

An Garda Síochána



2014

Annual Review

of the Operation of the

Firearms Acts 1925 to 2009

Introduction

Section 31 of the Criminal Justice (Miscellaneous Provisions) Act 2009 inserted a new section 3E into the Principal Act 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. On 1st August 2009, the Criminal Justice (Miscellaneous Provisions) Act 2009 and the remaining sections of the Criminal Justice Act 2006 pertaining to firearms licensing were commenced. The new legislation saw major changes in the way firearms are licensed in the State. The key changes included the introduction of a standard fee of €80 for all classes of firearm certificates (with exception of a firearm Training Certificate which costs €40) and the collection of firearms licensing fees outsourced from An Garda Síochána to An Post.

Implementation

Since 1st August 2009, the new firearms licensing processes had major implications for An Garda Síochána with all existing one year firearm certificate holders applying for new three year firearm certificates and being reassessed under the new legislation. New minimum security standards, requirements to provide two referees to attest to the character of each applicant and written consent to make enquiries in relation to each applicant's medical history were just some of the extra requirements introduced at that time, as provided for in the new legislation. The legislation also provided for members of An Garda Síochána to inspect the accommodation for a firearm provided by an applicant. The new requirements resulted in a significant increase and demand on resources in every Garda District throughout the country as each application was entered and processed to a conclusion on the PULSE system.

Every effort is made to ensure that each firearm certificate application is fully processed by An Garda Síochána within the three months timeframe. However, occasionally for unavoidable reasons, including further enquiries being conducted in respect of land permissions, referees, security etc, some applications from the circa 450,000 original applications and subsequent renewals received by An Garda Síochána since 1st August 2009 have taken longer to fully process. An Garda Síochána continues to make every effort to ensure that delays in processing firearms applications is kept to an absolute minimum.

Planning

As highlighted in previous annual review reports, the first renewals of three year certificates commenced on 1st August 2012. The second renewal phase for the vast majority of licensed firearms will commence in the third quarter of 2015. A firearm certificate renewal form (FCR) automatically issues to each firearm certificate holder approximately three months prior to the expiry of their existing certificate. The renewal form is pre-populated with all existing details relevant to each firearm certificate holder. The FCR includes the facility for each certificate holder to make any changes relevant to his/her details such as for example, a change of referee, doctor or land permissions prior to submitting the renewal form to the relevant Superintendent (or Chief Superintendent if the renewal relates to a restricted firearm).

Legislative Changes

No changes in legislation pertaining to firearms licensing was enacted during 2014. However in September 2013, the Garda Commissioner agreed to the Secretary General of Department Justice and Equality's proposal to establish a Joint Department of Justice and Equality (DOJE) / Garda Síochána Working Group to address firearms licensing issues, following concerns raised by the Commissioner in relation to this area and in particular with regard to issues concerning the continued licensing of large calibre handguns and semi automatic centre fire rifles.

The Terms of Reference for the Working Group were as follows:

- To examine key policy, legislative, administrative or other issues which impact on the effective implementation of firearms legislation by the Department and An Garda Síochána – the review to have regard in particular to public safety, including issues relating to handguns and assault rifles,
- Recommend key legislative changes to the Firearms Acts and Statutory Instruments (S.I.s) and draft Heads of Bill/S.I.s,
- Recommend any key changes deemed necessary to the Commissioner's Guidelines in relation to the Firearms Acts,
- Submit an agreed report to Garda Commissioner and Secretary General.

In November 2014, the Minister for Justice and Equality published the report of the Working Group which included recommendations to prohibit a small number of firearms including military/police type handguns and centre fire semi automatic rifles. Other recommendations included expanding grounds disentitling individuals to hold firearm certificates in this jurisdiction to persons convicted of an offence punishable by a penalty of at least five years imprisonment and strengthening the conditions with regard to public safety prior to issuing persons granting firearm certificates. When publishing the report, the Minister gave a commitment not to make any changes to primary legislation prior to meeting the interest groups and also invited submissions from the public on the recommendations included in the report.

