) The existence of the quarry species identified in the application.

**11** Before the Chief Constable approves land over which shooting is to take place he will normally arrange for it to be inspected. It is preferable that the certificate holder is present to ensure that the correct land is inspected and to indicate the presence and location of the quarry.

**12** When land inspections are required, the knowledge of local shooters, stalkers, gamekeepers etc. may be sought. This is particularly important in cases of doubt. Decisions to refuse approval on public safety grounds will not be based solely on the assessment of a Firearms Enquiry Officer who may not have sufficient experience in such matters.

**13** Good reason to possess particular firearms will generally be linked to the quarry species found on the land concerned. However, conditions for the possession of such firearms should allow the certificate holder to deal with reasonable eventualities, for example pests or the humane destruction of injured animals.

Although birds are protected there are instances when it is lawful to shoot certain species. In these instances the good reason must be –

- to preserve public health
- to prevent serious agricultural damage
- to prevent the spread of disease

Paragraph 15 deals with the shooting of game for food and sport.

**14** Most rifle cartridges were designed for specific purposes but they may be suitable for various quarry. The table below sets out the range of calibres considered to be most appropriate for the quarry type shown. It should be used as a guide for the purpose of establishing good reason for a particular firearm. The list of calibres is not exhaustive and there may be circumstances where a person may feel that a different calibre may be more appropriate. In those instances the applicant should provide the Chief constable with all the relevant information. There may be occasions where it would be appropriate for someone to hold two similar firearms for the same purpose. For example, where he is required to use a firearm by his employer for

work related purposes and he wishes to hold a similar one for personal use.. It may on occasions be appropriate to use a larger calibre to shoot smaller quarry than those for which a firearm is held.

QUARRY/GOOD REASON	FIREARM/CARTRIDGE	MUZZLE ENERGY	
		(Joules)	(Foot pounds)
Small quarry – eg rats, hares, rabbits, grey squirrel, mink and similar sized quarry.	.177-.25 rifles .22 Rimfire	(>16) (136-458)	(>12) (100-338)
Medium size quarry – eg foxes, feral cats, and similar sized quarry	17 Remington .218 Bee .22 Hornet	(1085-1220) (813-1085) (881-949)	(800-900) (600-800) (650-700)
Large quarry – eg deer, feral goat, boar, and similar sized quarry	.243 6mm/.244 .25-06 6.5mm x 55/.256 .257 Weatherby .264 .270 7mm/.275 .284 .30-06 .303 7.62mmx51/.308 .444 Marlin .45-70	(2305-2710) (2439-2846) (2710-3252) (2439-3252) (3252-3930) (2168-3930) (3320-3659) (2981-3252) (3049-3794) (3523-4065) (2875-3252) (3252-3523) (3388-4065) (2168-3254)	(1700-2000) (1800-2100) (2000-2400) (1800-2400) (2400-2900) (1600-2900) (2450-2700) (2200-2400) (2250-2800) (2600-3000) (1900-2400) (2400-2600) (2500-3000) (1600-2400)
Dangerous game – eg lion, elephant, buffalo, bear and similar sized quarry	.338 .375 9.3 mm Mauser .416 .458 Win Mag	(5152-5423) (6101-6779) (4745-5288) (7864-8135) (3932-6643)	(3800-4000) (4500-5000) (3500-3900) (5800-6000) (2900-4900)

### Shooting small quarry species, including game and pests

**15** The term “game” covers certain birds and animals that may be shot for food and sport. Guidance as to which species may be shot by authorised persons and at which times of the year may be found in the Environment and Heritage Service leaflet “Wildlife and Game Protection” or obtained from the Service itself.

**16** The rifle cartridge most commonly used to shoot small quarry is .22 rimfire. If a combination rifle/shotgun is used, the rifle calibre should be .22 rimfire.

**17** Self-loading or semi-automatic weapons, defined in Article 3 (i)(b) of the Wildlife (Northern Ireland) Order 1985 as being capable of holding more than two cartridges in the magazine may not normally be used to shoot any bird. Exceptionally the Department of the Environment may issue licences to control pest species of bird (usually feral pigeons) using semi-automatic weapons.

**18** Air rifles in calibres from .177 to .25 are often used for pest control and for the shooting of small game when an applicant wishes to use a firearm less powerful than the .22 Rimfire. **Air pistols will not normally be permitted for this purpose.**

**19** The possession and use of shot pistols in calibres .410 and 9mm rimfire may be permitted for shooting pest species. This would be mainly for pest controllers who need to use them in buildings, farmyards and similar areas where use of a conventional shotgun would be inappropriate, for example fruit cages or near release pens.

**20** Those involved in shooting pests will normally be authorised to possess 500 rounds at any given time. However, larger allocations may be required in some circumstances, perhaps for persons who are responsible for pest control over large areas of land or where there are serious infestations, for example of rabbits. This quantity is only a guide and should not be seen as an absolute limit to be applied in all cases.

**21** The Chief Constable will be mindful that quarry species are migratory and applicants may not always be able to predict their presence on land on a consistent basis. Certificate conditions should, therefore, allow the applicant some flexibility in dealing with quarry species. However, where a particular quarry forms the basis of the applicant's good reason, its likely presence will need to be confirmed (see paragraph 11 of this Appendix).

## **Foxes**

**22** Generally the most appropriate rifle cartridges for shooting foxes are .218 Bee, .22 Hornet and .17 Remington though there is a wide range of suitable similar calibres commercially available. .22 Rimfire is generally too low-powered to be effective against foxes, except at short range, but may reasonably be permitted for use against them in certain circumstances. However, sole use against foxes would not normally be good reason to acquire one (see paragraph 14). Expanding ammunition may be authorised for shooting foxes. See also paragraph 13 on allowing applicants reasonable flexibility to shoot other species on named land.

**23** It is desirable that new applicants should have some previous experience of the safe use of firearms before using centrefire rifles.

## **Other animals**

**24** Authority may be requested to shoot animals other than the usual types of game or pests, for example feral goat. The type of rifle authorised should be appropriate to the quarry. For feral goats, DARDNI advises the use of a minimum calibre of .236 with a bullet weight of 100 grains to be humane. However, individual bullet weights should not be stipulated on certificates. Expanding ammunition may be authorised for this purpose.

**25** Hunting potentially dangerous animals with larger calibre rifles requires particular skill and applicants should generally have had experience of firearms. Applications should specify land and include a request or authority from the owner/occupier to shoot the species concerned.

**26** Fishing is carried out under licence from DARDNI and, where serious problems are caused by seals, the licence holder can apply to the Environment and Heritage Service (EHS) for permission to destroy them. After that, an application can be made to PSNI's Firearms and Explosives Branch for a firearm certificate. The calibres, muzzle velocities etc are the same for seals and deer.

## **Deer**

**27** The shooting of deer is governed by Articles 19 and 20 and Schedules 10 and 11 of the Wildlife (Northern Ireland) Order 1985. The Order requires that "soft nosed or hollow nosed" (expanding) ammunition, must be used. The Chief Constable requires that the appropriate District Command Unit should be informed 24 hours in advance of the shoot.

**28** Schedule 11 of the Wildlife Order prohibits the shooting of deer with any rifle having a calibre of less than .236 inches (6 millimetres). A cartridge with a muzzle energy less than 2305 joules (1700 foot pounds) is similarly prohibited. For the larger species of deer (Red, Sika and Fallow) .243 calibre is legal but .270 and larger calibres are generally more suitable, allowing a 130-150 grain bullet weight, a muzzle velocity of 2,450 feet per second and a muzzle energy of 2,750 foot pounds. For the smaller deer species (Roe, Muntjac and Chinese Water Deer) .243 calibre is more appropriate.

**29** An applicant who wishes to shoot deer should name land where a particular species is normally present and provide evidence of invitation, booking or authority to shoot. Many deer stalkers will rely on invitations to shoot on payment rather than be hired or paid to do so and may not be able to shoot regularly or frequently, though others may be permanently employed, for example Forest Service staff. Hunting large animals with powerful rifles requires particular skill and applicants should have completed a recognised deerstalking course.

**30** The Wildlife Order also authorises the use of smooth-bore guns of at least 12 bore, firing a non-spherical slug of at least 350 grains, to kill deer on cultivated land, pasture or enclosed woodland if the applicant can show that the deer are causing serious damage to crops, vegetables, fruit, growing timber or other property, that such damage was likely to continue and that that action was needed to prevent this. This provision is intended to allow farmers who own a shotgun but not a rifle to deal with such deer. Shotguns for use with solid slug should be cylinder bored and fitted with sights, if available. A suitable rifle would be more appropriate where there is an ongoing need to control deer. The purchase of solid slug ammunition a specific condition on the certificate. The Chief Constable will expect those who possess centrefire sporting rifles to have appropriate shooting insurance.

## **Overseas use**

**31** Persons going overseas may wish to hunt animals not found in this country and to acquire firearms for this purpose. These may include, for example, big game or dangerous game animals such as elephant, Cape buffalo, lion or leopard, or plains game such as various species of antelope for which there may be minimum calibre requirements in the countries concerned.

**32** Rifles for this purpose may include bolt-action or double-barrelled rifles of various calibres, often very large and of high (4,000-5,000 foot pounds) muzzle energies. These might include

.375 H&H Magnum for plains game, calibres between .375 H&H Magnum and .600 for big game and .300 Winchester or greater for bear.

**33** The police will wish to be satisfied that an applicant has a genuine intention to use such rifles abroad, though such visits may be infrequent. Zeroing with non-expanding ammunition may be permitted in Northern Ireland providing a suitable range or land is available. Those who home-load their non-expanding ammunition for such zeroing will also need to test and chronograph it. Some rifles intended for antelope and other plains game may also be suitable for deer or other quarry shooting here. Calibres such as the .375 (9.5mm) are at the lower end of those suitable for shooting dangerous game but may, once initial good reason has been established, also be used for shooting the larger deer species here. Expanding ammunition may also be authorised for an applicant whose certificate allows for the rifle to be used for shooting deer here. Where a shooter experiences difficulties in obtaining cartridges suitable for dangerous game in the country where it is to be hunted, arrangements can be made for a dealer to export an appropriate quantity which can be collected by the shooter at the point of embarkation.

### **Humane Killing of Animals**

**34** The humane killing of sick or injured animals with a firearm is normally confined to those who may deal with them on a fairly regular basis. Examples would include veterinary surgeons, USPCA inspectors, hunt servants and occupiers of farms and smallholdings. Once such a firearm certificate is granted, the holder can use the firearm for the humane killing of any animal should the need arise, subject to any conditions on the certificate. The holder may also use a shotgun when appropriate. Rifles of any centrefire calibre may be suitable for this work. For pistols and slaughtering instruments, a .32 single (or two) shot pistol is suitable for most circumstances, though larger calibres may be considered if the applicant has to deal regularly with large or dangerous animals (for example, horses, cattle or larger deer species). Sound moderators for pistols should generally be authorised only for veterinary surgeons working at racecourses. Adapted conventional handguns are not generally considered suitable for humane dispatch. The use of solid slug ammunition for shotguns should normally be authorised only for staff on farming establishments, though veterinary surgeons may also have a need for solid slug to destroy large animals such as bulls. The Humane Slaughter Association (HSA) advises that solid slug for shotguns should only be used from a distance and with a suitable backdrop. The HSA also advises that, under such circumstances, a suitably powerful rifle may be more accurate. Comprehensive guidance on the humane killing of animals is available from the HSA (see Appendix 1).

**35** The humane killing of sick or injured animals is distinct from the slaughter of animals for human consumption. The provision of free firearm certificates applies only to the latter category.

### **Slaughtering**

**36** The slaughter of animals for human consumption will often be carried out using captive-bolt instruments that do not come under the definition of firearms. However, authorisation to possess and acquire a free-bullet slaughtering instrument may be granted to proprietors of slaughterhouses, knackermen, deer farmers, master butchers and farmers, who need to slaughter their own animals.

**37** Under paragraph 3 of Schedule 1 a certificate is not required for a slaughterman licensed under the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 (SR. 1996 No 558), to possess a slaughtering instrument or ammunition in any slaughterhouse or knacker's yard where he is employed. The use of all slaughtering instruments is governed by the above Regulations. A certificate is required to purchase or acquire a slaughtering instrument.

