

# An Garda Síochána



## Annual Review

### of the Operation of the Firearms Acts 1925 to 2009

**2012**

## Introduction

Section 31 of the Criminal Justice (Miscellaneous Provisions) Act 2009 inserted a new Section 3E into the Principal Act and provides for the *Commissioner to conduct an annual review of the operation of the Firearms Acts 1925 to 2009 and to 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.* This is the third such report, the first having been laid before both Houses of the Oireachtas in January 2011.

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 introduced major changes in the way firearms are licensed, in the State and the legislation also saw the introduction of a standard fee of €80 for all firearm certificates (with exception of a firearm *Training Certificate* which costs €40).

The statistics for issued firearm certificates as compiled in this report covers the period **1<sup>st</sup> January 2012 to 31<sup>st</sup> December 2012** inclusive, as required under the 2009 Act. However, it must be noted that firearm certificates are now issued for a period of three (3) years and not one (1) year as was previously the case. 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 (3) year phase for issuing firearm certificates (on 31<sup>st</sup> July 2012), **218,684** firearm certificates had been issued in the State **37,288** of which were issued in 2012. Under the now obsolete licensing processes, all one (1) year firearm certificates expired annually on 31<sup>st</sup> July. However, Section 28 of the Criminal Justice (Miscellaneous Provisions) Act 2009 amended Section 3 of the Principal Act and provided for the Garda Commissioner to extend in writing all one (1) year firearm certificates in random batches for a minimum period of three (3) months and a maximum period of eleven (11) months. This Section had the effect of ensuring that all three (3) year firearm certificates no longer expire on the same date and will now be spread more evenly throughout the three (3) year cycle.

## Implementation

As highlighted in previous Annual Review Reports, the introduction of the new firearms processes had major implications for the Garda Síochána with all existing one (1) year firearm certificate holders having to apply for new three (3) year firearm certificates (or

cancel their certificates) and be re assessed under 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 provided for in the new legislation. The new legislation also provided for members of the Garda Síochána to inspect the accommodation for a firearm provided by an applicant. All of these new requirements have 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. In the years ahead, the Garda Organisation will benefit from significant savings in resources, considering that firearm certificates are now effective for three (3) years unless otherwise revoked and their renewal will be staggered with the collection of fees outsourced to An Post.

## **Legislative Changes**

No changes in legislation pertaining to firearms licensing was enacted during 2012. However, the Wildlife Amendment Act was commenced in July 2012 and provided for the removal of the end date for the applicability of the previous hunting licence provisions included in the Wildlife (Amendment) Act 2010 (the 2010 Act provision was time bound in the sense that only firearm certificates issued between 1 August 2009 and 31 July 2012 were considered valid). Thus, this legislative change now ensures that all firearm certificates issued for shotguns after 1 August 2009 are valid to be used by hunters to lawfully hunt wild birds and hares within the appropriate open seasons.

As outlined in the 2011 Annual Report, Statutory Instrument 662 of 2011: *'Firearms (Authorisation of Rifle or Pistol Shooting Ranges) Regulations 2011'* which specifies the minimum standards to be complied with before an authorisation under this Section may be granted for a shooting range, was commenced on 30<sup>th</sup> November 2011. Similar to an authorisation granted for rifle and pistol clubs, an Authorisation granted under this Section shall continue in force for a period of five (5) years unless otherwise revoked. Since the beginning of 2012, significant progress was made to ensure that all shooting ranges are now properly authorised under the new legislation and statistics on these authorisations are provided later in this report.

## **Appeals Mechanism and Litigation**

As was also highlighted in the Annual Report of 2011, significant numbers of District Court appeal cases on refusals to grant restricted firearm certificates are on going in the various District Courts throughout the country. The vast majority of these appeals relate to refusals to grant certificates for high calibre handguns. Additionally, large numbers of Judicial Review proceedings were settled in January 2012 in the High Court in relation to similar cases. As part of the settlement, each case was *remitted for reconsideration in accordance with law*. It should be borne in mind that these cases are relevant to only a small percentage of licensed firearms owners in the State.

A full and comprehensive review of the firearms licensing processes took place following the settlement in the High Court on 31<sup>st</sup> January 2012 of the Judicial Review firearms cases. This process was completed during the course of 2012 and a number of items were addressed to improve the operation of the overall firearms licensing processes. This included amending Firearm Certificate Application form (FCA1).

