

An Garda Síochána



2015

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 1st August 2009, the new firearms licensing processes were commenced with all existing one year firearm certificate holders applying under the new legislation for new three year firearm certificates. Other changes and additional requirements of the new legislation 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. The new requirements continue to place 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.

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 further enquiries being conducted 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 previous annual review reports, the first renewals of three year firearm certificates commenced on 1st August 2012 and the second renewal phase for the vast majority of licensed firearms commenced 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 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, General Practitioner 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

On 18th 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 can continue in a regulated manner. The Minister's announcement followed widespread consultation with key stakeholders and hearings by the joint Oireachtas Committee on Justice, Equality and Defence on the report published in November 2014 arising 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 commencement, on 15th September 2015, of Statutory Instrument No: 391 of 2015: FIREARMS (RESTRICTED FIREARMS AND AMMUNITION) (AMENDMENT) ORDER 2015, which further amended Statutory Instruments No's: 21 of 208 and 337 of 2009.
- The proposal to establish a new Firearms Assessment and Appeals Authority.
- The proposal to restrict the licensing of any new centre-fire semi-automatic rifles.
- An Garda Síochána to establish a centralised licensing system for restricted firearms.
- The Garda Inspectorate to review the administration of firearms licensing.
- The re-establishment of the Firearms Consultative Panel.
- No changes to the licensing of shotguns and the vast majority of rifles which make up 99% of licensed firearms in Ireland.

Litigation

The vast majority of District and High Court 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 mainly related to applications to license large calibre handguns. 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.

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.

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. It was subsequently amended on 12th November 2014 by removing Annex F, which related to licensable .22 inch calibre short firearms, from the document. 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 are being amended and an updated version of the document will be published in the second half of 2016.

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 2015 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 31st December 2015 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 31st December 2015. As highlighted in previous 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 1st August 2009. Therefore, figures compiled annually 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 are still in progress.

Number and classes of Firearms Certificates in force on 31st December 2015

Firearms Certificate Type	
Firearm Certificates	184,681
Restricted Firearm Certificates	764
Limited Firearm Certificates	12,050
Training Firearm Certificates	197
Substitute Firearms Certificates	5,730
Total Firearms Certificates on issue 31st December 2015	203,422

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 hands of criminals. Statutory Instrument No: 307 of 2009: FIREARMS (SECURE ACCOMODATION) REGULATIONS 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 also available to all firearm owners through 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 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 the coming months with the newly amended document available to members of An Garda Síochána and the public alike.

An Garda Síochána again wishes to acknowledge that the continued implementation of the new firearms licensing system would not be possible without the 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 in 2015 now provides 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.

Nóirín O'Sullivan

Commissioner

An Garda Síochána

July 2016