**38** Under Article 75(6), no fee is payable for a firearm certificate issued in respect of a slaughtering instrument or ammunition for it which the applicant requires for the humane slaughter of animals.

### **Target shooting**

**39** Target shooting includes the use of firearms for sport and recreation. The Secretary of State and the Chief Constable recognise the Great Britain Target Shooting Federation which brings together the national governing bodies for target shooting. These divide responsibilities for different types of target shooting as follows:

- National Small Bore Rifle Association (NSRA) - .22 rifles, air rifles and air pistols not greater than .22 calibre
- National Rifle Association – centrefire rifles, centrefire pistols and muzzle-loading rifle and pistol competitions.

The Northern Ireland bodies are the Shooting Federation of NI, the NI Small Bore Association, the NI Small Bore Shooting Union and the Ulster Rifle Association.

Additionally, the United Kingdom Practical Shooting Association and the British Western Shooting Society govern various types of target shooting involving the use of shotguns, muzzle-loading pistols and rifles.

**40** A person whose only reason for possessing a rifle or pistol is target shooting must be a member of an authorised firearms club for a minimum of one year before an application for a firearm certificate will be considered. At the end of that period the Chief Constable will require a letter of recommendation from a club official.(see guidance on Articles 49-51). The applicant is not confined to membership of that club and may wish to shoot with other clubs or independently. However, membership of a particular club will be the core requirement of his good reason and the focus of much of his shooting activity.

**41** An applicant should have access to appropriate ranges for the types of firearm concerned and all shooting must comply with the Chief Constable's approval for that range and any local standing orders on it. For example, the Chief Constable will only allow solid slug to be used on ranges which have been specifically approved for this type of ammunition. Muzzle-loaders and other users of black powder need to have police consent under the Explosives Act (Northern Ireland) 1970 where necessary and a document in accordance with the Placing on the Market and Supervision of Transfer of Explosives Regulations (Northern Ireland) 1993 to possess and/or transfer black powder, though not for Pyrodex and other smokeless powders.

42 Target shooting will normally involve shooting disciplines or activities under the general auspices of one of the main national shooting organisations (see paragraph 39 above) but will not necessarily be subject to their competition rules. It will involve shooting at a target on an approved range but does not necessarily mean shooting in competitions, formal or otherwise. Local shooting disciplines of long standing may be accepted as good reason for possessing particular firearms.

43 Target shooters may be expected to use their firearms fairly regularly, say three or more times a year. The police should consider at the time of a further grant whether good reason continues in respect of all firearms held for this purpose. Failure to shoot in a year should lead to further enquiries, rather than to automatic revocation or partial revocation of the firearm certificate on grounds that there is no longer good reason. For example, there may be personal circumstances such as illness, working away from home (where this is not to be repeated regularly) or where a target shooter is engaged in considerable practice on a particular firearm in preparation for a competition thereby reducing the time available to use his other firearms. Competitions in which unusual or older firearms are used may only take place on a few occasions. In addition, owners may not want to shoot old and valuable firearms regularly to avoid excessive wear and tear.

44 The Chief Constable will also consider the good reason for possession of ammunition quantities for target shooting. Normally 500 rounds will be permitted to be held at any one time but a serious target shooter may reasonably wish to possess more than this number to ensure consistency in performance between batches. This figure should be used as a guide only and should not be interpreted as an absolute limit. This is normally applicable to .22 Rimfire rather than full-bore target shooting. **Economy of purchase (bulk buying) is not considered to be a good reason for possession of greater quantities.**

45 Pump-action, self-loading and other types of shotgun may be used for “practical” target shooting disciplines in which the shooter moves to engage a number of different targets. Solid slug ammunition may be authorised for this purpose on ranges specifically approved by the Chief Constable for this class of ammunition. Applicants should normally be a member of a relevant organisation such as the United Kingdom Practical Shooting Association, either individually or as a member of an affiliated club. For “End of Trail” shooting, a set of practical disciplines with a “Wild West” theme, the British Western Shooting Society (BWSS) is the relevant organisation. In view of the potential hazards associated with the more extreme forms of practical shooting, the police will wish to consider with particular care applications for firearms for practical shooting that may fall beyond the examples cited above.

### **Collection of firearms**

46 The collecting of firearms by a genuinely interested collector should be accepted as a good reason for the grant of a firearm certificate. There should be no blanket policy to prevent the collecting of modern firearms (though collectable firearms will tend to be of the Second World War era or earlier) nor should arbitrary limits be imposed on the number or type of firearms. However, one or two firearms are unlikely to be acceptable unless they form part of a collection of other non-firearm exhibits. Modern reproductions of vintage firearms may be collected, especially to fill gaps in collections of older firearms. There are no normal calibres for collecting and collections may include field artillery, tanks and other armoured fighting vehicles. Collections may include firearms disguised as other objects that would otherwise be prohibited under Article

45(2)(a). Ammunition may be collected alone, including expanding, incendiary or armour-piercing ammunition or explosives that would otherwise be prohibited under Article 45.

47 The Chief Constable will wish to satisfy himself that the applicant is a genuine collector who has a real interest, perhaps academic, in the evolution of firearms or in particular types or periods, and that the types of firearm requested fall within this interest. Evidence that a person is a member of a relevant society might be taken as an indication that he has a genuine interest in collecting but this is not a requirement. Firearms capable of being fired may be collected and a collection may include items other than firearms, for example uniforms and military equipment. Collection should not be used as an excuse to retain firearms purely for personal or sentimental reasons. In the case of *Hutchinson v Chief Constable of Grampian (1977)*, the Court upheld the decision to refuse to issue a certificate for collection to an applicant who was not considered to be a genuine collector.

48 Generally, genuine collectors of firearms are not authorised to possess ammunition and the firearms are made subject to a condition prohibiting their use. This will be an appropriate balance to the possession of a large number of firearms by a private individual. However, there are two instances where ammunition might be authorised. Some collectors may wish to collect ammunition either as a part of a wider collection of firearms or in its own right. There may also be cases where applicants wish to fire their firearms occasionally, for example to test fire them on an appropriate range. In these cases, the allocation of ammunition for each firearm should be small and the applicant expected to use them rarely. Some collectors are authorised to possess assorted ammunition. The condition on the firearm certificate covers occasional test firing.

49 Collectors of firearms should not generally be authorised as dealers in respect of their collections. Special arrangements apply to collections of firearms held by museums (see the guidance on Article 14 and Schedule 2), though in cases where a museum holds only a few firearms (for example as part of a stately home), the grant of a firearm certificate might be appropriate.

### **Trophies of War**

50 A “trophy of war” is not defined in legislation but is generally taken to refer to firearms either carried on active service or captured from the enemy. Anyone retaining a trophy of war must hold a firearm certificate but ammunition for it will not be permitted.

51 In general, the term may be interpreted fairly widely when persons of good repute wish to retain possession of a firearm without the associated ammunition, providing that it is not government property. Firearms issued or captured after the Second World War are government property and their retention is not permitted. This applies to firearms brought back from other conflicts, for example the Falklands campaign in 1982 and the Gulf War in 1990-91.

52 Firearms acquired from the original holder and no longer held as family heirlooms should not normally be regarded as “trophies of war” and should be subject to the normal good reason requirement. Firearms recovered from wrecked ships and crashed military aircraft cannot be regarded as trophies of war and their retention, unless authorised by the Receiver of Wreck or the Ministry of Defence, cannot be authorised.



## Signalling apparatus

**53** Signalling apparatus may include flare pistols of up to one-and-a-half inch (37mm) calibre, and pen-type launchers for distress flares, as well as birdscaring apparatus used at airports. Authority to possess such items is normally granted to ships' masters as part of ships' equipment, to small boat owners, to harbour or airport employees or to members of mountain rescue teams. Deerstalkers, wildfowlers or hill walkers who operate in isolated areas may also need to seek authority to carry some form of distress flare.

**54** Flares of a kind that use a male spigot launcher are not subject to controls and are commonly used by mariners, hill walkers and others. Likewise, gas powered "guns" and blank firing guns used by farmers to scare birds from crops are not subject to certification and controlled firearms are not generally needed for this purpose. However, the ammunition for such birdscaring equipment is usually a single projectile and is subject to certification. Line-throwing rockets (and their launchers/projectors) and similar devices for throwing ropes to ships in distress are not generally considered to be firearms for certification purposes.

## Controlling Races

**55** Major athletics events require starting pistols which are classed as firearms and can not only produce a very loud bang but also a highly visible flash from the muzzle end of the gun to facilitate accurate timing. In practice, only those starters, who have qualified by passing the UK 'Technical Officials' examination for starters (Grade 1 or 2) and completed their probationary period (or Grade 3 officials who have previously been granted a certificate and are applying for a renewal), are likely to be able to make a case for possession of starting pistols. They should possess only blank ammunition. Most starting pistols, such as the ones used at school sports days, do not have an open barrel and are not classed as firearms. It is important to note that the legislation does not refer explicitly to UK Athletics Ltd (formally the UK Athletics Association) authorised starters. Although most unlikely, there may be other starters who can make a convincing case for possessing such firearms. Starters of swimming, cycling and other races have no need of working firearms and may use blank-firing pistols which are not subject to certification (see the guidance to paragraph 6 of Schedule 1 about the certification requirements).

**56** Small cannons of the kind used for starting yacht races may be authorised for members of yacht clubs and similar maritime associations. These are treated as signalling apparatus for certification purposes and should only be authorised for use with blank ammunition

## Historical re-enactment

**57** Re-enactors possessing black powder (gunpowder) will need the consent of the police in accordance with the Explosives (Northern Ireland) Act 1970. Muzzle-loading muskets and small cannons are classed as firearms for certification purposes. Re-enactors may also use imitation and deactivated firearms which are not subject to certification, especially for a more modern period. However, re-enactors will often wish to demonstrate in detail the workings of their firearms which will require certificates. Distinction is made between battle re-enactors and those involved in historical performance, where there are costumed characters in a public presentation, using

some form of a script and rehearsals, for which firearms and blank ammunition may be needed as props. In the absence of a Court ruling, the Chief Constable considers that only the latter qualify for the exemption from holding a certificate (under paragraph 12 of Schedule 1).

**58** Firearms commonly used for re-enactment may include rifles (generally bolt-action or single shot), rifled muskets and other muzzle-loading small-arms, muzzle-loading cannons, other artillery and guns mounted on tanks, ships and other armoured fighting vehicles. Many Lee-Enfield .303 rifles and any other rifles of World War One and Two vintage will have been smooth-bored in the past for use as shotguns, albeit now held with large capacity or detachable magazines. For large guns with a crew, for example, a muzzle-loading cannon over 2-inch bore, only the gun captain need hold a firearm certificate. Live ammunition for target shooting should **not** generally be authorised for firearms used for re-enactment. Antique weapons fired with blank ammunition (for example Snider-Enfield and Martini Henry rifles used by Victorian re-enactment groups) should be held on certificate. If any firearm is used for more than one purpose - for example, a re-enactor may wish to hold the same firearm for muzzle-loading target shooting - the Chief Constable should be informed and record that this is the case. The firearm certificate should be conditioned accordingly.

**59** Re-enactors will normally be a member of an appropriate society for the historical period concerned and be authorised to possess firearms relating to the period and the role played. Some re-enactors, in particular cavalry soldiers, may be members of several societies and play a range of roles with need for a mixture of historical firearms. Muzzle-loading pistols, including muzzle-loading revolvers used by American Civil War re-enactors and “Western Groups”, will normally be authorised for those playing officers, cavalry soldiers or cowboys. In cases of doubt the Chief Constable may wish to consult with the officers and officials of the re-enactment society concerned.

### **Theatre cinema and television**

**60** The use of firearms (but not ammunition) may be permitted in theatrical, cinema and television of productions. See also the guidance on paragraph 12 of Schedule 1 in relation to the firearm certificate requirements.

