

BREACH OF CONDITIONS IN FIREARMS CERTIFICATE

Firearms (NI) Order 2004

Art.6.- (6) A person who fails to comply with any condition subject to which a firearm certificate is held by him shall be guilty of an offence.

Maximum Sentence:

Firearms (NI) Order 2004, Sch. 5

Summary Only: 12 months imprisonment and/or Level 5 fine (£5,000)

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>		<u>Starting Point</u>	<u>Sentencing Range</u>
Breach which did not permit other persons to have unlawful access to the firearms		Fine	Fine to Community Order
Breach which permitted other persons to have unlawful access to the firearms	Breach was negligent	Community Order	Fine to Community Order
	Breach was deliberate	Community Order	Community Order to 3 Months Custody
Breach which placed one or more persons at risk of injury	Breach was negligent	3 months Custody	Community Order to 12 months Custody
	Breach was deliberate	6 Months Custody	3-12 months Custody

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
1. Breach resulted in firearm being used for criminal conduct	N/A

Relevant Cases:

NI Cases:

1. Re DGD [firearms certificate] [2011] NIQB 123

English Cases:

N/A

Notes:

- Where a person (a) is convicted of an offence under the 2004 Order or is convicted of any crime for which he is sentenced to imprisonment/YOC/JJC; or (b) has been ordered to enter into 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; or (c) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm; then the court before which he is convicted or by which the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate held by the person convicted. – Article 72(1)
- Summary proceedings may be instituted at any time within 4 years from the date of the offence (but if instituted after 6 months from date of offence then require the consent of the Attorney General) – Article 69(4)