

Minister's Office Block B,
Castle Buildings
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG
Tel: 028 90522744

private.office@dojni.x.gsi.gov.uk

Our ref SUB/1364/2015

Christine Darrah
Clerk to the Committee for Justice
Northern Ireland Assembly
Parliament Buildings
Stormont Estate
Belfast
BT4 3XX

25 November 2015

Dear Christine,

**JUSTICE (NO. 2) BILL: FIREARMS - RETURN OF TABLE OF SUMMARY
EVIDENCE AND DEPARTMENTAL AMENDMENTS**

Thank you for your correspondence of 11 November, in which you forwarded a table of summary evidence from the Committee in respect of the Department's proposed firearms amendments to the Bill.

Policy leads have reflected on the points raised in that evidence and I now return our comments on the issues raised in the attached table. I hope this is of assistance to the Committee.

Departmental officials will, of course, be happy to discuss and provide further clarification during oral evidence at the meeting scheduled for 26 November, when the following officials will be present:

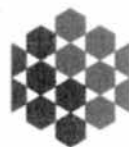
- Simon Rogers (Deputy Director, Protection and Organised Crime Division);
and
- Robert Kidd (Head of Organised Crime, Firearms & Explosives Branch).

What we hope to be the near final text of the proposed amendments to the Firearms (Northern Ireland) Order 2004 is at **Annex A**. In summary the amendments propose to allow a firearms dealer to exchange a firearm for a licence holder within a band; to introduce provisions on the age at which a young person can use a shotgun in an authorised clay target club; and to introduce new fee types.

The process of translating the policy intent into legislation has been difficult. The Firearms (NI) Order 2004 is a complex piece of legislation which we are trying to add to in some areas and adjust in others. We believe, however, subject to taking views from the Committee and shooting stakeholders, that we are nearly there. We received this latest draft on Monday and have sent some comments back to Legislative Counsel. These do not alter fundamentally the nature of the amendments before you.

Young Shooters

1. The Minister's proposal is a reduction in age for young shooters (12 and over but under 16) for shotguns in the controlled environment of a clay club authorised by the PSNI (such clubs and this authorisation do not exist at present and the authorisation will only be required by clubs who wish to permit young people aged 12 to 15 to shoot. There will need to be supervision (New Article 50A).
2. The Minister proposes in tandem with the reduction to age 12 for young shooters in clay target clubs, to broaden access to shotguns for 16 and 17 year olds with a firearm certificate for sporting and pest control uses while under



appropriate supervision (Article 7). At present Article 7 only permits sporting use.

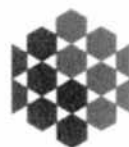
3. A further amendment would permit 16 and 17 year olds to possess and use a shotgun with the permission of the firearm certificate holder, while under supervision by someone who is aged 21 or over and who has held a firearm certificate for a firearm of that description for at least 3 years. This would be without the young person needing to hold a firearm certificate. This mirrors the existing exemption for adults (this requires an amendment to the exemptions in Schedule 1).

Banded System for Rifles

4. At present dealers can conduct certain transactions, namely “one on, one off” exchanges of shotguns and same type and calibre for other firearms.
5. The Minister proposes the addition of “one off” transactions where someone wishes to sell or dispose of a firearm without replacing it, (new Article 11(5)).
6. There is also a proposed banded system which will permit shooters to change rifles if the firearms they are exchanging is are within the same bands, subject to certain conditions (amended Articles 11(3) and (4) and new Schedule 1A).

Certificates of Approval

7. At present Article 17 of the 2004 Order requires visitors from Great Britain who hold a GB firearm certificate or shotgun licence to obtain a certificate of approval from the Chief Constable. It is our intention to remove this requirement where the person holds a valid GB Certificate, (amended Articles 17 and 18).



Firearms Fees

8. The Regulations for the existing fees have already been approved by the Committee (1 October 2015) and it is our intention to introduce these on 15 February. The additional new fees contained in the Bill will come into force on Royal Assent: I include a complete, revised Schedule 6.

The Department would welcome comments from the Committee on the draft provisions. When we have an updated version from Counsel we will circulate it to shooting stakeholders. I will write to the Committee again when the Department has their views.

I trust this is helpful, and please do not hesitate to get in touch if you have any queries.