### **Treating animals**

**61** Tranquilising equipment such as dart guns and blowpipes are normally prohibited under Article 45 (1)(f) as weapons that discharge noxious substances. However, Article 46, provides for a person to possess these weapons and ammunition without the Secretary of State’s authorisation if he is authorised by a firearm certificate to have them solely in connection with the treatment of animals. Authority to possess such weapons should normally be granted to those who have a professional need for them, for example deer farmers and zoo or safari park staff. In view of the need for powerful controlled drugs, they should be used under the direction (though not necessarily in the presence) of a veterinary surgeon. Tranquilising equipment may also be needed for scientific research on animals. Zoo and safari park staff may also need to possess powerful rifles and expanding ammunition for the humane destruction of large and dangerous animals.

## Component parts

**62** “Component Part” is defined in Article 2(2). Component parts of firearms are subject to certificate control and may be authorised if a certificate holder needs replacement or interchangeable parts. Spare cylinders for muzzle-loading revolvers are used in some national target shooting disciplines and may be authorised. Some cased sets, both antique and modern reproductions, will contain a spare cylinder, or cylinders, and these may be properly included on certificate for both possession and use.

## Sound moderators

**63** Research has proven the effectiveness of sound moderators as a means of protecting shooters’ hearing. They are included in the definition of “firearm” in Article 2(2) and are subject to certificate control as “items designed to reduce the noise or flash of a firearm”. Sound moderators for .22 rimfire rifles are often sought in connection with shooting game or pests and in the case of the latter might facilitate more effective pest control. Sound moderators for full-bore rifles are of questionable effectiveness in reducing disturbance to quarry but can confuse them by diffusing the directional report of a rifle. The applicant will be expected to demonstrate that he has a good reason for noise reduction. In the case of *Broome v Walter (1989)* the court found that an integral sound moderator, that is one that is part of the firearm, does not require separate authorisation.

## Personal protection weapons

**64** The Chief Constable considers that generally it is not in the wider interests of public safety for members of the public to have firearms for personal protection. However, in the prevailing circumstances in Northern Ireland where people’s lives can be at particular risk from terrorists, he is prepared to make an exception to this general rule.

In considering whether an applicant has a good reason for a firearm certificate for a personal protection weapon (normally a handgun) the Chief Constable must be satisfied that there is a real and immediate risk to his life from terrorists. In making that determination the Chief Constable will normally consider whether the person is at **specific risk** or **occupational risk**.

### Specific Risk

This is where a recent and verifiable attack has been made on the applicant’s life and he remains at that level of risk; or

There has been a personal threat to the applicant’s life, which the police can substantiate. In exceptional circumstances the police may rely on other sources of information.

### Occupational Risk

This is where a person, who is currently working, or within the last 6 months has worked, in certain occupations (eg police, prison officers, judiciary) and may be deemed to be subject to a real and immediate risk to his life despite there being no specific intelligence of it.

**65** The Chief Constable will also consider whether alternative personal security measures are available to the applicant that would obviate or reduce the risk to and provide adequate protection for him, including application for admission to the Key Persons Protection Scheme (KPPS), Special Purchase of Evacuated Dwellings (SPED) Scheme etc.

## APPENDIX 4

### ANTIQUÉ FIREARMS: OBSOLETE CALIBRES

Breech-loading firearms, originally chambered for the following ammunition and retaining that original chambering, should be regarded as benefitting from exemption as antiques under Article 81(1).

#### NOTES

1. All the cartridges listed are centrefire.
2. It is likely that only a very small number of these cartridges will have survived to the present day. Those shown in bold may exist in greater numbers. The list will be reviewed and updated as necessary.
3. Each cartridge in the list is followed by initials referring to a published source whose description may be accepted as the norm for each round. These are as follows -

B – “Cartridges of the World”, by Barnes

D – “Cartridges for Collectors”, by Datig (three volumes)

ECRA-“European Cartridge Research Association Data Viewer”

E&B – “Manual of Pistol and Revolver Cartridges”, by Erlmeier and Brandt

H – “The History and Development of Small Arms Ammunition”, by Hoyem (volumes two and three)

Hu – “Military Rifle and Machine Gun Cartridges”, by Huon

W&M – “Pistol and Revolver Cartridges”, by White & Munhall, single volume edition by Bearse.

.22 Extra Long Maynard (B)  
 .22-15-60 Stevens (B)  
 .22CF (E&B)  
 .230CF (E&B)  
 .25/20 Single Shot (B)  
 .25/21 Stevens (B)  
 .25/25 Stevens (B)  
**.250 Rook (or .297/.250 Rook) (H)**  
 .255 Jeffrey Rook (H)  
 .275 Jeffrey (H)  
 .276 Enfield P.13 (Hu)  
 .28/30/120 Stevens (B)

.297/.230 Sporting (H)  
.297/.230 Morris (H)  
.298 Minex (H)  
.300 (.295) Rook (H)  
.300 Sherwood (H)  
.300/.250 Rook (H)  
.30/30 Wesson (D)  
.30/40 Wesson (D)  
.310 Cadet (H)  
.310 Cattle Killer  
.310 Greener  
.31 Thuer  
.310/.300 Rook (H)  
.320/.230 Rook (H)  
.32 Protector (W&M)  
.32 Long Rifle CF  
.32/35 Stevens (D)  
.32/40 Remington-Hepburn (D)  
.32/40 Bullard (B)  
.32/ 40 Winchester and Ballard (B)  
.32 Ideal (B)  
.32 - .44 Smith & Wesson (W&M)  
.35/30 Maynard (B)  
.35/40 Maynard (B)  
.340 Short or Long Revolver (W&M)  
.360 Thuer  
.360 Rook  
.360 shot gun  
.360 Westley Richards No.3 Express (H)  
.360 No.3 Gibbs (H)  
.360 Gibbs No.4 (also known as the .380 Gibbs No. 4)  
.360/.300 Fraser (H)  
.360 2 7/16 Black Powder Express (H)  
.360 2 3/4 Boxer (H)  
.369 Purdey (H)  
.38/35 Stevens Everlasting (D)  
.38/40 Ballard Everlasting (D)  
.38/40 Remington-Hepburn (D)  
.38/45 Bullard (D)  
.38/70 Winchester (D)  
.38/56 Winchester (D)  
.38/90 Winchester (B)  
.380 Black Powder Express (also known as the .380-21/4 Rigby and .360-21/4) (H)  
.380 Long Rifle  
.40/40 Maynard (B)  
.40/.50-70 Caliber Reduction Exptl.(H)  
.400-2.5 inch Kynoch (H)  
.400-3.25 inch Boxer (H)  
.400-3 inch Purdey (H)

.40/60 Marlin (D)  
.40/60 Winchester (D)  
.40/60 Maynard (B)  
.40/70 Ballard (D)  
.40/70 Sharps Necked (D)  
.40/70 Sharps Straight (D)  
.40/70 Maynard (B)  
.40/70 WCF (B)  
.40/72 Winchester (D)  
.40/75 Bullard (D)  
.40/82 Winchester (D)  
.40/90 Bullard (D)  
.40/90 What Cheer (D)  
.40/50 Sharps Straight (D)  
.40/65 Sharps Straight (D)  
.40/65 WCF (D)  
.40/90 Sharps Necked (D)  
.40/63 Ballard (B)  
.40/65 Ballard Everlasting (B)  
.40/70 Peabody What Cheer (B)  
.40/85 Ballard (B)  
.40/110 Winchester Express (B)  
.400 2 3/4 Westley Richards (H)  
.402 Enfield-Martini Exptl. (H)  
.42/.50-70 Caliber Reduction Exptl. (H)  
.425 Webley (H)  
.425 Webley 1 5/16 (H)  
.430 Long Rifle (also known as the .430 Long Revolver) (W&M)  
.430 Revolver (W&M)  
**.44 Thuer**  
.44 Morse necked (H)  
.44-50 Meigs (H)  
.44 Dupee rimless (H)  
.44/60 Creedmore (D)  
.44/77 Remington (D)  
.44/90 Sharps 2 7/16 inch (D)  
.44/90 Sharps 2 5/8 inch (D)  
.44/90 Remington Special (B)  
.44/95 Peabody What Cheer (B)  
.44/100 Maynard (H)  
.44 Evans Short and Long (B)  
.44 Devilliers (W&M)  
.440 Revolver (W&M)  
.440 Long Revolver (W&M)  
.440 Nagant (Argentine model) (W&M)  
.442 Carbine 1.025" (H)  
.442 revolver (also known as .44 Webley) (W&M)  
.442 Long Revolver (W&M)  
.44 Colt Revolver (W&M)

- .44 Remington Revolver (W&M)
- .44 S&W American (W&M)
- .44 Merwin Hulbert Long (W&M)
- .44 Merwin Hulbert Short (W&M)
- .44 S&W Russian (W&M)**
- .45-85 Ward Burton Exptl. (H)
- .45/.50-70 Caliber Reduction Exptl (H)
- .45 US Exptl, 1869 (H)
- .45-200-500 Winchester Exptl. (H)
- .45 Boxer-Henry Long Chamber 1869 (H)
- .45 New South Wales Police Carbine (H)
- .45 Gardner & Gatling (H)
- .45 Mars Long (W&M)
- .45 Mars Short (W&M)
- .45 MP (very rare Maxim Pistol round mentioned in the 'Journal of the Historical Breechloading Small Arms Association Vol 2 No 6 Page 24)
- .450 No. 1 Bland (E&B)
- .450 Soper 2.5 inch (H)
- .450 Needham (H)
- .450 No. 1 Musket (H)
- .450/.360 Purdey (H)
- .450/.350-2 3/8 inch (H)
- .45/75 WCF (Hu)**
- .45 Brown Standard Military Target Rifle (D)
- .45/50 Sporting (D)
- .450/.400 Black Powder in case lengths of 2 3/8", 2 7/8", 2 19/32" Thomas Turner No 2, 2 3/4" Westley Richards and 3 1/4". Also the .450.400 3" Jeffrey (H)
- .450 Black Powder Express in case lengths of 1 1/2", 2 1/2", 2 9/16", 2 6/10", 3", 3 1/16" and 3 1/4" (H)
- .45/125 Winchester (B)
- .45 Turkish Peabody (also known as the 11.43 x 55R Turkish) (B)
- .46 Winchester (H)
- .461 Gibbs No. 1 (H)
- .461 Gibbs No. 2 (H)
- .476 Indian Police (H)
- .48 Morse (H)
- .490 BSA (H)
- .50/.58 Morse sleeved (H)
- .50 Morse (H)
- .50 Meigs (H)
- .50-.48 Meigs (H)
- .50 Peabody (?) (H)
- .50 Spencer Carbine (H)
- .50 Springfield Cadet (H)
- .50-70 Springfield (H)
- .50 Daw's Patent 1867 (H)
- .50 Boxer 1867 (H)
- .50/50 Maynard (B)
- .50/70 Maynard (H)



.500/.450 Westley Richards No.2 Musket (H)  
.500-1.5 inch (H)  
.500-2-25 inch (H)  
.500-2.5 inch (H)  
.500-3 inch (H)  
.500-3.25 inch (H)  
.500/.450 No.1 Carbine (H)  
.500/.450 Webley Carbine (H)  
.500/-450-2.5 inch (H)  
.500/.450 No.1 Express (H)  
.500/.450-3 3/8 inch (H)  
.500/.450- 3.5 inch (H)  
.50 Remington Army Pistol, M1871 (W&M)  
.50 Remington Navy Pistol, M1867 (W&M)  
.50 Springfield Pistol, M1869 (W&M)  
.500 Revolver (W&M)  
.50/95 Winchester (D)  
.50-100 Winchester Express (D)  
.50-110 Winchester Express (D)  
.50/115 Bullard (B)  
.50/140 Sharps (B)  
.52-70 Sharps (H)  
.54 Morse (H)  
.55 Morse (H)  
.55 Gatling (H)  
.55/100 Maynard (B)  
.56-56 US Exptl. (H)  
.577 Selwyn 1865 (H)  
.577 Daw's Patent 1867 (H)  
**.577 Snider (H)**  
**.577/.450 Martini-Henry (H)**  
.577-2.25 inch (H)  
.577 2.5 inch (H)  
.577-2.75 inch (H)  
.577/.500 No.2 Express (H)  
.577/.500 Magnum Express (H)  
.577 Pistol (W&M)  
.58 Morse (H)  
.58 US Converted Musket, 1865 (H)  
.58 Remington Carbine (H)  
.58 US Berdan System Conversion (11)  
.58 Tibbals/Roberts 1869 (H)  
.58 Roberts (H)  
.60 Chinese Jingal (H)  
.65 Gatling (H)  
.69 Morse (H)  
.75 Gatling (H)  
.75 Chinese Jingal (H)  
.80 Gatling (H)

