

An Garda Síochána



2020

Annual Review

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 1925pr, which 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

Significant changes to the firearms licensing processes were introduced by means of Primary Legislation in August 2009. All existing one-year firearm certificate holders were then required to apply under new legislation for a three-year firearm certificate. Other changes included the following:

- 1) The collection of firearms fees being outsourced to An Post.
- 2) The introduction of new minimum security standards.
- 3) Proof of competence in the use of firearms.
- 4) Requirements to provide two referees to attest to the character of each applicant.
- 5) Written consent of an applicant for an issuing 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 firearms licensing processes continues to place significant demands on Garda resources in every District throughout the country in terms of each new application and each application to renew a firearm certificate, which needs to be 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 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, medical enquiries,

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verification of nominated referees or ensuring that the minimum security requirements are met in relation to the storage of firearms, some applications received by An Garda Síochána may take longer than 3 months to fully process. However, An Garda Síochána continues to regularly review the processes to ensure any delays in processing firearms applications and applications to renew are kept to a minimum.

Planning

One of the welcome benefits of the amended firearms licensing processes, from an administrative perspective, is that 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 on into 2020. During this period, significant numbers of firearms certificates again reached their expiry dates and became eligible for renewal.

As has been the case since 2009, the continued co-operation of firearms owners and representative groups has been crucial to ensure that all firearms are licensed on time and in accordance with the legislation.

As highlighted in previous annual review reports, a firearm certificate renewal form (FCR) automatically issues to each firearm certificate holder approximately three 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. This includes, but is not limited to, a change of referee(s), land permissions or gun club membership 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 it is 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

An Garda Síochána's Crime Legal Firearms Policy Unit continues to act as a central reference point for District and Divisional Officers of An Garda Síochána, the Department of Justice and Equality and the various shooting organisations and representative groups throughout the

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country. The Firearms Policy Unit enjoy excellent relationships and works closely on a daily basis with these organisations to address any concerns that may arise. A process continues whereby nominated representatives of each of the shooting groups can liaise and meet with staff from the Firearms Policy Unit or Chief Superintendent and Superintendent Crime Legal to address any issues affecting their members in relation to firearm certificate applications or renewals.

Legislative Changes

Statutory Instrument 283 of 2020: European Union (Designation of Verifying Entities for Deactivation of Firearms) Regulations 2020, was commenced by the Minister for Justice on 4th August 2020. These Regulations apply to firearms that are classified in category A, B or C of Part II of Annex I to Council Directive 91/477/EEC of 18 June 1991, as amended by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 and Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017.

Commissioners Guidelines

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

On the 28th of September 2018 the updated Commissioners Guidelines was published by the Garda Commissioner, resulting in 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 were tasked with engaging with both external and internal 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. The document will be amended if and when appropriate to take into account any significant legislative provisions as well as emerging case law.

Authorised Shooting Ranges, Rifle and Pistol Clubs

On the 31st of December 2020, 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 the 31st of December 2020, 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 the 31st of December 2020. 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 the 1st of 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 must again be emphasised that the figures highlighted on Figure 1 do not include new applications or applications to renew that have not yet been fully processed. Additionally, the numbers do not include applications for renewal which have been granted but not yet paid, or applications that were in progress on that date but not yet fully considered.

Firearm Storage & Safety

Public safety is 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. All licensed firearm owners should also familiarize themselves with the requirements of Statutory Instrument 420 of 2019, which came into effect on the 1st of September 2019.

Firearms Certificate Type	
Firearm Certificates	198,006
Restricted Firearm Certificates	941
Limited Firearm Certificates	5,136
Training Firearm Certificates	152
Substitute Firearms Certificates	4,598
Total Firearms Certificates on issue 31 st December 2020	208,833

Figure 1 - Number and Classes of Firearms Certificates in Force on 31st December 2020'

Conclusion

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

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Does not include applications for renewal which have been granted but not yet paid, or applications that were in progress on that date but not yet fully considered.

An Garda Síochána again wishes to acknowledge the ongoing assistance and cooperation of all firearm owners dispersed throughout the country and also from the many shooting representative groups and organisations who work tirelessly on behalf of their members.

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 addressed and resolved in a timely manner.



J.A. Harris
Commissioner
An Garda Síochána

27 September, 2021