TIM LOGAN
DALO

Enc : Written Evidence Table
Annex A – Proposed Amendments

DEPARTMENTAL AMENDMENTS TO FIREARMS LEGISLATION		
Provision	Key Issues	Department of Justice Response
General	<p>The PSNI continues to consult with the Department on the proposed changes. The Chief Constable's primary concern is for public safety and to ensure that any proposed legislation that would authorise firearms dealers to carry out transactions previously authorised by PSNI Firearms and Explosives Branch (FEB) on his behalf are backed up with clear legislation and guidance. It states, for example, that the legislation must be clear on the role of firearms dealers in 'managing payments' and associated paperwork notifying Firearms and Explosives Branch of transactions, to ensure that no additional responsibilities are placed on the PSNI for a process which is a commercial transaction.</p>	<ul style="list-style-type: none"> • The Department agrees that the overriding concern is public safety. • We also agree that the licensing system should be managed in the most efficient way. • Work is required on the detail. • Changes have been made to processes and more are being considered. • Where a transaction requires a payment of a fee then this is an integral part of the transaction and the guidance will set out how and when the payment should be made from the dealer to the PSNI. • At present transactions involving a fee are made directly to the PSNI so they get receipt of all the necessary material in a single delivery. In future PSNI will need to be able to easily marry up a payment, any application and any other hard copy material which requires to be submitted such as verified photos, dealer's notes, land consents etc. PSNI are considering electronic payments, so we need to future-proof the legislation.

Women's Aid states that in a HMIC report of September 2015, it was noted that firearms licensing procedures in England & Wales were "inexcusably compromising public safety", and highlighted the dangers of failing to robustly review all applications and remove firearms licences from anyone involved in a domestic violence incident, including retrospective reviews in all policing areas of previously issued firearms certificates.

Women's Aid explains the hidden nature of domestic violence and states that it is plausible, even likely, that gun licenses have been granted in Northern Ireland to applicants with a history of domestic violence of which the public, and the firearms licensors, are not aware.

Women's Aid states that link between gun ownership and domestic violence is well-established in numerous reports, statistics and studies throughout the industrialised world and there is strong evidence that the presence of a firearm in the home is associated with an increased risk of domestic homicide. It believes that tighter gun control and fewer guns in fewer hands including those of children makes for a safer and less violent society.

- The process has been managed by police services on the basis of threat/risk analysis due to available resources. Under the new funding proposals, PSNI would be better placed to ensure face to face visits take place at renewal on a risk-based approach.
- Where there is a report of domestic violence, PSNI would immediately act to remove firearms from that household, pending investigations.
- Clearly where domestic abuse goes unreported, it is impossible for the PSNI to be in a position to take action to protect any vulnerable person(s). However, the grant process involves a face to face interview, the purpose of which is to meet the FAC holder in their home environment and to seek to assess (among other things) if there appears to be any domestic tensions that might give cause for concern. Background checks are also conducted.

<p>Age restriction for young shooters</p>	<p><u>Minimum Age</u></p> <p>BASC / GTGNI and CAI are strongly opposed to the Minister's proposal to reduce the minimum age for supervised shooting to 12 years of age, restricted to clay target shooting within a PSNI approved clay target club.</p> <p>They fail to see the Minister's rationale for restricting young people to clay target shooting only and state that the Department has failed to produce any evidence of a problem with young people having supervised access to shotguns in GB where no minimum age exists and where young people can shoot any lawful quarry under supervision.</p> <p>BASC/GTGNI / CAI are of the view that the minimum age for supervised shooting should be 11 years for both inanimate targets and any lawful quarry and that the supervisor must be at least 25 years of age and have held a firearm certificate for at least five years. Both BASC and CAI state that they would prefer a minimum age of 10 years (the age of criminal responsibility) but would support 11 years to progress the issue and by way of compromise.</p> <p>BASC/GTGNI / CAI state that the Minister has not enacted the will of the Northern Ireland Assembly who voted for no minimum age back in March 2011. However they state that that amendment lacked the all-important supervision criteria that would ensure both the safety of the young person and the public.</p>	<ul style="list-style-type: none"> • The Minister has set out his view that 12 – post primary school age – is appropriate and that shooting should be closely supervised in a clay target environment – i.e. not involving live quarry. He does not believe that adequate supervision can be assured in the field. • The Department has acknowledged that statistics on accidental shootings are not collated. The Minister wishes to take a precautionary approach. • While one can look to GB where no limit exists, one could also look at the Republic of Ireland where a limit of 14 exists for young people to have access to shotguns. • Some stakeholders say they would prefer 10 as the age but would accept 11 as a compromise. The Minister has moved from 16 to 12 and has extended access at 16. • The Department supports the development of young people in competitive shooting opportunities. This could be done under the proposed legislation at the age of 12 in a supervised clay target environment or in a target club at a lower age. • The Department believes there is a higher risk associated with shooting over the fields or shooting live quarry.
--	--	---

Note: At the oral evidence session on 17 November 2015 the groups suggested that they would accept 12 with all lawful quarry.

