



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS  
DEPARTMENT OF JUSTICE AND EQUALITY

# Consultation Paper Controls on Realistic Imitation Firearms

## **Purpose of Consultation**

The purpose of this consultation is to seek the views of interested parties on the statutory controls to be applied to realistic imitation firearms (RIFs).

## **What is a Realistic Imitation Firearm?**

A realistic imitation firearm (RIF) means anything which has the appearance of being a firearm (other than such weapons as defined as firearms in Section 1 of the Firearms Act 1925 as amended<sup>1</sup>), whether or not it is capable of discharging any shot, bullet or other missile.

A RIF is defined under Section 9A of the Firearms and Offensive Weapons Act 1990 as amended<sup>2</sup> as ‘*a device that appears to the observer so realistic as to make it indistinguishable from a firearm*’.

Under Irish legislation, a RIF is not capable of discharging a pellet or other missile with a muzzle energy greater than 1 joule<sup>3</sup>.

---

<sup>1</sup> <http://revisedacts.lawreform.ie/eli/1925/act/17/front/revised/en/html>

<sup>2</sup> <http://revisedacts.lawreform.ie/eli/1990/act/12/front/revised/en/html>

<sup>3</sup> **Muzzle energy** (measured in joules) is the kinetic energy of a bullet as it is expelled from the muzzle of a firearm. It is often used as a rough indication of the destructive potential of a given firearm or load.

## **Which laws are applicable?**

As RIFs are not defined as firearms under the law, the usual controls applicable to firearms do not apply including import/export licensing by the Minister, the licensing of personal possession and use by An Garda Síochána and sale through registered dealers.

Sections 9A to 9I of the Firearms and Offensive Weapons Act 1990, as amended, provide for controls on RIFs of which **Sections 9A and 9B are commenced and in force** and Sections 9C to 9I have not been commenced and consequently do not have the force of law.

The above mentioned legal provisions can be found at the following link to a re-stated version of the Act.

<http://revisedacts.lawreform.ie/eli/1990/act/12/front/revised/en/html>

- **Section 9A provides for an offence where a person, without lawful authority or reasonable excuse has a RIF in any public place.**
- **Section 9B provides that a Garda Superintendent of any district may authorise in writing the possession, use or carriage of RIFs in that district at a specified location during such period not exceeding one year.**
- Section 9C provides that the Minister shall keep a register of dealers in realistic imitation firearms. Such dealers shall pay a fee, provide a tax clearance certificate and their premises must meet a certain standard of security as decided by the Minister.

- Section 9D provides for an offence for any person to import, manufacture, sell, repair, test, expose for sale, or have in his possession for sale, repair or test by way of trade or business, any RIF unless that person is registered in the register of dealers in realistic imitation firearms. Further it is an offence for a person to sell a realistic imitation firearm to a person under the age of 16 years.
- Section 9E provides that the Minister may remove a person from the register of dealers if certain conditions as specified in the section are no longer met.
- Section 9F gives An Garda Síochána powers of inspection for the premises of registered dealers in realistic imitation firearms.
- Section 9G provides that the Minister may by Order restrict trading in realistic imitation firearms.
- Section 9H gives the Minister the power to require that realistic imitation firearms conform to certain specifications as set out in an Order.
- Section 9I provides that a person in the register of realistic imitation firearms must have a tax clearance certificate.

## **What are the concerns?**

Imitation firearms can look so realistic that criminals may use them to commit crime. Even where used innocently, they may cause alarm when seen in public and the user can be confronted by armed Police.

Since 2010, 123 cases have been instituted, with regard to incidents involving realistic imitation firearms and 51 convictions resulted from these criminal proceedings during the period concerned.

An Garda Síochána have highlighted their concerns with the fact that there are no laws governing the sale, importation or purchase of realistic imitation firearms, thereby leading to a proliferation of their availability and increasing the possibility of misuse.

## **Toy guns**

This consultation is intended to exclude children's toy guns which are not of an appearance similar to a firearm and therefore not intended to be the subject of regulation. As already indicated the definition of a RIF covers: “a *device that appears to the observer so realistic as to make it indistinguishable from a firearm*”.

## Questions to be addressed

Interested parties are invited to;

- (a) state their preferred option (of the 3 listed hereafter) and the reasons for choosing that option and
- (b) provide their views on the ‘**questions to be addressed section**’ under their preferred option and
- (c) provide any other views they consider should be taken into account by the Minister when deciding on the statutory controls to be applied to RIFs.

## Option 1

The Minister should make no changes to the current laws on Realistic Imitation Firearms.

### **Result**

1). The law would remain as is resulting in no statutory controls on the importation, sale, marking and the age at which RIFs may be purchased.

2). The only aspects which would continue to be regulated are those as provided for under Sections 9A of the Firearms and Offensive Weapons Act 1990 as amended which provides for an offence of having a Realistic Imitation Firearm in any public place without lawful authority or reasonable excuse and Section 9B which provides that An Garda Síochána may authorise the use of RIFs at specific venues.

<b>Questions to be addressed?</b>
1). If this is your preferred option, please explain why?
2). How can the public safety concerns of An Garda Síochána be addressed through this ‘do nothing’ option?

## **Option 2**

The Minister should bring into force Sections 9C, 9D, 9E, 9F and 9I of the Firearms and Offensive Weapons Act 1990 as amended.

<b>Result</b>
1). Anyone wishing to import, manufacture, sell, repair, test, expose for sale RIFs must register as a dealer with the Minister for Justice & Equality.
2). A member of the public must be at least 16 years of age to purchase a RIF from a registered dealer.
3). When deciding whether to enter someone in the register, the Minister will request reports from An Garda Síochána on (a) the character of the applicant and the public safety and the preservation of the peace and (b) a crime prevention assessment will be conducted on the premises from which it is intended to trade, the results of which will be notified to the Minister.  The application shall be refused if in the opinion of the Minister it would prejudice public safety or security.
4). The Minister will set out in legislation the security standard to be met by the premises.

