

An Garda Síochána



Annual Review

of the operation of the

Firearms Acts 1925 to 2009

2011

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.* The first report, produced under this Section, was laid before both Houses of the Oireachtas in January 2011 and covered the licensing period 1st August 2009 to 31st December 2010.

The statistics as compiled in this report covers the firearms licensing period **1st January 2011 to 31st December 2011** inclusive. However, it must be borne in mind that firearm certificates are now valid for three years (3) and not one (1) year as was previously the case. Therefore, yearly figures no longer accurately reflect the total number of firearm certificates in existence in the State.

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, which are highlighted later in this report. The legislation also saw the introduction of a standard fee of €80 for all firearm certificates (with the exception of a firearm *Training Certificate* which costs €40). A new updated database of all firearm owners and their firearms is now in place and the removal of the collection of fees from the Garda Síochána was a most welcome development.

Transition Phase

Under the previous licensing processes, all one (1) year firearm certificates expired annually on 31st July. 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 now ensures that all three (3) year firearm certificates no longer expire on the same date and will, in time, be spread more evenly throughout the three (3) year cycle.

Implementation

As previously highlighted in the Annual Review Report of 2009/2010, the introduction of the new firearms processes had major implications for An 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 radically tightened 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, are just some of the extra requirements provided for in the new legislation. The new legislation also provided for members of An Garda Síochána to inspect the accommodation provided by an applicant for a firearm. 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, as already outlined, the collection of fees outsourced to An Post.

Legislative Changes

Legislation, as contained in section 33 of the Criminal Justice Act 2006, which inserted a new section 4A into the Principal Act, was introduced to legislate for rifle and pistol clubs and shooting ranges. Statutory Instrument 308 of 2009: *'Firearms (Authorisations of Rifle and Pistol Clubs) Regulations 2009'* outlines the regulations governing rifle and pistol clubs under this Section. These Authorisations shall continue in force for a period of five (5) years unless otherwise revoked. 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 30th 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.

Appeals Mechanism and Litigation

Significant numbers of District Court appeal cases on refusals to grant restricted firearm certificates are ongoing 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, a number of Judicial Review proceedings were settled in January 2012 in the High Court in relation to similar cases. It should be borne in mind that these cases are relevant to a small percentage of licensed firearms owners in the State. Nevertheless, any litigation is unfortunate and it is hoped that any future issues or concerns can be addressed through dialogue.

A full and comprehensive review of the firearms licensing processes has taken place following the settlement of the Judicial Review cases. This process is now complete and a number of items have been addressed to improve the operation of the overall firearms licensing processes, including the amendment of application Form FCA1. The amended version can be accessed on the Garda Website www.garda.ie

Planning and Training

The Firearms Project Board was established by the Commissioner in 2007 to oversee the planning and implementation of the new firearms licensing processes and continues to meet on a monthly basis. The Board consists of representatives of many different Sections within the Garda Síochána such as I.T, Finance, Firearms Policy, Training, Ballistics, Change Management etc. The Department of Justice and Equality is also represented on the Board.

The first renewals of existing three (3) year certificates will commence on 1st August 2012 and planning for this renewal phase by a sub group of the Firearms Project Board is almost complete. A new firearm certificate renewal form (FCR) will issue to each firearm certificate holder in good time prior to the expiry of existing certificates. The renewal form will be 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, 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).

Firearms Policy Unit

The Firearms Policy Unit was established in April 2008 and 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 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 *Commissioner's Guidelines* document, as to the application and operation of the Firearms Acts 1925 to 2009 was issued on 4th September 2009. The Guidelines are intended to provide, in practical terms, for the benefit of the Garda Síochána and the public alike, 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 to coincide with the commencement of the renewal phase in August 2012.

A major benefit of the new licensing system has been the cancellation of approx 55,000 one (1) year firearm certificates since 1st August 2009. As a result, thousands of unwanted firearms were handed in by their owners to Garda Stations throughout the country for permanent destruction, free of charge. Temporary arrangements were put in place at Garda Headquarters to have these firearms destroyed and these processes have now concluded.

Numbers and Classes of Firearm Certificates

The following is a table of the classes of certificates and authorisations issued since the introduction of the new firearms legislation in 2009 and includes a breakdown of figures **specific to 2011**. The total number of all types of firearm certificates issued from 1st August 2009 to 31st December 2011 numbered **218,161**, of which **30,176** were issued between 1st January 2011 and 31st December 2011. The table also includes the numbers of certificates relevant to each class.

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. This category accounts for an additional **4,464** applications.

Firearms Certificates Issued from 1st January 2011 to 31st December 2011

Firearms Certificate Type	Number Issued
Firearm Certificates	24,420
Restricted Firearm Certificates - <i>Handguns (Pistols and Revolvers)</i>	54
Restricted Firearm Certificates – <i>Rifles, shotguns, crossbows etc.</i>	64
Limited Firearm Certificates	2,369
Training Firearm Certificates	115
Substitute Firearms Certificates	3,694
Total Firearms Certificates Issued in 2011	30,716
Total Firearms Certificates Issued (since 1 st August 2009)	187,445 + 30,716 = 218,161

- Number of Authorised Shooting Ranges under Section 2(4)(d) of the Firearms Act 1925: **19**.
- Number of **Authorised Rifle and Pistol clubs** authorised under Section 33 of the Criminal Justice Act 2006: **17**.

In addition to the numbers and classes of certificates issued as outlined above, a further **3,512** non resident firearm certificates were granted and issued by An Garda Síochána, between 1st January 2011 and 31st December 2011 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.

Conclusion

It is important to emphasise that since the commencement of the new firearms legislation on 1st August 2009, the firearms licensing processes have been radically transformed and the new licensing system has been welcomed by the vast majority of firearms owners in the State. Some of the key changes introduced are as follows:

- The introduction of new three year firearm certificates, which replaced one year certificates that ordinarily expired annually on 31st July. This has been a positive development for the Garda Síochána and license owners alike. Firearm owners now possess credit card type firearms certificates with enhanced security features and almost 220,000 new three year firearm certificates have been issued to date.
- The outsourcing of fee collection to An Post and the removal of all associated monetary transactions from Garda Stations.
- A range of safety features have been fully implemented which include the prescription of new minimum security standards required of firearm owners, the requirement to provide two referees to attest to the character of applicants and written consent to make enquiries in regard to each applicant's medical history.
- An audit of all licensed firearms, in the State, was conducted and circa 55,000 one year firearm certificates were cancelled. This also resulted in circa 17,000 unwanted and often dangerous firearms being handed in to Garda stations by their owners throughout the country for permanent destruction.
- A new updated database of firearm certificate holders and their firearms is now available on the Garda PULSE system.
- New regulations governing target shooting clubs and shooting ranges were introduced which are designed to increase safety and security for persons engaging in target shooting with rifles and pistols.

A comprehensive firearm licensing section has been developed on the Garda website www.garda.ie since the commencement of the new legislation. All firearms application forms, a copy of the *Commissioner's Guidelines*, Statutory Instruments in relation to the new legislation, Frequently Asked Questions, can all be accessed by the shooting public on the website.

As is evident from above, 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. As already stated, the first renewals of existing three year certificates will commence on 1st August 2012 and planning for this renewal phase by the Firearms Project Board is almost complete. The renewal of approx 220,000 existing firearm certificates will prove a major challenge for the Garda Organisation, but the excellent relationships now enjoyed between the Garda Síochána and the vast majority of shooting groups and organisations will ensure that the firearm certificate renewals process will be efficiently managed in the coming months.