

# An Garda Síochána



**2016**

**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."*

## **Implementation**

On 1<sup>st</sup> August 2009, significant changes were introduced to the firearms licensing processes with all existing one year firearm certificate holders then applying under the new legislation for new three year firearm certificates. Other changes and additional requirements included the collection of firearms fees being outsourced to An Post, new minimum security standards, proof of competence, requirements to provide two referees to attest to the character of each applicant and written consent for the issuing person 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.

Since 2009, the new requirements have placed a significant demand on resources in every Garda District throughout the country with each new application and application to renew entered and processed to a conclusion on the PULSE system. However, every effort is made to ensure that each firearm certificate application or application to renew is fully processed by An Garda Síochána within the allocated three months timeframe. However, for reasons including the need for further enquiries in respect of land permissions, referees, security etc, some applications received by An Garda Síochána have on occasion taken longer to fully process. An Garda Síochána continues to make every effort to ensure that delays in processing firearms applications are kept to an absolute minimum.

## **Planning**

As highlighted in the 2015 annual review report, the second renewal phase for the vast majority of licensed firearms commenced in the third quarter of 2015 and continued on into 2016. 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 each firearm certificate holder. The FCR includes the facility for each certificate holder to make any changes relevant to his/her details such as a change of referee or land permissions, prior to submitting the renewal form to the relevant Superintendent (or Chief superintendent if the renewal relates to a restricted firearm). One significant change to the FCR made during 2016 is the mandatory requirement that each firearm owner includes details of their General Practitioner on the FCR prior to returning it to An Garda Síochána for processing.

## **Legislative Changes**

On 18<sup>th</sup> September 2015 the Minister for Justice and Equality, announced a package of measures to prevent any proliferation of handgun availability in Ireland while at the same time ensuring that target shooting continued in a regulated manner. The Minister's announcement followed publication of the report in November 2014 arising

Seirbhísí gairmiúla póilíneachta agus slándála a sholáthar le hiontaoibh, muinín agus tacaíocht na ndaoine ar a bhfreastalaimid  
To deliver professional policing and security services with the trust, confidence and support of the people we serve

from the recommendations of the joint An Garda Síochána/ Department of Justice and Equality Working Group. The series of measures announced by the Minister included the re-establishment of the Firearms Consultative Panel (FCP). Throughout 2016, the FCP met on a number of occasions and consists of representatives from a wide range of stakeholders involved in the firearms licensing processes throughout the country, including Department of Justice and Equality, An Garda Síochána and all of the various shooting groups. Substantial progress has been made in relation to a number of firearms licensing issues and the work of the FCP has taken place in an atmosphere of mutual respect for the views and opinions of all stakeholders.

On 8<sup>th</sup> April 2016, a new EU Deactivation Regulation: 2015/2043 came into force. This regulation introduced new European Union wide standards for deactivated firearms to ensure they cannot be reactivated. The regulation also sets out a new set of deactivation requirements for any firearm deactivated from 8<sup>th</sup> April 2016 onwards where an application is made to hold the firearm without certificate by way of an authorisation issued by a Superintendent of An Garda Síochána under s.6 of the Firearms and Offensive Weapons Act, 1990, as amended.

### **Litigation**

As previously highlighted in the 2015 report, the vast majority of District and High Court cases on refusals to grant restricted firearm certificates have now concluded. Additionally, litigation on issues surrounding the licensing of .22 inch calibre short firearms has also been finalised in the Courts. This followed clarity being provided in this area following the commencement of Statutory Instrument No: 391 of 2015. While individual refusals and/or revocations of firearm certificates will inevitably continue on a case by case basis on a very minor scale (taking account of the circa 200,000 firearm certificates on issue when all renewals are finalised), the re-establishment of the Firearms Consultative Panel has been a very welcome development, where any concerns or issues can be addressed without the necessity for litigation.

### **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. Again, through the forum of the Firearms Consultative Panel, a mechanism is in place whereby nominated representatives of each of the shooting groups can liaise with staff from the Firearms Policy Unit to address any concerns or issues affecting their members in relation to firearm certificate applications or renewals.

### **Commissioners Guidelines**

The Commissioner's Guidelines document, as to the application and operation of the Firearms Acts 1925 to 2009, first issued on 4<sup>th</sup> September 2009. The Guidelines were slightly amended on 12<sup>th</sup> November 2014 by the removal of Annex F, which related to licensable .22 inch calibre short firearms. 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. It was anticipated that the amended and updated version of the Commissioner's Guidelines document would be published in the second half of 2016. However, due to the significant body of work currently being undertaken by the Firearms Consultative Panel throughout 2016, it was agreed by all stakeholders that publication of the Guidelines should not take place until the issues under discussion have been agreed and can be incorporated into the new document prior to publication.

#### **Authorised Rifle and Pistol Clubs and Shooting Ranges**

The number of shooting ranges authorised under section 33 of the Criminal Justice Act 2006 on 31<sup>st</sup> December 2016 was 18. Shooting range authorisations remain in force for a period of five years unless revoked. The number of rifle and pistol clubs authorised under section 33 of the Criminal Justice Act 2006 on 31<sup>st</sup> December 2016 was 21. Authorisations for rifle and/or pistol clubs also remain in force for a period of five years unless revoked.

#### **Numbers and Classes of Firearm Certificates**

The statistics for issued firearm certificates as provided in this report covers the period to 31<sup>st</sup> December 2016. As always highlighted in the annual review reports, firearm certificates are now issued for a period of three years unless revoked and not one year as was the case prior to 1<sup>st</sup> August 2009. Therefore, annual figures no longer accurately reflect the total number of firearm certificates in existence in the state.

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

#### **Number and classes of Firearms Certificates in force on 31<sup>st</sup> December 2016**

<b>Firearms Certificate Type</b>	
Firearm Certificates	171,986
Restricted Firearm Certificates	741
Limited Firearm Certificates	7,496
Training Firearm Certificates	163
Substitute Firearms Certificates	3,823
<b>Total Firearms Certificates on issue 31<sup>st</sup> December 2016</b>	<b>184,209</b>

#### **Firearm Storage & Safety**

Public safety remains 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 firearms 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](http://www.garda.ie). To demonstrate the importance the Commissioner places on this issue, security advices featured on the 'Crimecall' programme in October 2016, emphasising the responsibilities of all firearm owners to ensure the safety of their firearms. Advice on securing licensed firearms, both in the place they are stored and also while being

Transported by their owners is available in the Commissioner's Guidelines and also through firearm owners contacting 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](http://www.garda.ie). All firearms application forms, 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 updated Commissioner's Guidelines will be published in 2017, with the newly amended document available to members of An Garda Síochána and the public alike.

An Garda Síochána wishes to acknowledge the continued ongoing assistance of the many shooting groups and organisations and also the thousands of ordinary firearm owners dispersed throughout the country. The re-establishment of the Firearms Consultative Panel has now provided an ideal forum for all firearms licensing stakeholders to engage constructively to ensure that any future licensing issues or concerns can be satisfactorily addressed and resolved.

  
**DÓNALL Ó CUALÁIN**  
**ACTING COMMISSIONER**  
**AN GARDA SÍOCHÁNA**

*20* July 2017