5). The dealer in RIFs shall pay a fee in order to be registered for a period of three years and must also provide a tax clearance certificate.

6). The Minister may remove a person from the register of RIF dealers if that person no longer carries on business as a dealer in RIFs, no longer has a place of business as such dealer in RIFs, cannot any longer be permitted to carry on such business without danger to the public safety or to the peace, or has become disentitled under Section 9C (11).

The disentitlements which may cause the Minister to refuse to enter a person in the register or to remove a person from the register include; (a) a person under the age of 21 years, (b) a person of unsound mind, (c) a person who has been sentenced to imprisonment for an offence under the Firearms Acts 1925 to 2009, the Offences Against the State Acts 1939 to 1998 or the Criminal Justice (Terrorist Offences) Act 2005 or an offence under the law of another state involving the production or use of a firearm and the sentence has not expired or has not expired for a period in excess of 5 years.

7). An Garda Síochána may enter the premises of a dealer in RIFs and inspect any imitation firearms.

**Questions to be addressed?**

1). It is recommended that the standard of security to be applied to the premises of registered dealers should include closed circuit TV, a monitored alarm and structural security measures. Your views in relation to these matters are sought.

2). The Minister intends to set the registration fee for three years at €500. What are your views on the proposed fee?

(Note that the current fee for registered dealers in firearms for a period of three years is €1,000).

3). It is proposed that a registered dealer in RIFs should be encouraged to keep a register with the contact details (name and address) of those who purchase RIFs. Your views in relation to this matter are sought.

4). Should there be any age restriction on the possession and use of RIFs? (Note that Section 9D provides that an individual **purchasing** a RIF must be at least 16 years of age.)

5). Should those purchasing a RIF, be required to produce proof that they are a member of an airsoft club and intend to engage in airsoft activities at a venue authorised by An Garda Síochána in accordance with Section 9B?

( Note that airsoft is a sport in which participants eliminate opponents by hitting each other with pellets fired from realistic imitation firearms.)

### **Option 3**

**The Minister should bring into force Section 9H. This is in addition to bringing into force those Sections as described under Option 2 above.**

#### **Result**

The Minister may by Order require that realistic imitation firearms meet certain specifications.

These specifications could, for example, require that the RIF is painted a bright colour in order to differentiate it from a firearm.

Section 9H only applies to RIFs imported or sold from the date of the Order and not to RIFs currently in the possession of members of the public.

(Note: In the United Kingdom imitation firearms must have their principal colour as transparent, bright red, bright orange, bright yellow, bright blue, bright green, bright pink, or bright purple or have dimensions of not more than a height of 38 millimetres and a length of 70 millimetres.

In Germany airsoft devices are required to be marked with a special marking of “F” in a pentagon while in Italy red tips must be present on the barrel ends of the airsoft guns when they are imported and sold by a store though may be removed by the purchaser)

Note that in addition, those results numbered (1 – 7) under Option 2 would also take effect under this option.

**Questions to be addressed?**

1). Would public safety be strengthened by requiring RIFs to meet certain specifications in order to differentiate them from firearms?

2). What specifications could be required to be applied to RIFs such as marking or colouring?

3). It is recommended that the standard of security to be applied to the premises of registered dealers should include closed circuit TV, a monitored alarm and structural security measures. Your views in relation to these matters are sought.

4). The Minister intends to set the registration fee for three years at €500. What are your views on the proposed fee?

(Note that the current fee for registered dealers in firearms for a period of three years is €1,000).

5). It is proposed that a registered dealer in RIFs should be encouraged to keep a register with the contact details (name and address) of those who purchase RIFs. Your views in relation to this matter are sought.

6). Should there be any age restriction on the possession and use of RIFs? (Note that Section 9D provides that an individual purchasing a RIF must be at least 16 years of age.)

7). Should those purchasing a RIF be required to produce proof that they are a member of an airsoft club and intend to engage in airsoft activities at a venue authorised by An Garda Síochána in accordance with Section 9B?

( Note that airsoft is a sport in which participants eliminate opponents by hitting each other with pellets fired from realistic imitation firearms.)

## **Consultation**

The Department of Justice & Equality is now inviting submissions from interested parties which will inform future decision making in relation to controls on Realistic Imitation Firearms. Organisations or individuals who wish to contribute should send a submission by 01<sup>st</sup> May 2017.

- By email to [firearms\\_inbox@justice.ie](mailto:firearms_inbox@justice.ie)
  
- By post to  
[Realistic Imitation Firearms Public Consultation](#)  
[Firearms, Explosives and Private Security Policy Division](#)  
[Department of Justice & Equality](#)  
[94 St Stephen's Green](#)  
[Dublin 2](#)

If you are making a submission, please include your name and contact details (phone number, postal address and, if available, an email address) and please state whether the views expresses are personal or are being made on behalf of an organisation, If the views of an organisation are being submitted it should be made clear which organisation is being represented and you should indicate your position in the organisation.

It should be noted that the submissions received are subject to the Freedom of Information Act 2014 and may be released or published on foot of third party applications. Any submission containing commercially sensitive or private or confidential material should therefore clearly identify that portion of the submission which contains such information and specify the reasons for its sensitivity. The Department will consult with respondents regarding information identified by them as sensitive, before making a decision on any

Freedom of Information request, and will treat any personal information in accordance with the Data Protection Acts 1988 and 2003.