

An Garda Síochána



Annual Review
of the operation of the
Firearms Acts 1925 to 2009

2009/2010

Introduction

On August 1st 2009, the Criminal Justice (Miscellaneous Provisions) Act 2009 and the remaining Sections of the Criminal Justice Act 2006 were commenced. The new legislation introduced major changes in the way firearms are licensed in this country.

Among the key changes were:

- the introduction of the new three year certificate,
- the collection of fees outsourced from An Garda Síochána to An Post, and
- the printing and distribution of the actual certificates outsourced to TiCo.

The legislation also saw the introduction of a standard fee of €80 for all firearm certificates, with exception of a firearm *Training Certificate* which costs €40.

A new updated database of all firearm owners is now in place.

The removal of the collection of firearm fees from An Garda Síochána is a welcome development.

Transition Phase

Under the old licensing legislation, all one-year firearm certificates expired on 31st July of each year. 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 old one-year firearm certificates in random batches of approx 25,000 each for a minimum period of three months and a maximum period of eleven months. This Section ensured that all new three-year firearm certificates will in future no longer expire at the same time. Thus the 31st July is no longer the date of expiry for all firearm certificates as was the case prior to the commencement of the new legislation.

Implementation

The introduction of the new firearms processes has had major implications for An Garda Síochána, with each of the circa 245,000 existing one-year firearm certificate holders having to apply for their new three-year firearm certificates and to be assessed under a significantly different legislative regime.

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 contained in the new legislation. The new legislation also provides for members of An Garda Síochána to inspect the accommodation provided by an applicant for a firearm. All of these new requirements have placed additional demands on Garda resources throughout the country as each application is recorded and tracked on the PULSE system and processed to a conclusion. The benefits of the additional work undertaken at the initial stages of the new process will accrue to An Garda Síochána in future years, when it is considered that firearm certificates will be effective for three years and their renewal will be staggered with, as already outlined, the collection of fees outsourced to An Post.

Legislative Changes

New classes of firearm certificates were also introduced notably a *Firearms Training certificate* for persons over the age of fourteen years, who must be accompanied by the holder of a firearm certificate when using the firearm, and also a *Restricted Firearms Certificate* which refers to firearms as outlined in Statutory Instrument No: 21 of 2008 as amended by Statutory Instrument 337 of 2009. Applications for these restricted firearm certificates are now made to Officers of An Garda Síochána holding the rank of Chief Superintendent who assess the applications under the new legislation. Significant numbers of appeal cases in relation to refusals by Chief Superintendents to grant restricted firearm certificates are on going in the various District Courts throughout the country. Additionally, large numbers of Judicial Review proceedings are currently before the High Court in relation to the new legislation.

New legislation as contained in Section 33 of the Criminal Justice Act 2006, which inserts a new Section 4A into the Principal Act, was also 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. The legislation regarding shooting ranges under this Section has not been commenced to date.

Planning and Training

A Firearms Project Board was established by the Commissioner of An Garda Síochána in 2007 to oversee the planning and implementation of the new firearms licensing processes. It continues to meet on a monthly basis. The Board consists of representatives from many different Sections within An Garda Síochána such as I.T, Finance, Training, Ballistics, Change Management etc. together with senior officials of the Department of Justice and Law Reform. Additionally, a Firearms Consultative Panel was established by the Minister for Justice and Law Reform and this consists of representatives of many shooting groups and associations, Department of Justice & Law Reform Officials and representatives of An Garda Síochána. The meetings of the Panel have been a valuable means of establishing concerns, expectations and general customer needs specific to each different customer grouping.

Firearms Policy Unit

A Firearms Policy Unit was established at Garda Headquarters in April 2008 and acts as a central reference point for internal and external stakeholders. The new Unit availed of the opportunity provided by a major change in the firearms legislation to identify existing and emerging customer needs. A new coordinated training programme was developed to ensure that the new licensing processes were clearly understood throughout the Garda Organisation with seminars and briefings for Garda Managers were conducted in every Garda Division.

Additionally, for the first time a comprehensive set of Guidelines was published by the Commissioner of An Garda Síochána to coincide with the commencement of the new legislation. These Guidelines, which deal with the application and operation of the Firearms Acts 1925 to 2009, are intended to set out in practical terms for the benefit of An Garda Síochána and the public alike, guidance as to how the complex area of firearms legislation may be applied.

A ‘*National Firearms Awareness Day*’ took place on 16th June 2010. On that date, members of An Garda Síochána were available to the public at every Garda station in the country. The principle purpose of the exercise was to assist firearm owners on all firearm related matters including the filling out of the new application form FCA1, secure storage of firearms information, safety advice etc. This initiative proved to be a major success.

A major benefit of the new licensing system has been the cancellation of almost 45,000 old one (1) year firearm certificates from the system. This has resulted in thousands of unwanted (and often dangerous) firearms being handed in to Garda stations throughout the country for permanent destruction free of charge. Procedures were put in place at Garda Headquarters to have these firearms destroyed.

Numbers and Classes of Firearm Certificates

The following is a breakdown of the classes of certificates and authorisations issued since the introduction of the new firearms legislation in 2009 up to 31st December 2010, which 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 for or applications that have not yet been finalised. This accounts for a further 19,920 applications, in addition to the figures as outlined below.

Firearms Certificates Issued from 1st August 2009 to 31st December 2010

Firearms Certificate Type	Number Issued
Firearm Certificates	161,994
Restricted Firearm Certificates - <i>Handguns (Pistols and Revolvers)</i>	397
Restricted Firearm Certificates – <i>Rifles, shotguns, crossbows etc.</i>	199
Limited Firearm Certificates	22,553
Training Firearm Certificates	156
Substitute Firearms Certificates	2,146
Total Firearms Certificates Issued	187,445

- Number of Shooting Ranges authorised under Section 2(4)(d) of the Firearms Act 1925: 18.
- Number of Rifle and Pistol Clubs authorised under Section 33 of the Criminal Justice Act 2006: 17.

Conclusion

The period since the 1st August 2009 has witnessed a very significant transition and change in the way in which firearms are licensed in this country, moving from a system based on legislation dating back as far back as 1925, to one that introduced new three-year firearm certificates based on 2006 and 2009 legislation. Additionally, many rifle and pistol clubs have been authorised for five (5) years under the new legislation.

A dedicated Firearms Policy Unit has built new structures to engage with both internal and external customers to ensure that the licensing process is clearly understood and standardised. Additionally, a comprehensive firearm licensing section has been developed on the Garda website www.garda.ie. All firearms application forms, a copy of the Commissioner's Guidelines, Statutory Instruments in relation to the new regulations, frequently asked questions etc can all be accessed on the website.

The new legislative regime involved extending circa 245,000 existing one-year firearm certificates from the old system and inviting the holders of each certificate to apply under the new legislation for their new three-year certificates. This transition period has provided significant challenges for not only An Garda Síochána as an organisation tasked with implementing the new legislation, but also for members of the shooting public adapting to the requirements of the new licensing processes.

Having now almost concluded the initial phase of the project, a review of the processes will take place and the views of the various representative shooting groups will be sought in an effort to further enhance the overall service provided to the public. The Firearms Project Board will shortly oversee the planning for the first renewal phase with the first renewals due in August 2012.