



Department of Justice, Equality and Law Reform  
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

# Firearms licensing: the wider dimensions

## Conference

Mullingar Park Hotel, Mullingar

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***Opening Address***  
**Mary O'Rourke, TD**

Deputy O'Rourke welcomed the delegates to Mullingar and noted that her nephew Brian Lenihan, when he had been Minister for Justice, asked her to open the conference this morning on his behalf.

Deputy O'Rourke observed that the conference will be very interesting and invigorating, incorporating groups with different ambitions, and that hopefully the result will be a cohesive and comprehensive strategy in relation to firearms licensing.

Deputy O'Rourke noted that a wide range of domestic and international speakers would cover topics such as developments by the Firearms Consultative Panel and the Irish context. Experts from Belgium and the UK would be providing invaluable information on how they do things in their countries.

Deputy O'Rourke observed that a regulatory body is never the most consumer friendly, and that people bristle at the thoughts of regulation, but in order to put some shape on the area of firearms we have to have regulations.

Deputy O'Rourke acknowledged the tremendous amount of work that had been put to date by all members of the Firearms Consultative Panel, Government Bodies and Interest Groups alike. She advised that the very act of coming together, what might seem as an insurmountable task can always be diminished in its potential for disturbance by people talking together, particularly under the Firearms Consultative Panel.

Deputy O'Rourke concluded her opening address by thanking the Department of Justice and An Garda Síochána and noted that Brian Lenihan would wish her to thank Department officials and An Garda Síochána for the great warmth and comradeship shown to him while he was Minister for Justice. She concluded by expressing the hope that all delegates will enjoy and appreciate the results that come out of the conference's activity.

### *Chairperson's welcome*

#### **Dr. Barry Vaughan, Institute of Public Administration**

Dr. Barry Vaughan, Institute of Public Administration welcomed all conference delegates and introduced all speakers. He noted the importance of all the relevant interests in firearms coming together to debate the topical issues, and he expressed his hope that the conference would take place on an annual basis in future.

## *Olympic shooting: a reflection*

### **Mr. Cian Merne, Irish Clay Pigeon Shooting Association**

Good morning Ladies and Gentlemen.

As Garrett pointed out, Kevin Kilty had to pull out at short notice due to work commitments and sends his apologies. Kevin is the ICPSA's high performance Director and is largely responsible for Ireland's recent successes on the International shooting scene. I've been asked to stand in for him at short notice so I've unashamedly plagiarised the presentation that he had prepared for the conference.

Before I begin, I'd better explain who I am. I represent Leinster on the ICPSA's national executive and I'm also their representative on the FCP. The ICPSA is the national governing body for clay pigeon shooting and we administer Olympic shotgun shooting sports in Ireland. Our sister association the NTSA administers the Olympic pistol and rifle sports. Like many people involved in shooting associations, I'm an elected volunteer and something of a stranger to public speaking, so please forgive me if I'm a bit nervous.

I hope to bring to you over the next 15 minutes or so some insights and a glimpse into the world that is Olympic shooting. I will touch on the levels of commitment that are required and the personal sacrifice that must be made to succeed and become the best. Finally I want to show that the shooting sports are a community, while the sport may not share the same level of public popularity as golf or soccer, it does have as equally a passionate base of support and that passion is shared on a worldwide basis.

Ireland can boast an enviable track record at World Cup and World Championship level in Olympic Trap shooting. It's a track record which has been set by the three individuals you see in the middle of this slide. Derek Burnett, Philip Murphy and David Malone, who between them have represented Ireland at two Olympics and numerous international level competitions.

In July 2002, they won Ireland's first ISSF World Championship medal, a team gold in Finland. This same team would go on to win both individually and as a team at World Cup and World Championship level over the next six years.

In 2002, Derek was 30 years of age, Philip was 42 and David was 39. It has been a common statement to hear in shooting circles that shooting is a sport where age does not impair performance nor do you have to be fit to be a successful international competitor. It may not have been a barrier in the past but for the top competitors it is changing.

Ireland's Philip Murphy went on to win the individual silver at the World Championships last year aged 48, the oldest competitor to do so yet, but recent research from the ISSF has shown that for Olympic trap, the age profile of the most competitive is now between 30 and 36 years of age. But the caveat to that observation is that the earlier you start being successful in international competition, the longer that your success is sustainable. The moral is; win young and you win for longer.

This is reflective of the modern high performance approach that has been adopted by the leading nations through their development programmes and the nurturing of talent from an early age. Many newcomers have been introduced to the shooting sports on a casual, almost passing nature and usually like myself when they have become adults. Olympic shooting sports are for many nations now mainstream sports. Resourced like mainstream sports with a heavy emphasis on early talent identification. It is now accepted that the early

identification of sporting talent along with early intervention in structuring their coaching development is the single biggest success factor in the production of world class athletes.

This is a lesson we should study closely and one that I know is going to feature in our discussions over the next few days.

This is Michael Diamond, three times World Champion and two times Olympic gold medallist in Trap shooting, competing at the Athens Olympics of 2004. He is widely regarded as the greatest Olympic trap shooter of all time. But how did he become such an accomplished competitor? Is he unique? Was he born with the right genes? Did he get that structured training when he was young?

Well the answer is probably some of all of the above.

Michael has in abundance the key skills that the successful shooting competitor must possess to succeed at world class level. A mastery of the technical skills, quick and controlled reflexes, a calm and steady mental approach, discipline and an overall good level of fitness. But more importantly, he works hard to actively maintain those skills and attributes.

Michael's coach was his father, Con. Con sought to bring Michael from an early age through all the steps necessary to produce the champion that he has become today. It was a lifelong journey for Michael which even now, he admits, is a journey that never stops as long as you remain a competitor.

The world of competitive shooting has now risen to such a level of performance that scores which 5 years ago would comfortably see you into the final six will now barely get you into the top twenty. The commitment and levels of personal sacrifice necessary to win at world level have never been so high.

We are playing catch up with countries who have had a long history of successfully integrating their shooting sports within their national sports culture. In Italy, Olympic shotgun shooting is as popular a sport there as golf is here in Ireland.

There are as many shooting ranges around Milan as there are golf clubs around Dublin. We have always suffered from being a minority sport, but I believe through leveraging our international success we can change that perception. To make that crucial step in improving our international performance we have had to adopt many of the same high performance techniques used in golf and athletics. We have introduced sports psychology, periodization based training plans and utilised the full range of sports science services.

We have had to adjust our approach from one where we hoped to have a good performance at a competition to one where we planned our performance for a competition. It's a simple statement but it carries with it a powerful shift in thinking and commitment for all those involved.

Last September, Ireland's Philip Murphy achieved a first. An individual silver medal in Olympic Trap at the World Championships. Standing beside him is Michael Diamond, twice Olympic Gold medallist and now three times World Champion. Beside Michael is Karsten Bindrich also a former World Champion. Looking at the photo you would think they are the best of friends. Funnily enough, they are!

They have known, competed and trained with each other for over 10 years. The ISSF shooting community is just that, a community of friends whilst still the fiercest of competitors. This is not a paradox, it's an excellent model to describe the profile of successful international competitors. They strive to give their best

performance on the day but it is against a background of mutual support and friendship and respect for their sport.

Michael Diamond turned up to a World Cup in 1998, minus his gun which was temporarily lost in transit. Without hesitation offers flooded in from many national teams to assist him in making up a spare gun to compete with. He was one of them, a member of the shooting family, who wanted him to compete. That day no one wanted to benefit from his misfortune, the competition and the sport overall would be devalued.

Everywhere in the world Irish shooters go to train or compete they are welcomed as part of that family. It is one where preserving and enhancing the sport is achieved through cooperation and the exchange of knowledge and ideas. Under the ISSF and IOC solidarity programmes, coaches are sent to assist countries where the Olympic shooting sports are developing and in need of assistance. Developing the sport nationally and internationally is the key to ensuring its future. Recently, the Irish high performance team have been travelling to Kuwait to assist in the development of their national team.

This was the podium at the World Cup in Maribor in Slovenia last year. Hopefully by the close of 2008 we have some more podium finishes to celebrate and I hope in August next that one of them will be the biggest podium finish of them all – an Olympic medal.

If anyone would like to learn more about Irish shootings Olympic prospects, I have some media guides here that for anyone who would like to pick one up later.

Thank you for your time and patience.

## ***Update on the work of the Firearms Consultative Panel***

Garrett Byrne, Department of Justice, Equality and Law Reform

Good morning ladies and gentlemen. I would like to welcome you all here today to our first firearms licensing conference.

As you can see from the programme we have put together a wide ranging set of presentations to do justice to the range of issues which are relevant to our discussions today and tomorrow.