BASC and GTGNI state that the supervision criteria they propose means that the supervisor themselves would have been through the mentoring process when their firearm certificate was initially granted. It also means that the supervisor will have been through the PSNI's vetting process on at least two separate occasions, firstly at the time of the initial grant and secondly at the 5 year renewal point. They recommend that the supervisory requirement should remain in place until the young person reaches the age of 18.

BASC believes that any change of legislation relating to the age reduction of young shooters should be enacted immediately upon receiving Royal Assent.

- The Minister also cautions against the rationale for a young person under 16 to have a need to be permitted to shoot vermin over the fields or around a farm, even under supervision.
- In terms of section 104 which would have removed any minimum age, the Minister did not commence this both because he disagreed with its breadth (live quarry) and also because of the lack of supervision which was contrary to the legislation which for instance requires an adult who is not an FAC holder to shoot under supervision of the FAC holder whose firearm they are using.
- While the Department welcomed the agreement of all shooting groups that 5 years' experience for a supervisor for a young person was required, this does not guarantee the ability of that shooter (supervisors do not have to be trained as instructors). In addition, it is important to recognise that over the fields the risks are increased due to moving with a firearm and no fixed direction of fire.
- We agree that under the new provisions a young person should remain under supervision when using a firearm until they have attained the age of 18.
- All the clauses would be commenced the day after Royal Assent is granted.
- The Minister has listened to the views of stakeholders including shooting groups, the Chief Constable and others who responded during the consultation.

The British Shooting Sports Council (BSSC) believes that the age of 12 is too high for the use of shotguns or air weapons under supervision, and suggests that a starting age of 10 would improve the chances of success in the Olympic and Commonwealth Games.

Women's Aid is strongly opposed to any reduction in the age at which children can use firearms. It has grave concerns that any relaxation of gun laws, including normalisation of gun use among children and young people, would ultimately be detrimental to the safety of victims of domestic violence and their children.

Clay Target Restriction

BASC and GTGNI believe that the proposed clay target restriction discriminates against young people wanting to learn to shoot live quarry and vermin under supervision. They highlight that the clay target restriction does not exist in any other part of GB (where young people can shoot live quarry and vermin and no minimum age exists) and that the Department has been unable to produce any evidence to indicate that there is a problem with young people having supervised access to shotguns.

- He believes that his proposals are measured and considered. He wants to take a cautious approach while giving opportunities to young people who would wish to avail of competitive training opportunities (through clay or target shooting).
- A young person in a target club may access an airgun under supervision at any age at present.
- The Minister accepts that the position here will be different from GB and the RoI. He has taken that into account in reaching his view.
- The Minister, having considered the arguments, has concluded that some relaxation is warranted.
- The Department supports the development of young people in competitive shooting opportunities. The Minister believes that the appropriate age for a young person to begin to learn to use a shotgun is 12 when they will be in post primary education.
- The Minister accepts that his approach limits use by young shooters of shotguns to certain circumstances. The law currently also limits use of other firearms by such young people – not to include live quarry.
- The Minister is concerned about young people being permitted to shoot live quarry over the fields as this could carry a higher risk to public safety, including for the young shooter themselves.

CAI and Hollow Farm Shooting Grounds Ltd also state that they do not agree with the Minister's proposal for clay target shooting only as this falls short of providing a pathway for the next generation to participate in legitimate rural activities and discriminates against young people who wish to engage in live quarry shooting.

- He also does not believe young people should shoot live quarry at this age. Clay shooting and target disciplines are recognised sports. He believes that the introduction of young people to firearms and safe handling should be confined to ranges and police approved clubs where safeguards can be applied, rather than across fields where even close supervision is difficult to define and regulate.
- The Minister's proposals have been supported by other shooting organisations
- The Department supports the development of young people in competitive shooting opportunities. This could be done under the proposed legislation at the age of 12 in a supervised clay target environment or in a target club at a lower age.
- The Department opposes a 12-15 year old being exposed to the potential higher risks of shooting over the fields or shooting live quarry.
- It has proposed an extension for 16 & 17 year olds to pest control (from sporting use with a FAC).
- The policy intention is to create competitive young shooters in a controlled, supervised environment while not exposing them to the risks of moving over rough ground with a loaded firearm.

The **PSNI** states that the Minister's proposal to reduce the age that a young person can possess a shotgun to 12, with appropriate supervision, within a police approved clay target club, is a matter that requires further discussion and consideration. The PSNI will continue to discuss this matter with the Department in the drafting of the new legislation.