1 inch Nordenfelt-Palmcranz (H)  
20 bore/.577 Alex. Henry (H)  
2.7mm Kolibri (W&M)  
3mm Kolibri (W&M)  
**4.25mm Liliput (W&M)**  
5mm Bergmann NO.2 Pistol (W&M)  
5mm Charola-Anitua (W&M)  
5mm Clement (W&M)  
5mm Brun (E&B)  
5mm French (E&B)  
5mm Pickert (E&B)  
5.2mm Pickert revolver (W&M)  
5.2mm Mondragon (Hu)  
5.2mm x 34R Kronprinz (D)  
5.43mm x 26.BR revolver (W&M)  
5.5mm Velo-Dog revolver (W&M)  
5.6mm x 34R Francotte Carbine (D)  
5.6mm x 33 Rook (B)  
6mm Beaumont revolver (W&M)  
6mm Merveilleux (W&M)  
6mm Protector (W&M)  
6mm Lee Navy (Hu)  
6mm x 58 Gewehrprüfungskommission M1897 (also 6 x 58 Forster)  
6mm x 58 Forster (B)  
6mm x 29.5 Stahl (D)  
6.3mm x 21 rimless (W&M)  
6.5mm Bergmann No.3 Pistol (W&M)  
6.5mm Mannlicher Pistol M.1894 (W&M)  
6.5mm Mondragon (Hu)  
6.5mm x 27R (D)  
6.5mm x 4OR (B)  
6.5mm x 48R Sauer (B)  
6.5mm Ronezewsky (E&B)  
6.6mm x 7OR (D)  
6.8mm x 19.6 Revolver (W&M)  
6.8mm Schulhof pistol (W&M)  
7mm Bar (W&M)  
7mm Charola y Anitua (W&M)  
7mm French thick rim (W&M)  
7mm Galand (W&M)  
7mm Revolver (W&M)  
7mm CF Walking Stick  
7mm Devisme (E&B)  
7mm German Target Pistol Cartridges (Nos. 46-49, E&B)  
7.25mm Adler (W&M)  
7.5mm x 53.5R Rubin (H)  
7.5mm x 53.5 Rimless Rubin (H)  
7.5mmx 53 Swiss Schmidt Rubin M.1890 (H)  
7.53mm x 60R Hebler (H)

7.65mm Frommer M. 1901 (W&M)  
 7.65mm Roth-Sauer (W&M)  
 7.7mm Bittner pistol (W&M)  
 7.7mm x 60R (D)  
 7.8mm Bergmann No.5 (E&B)  
 7.8mm x 19R Laumann (referred to in J.HBSA Vol 2 No 6, as above)  
 8mm German Target Pistol (No. 86, E&B)  
 8mm Schonberger (W&M)  
 8mm x 55R Petit Gras (H)  
 8mm x 58R Petit Gras (H)  
 8mm x 57R Petit Gras (H)  
 8mm x 57(7.92mm) Mauser J bore (.318 inch dia)\* \*new entry added 2<sup>nd</sup> June 2006  
 8mm x 75R Pieri (H)  
 8mm x 61R Rubin (H)  
 8mm x 57.5R Rubin (H)  
 8mm x 57R Spanish Exptl. (H)  
**8mm x 60R Guedes and Portuguese Kropatschek (H)**  
 8mm Gaulois pistol (W&M)  
 8mm Bergmann No.1 pistol (D)  
 8mm x 48R (D)  
 8mm x 72R (D)  
 8mm x 48R Sauer (B)  
 8mm x 58R Sauer (B)  
 8mm Bergmann No.4 (E&B)  
 8mm Bergmann No.7 (E&B)  
 8mm Bergmann-Schmeisser (E&B)  
 8mm Protector (E&B)  
 8mm Raphael (E&B)  
 8mm Schulof (E&B)  
 8.15mm x 46R (Hu)  
 8.15mm Mauser Experimental (ECRA)  
 8.3mm x 53.5R Rubin (H)  
 8.5mm Mars (E&B)  
 9mm x 51.5R Rubin (H)  
 9mm x 57R Rubin (H)  
 9mm Devisme (E&B)  
 9mm Moutier rimless-grooveless (E&B)  
 9mm French Thick Rim (E&B)  
 9mm Mars (E&B)  
 9mm Belgian Nagant (W&M)  
 9.1mm x 40 Walking Stick  
 9.3mm x 58R Koeffler (H)  
 9.3mm x 63.5R Koeffler (H)  
 9.3mm x 70R (D)  
 9.3mm x 75R Nimrod (D)  
 9.3mm x 82R Nimrod (D)  
 9.3mm x 65R Collath (B)  
 9.4mm Dutch Revolver (W&M)  
 9.5mm x 59R Gras Exptl. (H)

**9.5mm x 60R Turkish Mauser (H)**

9.5mm x 42R (D)  
9.5mm x 47R (ECRA)  
10mm x 47R (D)  
10mm Gaupillat (E&B)  
10mm Bergmann (E&B)  
10mm Mars (ECRA)  
10mm Mauser Short (E&B)  
10mm Mauser Long (E&B)  
10.15mm x 61R (H)  
10.15mm x 63R Serbian mauser (H)  
10.15mm x 61R Jarmann (H)  
10.16mm x 57R Berdan Exptl. (H)  
10.25mm x 69R Hunting-Express (B)  
10.3mm x 41R (H)  
10.3mm x 65R Baenziger (D)

**10.35mm x 47R Italian Vetterli (H)**

10.4mm x 56R Swiss (H)  
**10.4mm x 42R Swiss Vetterli (H)**  
10.4mm x 38R Martini-Galland (D)  
10.4mm Swiss M.1878 (W&M)  
10.4mm x 47R Stahl (D)

**10.6mm German Ordnance Revolver (W&M)**

10.6mm Mauser (W&M)

**10.66mm x 57R Russian Berdan (H)**

10.66mm x 48R Russian Berdan Carbine (H)  
10.7mm x 57R Krag Petersson (H)  
10.75mm x 55R (H)  
10.8mm x 47 Martini (B)  
11mm x 42R (H)  
11mm x 45R (H)  
11mm x 53 Gevelot (H)  
11mm Manceux (H)

**11mm x 59R Gras (H)**

11mm x 48.5R Gras "Battalion Ecole" (H)

**11mm x 50.5R Comblain (H)**

11mm x 43R Comblain Carbine (H)  
11mm x 70R Mitrailieuse (H)  
11mm x 46R (H)

**11mm x 50R Egyptian Remington (H)****11mm x 57R Spanish Remington (H)**

11mm Devisme (E&B)  
11mm French Ordnance Revolver M1870 (Navy) (ECRA)  
**11mm French Ordnance Revolver M1873 (Army) (W&M)**  
11 mm Devilliers (W&M)

**11.15mm x 42R Austrian Werndl (H)**

11.15mm x 36R Austrian Werndl Carbine (H)  
11.15mm x 58R Austrian Werndl, Holub (see below) and Mannlicher (H)  
11.15mm x 36R Fruhwirth (H)

11.15mm x 60R Mauser (H)  
11.15mm x 37R (H)  
11.15mm x 60R Japanese Murata (H)  
11.5mm x 50R (D)  
11.15mm x 58R  
11.15mm x 65R (D)  
11.15mm x 71R (D)  
11.15mm x 52 Walking Stick  
11.2mm x 51R Kropatschek-Hessig (D)  
11.2mm x 39.6R (D)  
11.25mm x 44.5R (H)  
11.3mm x 51R Dutch Beaumont (H)  
11.35mm Schouboe (Rimmed and Rimless Version) (W&M)  
11.4mm x 53R Brazilian Comblain (H)  
11.4mm x 44.5R Dutch Gendarmerie Carbine (H)  
**11.4mm x 57R Spanish Remington (H)**  
11.43mm x 49R Romanian Peabody (H)  
11.43mm x 59R Turkish Peabody-Martini (H)  
11.43mm x 41R Peabody Carbine (H)  
**11.5mm x 50R Austrian Werder (H)**  
11.5mm x 35R Werder Carbine (H)  
11.5mm x 60R (D)  
**11.53mm Albini-Braendlin (H)**  
11.6mm x 50R Chilean Comblain (H)  
11.7mm x 57R Berdan Exptl. (H)  
11.7mm x 41.5R Danish Remington (H)  
**11.7mm x 45.5R Danish Remington (H)**  
**11.7mm x 51.6R Danish Remington (H)**  
12mm Perrin Thick Rim (E&B)  
12mm Raphael (E&B)  
12mm Moutier (E&B)  
12mm Pidault & Cordier (E&B)  
12.2mm x 70R Mitrailleur (H)  
12.5mm x 60R (D)  
12.7mm x 48R (H)  
12.7mm x 70R Mitrailleur (H)  
12.8mm x 45R Papal Remington (H) (also known as the 12.7mm x 45R)  
13mm x 87R Mitrailleur (H)  
13mm Rochaz-Lindner (H)  
13mm x 92 Mauser T-Gew (H)  
13.2mm x 32R (H)  
14.5mm x 33R Austrian Wanzl (H)  
14.5mm x 41R Spanish Berdan (H)  
14.66mm x 35R Serbian Peabody (H)  
14.7mm x 58R Schneider (H)  
15mm revolver (W&M)  
15.2mm x 110R Mitrailleur (H)  
15.2mm x 28R (H)  
15.24mm x 40R Krnka (H)

16.5mm x 18R Beringer (E&B)  
17mm Danish Snider (Hu)  
17.5mm x 29R Dutch Snider (Hu)  
18mm x 35R Tabatiere (H)  
18.84mm x 38R Tabatiere (H)  
18.84mm x 57R Wanzl-Albini (H)

## APPENDIX 5

### IMPORT AND EXPORT OF FIREARMS

1 This Appendix provides information about import and export licensing requirements for firearms and ammunition. Details are provided for transfers between European Union (EU) States and to and from Northern Ireland and non-EU States. The acronym EC is used in this Appendix only where it relates to specific Directives or forms that make use of the term.

#### Contact points

2 The Department of Trade and Industry (DTI) is responsible for these arrangements and enquiries should be passed to whichever of the two contacts below is more relevant -

#### Imports

Import Licensing Branch  
DTI  
Queensway House,  
West Precinct  
Billingham  
TS23 2NF

Tel: 01642 364351  
Fax: 01642 364269  
E-mail: [enquiries.ilb@dti.gsi.gov.uk](mailto:enquiries.ilb@dti.gsi.gov.uk)

#### Exports

Export Control Organisation  
DTI  
4 Abbey Orchard Street  
London  
SW1P 2HT

Tel: 020 7215 8070  
Fax: 020 7215 0558  
Email: [eco.help@dti.gsi.gov.uk](mailto:eco.help@dti.gsi.gov.uk)

#### Transfers to and from other European Union (EU) States

3 The European weapons directive 91/477/EEC introduced harmonised community arrangements for licensing firearms movements between EU States. To move firearms and ammunition from one member State to another, a licence (a transfer licence) must be obtained from the one in which the firearms or ammunition are situated. Member States can insist that certain types of firearms are not transferred to their territory without their prior agreement.

4 These arrangements apply to all transfers of firearms covered by the Directive, including commercial consignments, mail order sales or where a person buys or permanently acquires a firearm in another EU State and wants to bring it back to his State of residence. **They do not apply where individuals take their firearms temporarily to another member State on the basis of a European firearms pass (EFP), for example for a shooting trip or competition.** Residents of a member State wishing to bring a firearm to the UK require a British visitor's permit in addition to a EFP. A separate visitor's permit is also required for a resident of the EU, other than GB, to visit Northern Ireland.

5 Non-EU State import and export licensing arrangements apply to commercial transactions in weapons of war and to those weapons which are controlled under firearms legislation but which do not fall within the directive's definition of firearms, for example stun guns and CS gas canisters.