We are also delighted to have two international speakers with us here today to give us their views and perspectives on particular issues of interest. So a special welcome to Dr Yves LeCocq from FACE and to Roger Weedon from Surrey Police.

I suppose moving into my own contribution to the discussions today the obvious place to start is on the subject of communications. Having spent 11 years in the Department and just one year in this area I have really been struck by the lack of any structured communications: whether they be workshops, seminars or 'roundtables' - to borrow a phrase from the equality area which was where I was assigned last . When you broaden out the usage of firearms into the sports and hunting arenas you expect that there would be more such events. So if this is the start of an annual conference I think it is a good thing. But obviously communication is essential, particularly in a technical area such as firearms.

Today is also about a healing process, 'reframing relationships' and moving on. The title is borrowed from the evaluation of a mediation programme, something I was involved with previously and it is very relevant here today. As we move towards the more sophisticated licensing system as envisaged by the 2006 Act I think there is far more to be gained by working collaboratively than by working

against each other. I am struck by the passion that people have brought to this area and their willingness to contribute to finding solutions.

The body of firearms legislation is not a thing of beauty. Anything that starts out in the 1920s isn't going to be perfect. The Department probably hasn't made it a big enough priority in the past but the 2006 Act is a big step forward. And this is understandable when you look back at the past 30 years and how long it takes 'big organisations like ourselves' to restructure and reorganise. For example, when I started out in the Department of Justice, Equality and Law Reform eleven years ago, ten people were working in the area of immigration; now we have about six hundred!

So we are trying to modernise the 'system' and to re-establish an equilibrium of sorts, and a starting point will be if we can establish a sense of vision around where we are going. I know Des Crofton will talk tomorrow on this topic based on his years of involvement in the area so I won't say much more. But it does take years to develop legislation and implement it. And if priorities are anti crime issues it is easy to see how it is difficult to make progress in a regulatory area.

We probably have never had a debate on attitudes to firearms. Generally speaking it is when high profile incidents happen that the spotlight is placed on the availability of firearms in a society. The media frenzy won't help rational debate and the inevitable result is knee jerk legislation and the fuss dies down and it is assumed that the legislation works. In reality it is responsible firearms ownership, trust and liaison between Clubs and the authorities which are important and the glue of any robust system which enhances public safety. I have been impressed by the consensus from the various shooting groups on the Panel on the need to encourage good practice and responsible and professional firearms ownership.

Our brief is to implement the 2006 Act and to make it happen in the most efficient and effective manner. The lack of continuity hasn't helped maintain relations in this complex area. Our role has essentially been a facilitative one and that is why the Minister established the Panel last year to manage the considerable programme of change in a structured and co-operative manner. From my perspective, there's no point in trying to be an expert when you're not, and you have people with a life long passion for a topic at the table then you have to use it. There's only so much detail you can absorb when you are not actively involved in the sport yourself.

In this months Shooter's Digest you can read a few pages on the discussion and progress of the Panel. We're still talking to each other which is always an achievement in itself and a performance indicator of sorts. Seriously, reflecting on what the OECD said about Irish public administration in the past few weeks, when they talk about 'Citizen Centred Governance', there is always a need for transparency, responsiveness to customer needs and participation'. I generally see things in terms of structure not legislation. I believe if you have the right structure and people signed up to a process then you should get a reasonable outcome

The Panel has brought about input and agreement into many issues, including licensing guidelines, secure accommodation, minimum standard of competence, fee structure and training licence.

It is useful, however, to stand back from all the detail and to maybe look at the system in economic terms. When you consider that the Criminal Justice Act 2006 was written in such a way that it is expected 'everything to happen on the same day', you can see that it is more realistic to deal with this amount of change it envisages piece by piece.

While we don't have a direct relationship with individual firearms licence holders we do have a direct relationship with firearms dealers. To give us a better understanding of the trade we commissioned some research with Lansdowne Market research last year. This was an interesting process and since then we have had more communication than ever with dealers as we introduced the Restricted Firearms & Ammunitions Order. Since then I have been writing on a regular basis trying to inform people and pick up on their queries on different aspects of the order. Despite the paperwork we have to deal with, I am constantly trying to get more time to get out and meet people involved in the trade.

In relation to the clubs and ranges, most of you know that we have secured permission from the RCMP to use the Canadian Range Construction standards and we will sort out the legalities of how we use them before agreeing a commencement date for Section 33 of the Criminal Justice Act 2006. John Guinane will speak about this later on today and we will have a workshop tomorrow to explore the issues relating to Clubs.

People are obviously the most important part of any system. The organisations which represent them are vital in bridging the gap between what the Civil Servant 'thinks' the legislation says and happens, and the reality on the ground. The follow-through and implementation are issues where we will need to focus on as the entire licensing system moves forward.

Our Criminal Justice (Miscellaneous Provision) Bill 2008 is imminent. This should pave the way for all the technical but important changes needed to make the three year licence happen. Unfortunately we have had no control over the overall Bill. It has in the region of 25 sections and 10 of them are ours. They are technical, and hopefully it will make the system less cumbersome and more user

friendly in the longer term. The new system will be better and more efficient in lots of ways.

To conclude, I hope that there are better clearer days ahead and better mutual understanding, and it is essential that we continue to engage in structured communication to pave the way forward. Thank you.

*Firearms Licensing - the perspective of An Garda Síochána*  
**Superintendent Noel Clarke**

Good morning everyone. My current job is a regional role in the South-East. In relation to firearms I am the Project Manager for An Garda Síochána for the implementation of the entire process and the changes brought about by the 2006 Act. I don't actually do all the work; I manage it and my project chairman is my colleague from Garda Head Quarters, Chief Superintendent Maher.

I have been involved in the firearms process and the changes in the legislation, providing an input from the Garda perspective on that, at development stage of the 2006 Act, but more recently since then on what the legislature has enacted.

My talk will make reference to the decision making process for granting or refusing an application for firearms certificates and give a Garda perspective to the process. It's all about decision making. My first decision was whether or not to use Power Point. I decided against it but others addressing you will use it. Which of us is wrong or for that matter are we all correct?

You will be aware that initially when this conference was planned it was envisaged that An Garda Síochána would be talking to you about the Guidelines allowed for in section 31 of part 5 of the Criminal Justice Act 2006. But alas you are well aware that the relevant sections most notably sections 30, 31, and 32 of part 5 have not been commenced and as of today no firm date has been set for their commencement. I want to reassure you that An Garda Síochána along with our colleagues in the Department of Justice, Equality & Law Reform did everything in our power to facilitate their introduction especially as it provided us with some additional guidance especially in relation to restricted firearms; we had hoped it would be implemented by 1<sup>st</sup> of May 2008.

Regardless of the delay this is an opportunity for me to give you some insight and perspective into how we in An Garda Síochána process or determine applications for firearms certificates. Currently there are in excess of 230,000 firearms licensed in Ireland, held by approximately 220,000 individuals, and as you know they are renewed in August of each year. Many of the renewals take place without incident and if I were to single out one issue that causes a problem it would be the fact that some individuals are slow to pay the fee. Thankfully the numbers are small but the collection of fees in such instances adds to the workload of Gardai. Some people like clockwork are in to pay their fee. There are others who we have to chase two and three months afterwards; that is the reality of life in rural Ireland and we have to do it. They don't have a will not to pay it; it's just that they didn't get around to paying it. That is one of our major problems, and it's a time consuming problem.

Before dealing directly with the licensing process it is worth setting out the Constitutional basis of what it is we in An Garda Síochána do. If you are all familiar with it then I apologise in advance. There are three distinct parts to the process and the Constitution sets out a clear separation of powers. Legislation is drafted and enacted by the Oireachtas, the relevant legislation is implemented and enforced by the Executive and we in An Garda Síochána are part of this second pillar, we are duty bound to implement the law as enacted by the legislature, and finally the Judiciary adjudicate and interpret the legislation when and if the need arises. We are just one of the three parts, we are not the judge and jury, we are just one small part of that, albeit an important part.

In this presentation I will be drawing from the Firearms Act, 1925-1964. The relevant sections of the Act for the purpose of my presentation are:

Section 2 - Restrictions on Possession, use, and carriage of firearms:

Section 3 - Grant form, and effect of firearms certificate; and

Section 4 - Conditions of grant of firearm certificate.

Section 2 states that it shall not be lawful for any person to have in his possession, use, or carry any firearm or ammunition unless such possession, use, or carriage is authorised by a firearm certificate. The section continues to elaborate on the exceptions for a variety of reasons and circumstances but I do not intend to take you through each one.