Provisions for 16 to 17 Year Olds

BASC/GTGNI/CAI believes that the existing provisions for 16 to 17 year olds as per Article 7 of the Firearms Order 2004 should remain in place. While they welcome the Department's proposal to extend access to all other sporting and vermin disciplines to young people from the age of 16, they do not agree with the Department's proposal to increase the supervision criteria to 25 years of age with 5 years' experience. They highlight that currently young people of 16 years of age can shoot clays, game and wildfowl under the supervision of a person aged at least 21 years of age with 3 years' experience with that particular type of firearm. They state that the Department has not produced any evidence that the existing supervisory criteria has been problematic.

- Discussion is ongoing with PSNI (including on 24 November). While we have agreed a broad approach, there will need to be further discussion with them and others in terms of the guidance and delivery mechanisms.
- Procedures will need to be agreed with stakeholders and PSNI for inclusion in the guidance documentation to ensure that dealers, clubs and FAC holders etc. are all kept within the new legislation.
- This appears to have been misunderstood. The Department is not proposing to change the supervisory requirement for 16 and 17 year olds.
- All shooting groups supported a tighter supervision arrangement for younger shooters (i.e. 12 – 15 year olds).
- In fact rather than increase restriction, the Department intends to broaden the scope for 16 and 17 year olds to permit them to shoot vermin (while under supervision).

<p>Banded System</p>	<p>BASC/GTGNI/CAI fully support the Department's proposals for the implementation of a banded system which would allow certificate holders to exchange one firearm for another within published bands.</p> <p>British Shooting Sports Council also strongly supports the proposed 'banding' system, which it believes should significantly reduce the administrative burden for the police, make firearms acquisition more straightforward for the shooter and help the gun trade</p> <p>Hollow Farm Shooting Grounds Ltd is also content with the proposed banded system and can see no public safety issues as a result of it being implemented.</p> <p>BASC and GTG NI state that any change of legislation to facilitate the implementation of a banded system must be accompanied by a commencement order.</p> <p>BASC/GTG NI/CAI also state that any change of legislation to facilitate the implementation of a banded system should include an enabling clause that would allow other calibres and other bands to be included without a change of primary legislation.</p> <p>BASC/GTGNI/CAI provides a table of bands which they state have been discussed and agreed with the Department (attached at Annex A).</p>	<ul style="list-style-type: none"> • This has been agreed and would be implemented in the proposed legislation • The system will require the co-operation of dealers and target clubs in some cases. • The Department is proposing that these provisions will commence the day after by Royal Assent. • This is the approach being taken. • Agreed
-----------------------------	--	---

The organisations also set out a list of **rules** which they believe should apply to the banded system including:

- **BASC** and **GTGNI** state that the banded system should be based on the calibre of the firearm NOT the type of action.
- The banded system should apply to firearms conditioned for dual use, e.g. field and target use in a PSNI approved target club.
- Target club secretaries should be required to confirm their support for transactions completed under the banded system, by signing a very slightly revised PSNI form, confirming that the applicant is a full member of a registered target club and that the club in question does indeed have access to a range that has been approved for that calibre of firearm.
- All handguns are excluded including personal protection weapons.
- All muzzle loading and black powder firearms are excluded.
- Firearms conditioned solely for target use are excluded.
- **BASC** believes that a firearm which is “on-loan” should be included in the banded system. This exchange could be facilitated in exactly the same way that a one-off-one-on is done at present, in that both FAC holders are present and complete

- We agree with all of these rules, though some points are for guidance not legislation.

separate forms which the dealer faxes to firearms branch who then update the electronic record of both certificate holders. There is no need to send the certificates to Firearms and Explosives Branch as the PSNI simply update their electronic database. The certificates can then be reprinted the next time they are returned to firearms branch.

- A person under a 6 month “supervision clause” could still exchange a firearm for another firearm within the same band, given that they are issued for the same “good reason” to first time applicants. The supervision period should continue for the remaining period – i.e. six months in total.
- When changing within a band, a change cannot be made to a firearm of a calibre which the individual already holds for the same good reason.
- Any transactions outside of these rules must be carried out under the normal variation process.
- When changing calibre, all associated ammunition must be surrendered (except where the FAC holder possesses firearm of the same calibre)