6 Detailed arrangements for import and export of firearms and ammunition are as follows -

### Imports from other EU States

7 A DTI import licence is not required for firearms, component parts and ammunition entering Northern Ireland from other member States either on a commercial or private basis providing the following requirements are met -

- (a) a licence authorising the transfer of the firearms to Northern Ireland has been issued to the transferor by the member State from which the firearms are transferred;
- (b) the licence (or a document referring to it) accompanies the firearms at all times until they reach their destination in Northern Ireland and can be produced on demand to a constable or an officer of HM Customs and Excise; and
- (c) the Northern Ireland transferee of the firearms is authorised under the Firearms Order to possess the firearms in question, as a firearms dealer or a firearm certificate holder (unless exempt from the need to hold a certificate).

8 The licence referred to in (a) above may be either a **specific licence** issued by the member State from which the firearms are transferred or an **open licence** granted by that State to a firearms dealer. An open licence is issued only where the Northern Ireland transferee of the firearms is a firearms dealer. In the case of a transfer by a firearms dealer under an open licence, the document which must accompany the consignment to another EU State (that is the document corresponding to that referred to in (b) above) should be a declaration by the dealer giving details of his open licence, the transferee and the firearms in the consignment.

9 The UK has advised other member States that its prior consent is required before a licence can be issued authorising the transfer of any weapons or ammunition prohibited under Article 45 of the Order, and covered by Categories A to C of the directive, to Northern Ireland. The UK's prior consent is given in the form of a DTI import licence. It must be obtained by the prospective Northern Ireland transferee of the consignment and it will specify the type and number of prohibited weapons or ammunition that may be transferred to Northern Ireland under it. Applications should be made to DTI in accordance with the instructions in this Appendix.

10 Prohibited weapons can therefore only lawfully enter Northern Ireland from member States if -

- (a) the three requirements detailed at paragraph 7 above are met; and
- (b) an appropriate prior consent import licence has been granted by DTI to the Northern Ireland transferee. Unlike the position in GB, prior consent is not required for handguns imported



directly into Northern Ireland. However, if they are transported through Great Britain, this can only be done by a carrier authorised to carry prohibited weapons under section 5 of the 1968 Firearms Act.

**11** The above licensing requirements also apply where a person imports a firearm privately from a member State, for example by mail order or as part of his personal possessions, if the firearm has been newly purchased or acquired elsewhere in the EU. For temporary transfers see paragraph 4 above.

### **Exports to other EU States**

**12** Export licences (open or specific) are issued by DTI. An open licence, valid for 3 years, can only be granted to a firearms dealer, allowing him to transfer firearms to dealers in other member States without needing a specific licence for each consignment. If the firearms are of a type for which the receiving member State has indicated that its prior consent is required, this must be obtained before they are transferred and also before a specific licence can be issued. The open licence can only be used where both parties to the transaction are firearms dealers. Where a specific licence is issued it must accompany the consignment at all times. Consignments made under open licence must be accompanied by a document (EC5) giving details of the licence, the transferee and the firearms.

**13** Any visitor who wishes to purchase a firearm in Northern Ireland to take back to another member State must obtain a transfer licence prior to the transaction (assuming that the exceptions in the Export of Goods, Transfer of Technology and Provision of Technical Assistance - (Control) Order 2003 do not apply). Article 7 authority will also be required.

**14** Particularly valuable firearms over 50 years old will often require an individual export licence to travel to any destination (both EU and non-EU States). The criteria are set out below. Less valuable firearms over 50 years old can be moved under the terms of an open licence. Firearms that always require an individual export licence are those -

- (a) between 50 and 100 years old that are valued at less than £65,000;
- (b) over 100 years old that are valued at less than £35,000.

**15** Applications for individual export licences for these older firearms are considered by the Department of Culture, Media and Sport (see Appendix 1). If a firearm has been imported into Northern Ireland in the last 50 years and proof of this is included with the export licence application, the licence is normally granted. All export licence applications for firearms, which have not been imported into Northern Ireland in the last 50 years, are referred to an Expert Adviser who would then consider the application under the "Waverley Criteria", before deciding whether a licence should be granted. If the application meets one or more of the "Waverley Criteria", there will be an objection to a licence and it will be referred to the Reviewing Committee on the Export of Works of Art.

### **Weapons Information Exchange System (WIES)**

**16** The Directive has provided for a Weapons Information Exchange System by which member States are notified. When any of their residents acquire or possess firearms in other member States. It is also used to notify every permanent or commercial movement of firearms from one member State to another. Each member State has a nominated national authority which transmits and receives this information to and from the other member States. The Home Office is the national authority for the UK. An EU State must be notified through the WIES each time one of its members brings or permanently acquires a Category C firearm in another member State. It must also be notified if one of its residents possesses a Category B firearm in another member State.

**17** In the case of transfers under the open “dealer to dealer” system, the dealer transferring the firearms/ammunition must declare this to his own designated national authority each time a consignment is transferred to another member State. The national authority must then transmit this information to any member States through which the consignment will pass and to the member State of destination, using a form corresponding to WIES 3.

**18** Any notifications received about commercial movements of firearms to Northern Ireland will be passed by the Home Office to HM Customs & Excise. Those relating to the transfer of firearms/ammunition to a private individual in Northern Ireland will be passed to both HM Customs and Excise and to the police.

### **Imports from non-EU States**

**19** Firearms and ammunition, as defined in Article 2(2), are subject to DTI import licensing requirements if consigned from outside the EU or from the Channel Islands.

**20** These include firearms which are serviceable and those which are not; replica firearms capable of being fired or which can be readily converted so that they are capable of being fired; gas pistols; aerosol, CS or pepper gas sprays and similar weapons.

**21** No import licence is required to import the following -

- (a) cartridges for smooth-bore guns containing five or more shot, none of which exceeds 0.36 inch (9 mm) in diameter;
- (b) blank cartridges not exceeding one inch (25.4 mm) in diameter;
- (c) air guns with kinetic energy of one joule or less;
- (d) ammunition for air guns;
- (e) firearms more than one hundred years old;
- (f) any item not classified to Chapter 93 of the HM Customs and Excise Integrated Tariff, including vehicles, ships and aircraft incorporating a firearm;

- (g) any component of ammunition;
- (h) any firearm deactivated in accordance with Article 2(7).

**22** Although firearms at (e) do not require an import licence, the guidance on Article 81 (1) is relevant in determining whether a firearm should be regarded as “antique” for the purpose of the firearms legislation.

**23** Commercial importation of firearms, component parts and ammunition requires an individual import licence. Applications for import licences should be made on completed form ILB/W and submitted to Import Licensing Branch at the address shown in paragraph 2. With the exception of those firearms, component parts and ammunition falling under Article 46, (exemptions from requirement of authority of Secretary of State under Article 45 (prohibited weapons)) applications should be accompanied by a copy of the authority to possess the items in Northern Ireland (for example a firearm certificate or a firearms dealer’s certificate).

**24** As a concession for non-commercial importation of firearms and ammunition requiring import licences, HM Customs and Excise accept the following documents in lieu of import licences -

- (a) a valid Northern Ireland firearm certificate;
- (b) a visitor’s permit.

The firearms or ammunition must be freely declared to HM Customs and Excise upon importation as being a personal non-commercial importation.

**25** The Placing on the Market and Supervision of Transfer of Explosives Regulations (Northern Ireland) 1993 (POMSTER) removed the requirement for an import licence to import explosives. The importation of explosives, however, is still prohibited unless accompanied by a transfer document (or a certified true copy) known as a Recipient Competent Authority (RCA) document issued by the Chief Constable. There is some overlap between ammunition controlled by DTI and by the Chief Constable and, where this is the case, both sets of documents are required.

### **Exports to non-EU States**

**26** Firearms (including component parts) and ammunition are subject to export control and in general require a licence for export to any destination.

**27** A holder of a valid firearm certificate or a visitor’s firearm permit may take abroad with him, or have sent, as part of his personal effects, without an export licence, any firearms or related ammunition entered on the certificate, if the certificate or permit is presented by him, or his duly authorised agent, with the firearms and ammunition to the officer of the Customs and Excise at the place of exportation. The exception also includes telescopic sights.

**28** From time to time this exemption will **not apply** to firearms consigned to certain destinations. Further details may be obtained from DTI prior to export.

**29** Applications for export licences must be made to DTI on the appropriate form and must be accompanied by the applicant's firearm certificate or, in the case of a firearms dealer, a copy of his dealer's certificate or Secretary of State's authorisation only if appropriate. See also paragraphs 14 and 15 about the export of valuable, older firearms.

**APPENDIX 6****STANDARD CONDITIONS FOR VISITOR'S FIREARM PERMIT  
(Article 15)**

Some standard conditions which may be attached to a visitor's firearm permit are –

- (a) The holder must, on receipt of this permit, sign it in ink with his usual signature.
- (b) The holder of this permit must inform the Chief Constable immediately of the theft, destruction, deactivation or loss in Northern Ireland of any firearm or ammunition to which it relates and/or the theft, loss or destruction in Northern Ireland of this permit.
- (c) The holder of this permit must inform the Chief Constable without undue delay of any change in his notified arrangements in so far as it relates to the grant of this permit.
- (d)
  - (i) The firearm and ammunition to which this permit relates must at all times (except in the circumstances set out in paragraph (ii) below) be stored securely so as to prevent, so far as is reasonably practicable, access to the firearm or ammunition by an unauthorised person.
  - (ii) Where a firearm or ammunition to which this permit relates is in use or the holder of the permit has the firearm with him for the purpose of cleaning, repairing or testing it or for some purpose connected with its use, transfer or sale, or the firearm or ammunition is in transit to or from a place in connection with its use or any such purpose, reasonable precautions must be taken for the safe custody of the firearm or ammunition.
- (e) The holder of this permit must, on written request, return it to the Chief Constable without delay.
- (f) The firearm(s) and ammunition to which this permit relates shall be used only at [*place of event/use or event(s)*] [*name of event(s)/competition(s)*] or target shooting on ranges approved for that class of firearm by the Chief Constable.
- (g) The firearm(s) and ammunition to which this permit relates shall be used only on [*land over which shooting is to take place*].
- (h) The firearm(s) and ammunition to which this permit relates shall only be transported to and from (enter country) and shall not be used in Northern Ireland.

## **APPENDIX 7**

### **EUROPEAN UNION (EU) MEMBER STATES**

The following 25 states are members of the EU:

- Austria
- Belgium
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Poland
- Portugal
- Slovakia
- Slovenia
- Spain
- Sweden
- The Netherlands
- United Kingdom

## **APPENDIX 8**

### **CATEGORIES OF WEAPONS UNDER THE 1991 EUROPEAN WEAPONS DIRECTIVE (91/477/EEC) ON CONTROL OF THE ACQUISITION AND POSSESSION OF WEAPONS**

There are 4 categories of weapons and ammunition under the European weapons directive -

#### **CATEGORY A**

Except in special cases the following weapons and ammunition are prohibited in all EU States -

- 1 Explosive military missiles and their launchers.
- 2 Automatic firearms.
- 3 Firearms disguised as other objects.
- 4 Ammunition with penetrating (armour-piercing), explosive or incendiary projectiles and the projectiles for such ammunition.
- 5 Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or target shooting, for persons entitled to use them.

#### **CATEGORY B**

If someone wishes to purchase, acquire or possess any of the firearms below in another member State he must obtain permission from the authorities of that State -

- 1 All handguns and short rifles, carbines and smooth-bore firearms with a barrel not exceeding 30 cm (11.8 inches) or an overall length not exceeding 60 cm (23.6 inches) except single shot rimfire pistols with an overall length of 28 cm (11 inches) or more.
- 2 All semi-automatic rifles and smooth-bore firearms -
  - (a) with a magazine and chamber which can together hold more than 3 rounds; or
  - (b) where the magazine and chamber cannot together hold more than 3 rounds but could be converted to a larger capacity with ordinary tools; or
  - (c) with a detachable magazine; or

(d) which, in the case of smooth-bore firearms, which have a barrel of less than 60.96 cm (24 inches); or

(e) which resemble automatic weapons.