Section 2 subsection 2 states that any person who “fails to comply with any condition subject to which a firearm certificate is granted is guilty of an offence”. The type of condition is not elaborated on further in the Act and it is within the discretion of the granting authority, the local Superintendent. If a condition is disputed or rejected by an applicant and that happens, then the test most likely to be applied is one of reasonableness. If I were to give a scenario of an applicant applying for a firearm certificate and I gave that scenario to every one of you and put you all in different places, and asked you to come back and tell me what would you as an individual do with this, probably we would have no agreement, we probably wouldn’t have two or three people who come back with the same answer, and that is the reality of it. So when we talk about reasonableness and what is reasonable, from a Garda Síochána perspective, we look to what the law says. The courts have provided various comments on what is unreasonable and in the State (Keegan) versus the Stardust Victims Compensation Tribunal Mr Justice Henchy stated *“I would consider that the test of unreasonableness or irrationality in judicial review lies in considering whether the impugned decision plainly and unambiguously flies in the face of fundamental reason and common sense. If it does the decision maker should be held to have acted ultra vires.....it continues”*.

In essence the test is one of fundamental reason and common sense. What is common sense for one person might not be common sense for another; there is a divergence and we have to accept that. When determining the conditions if any, to attach to a firearm certificate the granting authority, a Superintendent is

entitled and bound to consider the matter of public safety or peace and the possibility of the firearm falling into criminal hands and the likelihood of it being used in future criminal activities. Generally there are no conditions attached, but one of the issues which a Superintendent might consider is the number of rounds of ammunition, for the vast majority they are the conditions. The majority of the 230,000 applications are dealt with without any issues arising, and hopefully will continue to be.

I'm not suggesting that any applicant would come in to licence a firearm purely for the purpose of giving it to a criminal, we have never had incidents of that, that I'm aware of, especially in relation to a restricted firearm, but there is the possibility that the firearm could be stolen.

The Superintendent is likely to consider the level of crime in the area where the applicant resides. This has to be a consideration, and we also need to take into account where the firearm will be stored. That is the reality of the situation and that is the dilemma faced by every Superintendent when everybody comes in to apply for a firearm, because a firearm is a weapon that can cause serious injury, but likewise a car is, and thankfully the Gardai don't have authority to grant driving licenses, we don't have a role to say who can have a car or who can't have a car, but we have in relation to firearms. I am not drawing a parallel, but I'm saying that the Superintendents in the district offices have a specific role under the legislation.

The Superintendent's decision is also likely to be influenced by such things as the levels of crime in the area, the potential for the firearm to be stolen taking into account where the firearm will be stored.

Section 3 states that a Superintendent of An Garda Síochána of any District may, subject to any limitations and restrictions imposed by the Act, upon the application of any person residing in such District and upon payment by such

person of the fee for the time being required by law, grant such a person a firearm certificate. Sometimes people don't apply at their local Garda station, they may never have had any interaction with their local Garda station and this can cause problems for some people, they've never known a Garda, they've never had any reason to know a Garda, they've never been prosecuted and they don't live in a locality near a Garda. But they must go to their local Garda station and they must reside in the District. Just for information, District boundaries will change in a number of areas over the next number of months because the district boundaries will be more closely aligned with county boundaries, but there will be variations in that. So you may be living in one district now, but in July or August you may be living in another district, your Superintendent may shift and that is the reality of it. That is not brought about by us; it is brought about by the government wanting to align our district boundaries with district boundaries for policing fora and policing matters.

If the firearm is to be used to kill exempted wild mammals (other than hares) within the meaning of the Wildlife Act, 1976 the applicant is required to produce a licence granted by the Minister for Lands.

Before I move on to Section 4, it is worth explaining the role of An Garda Síochána in the implementation of the decisions of the legislators. When a piece of legislation is brought into force there is an obligation on all of us within An Garda Síochána to implement it. We do not have the possibility to ignore any part of it that we may disagree with or find objectionable. The Garda Síochána Act 2005 states that we have to implement all legislation; it is the first time that it has actually been written down; it has been taken for granted since the foundation of the state. If we don't implement the legislation it is considered a disciplinary offence. In this instance and in all others the legislature has spoken and we are bound to respect their decisions. We do not have a role, or for that matter the possibility, to look behind the law as enacted. If we require an

interpretation or guidance on any matter we revert to the Attorney General for advice and guidance.

Our previous Commissioner referred a piece of legislation in relation to the use of mobile phones to the Attorney General because he felt that the legislation was not implementable and he sought advice from the Attorney General on it and the view that came back was yes, there are difficulties implementing it. We have already identified some issues with the 2006 Act and I think that it is actually the first time that we are going to amend an Act before it is implemented, because we have seen some issues in it. They are small minor issues but they are issues that we need to address. That's part of the consultation process, and I know that the Consultative Panel have put a lot of work in to it. Again we have no role in determining the weight or importance to attach to a particular piece of legislation, it is a matter for the courts to determine this as they are the arbitrators as in many instances the rights, including Constitutional rights of an individual, including people other than the applicant, may be affected.

When we look at the Constitutional rights of individuals we have to be conscious of the rights of the applicant in this case, but all other individuals as well. If we need to arrest someone, if we need to perform a search, if we need to detain somebody we have to make more decisions and we have to be conscious of everybody's Constitutional rights, so it's not an easy job. The firearms licensing process is only one of the many facets we have to deal with.

Section 4 states that before granting a firearm certificate to any person under the Act, the Superintendent of An Garda Síochána (or the Minister) shall be satisfied of certain conditions. Shall is a very important word here. With "may" you might have a bit of discretion but with "shall" you must. Shall for us basically means you have to do it. District officers and Superintendents are used to dealing with legislation on an ongoing basis, that's what the legislature tells us

that we must do. The Superintendent or the Minister must be satisfied that the applicant has a good reason for requiring the firearm in respect of which the certificate is applied for, and can be permitted to have in his possession, use, and carry a firearm or ammunition without danger to the public safety or to the peace, and is not a person declared by this Act to be disentitled to hold a firearm certificate. They are not exclusive, you must have all three.

You could have an applicant who has been down with his firearms dealer, has picked the firearm he wants, he wants to go clay pigeon shooting on Sunday, this is Saturday morning, and so we are in the way. We bristle off one another, there is the expectation, we fully understand this, but it's not an easy process.

The person disentitled under the Act is set out in Section 8 but I don't intend to take you through it.

This is the legislative basis for a Superintendent when he considers an application. In exercising his powers he is expected to act judiciously and independently but within the bounds of the legislation provided. He has the discretionary power which is vested in him and he is entitled to bring his own discretion to bear on the decision.

The Supreme Court decision in 2002, which arose following an attempt to introduce secure storage by way of gun safes, sets out the absolute role of the Superintendent. Most of you will be familiar with the case. It must be assumed that in giving the power to the local Superintendent to make such decisions the legislature did so on the basis that he would have access to local knowledge and is best placed to know the applicant and whether he has a good reason for requiring the firearm, is competent and capable of using the firearm without danger to the public safety or peace, is over sixteen, is of temperate habits, is of sound mind and has no criminal convictions (Ms. Justice Clarke, 25<sup>th</sup> of April

2008 Thomas O'Leary and Superintendent Maher). In the 2006 Firearms Act, the legislature, in a more enlightened period, decided that the decision-making process still lies and rests with the Superintendent. It is my contention that if the legislature desired total uniformity in the decision making process they would have vested the decision making process in one individual.

There are no generic criteria set out, there are no best practices identified by the legislature, there is no set of guidelines or other international standards provided for Superintendents. Even if the above were provided or were available each application must be considered on its individual merits by the Superintendent.

In the near future we will seek to try and identify best practice and give advice, and suggest to Superintendents who are considering applications in the future that these are things you could consider, but we are not telling them that they should take it on board. We're merely telling them what the best practice is. We have done similar things in relation to breathalysing people at the scene of accidents and it is simple advice because the Act says I must form the opinion. I'm the member of An Garda Síochána, but the Garda Commissioner has recently announced that it is best practice, that if you arrive at the scene of an accident that the people there should be breathalysed, you can't tell someone to do it, and everybody at the scene of an accident from the most senior Garda to the most junior Garda has that discretion, because that is what the legislation says.

He/she must decide and they are what is often referred to as "the persona designata". This can and does lead to a divergence of views and we are all well aware that there may not be uniformity in the decisions arrived at across all the Garda Districts. But this was envisaged and accepted by the legislature. In drafting and commencing the relevant sections we must assume that the legislature considered and accepted this fact. It is my contention that this may well have been a deliberate act on their part so as to ensure that individual applications were considered on their individual merit - but that is a personal view.

When making an application the applicant has to prove that he has a good reason for requiring the firearm, that he is capable of using the firearm without danger to the public and that he is of good character (Ms. Justice Clarke, 25<sup>th</sup> of April 2008 Thomas O'Leary and Superintendent Maher). Again there are no generic criteria set down to assist the applicant and each will make his case to the Superintendent setting out the good reason, his capabilities and outlining his good character.