<p>Fee Structure</p>	<p>BASC states that while its members have generally accepted that an increase in licensing fees is needed, they are very clear regarding the need to significantly improve the service provided by PSNI FEB in line with any increase.</p> <p>BASC/GTGNI/CAI provide the detail of a proposed fee structure which they state has been agreed with the Department as follows:</p> <ul style="list-style-type: none"> • Firearm certificate grant/re-grant increased to £98 • Variations carried out by the PSNI increased to £30 • Variations carried out by a firearms dealer £15 (new fee) • Firearms dealer’s certificate increased to £300 (interim figure pending further work by BCS, DFP and a review of the Ministerial Directive and dealer security) <p>BASC/GTGNI/CAI oppose the introduction of an application fee. They believe that this would lead to an increase in the number of appeals and judicial reviews which are paid for by the public purse.</p> <p>Hollow Farm Shooting Grounds Ltd states that if the service provided by PSNI improves it broadly accepts the fee increases however if PSNI processing times are not improved then fees should be reduced.</p> <p>The PSNI welcomes the implementation of a more reflective fee structure.</p>	<ul style="list-style-type: none"> • The revised fees have been agreed. The regulations to revise fees which already exist were approved by the Justice Committee and the Regulations will take effect in mid-February. • Some new fees are required e.g. for banded exchanges, one on and one off shotgun exchanges etc., and these are included in the Bill. • The Department proposed an application fee in order to improve the service to FAC holders by removing the number of repeat applications, who are refused and refunded. We are content not to progress this issue following the views expressed by the Committee and others. • The Department accepts, and PSNI agrees, that PSNI need to set target processing times.
-----------------------------	---	--

<p>The any lawful quarry condition</p>	<p>BASC/GTGNI/CAI state that constabularies in GB have moved away from conditioning firearms for certain types of quarry and are now conditioning firearms for ‘any lawful quarry’. They believe that the way in which the PSNI “condition” certain firearms for certain types of quarry over the years has been extremely problematic and the PSNI should be using the ‘any lawful quarry’ condition. They highlight that most applicants apply under ‘sporting purposes’ but this term has caused considerable confusion as neither the Firearms Order 2004 nor the Guidance on NI Firearms Controls define its meaning and the PSNI have refused on many occasions to give their definition of it.</p> <p>The organisations state that they now know the PSNI mean clay targets, game and wildfowling. Given that in Northern Ireland game birds, ducks, geese waders, deer and pest birds are all regulated by either the Game Preservation Act 1928, the Wildlife Order 1982 or by General Licence issued annually by NIEA they believe that there is no need to further regulate the quarry species that a person may shoot by applying specific conditions to a firearm certificate.</p> <p>CAI states that an ‘any lawful quarry condition’ would remove inconsistent conditions being placed on individual licences.</p>	<ul style="list-style-type: none"> • The issue of any lawful quarry was not part of the consultation process and the existing table for allocating firearms based on good reason is predicated upon the use of calibres suitable for quarry types. The banded system proposed also is based on quarry. • The Home Office Guidance, revised in 2014 explains that the initial grant of a firearm still requires the good reason to be met in terms of providing a justification for why the firearm is required, i.e. a quarry, a target discipline with associated club membership etc. In the case of a quarry firearm they <u>may</u> condition the firearm for any other lawful quarry meaning that firearm may be used in other circumstances. • In Northern Ireland we also require good reason to be justified in order to secure approval to obtain a firearm and at present we would wish to retain this. • When an application is made for a quarry rifle, the quarry type must be specified and if the applicant simply states sporting purposes the application would be returned to the applicant for clarification. • The issue is not just with the quarry types listed opposite but also with those quarry types which may more commonly be described as vermin – foxes, crows, pigeons. The bands which already exist in the Guidance to the 2004 Order are based around quarry type, as are the proposed new bands for exchanges by dealers and we believe it is important to preserve this.
---	--	--

		<ul style="list-style-type: none"> • An FAC holder may of course apply to the PSNI to use a rifle for more than one quarry type at the outset or indeed at any time during ownership. • We are content to engage on this issue further. • Any inconsistencies in approach could be removed through amending the guidance.
One-off transactions	<p>BASC/GTGNI/CAI state that they have previously agreed with the Department that firearms dealers should be able to remove any firearm from a firearm certificate without replacing it with any other firearm. This is known as a “one off” transaction which, if implemented, would remove the current requirement whereby certificate holders send their certificates to PSNI Firearms and Explosives Branch for the firearm to be deleted. GTGNI states that this transaction is purely administrative, benefits all parties and has no public safety implications.</p>	<ul style="list-style-type: none"> • This proposal has been accepted and is covered in the proposed legislation.
Commencement Order	<p>BASC believes that any change of legislation relating to the age reduction of young shooters should be enacted immediately upon receiving Royal Assent.</p> <p>CAI recommends that all provisions relating to firearms issues come into operation immediately after Royal Assent.</p> <p>BASC and GTG NI state that any change of legislation to facilitate the implementation of a banded system must be accompanied by a commencement order.</p>	<ul style="list-style-type: none"> • This proposal has been accepted and is covered in the proposed legislation. • Commencement would be the day following Royal Assent.