**3** Repeating (that is, pump-action, bolt-action, lever-action) and other manually loaded, smooth-bore firearms and smooth-bore revolver firearms, with a barrel of less than 60.96 cm (24 inches).

### **CATEGORY C**

The possession of any of the firearms below in another EU State must, at the minimum level of control imposed by the Directive, be notified to the authorities of that State. Some of these may at any time be prohibited by individual member States or they may require their purchase, acquisition or possession to be subject to prior authorisation.

**1** Repeating (that is, pump-action, bolt-action, lever-action) and other manually loaded rifles and single shot rifles.

**2** Repeating (that is, pump-action, bolt-action, lever-action) and other manually loaded, smooth-bore firearms and smooth-bore revolver firearms, with a barrel of not less than 60.96 cm (24 inches).

**3** Semi-automatic rifles and smooth-bore firearms -

(a) where the magazine and chamber together cannot hold more than 3 rounds and which cannot be converted to a larger capacity using ordinary tools; and

(b) which do not have a detachable magazine; and

(c) which do not resemble fully automatic weapons; and

(d) which, in the case of smooth-bore firearms, have a barrel of not less than 60.96 cm (24 inches).

**4** Single-shot rimfire pistols with an overall length of more than 28 cm (11 inches).

**5** Any shotgun with a magazine.

### **CATEGORY D**

The Directive does not impose any minimum controls on the purchase, acquisition or possession of Category D firearms. Individual member States may impose controls such as prohibition or a requirement that their purchase, acquisition or possession requires prior authorisation.

Any shotgun without a magazine.

This includes single-barrel, single-shot, over and under and side by side shotguns or any multi-barrelled shotguns which can only fire one shot from each barrel without reloading.



## APPENDIX 9

### PROOF OF FIREARMS

**1** Proof is the compulsory testing of every firearm to ensure its safety before it is first offered for sale. It includes all explosive operated small arms adapted for the discharge of shot, bullet or other projectile. It includes pistols, revolvers, shotguns, rifles, cattle killers, line throwers, signal pistols, alarm guns and nail driving and other industrial tools. Air guns are not included. Firearm barrels adapted to discharge a ball of a greater weight than one pound and three-quarters or a barrel of a bore exceeding 2 inches, are not included. Similarly, military arms manufactured for HM Forces are not, whilst still owned by the Crown, subject to proof. Reproof is the similar testing of a firearm that may have fallen below standard because of alteration. This is a complex area and the Chief Constable will consider seeking guidance from qualified gunsmiths or the proof houses mentioned below when dealing with issues relating to proof. The proof houses can also carry out safety tests on items not subject to proof, such as cannon barrels.

**2** There are two proof houses -

Birmingham Proof House Banbury Road Birmingham B5 5RH	London Proof House 48 Commercial Road London E1 1LP
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**3** The proving of firearms is governed by the Gun Barrel Proof Acts of 1868, 1950 and 1978.

Under these Acts it is an offence to -

- (a) sell, exchange, expose or keep for sale, or export, or keep for exportation, or to attempt to sell, exchange or export, or to pawn or pledge, or attempt to pawn or pledge, or to take in pawn or pledge, an arm, the barrels of which are not duly proved and marked as proved;
- (b) import into the United Kingdom small arms, the barrels of which are not duly proved and marked as proved, without giving notice in writing within seven days after their arrival to the Proof Masters of the Birmingham and London Proof Houses;
- (c) omit to send such imported arms, within twenty-eight days of their arrival in the United Kingdom, to be proved at either the London or Birmingham Proof House. This does not apply to any small arm imported by any person for his own personal use whilst it is in his possession. In such a case, the proof is the responsibility of the possessor.

**4** For each offence committed, a person shall be liable on summary conviction to a fine. If dealing in firearms which do not bear recognised proof marks comes to notice, the Proof Master at one of the addresses above should be informed.

**5** The word “barrel” includes the breech and action or any part of the arm in, from or through which all or any part of the charge would be fired. Illustrations of all the proof marks that are at present recognised in the United Kingdom may be obtained from either of the proof houses listed above. They can also provide a small booklet (“Notes on the proof of shotguns and other small arms”), at a nominal cost. This covers the law and procedure relating to proof and provides examples of a broad range of proof marks.

**6** Schedule 1 of the Gun Barrel Proof Act 1978 provides for the registration at the Proof Houses of Birmingham and London of the proof marks of a foreign State which has a public proof house established by law and recognised by the Permanent International Commission for the Proof of Small Arms (CIP).

**7** Schedule 1 of the 1978 Act also provides that barrels bearing duly registered proof marks of a foreign State shall be exempt from the liability to prove. If the barrel is altered by any means except user wear and tear, so that it no longer represents the proof to which it would be subject in the official proof house of the State in question, it shall cease to be exempt.

## APPENDIX 10

### SECURITY OF FIREARMS AND AMMUNITION

1 This Appendix provides information about the secure keeping of firearms and ammunition, referring to other sources of more detailed information where appropriate. It sets out the security issues which the Chief Constable will consider when dealing with certificate applications or variations and which will be reflected in the safe keeping conditions which will appear on a firearm certificate ie “The firearms and ammunition to which this certificate relates must be securely stored at all times (except when the firearm or ammunition is in use, or being cleaned, repaired, tested, or in transit) so as to prevent unauthorised access, so far as is reasonably practicable. The minimum acceptable standard of storage must equate to BS7558 (1992). Gun cabinets must be secured to the fabric of the building. Paragraph 42 provides advice on firearms and ammunition being conveyed in a vehicle.

2 The certificate holder must take reasonable precautions for the safe custody of the firearms or ammunition. Further detail is set out below and in the “Firearm Security Handbook” published by the Home Office in 2000 and the “Firearms Security: Notes for Guidance 2000” produced jointly by the Home Office and the Association of Chief Police Officers.

Where a firearm or ammunition is stolen and the subsequent police investigation shows that the theft was the result of the absence of or inadequate security provision the revocation of the firearm certificate will be considered.

#### Secure Storage

3 The “Firearms Security: Notes for Guidance 2000” referred to above provides advice on security measures appropriate to different types of firearms and ammunition in different circumstances. The Chief Constable takes cognisance of this guidance in the interests of consistency.

4 As with all aspects of crime prevention, the police must examine the individual circumstances of each case and the overall security arrangements which will be in place. The level of security should be proportionate to the risk, each case must be judged on its merits and their advice should be balanced, reasonable and comprehensive.

#### Factors which the Chief Constable will consider

5 These may include the following -

- (a) A risk assessment based on the level of property crime in the area. This might be obtained from the local police. This may be subject to sudden temporary changes and it is helpful to look at the longer-term trends of property crime in an area, which is a more important factor. The incidence of firearm theft in the area might also be a factor;

- (b) The remoteness or otherwise of the property and the likely response time to calls for assistance, either by police or neighbours;
- (c) Whether the property is overlooked and/or illuminated. These are significant factors in deterring burglars;
- (d) The extent to which the property is occupied or left unoccupied;
- (e) The location of storage points within the property and where appropriate the distribution of firearms within each secure point;
- (f) The attractiveness of the type of firearms to criminals. For example, modern multi-shot handguns may be more attractive to criminals than shotguns, which would in turn be more attractive than rifles or older types of firearm. Muzzle-loading firearms, whether original or reproduction, are not generally considered attractive to criminals;
- (g) The number of firearms held;
- (h) Whether it is generally known that firearms are stored on the premises.

### **The certification procedure**

**6** Perhaps the most important time when security questions are raised is when an application is made for the grant of a firearm certificate. The applicant will wish to know about the best security arrangements and this will provide a valuable opportunity to provide sensible, well reasoned advice in the light of the circumstances prevailing at the time. If there is any doubt about the adequacy of security, the Chief Constable may take this into account in considering the application.

**7** Further grants or variations of firearm certificates provide opportunities to reassess security and safety. In practice there should be no need for significant change if the recommendations made at the time of the initial grant were accepted and implemented and there has been no subsequent change in circumstances.

### **Applying this guidance**

**8** This guidance should be applied with a view to the individual circumstances and the type and location of the premises in question.

**9** It is important that the proposals in each case take into account the safety of the occupants of the premises; in particular, it is important to be aware of legislation relating to fire safety, buildings and the occupier's liability].

**10** In relation to the building regulations and provision for emergency escapes from buildings including dwellings, no requirement can be made in respect of a window or other opening which

has been provided as an emergency escape that will in any way prevent its immediate and unobstructed use.

**11** If the police have any reason to believe that there is a conflict between the need for security for firearms and any regulations relating to the safety of persons in a building, they should obtain advice from the agency responsible for the regulations.

**12** Some situations and locations are such that these general principles cannot or do not provide the security commensurate with the risk. The security provisions in these cases can be appropriate even though they do not accord with this guidance. Every case must be judged on its individual merits, with this document providing general guidelines rather than absolute rules.

**13** The term “unauthorised access” has been held to include the constructive possession that can occur where persons other than the certificate holder have access to the keys for security devices, as well as access gained by criminal entry to the premises etc. Any keys to any security device should be kept secure, with access limited to authorised persons. This is especially important if children are in the house. **Knowledge by an unauthorised person of the location of the keys or of the combination to the locks may lead to a breach of the statutory security condition.** In the case of *Regina v Chelmsford Crown Court, Ex parte Farrer (2000)* the court found that deliberately providing information of the whereabouts of the keys was an offence. It was “reasonably practicable” for Mr Farrer not to tell his mother where the keys were kept in this case. Where two certificate holders, share a cabinet or other primary security device, separate security provisions to prevent unauthorised access should be made, using devices such as lockable high tensile steel cable.

**14** A garage, whether an integral part or separate from a house, would not be acceptable for the storage of a firearm.

**15** In some modern houses, thermal block is used for the inner skin of main walls. This does not provide as substantial an anchorage point for security devices as those that can divide integral garages from living areas, for example. (Integral garage means one built within the dwelling and providing internal door(s) to the other living areas).

**16** If the certificate holder’s dwelling is a mobile home or static caravan, he will not be permitted to keep his firearms there and will be required to provide a suitable alternative.

**17** As with any other valuable articles, the security of firearms should be considered in layers:

- (a) **The Outer Layer** - the protection of the surroundings etc which are necessary for particular situations or risks. Exterior lighting, approaches overlooked etc.;
- (b) **The Secondary Layer** - the protection of the surrounding structure (the building or part of a building) which contains the immediate or core layer for the firearms;
- (c) **The Immediate or Core Area** - where the firearms will actually be stored, allowing access only by those who are authorised to have possession of them.

**18** In most circumstances, the immediate and secondary layers are likely to be all that need to be addressed. However, conditions which affect either the ability of the outer structure to

provide a defensive level commensurate with the particular risks, or any constraints upon the occupier, (for example crime level, property style or type of construction, constraints in tenanted property etc.) may require adjustments to either layer.

**19** If the occupant can show that the house has been designed and built to the requirements of BS8220 (the “secured by design” model, introduced in 1996) or has doors to BS PAS 24 and windows to BS7950, then those parts of the dwelling can be taken to have satisfactory security in respect of the secondary layer.

### **The broad levels of security**

**20** It may also be helpful to think of security in terms of broad “levels” to be applied according to the circumstances of each case. These are not intended to be prescriptive but rather to provide guidance on what might be considered proportionate in each case.

#### **Level 1**

**21** The security of firearms and ammunition within a dwelling can in most cases be achieved by the provision of a cabinet designed for this purpose. Cabinets should conform to the requirements of BS7558. Further information on design can be found in the “Firearm Security Handbook”. The cabinet should be fixed to the structure of the building and suitably located to frustrate or obstruct the points of attack or identification by persons visiting the premises. BS7558 was introduced in 1992 but many older cabinets will be built to perfectly satisfactory standards and need not be replaced.

**22** As an additional level of security, ammunition and easily removable component parts - such as rifle bolts etc. - ought to be stored separately from the firearms they fit. This could be either in a detached storage container fitted elsewhere in the dwelling or one built into or onto the firearms cabinet.

**23** There is a need to consider other alternatives for unusual firearms such as punt guns, cannon etc. In these cases, such items may be secured in buildings other than the dwelling. Suitable securing points may be required where the situation or construction of such buildings make it necessary. Where possible any removable part that would render the firearm inactive should be stored separately.

