



STATUTORY INSTRUMENTS.

S.I. No. 420 of 2019



EUROPEAN COMMUNITIES (ACQUISITION AND POSSESSION OF
WEAPONS AND AMMUNITION) (AMENDMENT) REGULATIONS 2019

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I, CHARLES FLANAGAN, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017¹, hereby make the following regulations:

Citation, collective citation, construction and commencement

1. (1) These Regulations may be cited as the European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2019.

(2) These Regulations, the Regulations of 2010 and the Principal Regulations shall be construed as one and may be cited together as the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993 to 2019.

(3) These Regulations come into operation on 1 September 2019.

Definitions

2. In these Regulations -

“Principal Regulations” means the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993 (S.I. No. 362 of 1993);

“Regulations of 2010” means the European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2010 (S.I. No. 493 of 2010).

Amendment of Regulation 2 of Principal Regulations

3. Regulation 2(1) of the Principal Regulations is amended -

(a) by the substitution of the following definition for the definition of ammunition to which the Directive applies:

“ ‘ammunition to which the Directive applies’ means ammunition within the meaning of paragraph (3) of Article 1 of the Directive;”

(b) by the substitution of the following definition for the definition of essential component:

¹ OJ No. L137, 24.05.17, p.22.

“ ‘essential component’, in relation to a firearm to which the Directive applies, has the meaning it has in paragraph (2) of Article 1 of the Directive;”

- (c) by the substitution of the following definition for the definition of the Directive:

“ ‘Directive’ means Council Directive 91/477/EEC of 18 June, 1991² on control of the acquisition and possession of weapons, as amended by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008³ and Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017¹, and includes Articles 10 and 11 of Chapter III of Council Directive 93/15/EEC of 5 April, 1993⁴ on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses;”

- (d) by the deletion of the definition of deactivated, and

- (e) by the insertion of the following definitions:

“ ‘excepted person’ means a person who possesses, uses or carries a firearm to which the Directive applies where such possession, use or carriage is, under subsection (3) or (4) of that section, excepted from section 2 of the Act, but does not include a person to whom section 2(3)(b) of the Act applies;

‘holder’, other than in Regulations 10(2) and 11 and Schedule 1, means the holder of a firearm certificate in respect of a firearm to which the Directive applies;

‘relevant firearm’ means -

- (a) in relation to a holder, the firearm specified in the firearm certificate concerned, and
- (b) in relation to an excepted person, the firearm to which the Directive applies, the possession, use or carriage of which is, under subsection (3) or (4) of that section, excepted from section 2 of the Act;”.

Amendment of Regulation 3A of Principal Regulations

4. Regulation 3A of the Principal Regulations is amended -

¹OJ No. L137, 24.05.17, p.22.

² OJ No. L256, 13.09.91, p. 51.

³ OJ No. L179, 08.07.08, p.5.

⁴ OJ NO. L121, 15.05.93, p. 20.

- (a) in paragraph (1), by the substitution of “Subject to paragraph (7), no” for “No”, and
- (b) in paragraph (4), by the substitution of “concerned.” for “concerned, the destruction of which would render the firearm unusable.”, and
- (c) by insertion of the following paragraph after paragraph (6):

“(7) A reference in this Regulation to a firearm to which the Directive applies is a reference to such a firearm that is manufactured or imported into the Union before 14 September 2018.”.

Insertion in Principal Regulations of Regulations 3AB and 3AC

5. The Principal Regulations are amended by the insertion of the following Regulations after Regulation 3A:

“Marking of firearms to which Directive applies manufactured or imported into Union on or after 14 September 2018

3AB. (1) Subject to paragraph (7), this Regulation applies to a firearm to which the Directive applies manufactured or imported into the Union on or after 14 September 2018.

(2) No person shall place on the market any firearm to which this Regulation applies that has not been marked in accordance with this Regulation.

(3) A manufacturer of a firearm to which this Regulation applies shall ensure that, at the time of its manufacture or, at the latest, before its placement on the market, each essential component of the firearm is marked with a unique marking which shall comprise the particulars specified in Part 1 of Schedule 3.

(4) Where the State is the place of import into the Union of a firearm to which this Regulation applies, each essential component of the firearm shall, at the time of its manufacture or without delay after importation into the Union, be marked with a unique marking which shall comprise the particulars specified in Part 2 of Schedule 3.

(5) The unique marking referred to in paragraph (3) or (4), as the case may be, shall be engraved permanently upon the essential component concerned, to a minimum depth of 0.04 millimetres.