	<p>GTGNI states that it would be helpful if any change of legislation to facilitate the implementation of a young shots amendment was accompanied by a commencement order.</p>	
<p>Clause 45: Ancillary Provision</p> <p>This clause enables the Department by order to make any supplementary, incidental, consequential, transitional or other provision necessary to give full effect to the provisions of the Act.</p>	<p>BASC, Gun Trade Guild NI (GTGNI) and Countryside Alliance Ireland (CAI) have major concerns in relation to Clause 45 (known as a “Henry VIII” Clause). They believe this Clause would give the department overriding powers to change the content of the Bill without Assembly scrutiny and therefore assert that Clause 45 should be removed in its entirety.</p> <p>GTGNI states that Clause 45 has the potential to undermine the democratic process and notes it could give such wide ranging powers to an individual who would not be subject to any oversight, indeed it is positively frightening that a Department responsible for Justice has even proposed it. It states that the mechanism is already in place for the Department to bring forward legislation to deal with any future changes that may be needed.</p> <p>Hollow Farm states that it appears that the Minister does not wish to be bound by the substance of the Bill. It suggests that under Clause 45 by grabbing this power to alter, amend evoke or otherwise ignore the provisions of the Bill he provides himself with the legal means whereby he can put in place his own interpretation of those provisions which he feels</p>	<ul style="list-style-type: none"> • As indicated by the Minister during Second Stage of the Bill, the Department, in recognition of the Committee’s concerns around what was Clause 86 in the Justice Act (NI) 2015 are proposing to remove Clause 45 in its entirety. • An amendment will instead be offered for the Committee’s consideration which will follow the model accepted at Further Consideration Stage of the 2015 Act. The proposed amendment will create a much more tightly drawn power to make ancillary provisions under much more restrictive circumstances, limited to Part 1 – Fines and other penalties – of the Bill only. • It is proposed that any exercise of the revised power will be subject to approval by a resolution of the Assembly. Accordingly the Department will not have unilateral power to make any changes, as the approval of the Assembly would be needed.

	<p>helpful or in respect of provisions he feels unhelpful, or difficult to implement, or expensive to implement. Hollow Farm believes the powers sought under Clause 45 are draconian and strongly recommends that Clause 45 be removed.</p>	
--	--	--

Annex A

Band	Calibre
1. Small quarry Air rifles	.177 - .25
2. Small quarry	.17 Mach 2 .17 HMR .22 LR .22 WMR
3. Medium quarry CF	.17 CF .22 Hornet CF .222 .204 Ruger .223/5.56 .220 Swift .22/250
4. Large quarry CF	.243 25/06 6.5mm x 55/256 7mm x 08 .270 7.62 x 51/.308 30/06

SCHEDULE 1

Section {j}

AMENDMENTS OF FIREARMS (NORTHERN IRELAND) ORDER 2004
[S10]

PART 1

FIREARMS—PERSONS UNDER 18

Authorisation of shotgun clubs to allow use of shotguns by persons under the age of 16

1.—(1) In Article 2(2) (interpretation), after the definition of “shotgun certificate” insert—

““shotgun club” means a club established for the purpose of promoting and practising skill in the use of shotguns;”.

(2) In the heading to Part 6, add at the end “AND SHOTGUN CLUBS”.

(3) After the heading to Part 6 add—

“Firearms clubs”.

(4) After Article 50 insert—

“Shotgun clubs

Authorisation of shotgun clubs to allow use of shotguns by minors for limited purposes

50A.—(1) The Chief Constable may, on payment of the appropriate fee, grant an authorisation for a shotgun club to allow persons under the age of 16 who have attained the age of 12 to use shotguns under appropriate supervision in accordance with the authorisation.

(2) An authorisation must state that it is limited to the use of shotguns for clay target shooting or for such other purposes as may be prescribed.

(3) The Chief Constable may at any time by notice in writing—

(a) attach conditions to an authorisation;

(b) vary or revoke conditions attached under this Article.

(4) An authorisation shall, unless the Chief Constable revokes it, continue in force for a period of five years from the date on which it is granted.

(5) Any person who—

(a) operates a shotgun club which allows a person under the age of 16 to use a shotgun except in accordance with an authorisation, or

(b) contravenes any condition of an authorisation,

shall be guilty of an offence.