**24** Other considerations in that dwelling might be -

- (a) Final exit doors of good construction secured with good quality locks and/or other types of deadlocking facilities;
- (b) Suitable locks/securing devices on ground floor windows and French/patio windows.

**25** In the cases of more modern houses, the above requirements will be met, in properties with PVCu doors or specialist doors, by a multi-locking system, gear or bar link operated, which is secured by a deadlock. These requirements will also be met in properties with PVCu or

specialist windows by a similar style of internal mounted system, gear or bar link operated, secured by a keyed lock, either handle or independently mounted.

**26** If advice is given to fit locks to PVCu doors and/or windows it is important to stress that the manufacturer/supplier should be consulted about which locks would be appropriate, as the fitting of non-specified locks may cause damage and invalidate the product warranty.

## **Level 2**

**27** Where the individual circumstances require additional measures (for example, a high crime location, a building regularly left unoccupied, a substantial number of firearms on the premises, repeat victimisation etc.), in addition to the provision of a suitable cabinet, gun room or safe, the following may be considered-

- (a) The exit door locks should be to BS3621 or equivalent and any French windows/patio doors should have an integral locking system or be provided with supplementary locks to frustrate forcible opening, together with anti-lift blocks if applicable;
- (b) Windows on the ground floor and those accessible from flat roofs etc should be fitted with an appropriate type and number of locks which are self-latching or active-key operated. These should ensure casement-to-frame locking along the length of the opening edge;
- (c) An audible intruder alarm to the appropriate standard protecting either the whole of the premises or those parts of the premises deemed necessary;
- (d) Spreading the risk by dividing up the number of firearms between several secure locations.

**28** For these purposes, a “substantial number of firearms” (as mentioned in paragraph 27) should be assessed with regard to the type of firearms, their potential danger if misused and their likely attractiveness to criminals. At the lower end the number might vary between six and ten, depending on the type of firearm concerned, whilst anything over ten would rarely, if ever, be lower than level 2. For these purposes, sound moderators, spare barrels, spare cylinders and component parts should not normally be considered as part of this total.

**29** If the certificate holder provides a different form of security, which equates to that provided above (such as providing a reinforced gun room or other area), this may also be accepted as suitable. The comments made in reference to PVCu and other specialist products are also applicable.

## **Level 3**

**30** If the risk is assessed as being greater than the previous level (for example by virtue of a high crime rate, certain high profile certificate holders, large numbers of firearms held etc), then the following should be considered as well as the previous level of security:

Dividing the risk, for example by the provision of separate cabinets, perhaps in different locations within the premises, to reduce the number of firearms in any one place -

Additional target hardening of the storage (cabinet with individual gun locks, or extending to a gun room);

Installation of an audible intruder alarm to protect the whole of the premises.

If there is a particular risk attached to the property or its area, then a system with signalling should be sought. The provisions of the ACPO intruder alarm policy of 1995 should be considered if a signalling system is to be installed.

**31** For these purposes, “large numbers of firearms” may be taken as meaning more than twelve but excluding any antique firearms held as curiosities or ornaments. Sound moderators, spare barrels, spare cylinders and component parts should not normally be considered as part of this total.

### **Ammunition**

**32** Ammunition should be kept secure and separate from the firearm.

**33** Although ammunition is not generally a serious fire hazard, police should ensure, in advising on the location of any ammunition container, that it is not in an area exposed to a risk of fire. It is also inadvisable for an ammunition container to be located in the area of an escape route from a room where there is a fire risk (for example a kitchen). If there is any doubt on the safety or method of intended storage, the Firearms Enquiry Officer may be consulted. This is also recommended in the case where a private certificate holder intends to keep articles for reloading such as gunpowder, primers or large quantities of cartridges etc.

### **Siting and fixing of devices**

**34** Any firearm security cabinet etc. should be sited out of view from people both inside and outside the building. Securing to suitable building walls within built-in furnishings, that is wardrobes, cupboards, lockers etc., can prove effective. Rooms such as lofts and cellars that are unlikely to be visited by casual visitors are options. However, when police are recommending such places, it is important to consider whether the environment is suitable. Extremes in temperature, dampness, condensation etc. may militate against such use, as not only could they result in damage to the firearms and ammunition but also may cause erosion of the fixings or the cabinet material, thus reducing their security.

**35** In addition, the ease and convenience of access to the location is important. If this is difficult there may be a tendency for the certificate holder to delay putting his firearms away after use. Police research has shown that a number of thefts has resulted from owners not immediately securing their firearms.

**36** In advising on the location of any security cabinet, it is important to remember that most steel gun cabinets have a high weight-to-footprint ratio. The average floor loading for a suspended floor on timber joists is 56 lbs. per square foot. A 9-gun cabinet with a 60.1 x 30.1 cm (24 inch x 12 inch) footprint can be in the order of 126 lbs per square foot and can exceed a safe



average suspended floor loading. Obviously, any fixing to a wall will reduce this loading. Joist ends are a more suitable fixing location than joist runs.

**37** When installing a cabinet in a loft, care needs to be exercised. Not all lofts have joists intended to include weight loading other than that of the ceiling below. It is not uncommon for joists in lofts to be 40% smaller in cross sections than joists carrying floors. Full use must therefore be made of the support from structural walls carrying such joists. If there is any doubt, the applicant or certificate holder should obtain proper structural advice.

**38** Fixings for security devices form an important part of the overall resistance to attack. Fastening to timber studded walls should be avoided, unless some additional anchorage can be provided. Floor or roof joists (subject to the previous comments) are acceptable. Walls of brick, concrete or masonry are usually the best bonding materials. It is important that the fixing bolts chosen are correct for that material (for example expanding bolts, chemical anchors, toggle bolts etc.). Modern building materials, particularly breeze and thermal block, are not particularly suited to normal fixing devices.

**39** When cabinets are being fitted, consideration should be given to varying the method of fixing. For example, in buildings with only partition internal walls and modern insulation block lining or random stone walls, it can be perfectly acceptable to fix cabinets horizontally, as long as appropriate fixing devices are used.

**40** This will also assist when fastening into suspended wooden flooring, as it spreads the load more evenly. In this case, coach screws of at least 3/8" (9.5mm) diameter and not less than 2.5" (63.5mm) long will normally provide a suitable anchorage. However, where screws of such a size might weaken the suspended flooring, smaller screws might be more appropriate. Such fixings must of course be to joists and not simply to the floor boarding.

**41** Another consideration should be the size and weight of larger gun cabinets or commercial safes. Due to their very weight or size, fixing may be unnecessary but their location should further frustrate removal.

### **Consideration for certificate holders transporting firearms in vehicles**

**42** When a person is carrying firearms and ammunition in a vehicle, he must take the following steps to ensure their safe custody -

- (a) They should be hidden, preferably in the locked boot or other secured load carrying area of the vehicle, where practicable. Vehicles used frequently for transporting firearms should ideally have an immobiliser and/or alarm fitted, if they are to be left unattended.
- (b) If the vehicle is left unattended for any reason, firearms should be concealed, preferably in the locked luggage compartment and, where practicable, an essential component such as the bolt or fore-end removed and kept in the possession of the responsible person. Where possible, ammunition should be stored separately from the firearm and this too should be concealed from view. The vehicle should be locked and any immobiliser or alarm should be set. If possible, the vehicle should be parked within the sight of the responsible person.

- (c) In the case of an estate, hatchback or similar vehicle, and where the firearms are to be left unattended, the following recommendations should be considered -
- i. The responsible person should ensure that the lid or cover of the load carrying area is in place and/or that the firearms are so covered or concealed to prevent their identification;
  - ii. Whenever possible the firearms and ammunition should not be stored together. Where the boot or load carrying area is the most practical place, ammunition should be secured in an appropriate container, ideally secured to the vehicle, if practicable;
  - iii. Wherever possible, the bolt, magazine or other vital operating part should be separated from the firearm and either carried on the person or secured or hidden in the vehicle, or kept in a locked container, ideally secured to the vehicle if practicable;
  - iv. If firearms are regularly carried in such a vehicle, provision should be made for securing them to the vehicle's structure. For example, security cases, cage, cable or clamp.

**43** When firearms and ammunition are being carried on a journey which involves them being kept away from their usual secure storage, the responsible person should ensure that they are secure, as far as is reasonably practicable. When a firearm is being taken to venues involving overnight stays or longer, consideration might be given to -

- (a) obtaining accommodation which provides secure facilities (some country hotels offer this service); or
- (b) storing the firearm at the local police station.

#### **44 Security Conditions**

- (a) A firearm certificate is conditioned to require that *“firearms to which a certificate relates must be stored securely at all times so as to prevent, so far as is reasonably practicable, access to them by unauthorised persons.”*
- (b) A firearms dealer's certificate is conditioned to require that *“reasonable measures shall be taken to maintain the safekeeping of all firearms and ammunition dealt with or kept in the course of the firearms dealer's business.”*
- (c) An auctioneer, carrier or warehousemen is required to *“take reasonable precautions for the safe custody of the firearms and ammunition in his or his employees' possession in the course of his business.”*
- (d) Conditions on an authorisation of the Secretary of State for the holding of weapons etc to which Article 45 applies, include *“that the prohibited weapons are not stored at any place other than the [company] premises at [ ] under secure conditions as agreed with and satisfactory to the Chief Constable”, and “that the prohibited weapons are transported under secure conditions agreed with and satisfactory to the Chief Constable .”*

The storage condition on the Secretary of State's authorisation can also be general eg: "When not being displayed the weapon must be stored at the address given above. If the holder and the weapon are to be away from that address overnight, it must be stored in police custody.

- (e) One of the conditions imposed on firearms clubs requires that *"the security arrangements for the storage of club firearms and/or ammunition must meet the approval of the Chief Constable."* The local Firearms Enquiry Officer inspects the security arrangements.
- (f) The requirements for a museum firearms licence includes that: *"the Secretary of State shall not grant a licence unless, after consulting the Chief Constable, he is satisfied that the arrangements for exhibiting and keeping the firearms and ammunition in question are or will be such as not to endanger public safety or the peace. A licence shall be subject to such conditions specified in it as the Secretary of State thinks necessary for securing safe custody of the firearms and ammunition."*

### General Construction and Standards

**45** These specifications are an indication of the relative construction/fabrication of items that would provide the necessary resistance in their given application. It is quite possible to produce an acceptable level of resistance using alternative strategies, materials or designs.

The test, however, is whether the alternatives on balance provide resistance which can equate to that provided by these specifications. The standards quoted in this document should provide a base line. Certain of these standards provide testing measures for resistance or deterrence against which the overall security of the firearm(s) can be assessed. Summaries of the appropriate standards are found in Appendix E of the "Firearm Security Handbook".

Certain recommendations in this section involve structural adaptation. The police should advise applicants that they should obtain professional advice before embarking on projects of this nature to ensure that any recommendations made will not cause any problems in relation to the load bearing capacity of floors or walls.

When proposing security for domestic and commercial premises, no requirements can be implemented that compromise the provisions for safe exiting from such premises, required by both building and fire safety controls.

The security measures required must be reasonable for each situation.

### Cabinets

**46** Cabinets, which may be considered to be suitable for the security of the firearms and ammunition should be expected to provide resistance equal to -

- (a) a cabinet manufactured and fitted as certified to comply with BS7558:1992; or
- (b) a cabinet fabricated to the following specification -

Sheet steel body of not less than 2.5 mm (14 swg), formed by either folding, continuous welding or a combination of these methods.

When fabricating the body, the door case should be constructed to provide a continuous rest plate the length of the opening edge to prevent the insertion of hacksaw blades to attack the lock bolts.

The doorframe may be formed by return bending of the body steel or the provision of a bar or angle frame, welded to the carcass with sufficient relief to the edges to provide for door locking and hanging. The frame should be designed so that the door, when closed, can resist attempts to force it inwards.

Doors should be formed from the same material with either bent, folded or post formed edges, or the provision of a bracing frame of bar or angle steel, or ribs welded to the inside of the door to prevent the flexing or bending of the door when closed.