So what is good reason and how can it be determined to the mutual satisfaction of the applicant and the granting authority? Do I have a crystal ball or the magic formula? Regrettably I don't have either. In a perfect world we might have a mathematical matrix that would calculate all the permutations and provide us with a score that would determine each application for us. Regrettably there is not one in existence and one could not be developed. The applicant will not do himself justice if he does not make a genuine attempt to supply proof of good reason, competency in the use of the firearm without a danger to the public safety or security and his good character.

The applicant has to put their best case forward; they have to tell us and they have to give us somewhere to start.

Since the Firearms Order of 1972, An Garda Síochána hasn't had the need to deal with anything outside of the shotgun and the .22, we didn't have it, so the people of my era and a lot of other people from this office had never had to deal with it up to a couple of years ago, so we are not experts in things like calibre and velocity and we shouldn't seek to be experts in it because we are not the people best placed to give anyone advice on what they should purchase or what they should seek the licence for in particular. There are firearms dealers here and we must respect that they are the people that have the knowledge; we

shouldn't try to assume that role on behalf of firearms dealers. Equally we have access to detailed technical information if the need arises. If we need to, we seek advice and input and then ultimately the Superintendent makes his decision.

So where does that leave us? We have and will continue to have in excess of 120 Superintendents who because of their position are obliged to consider applications albeit that in the future applications for restricted firearms may well be determined at a different level but that is for another time, pending the implementation of the legislation. I can assure you that each application is considered on its merits and decisions either to grant or refuse an application is not simply an administrative process. Sometimes at the counter it can seem that way but ultimately the Superintendent is the *persona designata*, he or she decides, the person at the counter telling you they don't see a problem with you getting your licence doesn't have the actual authority. My advice to the Gardai that work with me is that even though they should try to help people in every possible way, they shouldn't lead someone down a certain road telling them things. If somebody needs advice on a firearm, the firearms dealer is the person to contact. We would tell individual Gardai to provide guidance and direction but don't try to influence people unduly.

Will every application reach a satisfactory conclusion? Unfortunately we do not live in perfect world, and there will be occasions where one or another will not get their wishes, but this is the nature of the process. But we must accept and remember that this is how it was meant to be, and the legislation was enacted in the full knowledge that there might be a divergence in the decisions arrived at. But we should take a significant degree of satisfaction that the number of applicants that become contentious in one way or another are a very small part of the 230,000 firearms currently licensed in Ireland.

I could provide you with a personal view of what I see as a “good reason” but the reality of the situation is that my view is meaningless in the context of the current legislation as no other Superintendent is bound to take my view into consideration. The position as regards the competency of the applicant, the danger posed to public safety or peace and the character of the applicant is the same. My opinion is just that and is of little value to other Superintendents who as the “persona designata” must consider each application on its own merits as envisaged in the legislation.

We in An Garda Síochána are aware that the divergence in the decisions arrived at are being monitored and highlighted on an ongoing basis and we fully respect the right of the various associations to do so. But the question I pose is - are we truly comparing like with like in all instances. For example we could be comparing what happens in rural Ireland with a densely populated area in urban Ireland where there are different problems and different issues.

There are numerous variables that a Superintendent must consider in the context of an individual application. It is not always possible to discuss or comment on some of the considerations in a public forum as we are sometimes bound to respect the rights of each individual applicant. There may often be issues that have been considered and that even the applicant may not wish to disclose to others and this is their prerogative.

If the decision were to be made by anybody other than An Garda Síochána like in the District Court, the District Court is held in public. There is no facility for in-camera hearing of applications in the District Court, so you have to accept that if you go and make an application and the Superintendent refuses it and the appeal is to the district court that will be in public. Your personal business may very well be in the public domain, and I’m not saying that this should prevent you from appealing, you should just be conscious of it. And that’s not the Gardai

trying to embarrass you, the District Court Judge will ask a question and we have to provide the answer, and that's what we have to do.

It is a fact of life that the topical cases are the ones that often receive the most attention and this is understandable. There have been a number of cases before the courts by way of Judicial Review. However there is an alternative and in this regard Section 43 of the Criminal Justice, Act 2006 has been commenced (SI 390/06) whereby the decision of a Superintendent can be appealed to a District Court. It may be that refusals will in future be determined in this forum rather than the necessity to seek a Judicial Review along with the attendant costs for both sides.

I hope that this has been useful and it has been a pleasure to give the Garda perspective and in so doing so perhaps explain why there is, and in all likelihood will continue to be a divergence - hopefully an acceptable level of divergence - in the decisions arrived at when individual applications are being considered.

Remember, this is how the legislature envisaged it would be and we in An Garda Síochána are bound to implement the law as it currently is.

## *Open forum discussion*

- A delegate asked Superintendent Clarke if for instance he was refused a licence is it possible for him to request the reason in writing.

Superintendent Clarke replied that the 2006 Act obliges An Garda Síochána to give reasons in writing and when it is implemented An Garda Síochána shall do that. In a lot of cases Superintendents are already giving reasons in writing. The delegate replied that his fear was that a refusal would mean appeal to the District Court, and in that particular instance, information which Superintendent Clarke states he might have on the applicant would be produced in public. He observed that it appears to be a subtle form of blackmail. Superintendent Clarke replied that it is absolutely the opposite and that he mentioned it in the context that a Superintendent will not have discussions with an individual third party about individual applications as it would be unfair of the Superintendent to do so. He pointed out that he said purely as a point of information that the discussion individuals would have with the Superintendent are in private and would be unique to the individual and to him. In a district court that would not be a Superintendent's decision.

- A delegate commented that he knows a number of people who have had their applications refused and without valid reason.

Roger Weedon commented from the UK perspective, if the applicant is revoked or refused a licence he is given a letter from the Chief Officer of Police to indicate that that is going to be the case and briefly the reason will be stated in that letter. Should he then choose to appeal that decision then the burden of evidence that will be produced by the Police in court is available to him prior to the hearing, so every piece of evidence that the initial decision is based on is in his hands prior to the hearing. In some

cases if that reveals certain convictions and he doesn't want them aired in court then he has the option of withdrawing his appeal. He would get the basis of the refusal prior to the hearing in full detail but as a refusal it would be a letter briefly stating the reason.

- A delegate observed that there is much emphasis on the persona designata status of the Superintendent. He noted that the discretion conferred on the persona designata is not limitless; it must be exercised within the boundaries of the statutory framework.
- A Firearms dealer commented: " I find from a personal point of view that a lot of people come to me as a firearms dealer and they don't know what they're buying, and in fairness I think there is a great deal of responsibility from firearms dealers' point of view. I find that personally I have a great relationship with Superintendents. I have had Superintendents ring me asking me what particular firearms are and what they are for. In general I think that a lot of responsibility rests in the individual who is applying for the gun, the guard at the end of the day is a civil servant. If you have a practical reason for wanting a particular firearm, go to the Superintendent and tell him that you have reasons for the firearm and explain them to him.
- A firearms dealer commented: "I was changing a handgun and I went to look for an Article 7, and the Superintendent refused my Article 7 so I looked for a meeting with him. He told me that I had the option of going to court, but I gave him a manual and told him he could read up on it. So after a few weeks nothing happened so I rang him again, so I had to get the law where it states that I'm entitled to an Article 7 and I had to fax that to his office before he would give me an Article 7 and I am actually a firearms dealer so God help the public."

Superintendent Noel Clarke replied that no doubt this is a fair criticism; we are trying to change that. We will do our very best, we are not perfect. We are on a steep learning curve as well.

- Roger Weedon observed that in relation to large calibre rifles for game hunting outside the UK, we condition licences for possession at the home address if the security is adequate for that calibre of rifle. A good reason being that you want to possess it for use on large game in say Africa; but you will only get it on the condition that you can zero it in the UK. You will not get ammunition for the purpose of zeroing which is an item that is often the cause of concern for a shooter in the UK, but that's an anomaly in our law. UK law is quite clear in that it will not give permission for what it considers prohibited ammunition in the UK because ammunition per se is prohibited under Section 5 of the Firearms Act, except for the shooting of deer and vermin. So a person who has a good reason, e.g. deer or vermin shooting will have on his licence permission to use expanding ammunition. You'll need to have that permission in the UK, if you do not have that you will not get expanding ammunition. The UK legislation can't give that permission for prohibited ammunition to be used abroad. We accept that its one of the areas of UK law that could be changed, where a small change to the law could be made, but at the moment it isn't a priority.
- A delegate asked why there is a restriction on calibres like the .375. Roger Weedon commented: "we look upon the .375 as having been designed for large game and we don't have any large enough game in the UK for that calibre. I recognise the argument from the shooters that it is a very good round and will do the job very adequately, but for the species that are indigenous to the UK it is considered the .375 is excessive. That is to an extent supported by the shooting organisations governing the sport

because they were involved. In the UK we have Home Office manual guidelines to assist the Police in coming to the good reasons for licensing and all the other aspects of shooting. Shooting organisations may not agree with it now but they agree with the charts and tables that were in the manual at the time. I think that some of them have tried to distance themselves from it since it was an agreement reached that the .375 is considered excessive for the species of deer that we have”.