Litigation

Following on from the settlement of significant numbers of Judicial Review proceedings in the High Court in 2012, when each case was remitted for reconsideration in accordance with law, the vast majority of the remaining District Court appeal cases on refusals to grant restricted firearm certificates have now concluded. It should be noted that these cases were relevant to only a small percentage of licensed firearms owners, impacting on less than 0.5% of the overall firearm certificates currently in force and in the main relating to applications to license large calibre handguns. In recent months additional litigation has intensified on issues surrounding the licensing of .22 inch calibre short firearms and in particular defining what is and is not a short firearm designed for use in connection with competitions governed by International Olympic Committee Regulations. On 12th November 2014 the Garda Commissioner, with the consent of the Minister for Justice and Equality, removed the list of short firearms deemed non restricted as contained in Annex F of the Commissioner's Guidelines document. From that date onwards, issuing Superintendents shall consider applications to license .22 inch calibre handguns in accordance with the current legislation and in particular Statutory Instrument 21/2008 as amended by Statutory Instrument 337/2009. Annex F of the Commissioner's Guidelines is no longer available as guidance in this area.

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 dispersed throughout the country. The Firearms Policy Unit

continues to enjoy excellent relationships with the vast majority of the firearm shooting representative groups and works closely on a daily basis with these organisations to address any concerns or issues that arise. The Commissioner’s Guidelines document, as to the application and operation of the Firearms Acts 1925 to 2009 was issued on 4th September 2009 and as already highlighted were amended on 12th November 2014 by the removal of Annex F. The Guidelines are intended to set out in practical terms, for the benefit of An Garda Síochána and the public alike, guidance on how the complex area of firearms legislation can be applied. The Commissioner’s Guidelines document will be amended and updated following the conclusion of the review into firearms licensing.

Numbers and Classes of Firearm Certificates

The statistics for issued firearm certificates as provided in this report covers the period to 31st December 2014. As highlighted in previous annual review reports, firearm certificates are now issued for a period of three years and not one year as was the case prior to August 2009. Therefore, figures compiled annually no longer accurately reflect the total number of firearm certificates in existence in the state.

At the conclusion of the first three year firearms licensing phase (on 31st July 2012), the total number of issued firearm certificates in the state was 218,684. From that date onwards the first renewal phase commenced and applications for renewal are made approximately three months prior to the expiry date of the original firearm certificate. It should be noted the figures below do not include new applications not yet fully processed or applications for renewal which have been granted but not yet paid or applications that are still in progress:

Number and classes of Firearms Certificates in force on 31st December 2014

Firearms Certificate Type	
Firearm Certificates	183,182
Restricted Firearm Certificates	890
Limited Firearm Certificates	12,786
Training Firearm Certificates	212
Substitute Firearms Certificates	5,191
Total Firearms Certificates on issue 31st December 2014	202,261

Authorised Rifle and Pistol Clubs and Shooting Ranges

The number of shooting ranges authorised under section 33 of the Criminal Justice Act 2006 on 31st December 2014 was 17. Shooting range authorisations remain in force for a period of five years unless revoked.

The number of Rifle and Pistol clubs authorised as of 31st December 2014 under section 33 of the Criminal Justice Act 2006 was 20. This is a similar total as were authorised at the end of 2013. Authorisations for rifle and/or pistol clubs also remain in force for a period of five years unless revoked.

Firearm Storage & Safety

Public safety remains the paramount concern for Officers of An Garda Síochána when considering applications for firearm certificates or renewals. A total of 152 licensed firearms were reported as stolen during 2014, mainly in the course of burglaries from homes. It is vitally important that all firearm owners take every precaution to ensure their firearms remain secure and do not fall into the hands of criminals. Statutory Instrument 307/2009: Firearms (Secure Accommodation) Regulations 2009 outlines the minimum security requirements in relation to the provision of secure accommodation for firearms.

Advice on securing licensed firearms, both in the place they are stored and also while being transported by their owners, is available to all firearm owners through their local Garda Crime Prevention Officer.

Conclusion

A comprehensive firearm licensing section is available to the public on the Garda website www.garda.ie. All firearms application forms, a copy of the Commissioner's Guidelines, Statutory Instruments relevant to firearms legislation, Frequently Asked Questions etc can all be accessed on the website. As previously highlighted, it is anticipated that the Commissioners Guidelines document will be updated in the coming months following the conclusion of the ongoing review of the firearms licensing processes.

An Garda Síochána wishes to again acknowledge the implementation of the new firearms licensing system would not have been possible without the assistance of the many shooting

groups, organisations and indeed the thousands of ordinary firearm owners dispersed throughout the country. The new firearms licensing system has been welcomed by the vast majority of firearms owners in the State and the co-operation of the shooting public will again be required in the third quarter of 2015 when the second major renewal phase will commence.

Nóirín O'Sullivan

Commissioner

An Garda Síochána

September 2015