**47** Doors should be hung on -

- (a) hinges internally fitted.
- (b) hinges externally fitted, with either hinge bolts, anti-bar plates or interlocking formed door edge along the hanging edge of the door.
- (c) swivel bars or rods with return fold anti-bar plate. The frame should be fabricated to prevent, so far as possible, the insertion of tools to cut the pins.
- (d) at least two steel pins of 12 mm diameter or full width welded steel foot plate not less than door thickness - for slot in type doors.

**48** Doors should be secured by -

- (a) locks to BS3621 or 7 lever safe locks with not less than 38 mm x 9 mm cross section steel bolts.
- (b) locks in the approved list under HELA Tech Doc 26/5.
- (c) locks specified above should be mounted on steel brackets or pockets, providing strength equal to that of the door and welded to the door.
- (d) padlocks not less than grade 4 of the draft CEN 12320:1997. Close shackle should be selected on open ring or plate staples.

**49** Hinged full length doors for rifles and shotguns should be fitted with two locking devices fitted at points to divide the locking edge into equal parts. On slide in, fully braced doors, the number and location of the lock(s) will be determined by the extent of flexing in the door.

**50** Padlocks should have steel staples, hasp/staple or padbars fabricated to equate to the protective strength of the lock.

Provision of at least 4 fixing holes to take not less than 10 mm diameter fastening devices. The holes should be spaced to provide maximum binding of cabinet to structure.

When ammunition or firing mechanisms are to be kept separate from the firearms, a smaller cabinet of similar construction or a separately lockable container, either as an extension of the cabinet or internally fabricated, can be used.

## **Safes**

**51** Commercially manufactured safes may be considered suitable for the securing of firearms. Even early models, if tight and in good condition, can provide physical protection that would be above that expected on a cabinet constructed to BS7558. The following should be considered as appropriate -

- (a) Safes weighing less than one tonne should be secured to the floor in accordance with the instructions of the manufacturer or a safe engineer.
- (b) Safes have a considerable floor loading implication and advice must be sought for any proposal to fit a safe on other than a solid ground floor.
- (c) To protect those safes with thinner plate backs, they must always be installed with the back against a solid wall or be built into a wall or recess to prevent attack at the rear.
- (d) Where the safe is secured by driven boltwork, a single key lock or dial lock (either combination or digital) is often provided. Unless there is some particular requirement, double locking would not be necessary.

**52** Information on other security provisions is contained in the "Firearm Security Handbook".

## APPENDIX 11

### CONDITIONS FOR THE AUTHORISATION OF FIREARMS DEALERS

**1** You are restricted to \* the retail sale of firearms and ammunition/ ammunition/ repair and test of non bullet-firing firearms and retail sale of non-bullet-firing firearms and ammunition/ repair and/ or test of firearms as specified below.

\*delete as appropriate

**2** (a) Subject to conditions, (number authorised) no bullet-firing firearm may be kept at your authorised premises at any time.

(b) No more than (authorised number) .22 Rimfire rifles may be kept at your authorised premises at any time.

(c) No bullet-firing firearm may be acquired, purchased, sold, repaired, tested or kept by you at any time on your authorised premises.

(d) No firearm may be acquired, purchased, sold, repaired, tested or kept by you at any time on your authorised premises (refers to ammunition dealers only)

(e) Not more than (authorised number) firearms may be kept at your authorised premises at any one time for repair or test. Not more than (authorised number) of these shall be bullet-firing and, of these, not more than 3 should be handguns. Any firearm so kept must be returned to the holder within 72 hours of the repair or test being carried out.

You are required to keep a record showing -

- i. the date on which the firearm was received for repair;
- ii. a description of the firearm;
- iii. the name and address of the holder;
- iv. the date on which repairs to the firearm were completed; and
- v. the date on which the firearm was returned to the holder.

Such details shall be recorded at your premises within 24 hours of the transaction. (refers to repair and/or testing dealers only)

**3** A bullet-firing firearm, except for .22 Rimfire rifles as mentioned at 2(b), purchased from a certificate holder or purchased against an order for a customer who has been granted a firearm

certificate for it may be kept at your authorised premises for a period not exceeding 7 days. In no case shall more than (authorised number) firearms be kept at any one time.

**4** You may not stock bullet-firing handguns for retail sale but you are allowed to hold a maximum of (authorised number) for a period not exceeding 7 days to arrange for collection or disposal. This is in addition to the number of handguns which may be held for repair in accordance with 2(e).

**5** Subject to 2(e) not more than (authorised number) shotguns and not more than (authorised number) air guns, shall be kept at your authorised premises at any one time.

**6** Subject to condition 2(e) not more than (authorised number) non-bullet-firing firearms shall be kept at your authorised premises at any one time, not more than (authorised number) of these shall be shotguns.

**7** Bullet-firing firearms specified at 2(e) above must be stored at all times (day and night) in a locked strong room, which should have the key removed. The working parts must be separately and securely stored (refers to repair/test dealers only)

**8** Firearms other than bullet-firing firearms must be stored at all times (day and night) in a strong room, if there is one, or in steel presses which must be kept locked and have their keys removed. (refers to repair/test dealers only)

**9** The propellant of ammunition contained at your authorised premises must not exceed 225Kg of explosives in total.

**10** Ammunition must be stored at all times (day and night) in a strong-room, if there is one, or steel presses, which must be kept locked and have their keys removed. During business hours only ammunition that is needed for the day's business may be removed from the strong-room or steel press to that part of the authorised premises where sales take place and, while there, it must be kept in a secure container.

**11** Only drill, blank or dummy rounds of ammunition or snap caps should be used for demonstration purposes in authorised premises. Firearm dealers must ensure that all loose ammunition is locked in a secure cabinet when a firearm is being demonstrated on authorised premises and at no stage should a prospective customer be in possession of both firearms and loose ammunition. (Refers to retail sale dealers only).

**12** Ammunition should only be sold in sealed containers, which the firearms dealer should, if necessary, secure before he hands them over to customers.

**13** Bullet-firing firearms specified at 2(b), 3 and 4 above must be stored at all times (day and night) in a locked strong room, the key of which should be removed. The working parts of the firearms must be separately and securely stored. Not more than one firearm may be produced at any one time to a prospective customer.

**14** Firearms must be stored at all times (day and night) in a strong-room, if there is one, or a steel press which must be kept locked and have its key removed. During business hours firearms needed for the day's business may be taken from the strong room to that part of the premises

where sales take place, and there placed in a steel press or other container, which must be kept locked and have its key removed. The fore-end pieces of all shotguns must at all times be kept separate from the shotguns and securely stored, except that not more than one complete shotgun may be produced at one time to a prospective purchaser.

**15** You should notify the police immediately on discovery of the theft or loss of your firearms dealer's certificate or any firearm or part of one or ammunition from your premises.

**16** The strong room, storage containers and other security arrangements mentioned in the foregoing conditions must satisfy police requirements.

**17** Prospective purchasers must be furnished with a bill of sale, showing the type, make and calibre of the firearm to be acquired. Where a firearm is semi-automatic this must be clearly stated.

**18** In no circumstances must any firearm or ammunition other than those specified in the foregoing conditions be kept on your authorised premises.

**19** You must not permit a member of the public to enter into that area of your premises firearms and ammunition are stored.

**20** Expanding pistol ammunition, or the missile for any such ammunition, must not be purchased or acquired except for the purpose of making sales or transfers of any such ammunition or missiles to -

- (a) persons who are authorised by a firearm certificate to purchase or acquire such ammunition or missiles subject to a condition prohibiting the use of expanding ammunition for purposes not authorised by the European weapons directive; or
- (b) a person carrying on the business of a firearms dealer who is authorised as a firearms dealer subject to this condition, or any employee of his.



## APPENDIX 12

### SURRENDER AND DISPOSAL OF FIREARMS AND AMMUNITION

1 This Appendix offers definitions of both surrender and disposal and provides general advice on how the police should deal with firearms and ammunition that are handed over to them. It also covers the handling of antique firearms and firearms of particular interest.

#### Definitions

2 No obstacle should be placed in the way of a person who wants to surrender firearms or ammunition to the police although surrender might suggest illegal possession. They should be allowed to hand them in at a police station, although disposal through a dealer might also be considered. Disposal might also suggest unwanted/unusable firearms held on certificate.

#### General advice on receipt of firearms or ammunition

3 Where any firearm is handed to the police, their first priority is to ensure that it is not loaded. At no time should it be pointed in a direction that might cause death, injury or damage if it were to discharge. If in any doubt, the advice of colleagues experienced in the handling of firearms should be sought. Whatever the individual circumstances, the police should give a receipt and record the occurrence as “surrender of firearms and/or ammunition”. Subject to paragraph 5 below, a disclaimer should be signed, if at all possible, to facilitate lawful disposal. Care should be taken to ensure that the wishes of the person handing, over the items are fully understood (see paragraphs below). Where the police take firearms, which remain the property of a certificate or permit holder, into their care, they should ensure that the firearms are not subsequently damaged and are not destroyed without the consent of the owner. In such cases, adequate records must be kept.

4 Different considerations must necessarily apply to those cases where a person wishes to surrender a firearm which he does not have any lawful authority to possess. It is often the case that firearms may be held by people in ignorance of their illegality. They may have been kept in homes where they have been overlooked or forgotten or may have come into possession of their present owners following the death of relatives.

5 Anyone surrendering an illegally held firearm should be questioned discreetly about its history but, unless the circumstances give serious cause for concern as to its provenance (for example, if it appears to have been stolen), the person handing it in should not be pressed. The emphasis should be on creating an environment in which people hand in illegally held firearms.

6 Where it appears, for example, that a person who has inherited a firearm wishes to retain it lawfully as a certificate holder or to arrange for its sale, it would be appropriate to consider whether the person concerned should be granted a firearm certificate in order to regularise his position. In any instance, however, when the police believe that a serious offence involving a

surrendered firearm has been committed, they should follow normal procedures and carry out such enquiries as are necessary . .

### **Antiques**

**7** If any firearm is surrendered to which Article 81 (1) appears to apply (that is, it appears to be an antique), it should not be refused by the police but the person wishing to dispose of it should be informed of its status and allowed to keep it if he wishes. That person may retain the firearm or dispose of it through the trade or possibly to a museum or reputable collector. If the police retain any antique firearm, the Chief Constable should consider offering it to a museum. If the firearm is to be retained by an individual a certificate of antiquity will be required from PSNI's Weapons and Explosives Research Centre at Seapark, Carrickfergus.

### **Firearms of particular interest**

**8** Similarly, if a firearm is handed in by a firearm certificate holder, which appears to be of particular interest and worthy of preservation, even though it is not an antique, police should confirm that the person wishing to dispose of it is aware of this possibility in case he wishes to consider an alternative method of disposal. He may, for example, prefer to dispose of the firearm through a dealer or agree to hand it over to a reputable collector. If the owner, having considered these alternatives, decides to hand it in to the police, the Chief Constable should consider offering it to a museum. If it appears that a firearm may be of value, then the police should advise the owner of this and give him sufficient opportunity to have it properly valued and to dispose of it through a dealer.

**9** Forensic Science Northern Ireland and PSNI's Weapons and Explosives Research Centre have an interest in certain types of firearms, for example, for Court demonstration purposes, and, in cases where no owner exists or can be traced, the Chief Constable will wish to give them an opportunity to examine it. They will make arrangements direct with the police to inspect the firearm and may take possession of those of interest. They should of course complete a receipt.

**10** All other firearms and ammunition not retained for police purposes should be recorded and destroyed.

**Protocols and Practices for the Safe Handling and Possession of Firearms**

A person possessing or handling a firearm should –

1. always treat it as if it were loaded, never assume it to be unloaded and always check;
2. always point it in a safe direction;
3. never point it at anyone even if it is unloaded;
4. only load it when it is required for use;
5. always unload it when it is no longer required;
6. never leave it unattended when it is loaded or carry it loaded in a motor vehicle;
7. always clean it after use;
8. always keep it in safe working order by having it regularly serviced;
9. have faults in it repaired immediately by a competent gunsmith;
10. ensure that all ammunition is in good condition and suitable for the firearm;
11. be aware of the maximum range and ballistic capabilities of it (and the ammunition for it);
12. always secure and store it (and any ammunition) to prevent unauthorised access.

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