## **Planning and Training**

The first renewals of three (3) year certificates commenced on 1<sup>st</sup> August 2012 and planning for this renewal phase by a sub group of the Firearms Project Board took place over several months prior to the commencement date. A new firearm certificate renewal form (FCR) automatically issues to each firearm certificate holder approx three months prior to the expiry of their existing certificate. The Firearms Project Board was originally established by the Commissioner in 2007 to oversee the planning and implementation of the new firearms licensing processes and consists of many different Sections within the Garda Síochána such as I.T, Finance, Firearms Policy Training, Ballistics, Change Management etc. Officials from the Department of Justice and Equality are also represented on the Board. 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). The new processes are progressing satisfactorily and it is anticipated that the vast majority of renewals will be fully processed before the end of 2013.

## Firearms Policy Unit

The Firearms Policy Unit continues to act as a central reference point for District and Divisional Officers of the Garda Síochána, Department of Justice and Equality and the various shooting organisations throughout the country. The Policy Unit has built strong and lasting relationships with the vast majority of the shooting representative groups and works closely with these organisations to address any concerns or issues that may arise. The cooperation of all of the shooting bodies in assisting the smooth processing of firearms renewals is greatly appreciated. The *Commissioner's Guidelines* document, as to the application and operation of the Firearms Acts 1925 to 2009 was issued on 4<sup>th</sup> September 2009. The Guidelines are intended to set out in practical terms, for the benefit of the Garda Síochána and the public alike, to provide guidance on how the complex area of firearms legislation can be applied. It is anticipated that the *Commissioner's Guidelines* document will be amended and updated following the conclusion of the first renewal phase later in 2013.

### Numbers and Classes of Firearm Certificates

The following is a total of the different classes of firearm certificates and authorisations issued for the period **1<sup>st</sup> January 2012 to 31<sup>st</sup> December 2012**. As stated, the new firearms licensing system provides for three (3) year certificates which expire three years from the date of issue. The figures are for both new applications and renewals issued during the calendar year 2012 and as highlighted earlier do not represent the total number of certificates currently in existence which issued in 2010 and 2011. It should be noted that the figures do not include applications which have been granted but **not** yet paid or applications that are still in progress.

#### Firearms Certificates Issued from 1<sup>st</sup> January 2012 to 31<sup>st</sup> December 2012

Firearms Certificate Type	Number Issued
Firearm Certificates	29,461
Restricted Firearm Certificates	412
Limited Firearm Certificates	1,285
Training Firearm Certificates	101
Substitute Firearms Certificates	6,187
<b>Total Firearms Certificates Issued in 2012</b>	<b>37,446</b>

- Number of **Authorised Shooting Ranges** under Section 33 of the Criminal Justice Act 2006: **12**. (Additionally, there are another 7 ranges certified but not yet authorised)
- Number of **Authorised Rifle and Pistol clubs** that continue authorised under Section 33 of the Criminal Justice Act 2006: **20**.

In addition to the numbers and classes of certificates issued as outlined above, a further **4,952** non resident firearm certificates were granted and issued by An Garda Síochána between 1<sup>st</sup> January 2012 and 31<sup>st</sup> December 2012 to individuals not ordinarily resident in the State. Non resident firearm certificates are not part of the new outsourced licensing processes and are processed in the District/Division where the shooter first proposes to shoot in this jurisdiction. A non resident firearm certificate remains in force for one year from the date it is granted and costs €40.

## **Conclusion**

A comprehensive firearm licensing section continues to be available to the shooting public on the Garda website [www.garda.ie](http://www.garda.ie). All firearms application forms, a copy of the *Commissioner's Guidelines*, Statutory Instruments in relation to the new legislation, Frequently Asked Questions etc can all be accessed by the public on the website.

Tremendous progress in the area of firearms licensing has been made in a relatively short period of time and this would not have been possible without the assistance of the various shooting groups and organisations throughout the country. It is important to emphasise that since the commencement of the new firearms legislation on 1<sup>st</sup> August 2009, the radically transformed licensing system has been welcomed by the vast majority of firearms owners in the State. An Garda Síochána is currently processing in excess of 200,000 firearm certificate renewals and the co-operation of the shooting public is greatly appreciated in ensuring that the renewal process is concluded on time.

**Martin Callinan**

**Commissioner**

**An Garda Síochána**

**May 2013.**