(6) Paragraphs (3) and (4) are without prejudice to the affixing of the manufacturer’s trademark.

(7) This Regulation shall not apply to a firearm to which the Directive applies that has been deactivated.

Marking of essential components placed on market

3AC. (1) Subject to paragraph (7), this Regulation applies to an essential component manufactured or imported into the Union on or after 14 September 2018.

(2) No person shall place on the market any essential component to which this Regulation applies that has not been marked in accordance with this Regulation.

(3) A manufacturer of an essential component to which this Regulation applies shall ensure that, at the time of its manufacture or, at the latest, before its placement on the market, the essential component is marked with a unique marking which shall comprise the particulars specified in Part 1 of Schedule 3.

(4) Where the State is the place of import into the Union of an essential component to which this Regulation applies, the essential component shall, at the time of its manufacture or without delay after importation into the Union, be marked with a unique marking which shall comprise the particulars specified in Part 2 of Schedule 3.

(5) The unique marking referred to in paragraph (3) or (4), as the case may be, shall be engraved permanently upon the essential component concerned to a minimum depth of 0.04 millimetres.

(6) Paragraphs (3) and (4) are without prejudice to the affixing of the manufacturer's trademark.

(7) This Regulation does not apply to an essential component of a firearm that is mounted on a firearm to which Regulation 3AB applies and is marked in accordance with that Regulation.”.

Insertion in Principal Regulations of Regulations 4B, 4C, 4D and 4E

6. The Principal Regulations are amended by the insertion of the following Regulations after Regulation 4A:

“Storage of ammunition for relevant firearm

4B. Subject to Regulation 4D, a holder or an excepted person shall, when the relevant firearm is not in use, ensure that all ammunition for the relevant firearm in his or her possession is stored -

- (a) in a receptacle that is locked, and
- (b) separately from any firearm in which the ammunition is capable of being used.

Transport of relevant firearm or ammunition for relevant firearm

4C. Subject to Regulation 4D, a holder or an excepted person shall, when transporting the relevant firearm or ammunition for the relevant firearm in a vehicle, ensure that -

- (a) the relevant firearm is-
 - (i) concealed from view, and
 - (ii) stored separately from the ammunition, and
- (b) the ammunition is stored in a receptacle that is locked.

Firearm certificate holders under age of 18

4D. Where a holder referred to in Regulation 4B or 4C is under 18 years of age, a reference in the Regulation concerned to a holder shall be construed as a reference to the parent or guardian who provided the written consent referred to in paragraph (3) of Regulation 4 in respect of the holder's application for the firearm certificate.

Restriction on acquisition of loading device

- 4E. It shall not be lawful for any person to acquire -
- (a) a loading device for a centre-fire semi-automatic short firearm which can hold more than 20 rounds, or
 - (b) a loading device for a centre-fire semi-automatic long firearm which can hold more than 10 rounds.”.

Amendment of Regulation 7 of Principal Regulations

7. Regulation 7 of the Principal Regulations is amended in paragraph (3) by the substitution of -

- (a) “C” for “C or D”, and
- (b) “B or C” for “B, C or D”.

Amendment of Regulation 13 of Principal Regulations

8. Regulation 13 of the Principal Regulations is amended in paragraph (1) by -

- (a) the substitution of “Regulation 3A, 3AB, 3AC, 3B , 4A, 4B, 4C or 4E” for “Regulation 3A or 3B”, and
- (b) the insertion of “of the European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2010 (S.I. No. 493 of 2010)” after “Regulation 4(4)”.

Insertion of Schedule in Principal Regulations

9. The Principal Regulations are amended by the insertion of the following after Schedule 2:

“Schedule 3

Regulations 3AB and 3AC

Part 1

1. Subject to paragraph 2, where a firearm to which the Directive applies or an essential component is manufactured in the State, the unique marking shall comprise a human readable identification consisting of:

- (a) the name of the manufacturer or brand;
- (b) the name of the State;
- (c) the PULSE identification number of the manufacturer;
- (d) the unique serial number of the essential component;
- (e) the year of manufacture (if not part of the serial number); and
- (f) the name of the model (where feasible).

Example:

Alfa Firearms Limited

IRELAND 9999 001/2018 [“Precision”]

2. Where an essential component is manufactured in the State, and is too small to be marked in compliance with paragraph 1, it shall be marked at least with a serial number or an alphanumeric or digital code.

