

An Garda Síochána



2013

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 of 1925 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.*

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. The key changes included the introduction of a standard fee of €80 for all firearm certificates (with the exception of a firearm *Training Certificate* which costs €40) and the collection of firearms licensing fees outsourced from An Garda Síochána to An Post.

Implementation

The introduction of the new firearms licensing process had major implications for An Garda Síochána with all existing one year firearm certificate holders applying for new three year firearm certificates and being reassessed under the 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 legislation also provided for members of An Garda Síochána to inspect the firearm accommodation provided by an applicant. All of these new requirements 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.

Every effort is made to ensure that each firearm certificate application is fully processed by An Garda Síochána within the three month timeframe. However, occasionally for unavoidable reasons including the necessity to carry out further enquiries regarding land

permissions, referees, security etc, some applications from the circa 400,000 original applications and subsequent renewals received by An Garda Síochána since 1st August 2009, have 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 and Training

As highlighted in the Annual Review report of 2012, the first renewals of three year certificates commenced on 1st August 2012. A new firearm certificate renewal form (FCR) now automatically issues to each firearm certificate holder approximately three months prior to the expiry of their existing 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, 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).

Legislative Changes

No changes in legislation pertaining to firearms licensing were enacted during 2013. As highlighted in the 2012 Annual Review, the Wildlife Amendment Act was commenced in July 2012 and this legislative change provided that all firearm certificates issued for shotguns after 1 August 2009 may be used by hunters to lawfully hunt wild birds and hares within the appropriate open seasons.

A comprehensive review of the firearms licensing processes took place following the settlement in the High Court on 31st 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). Additionally, in recent months Officials from the Department of Justice and Equality, in conjunction with An Garda Síochána, are conducting a further review of the current processes and examining key issues in relation to firearms licensing and it is expected that the results of this review will be presented to the Minister in the coming weeks.

Litigation

Following on from the settlement of significant numbers of Judicial Review proceedings in the High Court in 2012, when each case was remitted for reconsideration in accordance with law, the vast majority of the remaining District Court appeal cases on refusals to grant restricted firearm certificates have now concluded. It should be noted that these cases are relevant to only a small percentage of licensed firearms owners in the State, impacting on less than 0.5% of the overall firearm certificates currently in force and predominantly relate to applications to license large calibre handguns.

Firearms Policy Unit

The Firearms Policy Unit continues to act as a central reference point for District and Divisional Officers in An Garda Síochána, the Department of Justice and Equality and the various shooting organisations throughout the country. The Firearms Policy Unit has built strong and lasting relationships with the vast majority of the shooting representative groups dispersed throughout the country and works closely with these organisations to address any concerns or issues that arise. The co-operation of all of the shooting bodies who have assisted in the first firearms renewal phase is greatly appreciated.

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 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 is anticipated that the document will be amended and updated following the conclusion of the on going review.

Numbers and Classes of Firearm Certificates

The statistics for issued firearm certificates as provided in this report covers the period to 31st December 2013. As highlighted in previous Annual Review reports, firearm certificates are now issued for a period of three years. 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 year firearms licensing phase (on 31st July 2012), the total number of issued certificates in the state totalled **218,684**. From that date onwards the first renewal phase commenced and applications for renewal are made approx three months prior to the expiry date of the original firearm certificate. It should be noted that the figures below do not include new applications or applications for renewal which have been granted but **not** yet paid or any applications that are still in progress:

Number and classes of Firearms Certificates in force on 31st December 2013

Firearms Certificate Type	
Firearm Certificates	153,717
Restricted Firearm Certificates	809
Limited Firearm Certificates	10,666
Training Firearm Certificates	187
Substitute Firearms Certificates	3,218
Total Firearms Certificates Issued 31 st December 2013	168,597

In addition to the numbers and classes of firearm certificates issued as outlined above, a further 3,121 non resident firearm certificates were granted and issued by An Garda Síochána between 1st January 2013 and 31st December 2013 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. Non resident firearm certificates remain in force for only one year from the date it is granted and costs €40.

Authorised Rifle and Pistol Clubs and Shooting Ranges

The number of Shooting Ranges authorised as of 31st December 2013 under Section 33 of the Criminal Justice Act 2006 was: 16. This shows an increase of four new ranges authorised during 2013 and the range authorisations remain in force for a period of five years unless revoked.

The number of Rifle and Pistol clubs authorised as of 31st December 2013 under Section 33 of the Criminal Justice Act 2006 was: 20. This is the same number as authorised at the end of 2012 and authorisations for rifle or pistol clubs also remain in force for a period of five years unless revoked.

Firearm Storage & Safety

Public safety remains the paramount concern for Officers of An Garda Síochána when considering applications for firearm certificates or renewals. Additionally, a responsibility falls on all firearm owners to ensure that every precaution is taken to ensure their firearms remain secure and do not fall into the hands of criminals. Statutory Instrument 307 of 2009: *Firearms (Secure Accommodation) Regulations 2009* outlines the minimum security requirements in relation to the provision of secure accommodation for firearms.

A total of 1,134 firearms have been reported stolen from their owners in the period 2010 to 2013 inclusive, of which 355 were stolen in 2013. A further 159 firearms have been reported lost in the same four year period, 53 of which were reported lost in 2013. Advices on securing licensed firearms, both in the place they are stored and also while being transported by their owners, are available to all firearm owners through their local Crime Prevention Officer.

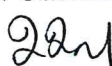
Conclusion

A comprehensive firearm licensing section is available to the shooting 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, by the public, on the Garda website. As previously highlighted in this report, it is anticipated that the "Commissioners Guidelines" document will be updated in the coming months following the conclusion of the on going review of the firearms licensing process.

Significant progress in the area of firearms licensing has been made in a relatively short period of time since 1st August 2009. This would not have been possible without the assistance of the vast majority of shooting groups, organisations and firearm owners dispersed throughout the country. It is important to emphasise that the firearms licensing system has been welcomed by the vast majority of firearms owners, in the State, and the co-operation of the shooting public has been greatly appreciated by An Garda Síochána who are tasked with the implementation of the Firearms Acts 1925 to 2009.



NÓIRÍN O'SULLIVAN
COMMISSIONER OF
AN GARDA SÍOCHÁNA

 May 2014