(6) In this Article—

“appropriate supervision” means under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least five years;

“authorisation” means an authorisation granted under this Article;

“prescribed” means prescribed by regulations made by the Department of Justice.

(7) The Department of Justice may make regulations substituting a different age for the lower age mentioned in paragraph (1) and paragraph 11(4) of Schedule 1.

(8) The Department of Justice shall not make regulations under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(5) Before the heading to Article 51 insert—

“Power of entry”.

(6) In Article 51 (power of entry), in paragraph (1)—

(a) in sub-paragraph (a), after “club” insert “or a shotgun club”;

(b) after “Article 49” insert “or 50A”.

(7) In Schedule 1 (firearm certificates - exemptions), in paragraph 11, after sub-paragraph (3) add—

“(4) A person who is under the age of 16 but has attained the age of 12 may, without holding a firearm certificate, use a shotgun in accordance with an authorisation under Article 50A.”.

(8) In Schedule 5 (table of punishments), after the entry relating to Article 49(5) (b) insert—

“Article 50A(5)(a)	Operating a shotgun club which allows unauthorised use of shotguns	(a) Summary	1 year or a fine of the statutory maximum or both
		(b) Indictment	3 years or a fine or both
Article 50A(5)(b)	Contravention of conditions of authorisation	(a) Summary	1 year or a fine of the statutory maximum or both
		(b) Indictment	3 years or a fine or both”.

(9) In Schedule 5, in the second column of the entry relating to Article 51(2), after “club” insert “or shotgun club”.

Other amendments relating to persons under 18

2.—(1) Article 7 (purposes for which young person may acquire and have in possession certain firearms and ammunition), in paragraph (3)(b)(i), after “sporting purposes” insert “or for the purpose of pest control”.

(2) In Schedule 1 (firearm certificates—exemptions)—

- (a) in paragraph 9 (air guns and ammunition), in sub-paragraph (3)(b), (person under 18 may not purchase air gun without a certificate unless the person has attained the age of 17), the words “unless he has attained the age of 17” are repealed;
- (b) in paragraph 11—
 - (i) in sub-paragraph (3), at the end add “unless the person has attained the age of 16 and is under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least three years”;
 - (ii) after sub-paragraph (4) (added by paragraph 1(7) of this Schedule) add—
 - “(5) A young person may, without holding a firearm certificate, have in his possession a shotgun belonging to another person if the young person has the shotgun in his possession only—
 - (a) in the presence of the owner of the shotgun;
 - (b) for sporting purposes or for the purpose of pest control; and
 - (c) under the supervision of a person (whether the owner of the shotgun or another person) who has attained the age of 21 and has held a firearm certificate for a shotgun for at least three years.
 - (6) In sub-paragraph (5) “young person” means a person under the age of 18 who has attained the age of 16.
 - (7) Sub-paragraph (5) does not affect sub-paragraphs (1) to (4).”.

PART 2

FIREARM CERTIFICATES AND OTHER CERTIFICATES

Variation of firearm certificate

3.—(1) In Article 11 (variation of firearm certificate), for paragraphs (3) to (5) substitute—

- “(3) If a person—
 - (a) sells a firearm (“the first firearm”) to the holder of a firearms dealer’s certificate (“the dealer”); and
 - (b) as part of the same transaction purchases from the dealer another firearm (“the second firearm”); and
 - (c) paragraph (4) applies,

the dealer may, on payment of the appropriate fee, vary that person’s firearm certificate by substituting the second firearm for the first firearm.

- (4) This paragraph applies—
 - (a) if both the first firearm and the second firearm are shotguns; or
 - (b) if—
 - (i) the second firearm is of the same type and calibre as the first firearm; and
 - (ii) neither firearm is a prohibited weapon or a shotgun; or

- (c) if—
 - (i) the first firearm is a rifle of a description mentioned in the first column of Schedule 1A; and
 - (ii) the second firearm is a rifle of a calibre specified in relation to the same Band of Schedule 1A as the calibre of the first firearm; and
 - (iii) neither firearm is a prohibited weapon, a muzzle-loading firearm as defined in Article 45(9) or a shotgun; and
 - (iv) the second firearm will not be of the same calibre as any other firearm to which the firearm certificate relates; and
 - (v) the firearm certificate is not held subject to a condition that the first firearm may be used only for the purposes of target shooting.

- (5) If a person—
 - (a) sells or transfers a firearm to the holder of a firearms dealer’s certificate (“the dealer”); and
 - (b) does not as part of the same transaction purchase or acquire from the dealer another firearm,

the dealer may, on payment of the appropriate fee (if any), vary that person’s firearm certificate by deleting that firearm.