- A delegate asked if zoo keepers would be exempt from that. Roger Weedon commented “yes, if for the dispatch of wild animals in that sort of circumstances that would be considered good reason because they could prove that they have a type of animal that would have thick hides etc, and we would consider that on its own merit, but it would be the exception as opposed to the rule. A good reason would have to be that they are dealing with that type of animal. That’s another caveat –that you have it for the purpose of dispatch”.
- A delegate asked if there any possibility when we will go to a situation where the shooter will be licensed rather than the individual firearms. Garrett Byrne responded: “I don’t know what can happen in five years time. I think our system is evolving and I think anything is possible, but it’s not in the foreseeable future. To get that sort of conceptual level there would have to be somebody who thinks it’s a big enough issue. We have advantages in having a small enough system and when we look at other countries of larger scales it gets complicated. I don’t know what the trends are in New Zealand and other countries where they have this sort of system. There are different trends in different countries that can be held up by different models, but at the moment it hasn’t really been suggested. I think we need to get through the 2006 Act.”

***Acquisition, possession and use of sporting firearms: an EU perspective***

**Dr Yves LECOCQ, *Secretary-General* FACE**

FACE stands for the Federation of Associations for Hunting and Conservation in the EU. We were founded in 1977 and we have a team of 10 full time people in Brussels and 36 member countries (including Ireland). There are 7 million people in Europe with a passion for hunting and we say they are part of the solution, not part of the problem for conservation in Europe. 97% of them use firearms in one way or another.

I will try to give today a contribution from an EU perspective. I would like to present to you briefly the legal framework of the common market of the EU so that you can understand what the minimum standards are, the minimum level in which Member States can operate. In certain issues they can add additional measures or be more restrictive; sometimes we see that with measures taken at national level the national civil servants are trying to justify them by saying that Brussels asked them to do so, but this is not always correct.

Directive 91/477/EEC "*on control of the acquisition and possession of weapons*", often referred to as the "Firearms" Directive, was adopted in June 1991 to facilitate the free movement of persons and goods in the *Internal Market*. The Directive was also intended as an accompanying measure to the abolition (or at least relaxing) of internal frontier controls between EU Member States in application of the SCHENGEN Convention, but it applies throughout the EU, even to Member States having opted out of the Convention, like Ireland, which did so in order to preserve its *Common Travel Area* with the UK.

On the 18<sup>th</sup> April 2008, after two year of negotiations with the *European Commission* and the *European Parliament*, the *EU Council of Ministers* adopted a significant amendment to the Directive. The original Commission's *Proposal* had merely sought to adapt the 1991 Directive in the light of some provisions of the United Nations *Protocol against the Illicit Manufacturing of, and Trafficking in Firearms, their Parts and Components and Ammunitions*. "Illicit" is important; the aim of that is to make illegal, criminal terrorist trade and trafficking impossible. Although the final text agreed by the EU institutions does include other, further reaching amendments to the 1991 Directive, there will be only minor changes regarding the conditions for the legal acquisition and possession of firearms.

As it was already the case during the debate in the 1980s and early 1990s before the adoption of the 1991 Directive, FACE has been fully associated during these last two years to the discussions leading to its amendment, and we wanted to make sure that the outcome was as realistic as possible for civil users. Overall, FACE is satisfied with the final result, insofar that our "red lines", for instance on issues like the age limit for using firearms, have been respected. Furthermore, the involvement of FACE, in cooperation with other stakeholders, reinforces even more the democratic basis of a text that has been adopted virtually by unanimity by the European Parliament and the EU Council of Ministers. A whole range of bizarre amendments had been tabled, for example it had been proposed that, before anybody could buy a shotgun, or even a box of cartridges, there would have to be a 15 day cooling off period in order to avoid that somebody would rush into a shop buy a gun and start killing whoever. All those unrealistic proposals had to be avoided.

It should be noted that the Directive does not apply to the acquisition or possession of weapons (including weapons of war) and ammunition by the armed forces, the police, the public authorities or collectors. Furthermore, the Directive does not contain any specific rule for antique firearms and their

reproductions (for which the Directive does not contain any reference date, but in the UN Protocol, this is 1899) or for weapons other than firearms, all of which are to be defined by national legislation. All this implies that, in practical terms, the scope of the Directive is limited to the (legal) acquisition and possession of firearms and ammunition by "civilians" other than collectors, that is to say, mainly by hunters and sport-shooters (the latter being called *marksmen* in the Directive). Note also that by "firearm", the Directive also means "shotgun", even if, in some English-speaking countries, a distinction between these two terms exists.

The directive has nothing to do with national rules on the use or carrying of weapons for hunting or target shooting. In most countries in the EU there is a national system of training and testing "new" hunters, a hunters' exam. There is none in the UK and there is no mandatory system in Ireland. An argument in favour of introducing such system is the fact that there is a Recommendation from the Council of Europe advocating some kind of effort to educate hunters, to train them, to make them more aware, and hunters' certification and hunters' training could be a very useful tool. But you should be aware that testing itself is not a miracle solution, the hunters' exam is not the only way forward to ensure that hunters behave properly or that shooters are aware of their responsibility.

The Directive lays down a minimum level of harmonisation of the rules for the acquisition and possession of firearms, according to four categories, each one subject to different conditions. Member States are, however, entitled to take more stringent measures, based on the principal of subsidiarity, which means that Member States must decide what is more appropriate for their regional situations. Harmonisation is not an objective, not a goal in itself, it merely needs to generate mutual confidence between Member States before they can accept this common simplified procedure for movement of firearms with or without their owners within the EU. Without such mutual confidence, Member States would

indeed be reluctant to accept a common simplified procedure for the movement of firearms within the EU.

Category A mainly concerns automatic firearms, which, according to the Directive, must be in principle *prohibited*.

Category B basically includes handguns, pump-actions shotguns with short barrels (not exceeding 60 cm – so-called “Riot” guns) and semi-automatic rifles and shotguns either with a detachable magazine or with a fixed one holding more than two rounds or capable of being converted to do so. These firearms are subject to *authorisation*, which, in the Directive, means an administrative decision.

Category C includes all rifles not falling within the previous definitions, that is to say, the vast majority of those used for hunting or stalking, like single-shot, bolt-action, lever-action and also semi-automatic rifles with a non-convertible fixed magazine holding no more than two rounds. Category C also includes semi-automatic shotguns with the same magazine limitation as well as repeating shotguns (mainly pump-action ones), provided, in both cases, that the barrel is not shorter than 60 cm. The Directive requires that category C firearms be subject to *declaration*, which, in practical terms, amounts to registration.

Finally, category D includes single-shot, side-by-side and over-and-under shotguns. Until its recent amendment, the Directive did not lay down any specific requirement for these shotguns. This will remain the case for currently owned shotguns in category D, but those placed in the market will require declaration/registration, including, as from the date of transposition (probably June 2010), measures enabling linkage to their owner.

This classification is the cornerstone of the Directive and acknowledges that firearms in categories C and D deserve a less stringent regime, in consideration of their unsuitability for concealment and of their limitations for rapid fire or for high capacity. And even the distinction between these two categories C and D was somewhat watered down by the recent amendment to the Directive, it still remains relevant.

Virtually all firearms used for hunting fall in fact in categories C or D.

FACE has always been in favour of maintaining the classification into four categories and this has indeed been the recent decision of the EU institutions, without the opposition of any Member State.

Only a few Member States explicitly bring into practice the classification of the Directive, most of them, certainly on paper, have more restrictive legislation. A good example is France, where holders of a hunting permit or sport-shooting license can acquire and possess firearms in category C and D without having to apply for an authorisation - and this has certainly not created any problem of public security or public order in that country.

Other Member States with a more restrictive legislation still use the Directive's classification as main reference, aware that a traditional side-by-side shotgun (category D) does not require the same degree of control as a 9 mm semi-automatic pistol (category B). In Germany, for instance, an authorisation is in principle required for any type of firearm - in practise, however, the holder of a firearms licence or *Waffenbesitzkarte* (who, in most cases, will be a hunter or a sport-shooter) merely needs to declare within fifteen days the acquisition of a firearm of category C or D, while the same person is obliged to apply for an individual authorisation if he intends to acquire a firearms of category B. Even in the UK, a Member State with one of the most restrictive gun legislations in the EU, the holder of *shotgun certificate* does not need the prior approval of the police in respect of each individual shotgun in category C or D, but the

acquisition and possession of every firearm in category B or every rifle in category C requires an individual authorisation from the police under the form of a (more difficult to obtain) *firearms certificate*.