Part 2

1. Subject to paragraph 2, where the State is the place of import into the Union of a firearm to which the Directive applies or an essential component, the unique marking shall comprise a human readable identification consisting of:

- (a) the name of the manufacturer or brand;
- (b) the name of the country or place of manufacture;
- (c) the unique serial number of the essential component;
- (d) the year of manufacture (if not part of the serial number).
- (e) the name of the model (where feasible).

Example:

Alfa Firearms Limited

NAME OF COUNTRY/PLACE OF MANUFACTURE 001/2018
["Precision"]

2. Where the State is the place of import into the Union of an essential component, and the essential component is too small to be marked in compliance with paragraph 1, it shall be marked at least with a serial number or an alphanumeric or digital code.”.

*Amendment of Firearms Act of 1925***10.** The Firearms Act 1925 is amended-

(a) in section 1, by the insertion of the following definition:

“ ‘Directive’ means Council Directive 91/477/EEC of 18 June, 1991² on control of the acquisition and possession of weapons, as amended by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008³ and Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017¹, and includes Articles 10 and 11 of Chapter III of Council Directive 93/15/EEC of 5 April, 1993⁴ on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses;”

(b) in section 2(7), by the insertion of “(which, in the case of a firearm classified in Category A of the Directive, shall not exceed 5 years)” after “specified period”,

(c) in section 2A(1) (inserted by section 28 of the Criminal Justice Act 2006 (No. 26 of 2006)), by the insertion after “restricted ammunition” of “or a firearm to which section 2D(2) (inserted by Regulation 10(d) of the European Communities (Acquisition and Possession of Weapons And Ammunition) (Amendment) Regulations 2019) applies and ammunition for such a firearm”,

(d) by the insertion of the following sections after section 2C:

“Prohibition on acquisition or possession of firearms classified in Category A of Directive

2D. (1) Subject to subsections (2), (3) and (4), a person who acquires or possesses a firearm or ammunition classified in Category A of the Directive shall be guilty of an offence and shall be liable -

(a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and

(b) on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 7 years or both.

¹ OJ No. L137, 24.05.17, p.22.

² OJ No. L256, 13.09.91, p. 51.

³ OJ No. L179, 08.07.08, p.5.

⁴ OJ NO. L121, 15.05.93, p. 20.

(2) Subsection (1) shall not, during the period beginning on 1 September 2019 and ending on 29 February 2020, apply to the possession of a firearm classified in point 6, 7 or 8 of Category A of the Directive by -

- (a) a person who is the holder of a firearm certificate, which is in force, in respect of the firearm, or
- (b) a registered firearms dealer who has lawfully purchased the firearm concerned by way of trade or business.

(3) This section shall not apply to -

- (a) the possession, in accordance with an authorisation under section 2(7), of a firearm classified in Category A of the Directive, or
- (b) the acquisition of a firearm referred to in paragraph (a) for the purpose of possessing it in accordance with an authorisation referred to in that paragraph.

(4) This section shall not apply to the acquisition or possession of a firearm or ammunition under the authority of the Minister for Defence for use by the Defence Forces of the State or under the authority of the Minister for use by any lawful police force in the State.

Restriction on licensing of certain firearms.

2E. (1) On and from 1 September 2019, no application for a firearm certificate in respect of a firearm classified in Category A of the Directive shall be considered by an issuing person.

(2) A firearm certificate in respect of a firearm classified in Category A of the Directive, other than a firearm to which subsection (3) applies, that is in force on 31 August 2019 shall, on and from 1 September 2019, stand revoked.

(3) A firearm certificate in respect of a firearm classified in point 6, 7 or 8 of Category A of the Directive that is in force on 29 February 2019 shall, on and from 1 March 2019, stand revoked.

Revocation of firearm certificate where holder found in possession of certain loading devices

2F. An issuing person shall revoke a firearm certificate in respect of a firearm classified in Category B of the Directive granted by the person where the holder of the certificate is found to be in possession of -

- (a) a loading device which can hold more than 20 rounds and is capable of being fitted to a centre-fire semi-automatic or repeating short firearm, or
 - (b) a loading device which can hold more than 10 rounds and is capable of being fitted to a centre-fire semi-automatic or repeating long firearm.”, and
- (e) in section 21(6)(a), by the insertion after “appropriate” of “(other than where the firearm or ammunition concerned is a prohibited firearm or prohibited ammunition, as the case may be, or a firearm or ammunition the acquisition or possession of which is prohibited by section 2D (inserted by Regulation 10(d) of the European Communities (Acquisition and Possession of Weapons And Ammunition) (Amendment) Regulations 2019))”.



GIVEN under my Official Seal,
2 August, 2019.

CHARLES FLANAGAN,
Minister for Justice and Equality.

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