(6) Where the holder of a firearms dealer’s certificate (“the dealer”) varies a firearm certificate under this Article, the dealer shall—

- (a) notify the Chief Constable of the variation within 72 hours of the variation being made; and
- (b) pay the fee received by the dealer for varying the certificate to the Chief Constable.

(7) A person who fails to comply with paragraph (6)(a) shall be guilty of an offence.

(8) Schedule 1A (relevant firearms for Article 11(4)(c)) shall have effect.

(9) The Department of Justice may make regulations amending Schedule 1A if a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(2) After Schedule 1 insert—

“SCHEDULE 1A

Article 11(8).

RELEVANT FIREARMS FOR ARTICLE 11(4)(C)

BAND	CALIBRE
1. Small quarry air rifles	.177
	.20

	.22
	.25
2. Small quarry	.17 Mach 2 .17 HMR (Hornady Magnum Rimfire) .22 LR (Long Rifle) .22 WMR (Winchester Magnum Rimfire)
3. Medium quarry	.17 Hornet .17 Remington .17 Remington Fireball .22 Hornet/5.6x36Rmm .222 Remington .204 Ruger .223 Remington/5.56x45mm .220 Swift .22-250
4. Large quarry	.243 Winchester .25-06 6.5mm x 55/.256 7mm x 08 Remington .270 7.62 x 51mm/.308 Winchester .30-06”

(3) In Schedule 5 (table of punishments), after the entry relating to Article 10(3) insert—

“Article 11(7)	Failure of firearms dealer to notify Chief Constable of variation of firearm certificate	Summary	Level 3”.
----------------	--	---------	-----------

Variation of firearms dealer’s certificate

4. In Article 29(6) (variation of firearms dealer’s certificate), at the end add “on payment of the appropriate fee (if any)”.

Updated copies of firearm certificate and firearms dealer’s certificate

5.—(1) In Article 5 (grant of firearm certificate)—

- (a) in paragraph (5), after “duplicate” insert “or updated”;
- (b) after paragraph (5) add—

“(6) In paragraph (5) “updated certificate” means a copy of the firearm certificate revised up to such date as may be specified on the copy.”.

(2) In Article 26 (grant of firearms dealer’s certificate)—

(a) in paragraph (7)—

- (i) after “duplicate” insert “or updated”;
- (ii) the words “(if any)” are repealed;

(b) after paragraph (7) add—

“(8) In paragraph (7) “updated certificate” means a copy of the firearms dealer’s certificate revised up to such date as may be specified on the copy.”.

Certificates granted in Great Britain

6.—(1) The following provisions of Article 17 (firearm certificate or shotgun certificate granted in Great Britain has effect in Northern Ireland if Chief Constable grants certificate of approval) are repealed—

- (a) in paragraph (1), the words from “if” to the end;
- (b) paragraphs (2) and (3);
- (c) in paragraph (4)—
 - (i) in the definition of “applicable conditions” the words from “, subject” to the end;
 - (ii) the definitions of “certificate of approval” and “modifications”.

(2) In Article 18 (air guns held without a firearm certificate in Great Britain), in paragraph (1)(c) after “issued to him by the Chief Constable” add “on payment of the appropriate fee”.

PART 3

SUPPLEMENTARY

Fees

7.—(1) For Schedule 6 (fees) substitute—

“SCHEDULE 6

Article 75.

FEES

Firearm certificate

1. Grant of firearm certificate	£98
2. Variation by Chief Constable	£30
3. Variation by firearms dealer under Article 11(3) to substitute firearm	£15
4. Variation by firearms dealer under	No fee

Article 11(4) to delete firearm

5. Duplicate certificate £14

6. Updated certificate £14

Museum firearms licence

7. Grant of museum firearms licence by Department of Justice £110

8. Extension to additional premises £75

Visitor's firearm permit

9. Grant of visitor's firearm permit (except where paragraph 10 applies) £16

10. Grant of six or more permits (taken together) on a group application £80

Certificate of approval for air gun for resident in Great Britain

11. Certificate of approval for air gun for resident in Great Britain £11

Firearms dealer's certificate

12. Grant of firearms dealer's certificate £300

13. Duplicate certificate £14

14. Updated certificate £14

Firearms clubs and shotgun clubs

15. Authorisation of firearms club £71

16. Authorisation of shotgun club to allow use of shotgun by persons 12 or over but under 16 £71".

Consequential amendment

8. In Article 80(5) (regulations and orders made by the Department of Justice), after "Order" insert ", except regulations under Article 11(9) or 50A,".