

An Garda Síochána



2018

Annual Review

of the Operation of the

Firearms Acts 1925 to 2009

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Introduction

Section 31 of the Criminal Justice (Miscellaneous Provisions) Act 2009 inserted section 3E into the Firearms Act of 1925 and provides that: *“The Commissioner shall conduct an annual review of the operation of the Firearms Acts 1925 to 2009 and shall submit a report to the Minister specifying the number and classes of certificates and authorisations issued under the Acts. The Minister shall lay a copy of such report before each House of the Oireachtas.”*

Implementation

On 1st August 2009, the firearms licensing processes saw significant amendments introduced by means of Primary Legislation. One of the most important changes saw all existing one year firearm certificate holders required to apply under new legislation for a three year firearm certificate. Other changes saw the collection of firearms fees being outsourced to An Post, the introduction of new minimum security standards, proof of competence in the use of firearms, requirements to provide two referees to attest to the character of each applicant and written consent of an applicant for an issuing person (Superintendent or Chief Superintendent) to make enquiries in relation to an applicant’s medical history. The legislation also provided for An Garda Síochána to inspect the accommodation and secure storage facilities of licensed firearm owners.

The new licensing requirements and processes placed a significant demand on Garda resources in every District throughout the country with each new application and application to renew a firearm certificate entered and processed to a conclusion on the Garda PULSE system. Every effort continues to be made to ensure that each firearm certificate application or application to renew is fully processed by An Garda Síochána within the three month’s timeframe as provided for in the legislation. However, for a variety of reasons including, on occasion, the need for further enquiries to be made in respect of land permissions, verification of nominated referees, medical enquiries, ensuring that the minimum security requirements are met in relation to the storage of firearms etc., some applications received by An Garda Síochána may take longer than 3 months to fully process. However, An Garda Síochána will continue to constantly review the processes to ensure such delays in processing firearms applications and applications to renew are kept to an absolute minimum.

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Planning

One of the welcome benefits of the amended firearms licensing processes is that firearm certificates no longer expire annually on 31st July as was previously the case. Each firearm certificate continues in force for a period of three years from the date it was granted, unless otherwise revoked. The third major renewal phase of firearms certificates commenced in October 2018 and continued into 2019. During this period significant numbers of firearms certificates reached their expiry dates and became eligible for renewal. As has been the case since 2009, the continued co-operation of firearms owners is greatly appreciated by An Garda Síochána to help ensure that all firearms are licensed on time and in accordance with the legislation.

As highlighted in previous reports, a firearm certificate renewal form (FCR) automatically issues to each firearm certificate holder approximately three (3) months prior to the expiry of their existing firearm certificate. The renewal form is pre-populated with all existing details relevant to that firearm certificate holder. The FCR includes the facility for each certificate holder to make any changes relevant to his/her details, for example a change of referee(s), land permissions, gun club membership etc., prior to submitting the renewal form to the relevant Superintendent (or Chief superintendent if the renewal relates to a restricted firearm). Licensed firearm owners are again reminded that an important amendment was made to the FCR in 2016, making it a mandatory requirement for each firearm owner to include details of their General Practitioner on the FCR prior to returning it to An Garda Síochána for processing.

Firearms Policy Unit

The Firearms Policy Unit continues to act as a central reference point for District and Divisional Officers of An Garda Síochána, Department of Justice and Equality and the various shooting organisations and representative groups dispersed throughout the country. The Firearms Policy Unit continues to enjoy excellent relationships with the vast majority of the groups and works closely on a daily basis with these organisations to address any concerns that arise. A process is also in place whereby nominated representatives of each of the shooting groups can liaise and meet with staff from the Firearms Policy Unit to address any issues affecting their members in relation to firearm certificate applications or renewals.

Legislative Changes

Statutory Instrument 646 of 2017: Firearms (Storage of Firearms and Ammunition by Firearms Dealers) Regulations 2017, was commenced by the Minister for Justice and Equality on 21st December 2017 and allowed for a transition period throughout 2018, not coming into effect until 1st February 2019. This Statutory Instrument provides clearly defined standards of security relating to the construction of the premises, security standards and specifications of the premises, all of which is intended to increase the overall security of registered firearms dealers including the personal safety of staff members in the day to day operation of the business.