Three conditions are laid down in the Directive for the acquisition and possession of any firearm, regardless of its category.

The first condition is having "good cause". The Directive does not give further details, but there is no doubt that hunting or sport-shooting, mentioned throughout its text, constitute "good cause". Under the EU rules you cannot say that because you cannot hunt in your own Member State this would not entitle you to own a shotgun; it very well may be possible if you have an opportunity to go and shoot regularly in France or the UK or whatever. So if a Member State would forbid a private person to acquire a shotgun or a rifle citing as reasons that the person has no sporting rights in his own country and therefore doesn't have a good cause, this would be incompatible with the principal of equal treatment within the EU.

The second condition is that persons acquiring and possessing firearms "*are not likely to be a danger to themselves, to public order or to public safety*". After its recent amendment, the Directive appropriately clarifies that "*Having been convicted of a violent intentional crime shall be considered as one indication of such danger*". In most Member States, this condition is fulfilled through a background check by the police to ensure that the person in question has a clean criminal record. Nevertheless, the Directive does not impose any obligation to pass a psychological or medical test.

The third condition has been one of the most controversial during the recent amendment debates. The 1991 Directive required for the acquisition and possession of any firearm being at least 18 years of age, "*except for hunting or*

*target shooting*". The Green *Rapporteur* at the European Parliament initially sought to delete that exception in the Directive, which FACE deems absolutely essential to ensure a new generation of hunters. Our position has been taken into account and we thus welcome the fact that the amended Directive will prohibit persons under the age of 18 to purchase firearms but will allow these minors to acquire them by other means (for instance as a gift, by inheritance, etc) and, what is more important, to possess (in other words, to use) them. The only condition is that they "*have parental permission or are under parental guidance or guidance of an adult with a valid firearms or hunting license or are within a licensed training or otherwise approved centre*". Note that the constant supervision of an adult will not be required.

Concerning rules laid down in the Directive for ammunition, the only prohibition is for ammunition with penetrating, explosive or incendiary projectiles. Ammunition with expanding projectiles is, however, explicitly permitted for hunting and sport shooting.

The Directive also stipulates that the rules for the acquisition and possession of ammunition shall be the same as those for the possession of the firearms for which the ammunition is intended. Precisely the fact that the vast majority of rifles and shotguns used by hunters and sport-shooters fall within categories C or D has enabled Member States to maintain at national level a liberal regime for the acquisition of their ammunition.

Further on ammunition, it is clear that the Directive does not impose any restriction on rifle calibres. National rules may however be more restrictive, such as in France where so-called "military" ones (like 303 British, 308 Winchester, 30-06, etc) are in principle illegal, even if they are used in sporting rifles and are designed for sporting use, e.g. with expanding bullets for hunting deer or wild boar. It is my understanding that, until recently, only calibres up to .270

Winchester were permitted in Ireland, and such provision is not per se incompatible with EU rules.

As far as the movement of firearms between EU Member States is concerned, the Directive foresees a simplified procedure for the intra-community transfer of firearms between professionals, which in the Directive receive the name of *dealers* and must obtain an authorisation after a check of their integrity. The general rule is that authorised dealers merely declare their transfers to the competent authorities. When at least one "private person" is involved in the transaction, however, the Directive requires a more bureaucratic procedure - but the paperwork is still reasonable, as I experienced myself short time ago when I bought a rifle from a German hunter after having received the *prior consent* of the Belgian authorities.

Another key element of the Directive the *European Firearms Pass* (EFP), an idea I can say proudly was launched by FACE during the debate in the European Parliament on the Directive in the late 1980s, taken on board by the Christian-democrat *Rapporteur* at the time and finally incorporated in its text. The EFP is an official document issued by the national authorities according to a model set by the European Commission and aimed at facilitating legal possessors of firearms - in particular hunters and sport-shooters - to travel with them throughout the EU, which has improved the situation a lot for them, because previously they were often treated as a would-be criminal. The advantage of the EFP is that it is a standardised document; even if its drafted in Romanian or Bulgarian, any customs official or police officer can easily recognise what different category the different parts of the document relate to. The EFP is fully accepted by almost all Member States, but there are unfortunately a few countries (namely Luxembourg, Sweden, the UK and Ireland) that render the EFP virtually meaningless for visiting hunters and sport-shooters.

The general rule in the Directive is indeed that hunters and sport-shooters can travel with their firearms throughout the EU, provided that:

- They carry an EFP listing those firearms.
- The firearms that they transport are legal in the Member State of destination.
- They can substantiate the reasons for their journey, in particular by producing an invitation but also "*another proof of their hunting or sport-shooting activities in the Member State of destination*". This latter wording had been put forward by FACE to cover more explicitly situations in which the visiting hunters are not actually invited (e.g. because they own a hunting ground in the visited Member State) and has been taken over, word by word, in the amended Directive.

Member States can provide for more flexible rules for visiting hunters and sport-shooters (for instance not requiring an invitation), but the Directive also allows them to adopt a more restrictive approach and require that a sort of "import" permit is obtained prior to arrival if the acquisition of the same firearm is subject to authorisation in the Member State of destination. The clear position of the European Parliament during the recent amendment of the Directive was to eliminate this measure, which without any doubt, hinders the free movement of persons. It seems that the UK was particularly "hard" during the negotiations at the EU Council, which probably explains why this unjustified restriction remains in the Directive even after its amendment.

In practice, most Member States, like France, Germany, Finland and many others, do not foresee specific formalities for visiting hunters apart from carrying the EFP and, sometimes, an invitation (to be shown only in case of a random check by the authorities).

Some other Member States, like Spain or Lithuania, require the declaration of the firearm at the point of entry; the EFP must be then shown to the police or competent authorities, who usually stamp it. FACE regards this procedure less

satisfactory than the previous one, but at least it avoids any red-tape prior to arrival. In Ireland, however, the bureaucracy required to obtain a non-resident *firearm certificate* is considerable. It includes, prior to arriving in your country, to send the *original* of the EFP to the authorities. This means that during that whole period, the holder, deprived of his EFP, cannot meanwhile travel with a firearm to another Member State. Furthermore, there is the risk that the EFP, which is an official document, gets lost.

In addition, Ireland requires the payment of a fee, which is in fact in breach of the most basic rules of the Internal Market. In this respect, it must be pointed out that the amended Directive does not allow Member States to make acceptance of the EFP "*conditional upon the payment of any fee or charge*".

In this way, the very objective of the Directive and particularly of the EFP - that is to say, to facilitate the free movement - is lost. Indeed, EU hunters or sport shooters wishing to travel to Ireland are subject to conditions that are even more stringent than those applying to persons coming from non-EU countries – let's say from Russia or Afghanistan – as the latter do not have to send in their EFP. These restrictions are unjustified from a public safety or security point of view, as they do not contribute in any way to improve the situation. There is indeed no added value as far as crime prevention is concerned, as visiting EU hunters have never been a cause for safety or security problems. They are further incompatible with the letter and the spirit of the Directive.

Paradoxically, an Irish hunter or sport-shooter who wishes to travel with a firearm, for instance, to France, Germany or Spain, does (quite rightly) not need to undergo the red tape mentioned above. FACE believes that this distinction is unfair and calls therefore on the Irish authorities to consider a revision of the legislation so that visiting EU hunters or sport-shooters would be no longer required to obtain an extra document prior to arrival or to pay a fee.

Instead, they would merely need to carry their EFP, declare their firearms upon arrival at the border or airport and substantiate the purpose of the journey (for instance through an invitation from the host in Ireland, a proof of using an Irish hunting ground, etc). FACE is fully convinced that, under these conditions, there would be no danger whatsoever for public safety or public security in your beautiful country.

All the above having been said, a modification of the current requirement to send the original of the EFP into one whereby a *copy* of the EFP should be sufficient for the application could already be seen as a positive step, as it would avoid the serious risk of loss of the EFP and would enable their holders to leave their country with a firearm to other EU destinations during their whole period the application is being handled by the Irish authorities.

I want to mention again briefly what the Directive is *not* dealing with. According to its Article 2, "*this Directive is without prejudice to the application of national provisions concerning the carrying of weapons, hunting or target shooting*". Therefore, these rules are to be defined exclusively by Member States. There is no obligation under the Directive, for instance, to use a trigger lock while transporting a firearm to the hunting ground, neither to keep it at home in a safe.

This also applies to the use of firearms and ammunition for hunting or sport shooting, e.g. minimum (or maximum) calibres or energy for hunting specific game species.

