
STATUTORY INSTRUMENTS

2004 No. 702

The Firearms (Northern Ireland) Order 2004

PART VII

ENFORCEMENT AND OFFENCES

Offences with firearms

Prohibition of possession, etc. of firearm by certain persons

63.—(1) Subject to paragraph (7), a person who has been sentenced to—

- (a) imprisonment; or
- (b) detention in a young offenders centre,

shall not at any time purchase, acquire or have in his possession a firearm or ammunition unless the term of imprisonment or detention to which he was sentenced was less than three years.

(2) Subject to paragraph (7), a person who has been sentenced to—

- (a) imprisonment for a term of three months or more but less than three years; or
- (b) detention in a young offenders centre or a juvenile justice centre for such a term,

shall not at any time before the expiration of the period of eight years from the date of his conviction, purchase, acquire or have in his possession a firearm or ammunition.

(3) Subject to paragraph (7), while a person is prohibited by section 21 of the Firearms Act 1968 in Great Britain from having a firearm or ammunition in his possession, he shall also be prohibited from purchasing, acquiring or having in his possession a firearm or ammunition in Northern Ireland.

(4) Subject to paragraph (7), a person who has been sentenced to detention during the pleasure of the [F1Minister of Justice] under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9) shall not purchase, acquire or have in his possession a firearm or ammunition.

(5) A person shall not, while he is subject to—

- (a) a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm;
- (b) a probation order containing a requirement that he shall not possess, use or carry a firearm, or
- (c) a licence under Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998,

purchase, acquire or have in his possession a firearm or ammunition.

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

(7) A person prohibited under paragraph (1), (2), (3) or (4) from purchasing, acquiring or having in his possession a firearm or ammunition may apply to the Secretary of State to remove the prohibition F2

Status: Point in time view as at 14/07/2021.

Changes to legislation: The Firearms (Northern Ireland) Order 2004, Section 63 is up to date with all changes known to be in force on or before 11 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F3}(7A) Where an application is made to the Secretary of State under paragraph (7) for the removal of a prohibition, the Secretary of State must—

- (a) remove the prohibition,
- (b) refuse the application, or
- (c) refer the application to the Minister of Justice.

(7B) But the Secretary of State may act under paragraph (7A)(a) or (b) only if the Secretary of State's view that the prohibition should be removed or the application should be refused is arrived at (wholly or partly) on the basis of information the disclosure of which may, in the view of the Secretary of State, be against the interests of national security.

(7C) Where an application is referred to the Minister of Justice under paragraph (7A)(c), the Minister may remove the prohibition or refuse the application.]

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

(9) In this Article “sentenced” means sentenced in any part of the United Kingdom.

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| <p>F1 Words in art. 63(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 9, Sch. 11 para. 5(2) (with arts. 28-31); S.I. 2010/977, art. 1(2)</p> <p>F2 Words in art. 63(7) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 9, Sch. 11 para. 5(3) (with arts. 28-31); S.I. 2010/977, art. 1(2)</p> <p>F3 Art. 63(7A)-(7C) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 9, Sch. 11 para. 5(4) (with arts. 28-31); S.I. 2010/977, art. 1(2)</p> |
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