Commissioners Guidelines

The Commissioner's Guidelines document, as to the application and operation of the Firearms Acts 1925 to 2009, first issued on 4th September 2009 to coincide with the commencement of the then new firearms licensing legislation.

On 28th September 2018 the updated Commissioners Guidelines was published by the Garda Commissioner which saw the first significant amendment of the document since 2009. The revised document takes account of more recent case law, changes to legislation and lessons learned in the area of firearms licensing. Staff from the Firearms Policy Unit, Crime Legal, Garda HQ, were tasked with engaging with both internal and external stakeholders seeking submissions for inclusion in the updated document and the submissions were considered and incorporated into the Guidelines document where appropriate.

The Guidelines continue to set out in practical terms, for the benefit of members of the Garda Síochána and the public alike, how the complex area of firearms legislation may be applied and this document should be read in conjunction with firearms legislation.

Authorised Shooting Ranges and Rifle and Pistol Clubs

On 31st December 2018, the number of shooting ranges, authorised under section 33 of the Criminal Justice Act 2006 was eighteen (18). Shooting range authorisations remain in force for a period of five years unless otherwise revoked and are granted by the local superintendent. On

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31st December 2018, the number of rifle and pistol clubs authorised by superintendents of An Garda Síochána under section 33 of the Criminal Justice Act 2006, was twenty one (21). Authorisations for rifle and/or pistol clubs also remain in force for a period of five years unless otherwise revoked.

Numbers and Classes of Firearm Certificates

The statistics for issued firearm certificates as provided in this report covers the period to 31st December 2018. As highlighted in previous annual review reports, firearm certificates are granted for a period of three years unless otherwise revoked and not one year as was the case prior to 1st August 2009. Therefore, annual figures of granted certificates for a particular year no longer accurately reflects the total number of firearm certificates in existence and on issue in the state.

It should again be noted that the figures below do not include new applications or applications to renew that have not yet been fully processed, applications for renewal which have been granted but not yet paid, or applications that were in progress on that date.

Number and classes of Firearms Certificates in force on 31st December 2018

| Firearms Certificate Type | |
|---|----------------|
| Firearm Certificates | 183,995 |
| Restricted Firearm Certificates | 801 |
| Limited Firearm Certificates | 7,483 |
| Training Firearm Certificates | 192 |
| Substitute Firearms Certificates | 5,140 |
| Total Firearms Certificates on issue 31 st December 2018 | 197,611 |

Firearm Storage & Safety

Public safety is at all times the paramount concern for An Garda Síochána when considering applications for firearm certificates or renewals. It is vitally important that all firearm owners

take every precaution to ensure their firearm(s) remain secure and do not fall into the wrong hands. Statutory Instrument No: 307 of 2009 outlines the minimum security requirements in relation to the provision of secure accommodation for firearms and is available to the public on the Garda website www.garda.ie. Advice on securing licensed firearms, both in the place they are stored and also while being transported by their owners, is available in the amended Commissioner's Guidelines document and advice is also available to firearm owners who may wish to contact their local Garda Crime Prevention Officer.

Conclusion

A comprehensive section on firearms licensing is available to the public on the Garda website www.garda.ie. All firearms application forms, a copy of the amended Commissioner's Guidelines, Statutory Instruments relevant to firearms legislation, frequently asked questions, etc. can all be accessed on the website.

An Garda Síochána again wishes to acknowledge the ongoing assistance and cooperation received from the thousands of ordinary firearm owners dispersed throughout the country and also from the many shooting representative groups and organisations. The ongoing work of the Firearms Consultative Panel has provided an ideal forum for all firearms licensing stakeholders to engage constructively and ensure that any firearm licensing issues or concerns can be satisfactorily addressed and resolved in a timely manner.



J.A. Harris
Commissioner
An Garda Síochána

21 **October, 2019**

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