FACE is the European organisation representing some 7 million people who use firearms for hunting and have given proof of law-abidance. FACE is by no means a "gun nuts" association - we do believe, in fact, in a reasonable and sensible level of firearms control, like that laid down in the Directive. Indeed, the

European Commission has indicated in many occasions that the Directive functions satisfactorily and FACE shares this view.

Just let me underline that crime and terrorism are mainly linked to social, economic and / or political factors and that the introduction of unjustified restrictions on the legal possession of sporting firearms will do very little to fight them. Reliable statistics demonstrate that virtually all crimes are committed with illegal firearms. Countries like France and Austria, with fairly liberal firearms legislations, or the Nordic nations and Switzerland, with the highest rates of private ownership of firearms in the industrialised world, have no more problems than countries with a disproportionate obsession with "0 risk" on firearms, like the Netherlands or the UK. The 1997 UK ban on handguns has for instance not prevented a steady increase in that country of the criminal use of illegal ones since then. As I said at the beginning, hunters are not part of the problem.

## *The Role of Clubs and developments in the UK*

**Roger Weedon, Firearms Licensing Manager, Surrey Police**

Thank you for the invitation to come and speak today. I've been asked to spend a few moments telling you about my background, because there might be a dichotomy here that some people might have difficulty understanding.

I was a police officer for 34 years in Surrey Police in England. My final position was as Divisional Commander Chief Superintendent. I retired having spent many years dealing with police use of firearms and the job of licensing manager came on offer for firearms and I thought this is a doddle, I know all about firearms, and I am going to walk straight into that and be up to speed in about 48 hours. I've never been so wrong in my entire career; I found out straight away that I didn't know the first thing about civilian use of firearms so it came as a bit of a shock, and as the days went by I began to wonder if I had made the right decision, but the pension carried me through so I stuck with it!

Perhaps I'm going to say some things today that people might find controversial. I'm not a gamekeeper turned poacher or a poacher turned gamekeeper, but I think I've got a little bit more enlightened from the police perspective and the shooters' perspective and perhaps I might be coming down the middle a little bit more that you might expect.

I'll also give a very brief history lesson. The Firearms Act 1968 is the primary legislation in the UK for the governing of civilian held firearms. The act has been much amended and you will probably all be familiar with the events of 1998 which involved a individual by the name of Michael Ryan, he killed 15 people and then himself in a small market town called Hungerford, and anyone who knows Hungerford would say it's a very nice sleepy town full of restaurants and antique

shops and certainly not the kind of place where you would expect somebody to run riot shooting everybody who walked in his way. But that having been said, Michael Ryan was a firearm certificate holder with lawful firearms that he possessed. That brought about the Firearms Amendment Act 1998 which banned certain firearms and was the start of real draconian amendments to the Firearms Act 1968. In 1996 bringing forth the 1997 Amendment Act which was as a result of the Dunblane massacre, we had a complete ban on handguns. You may also recall that in 1997 in England there was a general election. The Conservatives were coming up for re-election and Labour were pushing them very hard at the time. The end result was that the conservatives made a pledge to ban all large calibre handguns (anything more than a .22). Labour felt that they had to go one step further and they pledged to ban both large calibre and small calibre handguns. Labour was voted in and as they say the rest is history. All handguns were banned and there was a massive surrender of all privately held handguns. There was a compensation scheme introduced and the government paid millions of pounds in compensation for the handguns that were surrendered. They also made the mistake of offering to pay for any ancillary equipment that could only be used in connection with handguns. Where it all came from I'm not quite sure but there was tons of it, and the amount of money paid in compensation was vastly more than they anticipated.

So that brings me to where we are, the most recent changes. We had the Firearms Act of 1968, the Amendment Act of 1997, 1998, they were all called firearms acts and they dealt with firearms.

However the next legislation, which was in 2004, was brought in under the Anti-Social Behaviour Act, now you wouldn't necessarily expect to find Firearms legislation tucked away in anti-social behaviour, because it has a bit of a stigma attached to the shooter. Are they saying because I've got a gun I'm anti-social? I don't know if some of you heard of the BACS (Brocock Air Cartridge System)

pistol? It was a very ingeniously designed air pistol, it was a small canister tubular shape and it resembled the .38 special cartridge. One end of it unscrewed and you pumped air into it, placed your air pellet into the other section and screwed them back together. The assembled and charged Self Contained Air Cartridge (SCAC) was then placed into the rotating cylinder of the gun, which could take five or six such SCACs and be ready to fire.

However it didn't take long for somebody to recognise that you could actually modify this with little effort and it would fire the real .38 special and it became for a while the weapon of choice for street robbers and gang warfare in London and other big cities. So it was necessary to ban it; they took the opportunity of Anti-social Behaviour Act and they upped the age for possession of air weapons to 17. Two years on from the Anti Social Behaviour Act, they recognised that they needed to make further amendments and they brought in the next piece of legislation, which is the Violent Crime Reduction Act, again I'll bring your notice to the title, violent crime reduction is a long way from a Firearms Act. With that they brought in the sale of air weapons can only be through a registered Firearm dealer. A lot of this was brought about because of issues in Scotland, and the Scottish were most vociferous about the air weapon and wanted to go a little further than England was prepared to go

It also brought in that air weapon sales by way of business must be face to face, as is in the case of Firearms in the UK. They then recognised that they had got the age of 17 wrong and so they upped it to 18. The firing of such weapons beyond the curtilage of your own dwelling was an offence for under 21s, now it's an offence for everyone. It also restricts the sale of primers for reloading. I personally view this as wrong; you possibly don't have reloading in Ireland but we have it in the UK and really it should be that ALL the component parts of reloading ammunition should be subject to possession of a firearm certificate. They brought in an altogether new category which has still yet to be tested: that

is the manufacture, sale and importation of realistic imitation firearms. The definition of a realistic imitation firearm is extremely complex but basically if it looks like a real firearm then it is a realistic imitation firearm and that is the simple test, the wording goes a little bit further. If it's black and sinister it's a realistic imitation firearm. You can possess it in the UK but you cannot now buy them, sell them or import them. You can have such guns but they have to be coloured bright blue, bright green, bright orange, bright red, bright yellow, bright pink, bright purple or transparent plastic so that they clearly do not resemble a real firearm. It's fairly new and is not going down all that well at the moment.

That briefly is the history of how we got where we are now.

Perhaps you'd say where we talk about firearms the definition is a small firearm. A small firearm in the UK is a firearm with a barrel of less than 30cm in length and overall dimensions of less than 60cm. Now that brought about one or two really interesting innovations, handguns with 24 to 28 inch barrels that you could barely hold up and actually get them to face the target before your wrist gave in and the-ISSF free pistol which has slightly-longer barrel and two antennae-like extensions sticking out of the rear designed to basically counteract the weight of the barrel and makes it over the 60 cm in dimension rule. It is not a Section 5 prohibited firearm because it breaches the requirement in dimensions. It is certainly not the firearm to be used in crime; there is no self respecting criminal anywhere that would be seen dead with an ISSF pistol because by the time he has wrapped his hand around the grip and before he has fired the single shot someone would have dispatched him. They are the most awkward pieces of equipment, excellent for what they are designed for and I'm sure that people who have used them have had magnificent target scores but, you wouldn't want to be using it for self-defence or for committing crime. I have also been advising on the Olympics which you have probably gathered we have a bit of a problem in

the UK; we haven't got any handguns so we have no means of competing in the handgun categories so we have to do something about it.

In the UK in 2005, I apologise that I don't have more up to date figures, the reason being we have moved over to a new national system the National Firearms Licensing System (NFLMS) or as it was colloquially known by all of us who watched its progress, as FLIMSEY, as it didn't Live up to expectations.

The figures for the last few years are a bit skewed because of the new system, so the 2005 figures are the most reliable. Later this year we should get some new figures. In the UK (that is England and Wales exclusive of Scotland) we had 126,000 firearms certificates. Firearm certificates are section 1 rifles for hunting and targeting and certain shotguns that have a magazine capacity of over two shots and some air weapons that have a ration of going above 6 ft lbs pistols and 12 ft lbs rifles are deemed to be Section 1 firearms, for which the applicant must have a good reason for each and every firearm he requests. Good reason in the UK could be loosely kept into 2 main categories. A good reason is I am member of an approved target club and I shoot competitive target or I shoot target out of interest. I am a member of an approved club and that is why I want a firearm certificate. That is a good reason once we have established that it is correct. Another good reason is to shoot vermin or deer or whatever, but we test whether the land you intend to shoot on is suitable and the calibre of the weapon you intend to use is suitable for the land. That's basically the two good reasons. I'm not going into all the reasons; there are others but they are fairly obscure.

