

S.I. 420 of 2019: European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2019

Guidance Note¹

S.I. 420/2019, which gives effect to Directive (EU) 2017/853, comes into force on 1 September 2019. The main changes provided for in the Regulations are as follows:

Marking of Firearms

- Firearms or any essential component manufactured in the State or imported into the State from a non-EU country must be marked without delay and at the latest before placement on the market. Registered Firearms Dealers involved in either the importation or manufacture of firearms must comply with this requirement;
- The essential components which need to be marked in compliance with the requirements of Directive 2017/853 are defined in Article 1 of the Directive as:-
 - the barrel;
 - the frame;
 - the receiver (including both upper and lower receivers where applicable);
 - the slide;
 - the cylinder; and,
 - the bolt or breech block.
- Markings must be clear, permanent and unique. The unique marking should be engraved permanently upon the firearm or essential component concerned;
- The markings required are set out in Parts 1 and 2 of Schedule 3 on pages 8 and 9 of the attached S.I.
- This shall be without prejudice to the affixing of the manufacturer's trademark;
- Markings shall be applied to all essential components of a firearm. Where an essential component is too small to be marked, it shall be marked at least with a serial number of an alphanumeric or digital code;
- The minimum depth of marking in Ireland is 0.04mm;
- The alphabet to be used in Ireland for marking is Latin (A to Z);

¹ This note is not a legal interpretation of, or substitution for, the legislation, and is non-exhaustive.

- The numeral system to be used in Ireland for marking is Arabic (0 to 9)

New Storage requirements

Statutory Instrument No: 307 of 2009: Firearms (Secure Accommodation) Order 2009 defines the minimum security required for the storage of firearms by holders of firearm certificates. In addition to these requirements, the new regulations require the following:

Storage of ammunition

- When the firearm is not in use, all ammunition for the firearm must be stored in a locked receptacle that is separate from where the firearm is stored.

Transporting firearms or ammunition

- When transporting a firearm or ammunition, the firearm must be concealed from view and stored separately from the ammunition.
- The ammunition must be stored in a locked receptacle.

Banning of acquisition of large capacity magazines

It is an offence to acquire:

- A magazine for a centre fire semi-automatic handgun that can hold more than 20 rounds
- A magazine for a centre fire semi-automatic rifle or shotgun that can hold more than 10 rounds.

Penalties

A person who fails to comply with the above requirements on marking, storage and large capacity magazines is guilty of an offence and is liable:

- On summary conviction to a fine not exceeding €5,000 or imprisonment for up to 12 months or both;
- On conviction on indictment to a fine not exceeding €50,000 or imprisonment for up to 3 years or both.

Banning of Certain Firearms

The following firearms are prohibited*:

- A. Automatic firearms which have been converted into semi-automatic firearms,
- B. Centre fire semi-automatic handguns which allow the firing of more than 21 rounds without reloading, if:
 - a. a magazine with a capacity exceeding 20 rounds is part of that firearm; or
 - b. a detachable magazine with a capacity exceeding 20 rounds is inserted into it;
- C. Centre fire semi-automatic rifles and shotguns which allow the firing of more than 11 rounds without reloading, if:
 - (i) a magazine with a capacity exceeding 10 rounds is part of that firearm; or
 - (ii) a detachable magazine with a capacity exceeding 10 rounds is inserted into it.
- D. Semi-automatic rifles and shotguns that can be reduced to a length of less than 60 cm by means of a folding or telescoping stock or by a stock that can be removed without using tools.

*The Regulations provide for a period of six months until 29 February 2020 to allow for compliance with the new prohibition. In points B and C above, in most cases this would involve disposing of a magazine whose excess capacity makes the firearm subject to prohibition. Otherwise, firearms that are now prohibited will need to be exported or delivered to the superintendent of the local Garda District within the six months grace period.

Penalties

Subject to the six months exception, any person who acquires or possesses the above prohibited firearms shall be guilty of an offence and shall be liable:

- On summary conviction to a fine not exceeding €5,000 or imprisonment for up to 12 months or both;
- On conviction on indictment to a fine not exceeding €20,000 or imprisonment for up to 7 years or both.