Within that 126,000 civilian holders there are something like 300,000 to 400,000 firearms. We have over 500,000 shotgun cert holders, about 1,500,000 shotguns on those certificates. There are 2,000 registered firearms dealers. We deal with 3,000 to 4000 visitors to the country per year, of which I probably deal with 60%

of target shooters simply because for my sins the national shooting centre BISLEY sits in the centre of Surrey and the three major shooting organisations have their headquarters based there and as they are the sponsors of overseas shooters I end up licensing all of those people. There are something like 12,000 shotguns held among these visitors.

Shotguns are Section 2 provided that the barrel is over 24 inches and provided that they are restricted to two rounds in the magazine. Section 2 is a shotgun that you do not have to prove a good reason to have in the UK. There is a presumption, which is a bit of a strong word, not quite a presumption in the law that if you apply for a section 2 you will get it. You do have to prove that you are a fit person of temperate habits, all that sort of thing. You don't have to justify why you want if for a specific reason. We will ask you and if you turn around and say the reason is self-protection you won't get one. If you say it's your grandfather's and you want to keep it, we will say ok as long as you keep it secure. So we haven't got the control of Section 2 shotguns as we do under Section 1 firearms.

The third and final category is section 5 which are prohibited weapons. That means that all handguns, machine guns, anything you can think of in military warfare, rocket launchers etc., are prohibited under the Act and therefore you would have to apply for a Secretary of State permission to possess anything under section 5. Section 5 is hard to come by and police and licensing departments who work on behalf of the Home Office really confine it to certain dealers dealing worldwide with the army, and that is the basic three categories.

The Home Office brought in a requirement that they would approve rifles and muzzle loading pistol clubs for the purpose of a good reason. They developed guidelines for the approval of rifle and muzzle loading pistol clubs as follows:

1. The club is a genuine target shooting club with a written constitution.
2. Principal officers of the club are responsible persons who can be entrusted with proper administration of the club.
3. The club has at least ten members at time of application and at all times whilst approved.
4. Members are of good character.
5. The club must appoint a member to act as liaison officer with police.
6. The club will maintain a register of attendance of all members –details for each visit firearms used etc .
7. The club will inform police of any holder of a firearm certificate who has ceased to be a member for whatever reason.
8. The club will inform police if any member who holds a Firearms Certificate has not shot with club for a period of 12 months.
9. The club will inform police of any application for membership, giving the applicant's name and address and of the outcome of any application.
10. No application for full or probationary membership will be granted unless the applicant has informed club of whether he/she has ever had an application for FAC or SGC refused by police or had certificate revoked.

11. Members, prospective members and guests must sign a declaration that they are not prohibited by virtue of Section 21 of the Firearms Act (term of imprisonment).

12. The club has regular use of ranges with a safety certificate for the categories of firearm sought or approval given.

13. The security arrangements for the storage of club firearms and ammunition are satisfactory.

14. The club does not run a day or temporary membership scheme.

15. The club does not have more than twelve guest days a year. Guests must either be members of a recognised organisation or known personally to at least one full member of the club.

16. Guests must be supervised on a one-to-one basis at all times when handling firearms and ammunition by either a full member or someone who is a coach with a qualification recognised by the UK or national Sports council. The club secretary must notify each guest day to the police firearms licensing department of the area at least 48 hours in advance.

17. Anyone who applies for membership must be sponsored by at least one full club member.

18. Before becoming a full member individuals must have a probationary period of at least three months during which time they must attend and shoot regularly. They must be given a course in safe handling and use of firearms on a one-to-one basis by either a full member of club or a coach

qualified/recognised by the Great Britain Target Shooting Federation and governing bodies.

19. Until the probationary member has completed a course in safe handling and use of firearms, he/she must be supervised at all times when in possession of firearms and ammunition by either a range officer, full member or qualified coach.

20. The club never has more probationary members than full members unless the Secretary of State determines special circumstances.

21. The probationary period may be waived at club's discretion for someone who is already a full member of another approved club for the same types of firearms or holds a firearm certificate (also for persons who can prove they have handled/trained in firearms in the course of police or armed services duty).

22. There is nothing else that would make the club unsuitable for approval.

It is important to note that if granted, approval will be subject to a set of standard conditions which will reflect above criteria. The Secretary of State may attach further specific conditions.

Thank you.

***The search for a range construction standard***  
**John Guinane, Government Inspector of Ranges.**

Ladies and gentlemen, my name is John Guinane, and I am the recently appointed Firearms Range Inspector with the Department of Justice, Equality & Law Reform.

I wasn't scheduled on some of the agendas to speak today because we had invited a member of the Canadian firearms ranges to come and talk to us because we are now adopting the Canadian standards for range construction. Unfortunately due to a family illness the chap who was due to come was unable to make it, and his replacement similarly had a family crisis and couldn't make it.

I was appointed to the Department of Justice, Equality & Law Reform last July and I come from a military background. I have always been taught that to deliver lectures you use every skill, tool, diversionary tactic that you can to get through the talk and to prevent and to prevent people from falling asleep. The piece of footage that some of you might have seen is a download from Youtube, its interesting that I struggled to find how many of those shooters could identify a good cause for having their rifles, seeing as none of them could hold on to them.

Firearms use and ranges is a complicated issue and I am going to try to make it as simple as possible without boring you. Bear in mind that there is a workshop tomorrow where we will look at clubs and ranges.

So why do we need a range construction standard?

I am aware that there are an awful lot of ranges out there at the moment which are appropriately authorised under the appropriate legislation by An Garda

Síochána and I wouldn't question the ability or authenticity of any of those authorisations. But you must realise that we are in a new environment where range shooting with the calibres that are now licensed in this country requires new direction and a new standard to ensure the safety of the public. The absolute requirement is that public safety is secured by whatever we produce as a standard. (Video footage was shown of a .50 sniper rifle being fired at a steel target. The bullet pinged back and bounced on the ground in front of the shooter and hit him on his left hearing protector). The lesson to learn from that is that if we don't have appropriate standards that is the sort of thing that can happen, and I would like to emphasise that the reality, and my significant concern is that most people that are involved in shooting in this country can demonstrate competence and the ability to hit the target they are shooting at. The problem arises when something untoward happens and there's a ricochet, a pop-over which then causes the complication, and something like that can happen. The aim of the construction standard that we are trying to introduce is the safety of the public and of you the firer.

Since my appointment last July, some people would say that I haven't done an honest day's work and I wouldn't necessarily dispute that, because I am not the range certifier at the moment. The legislation that empowers me to certify ranges has not commenced (Section 33 of the Firearms Act 2006), but it will be enacted in the very near future. But before we are in a position to enact that legislation, we have to identify the standard that is suitable, that is applicable and that is reasonable. From the time I started, we began to look at international best practice, standards that exist elsewhere in the world. We are not going to re-invent the wheel; we are going to adapt a standard that already exists. The countries that we looked at were South Africa, U.S.A. New Zealand, New South Wales and the U.K. And then we discovered the Canadian standard, and I make the mistake of assuming it was a hybrid of the UK's JSP, and I contacted my opposite number in Canada, and he was disgusted, he said it wasn't, it was

developed individually at great expense, but it bears a remarkable similarity to the JSP, which I suppose reinforces the view that best practice is best practice and the standards that have been adopted are very similar for very good reasons and for very good research reasons.

In trying to identify which standard was going to be most appropriate I think it was an absolute that the standard must be available to all; everybody must be able to read it and everybody should be able to understand it.

One of the significant difficulties we encountered was when we officially made a request to circulate the UK document in Ireland. We were told we couldn't, that it was a Ministry of Defence document and we weren't allowed to use it and if we wanted to use it we would have to pay a licence fee. Now while the Minister for Justice may have deep pockets to pay for that I doubt if too many range operators would come up with the figure that was quoted. I'm not sure how they calculated it but they came up with £57,000, so appreciating that most of you wouldn't have that sort of money it basically rules itself out. The Canadian standard is free. We acquired it officially and we have the conditions and terms under which we can use it and they are more than happy to support us in the implementation and by imparting their experience and the scientific data on which it's based.

So now we have the standard, that we have been given permission to use it, what are the next steps? Well we are going to have to do a detailed examination of the standard; we have done a preliminary examination and we are happy that it applies in the Irish context, with minor tweaking. When we have it in writing we need to adapt the document to represent the Irish ownership of it but reflecting its Canadian origins. As I said the Canadian chap who was to be here couldn't make it, but he did send me some of his slides from his proposed speech. I will use a couple of them, because it is important to realise where the

Canadian standard came from. It involves a subjective assessment of the management aspects and an objective assessment of the range operation. Essentially what that means is that the certification process for the range involves measuring the dimensions and the structure of the range and also looking at the management aspects of how a range is run, in other words, at what stage is the firearm allowed to be exposed at the range, when is it appropriate to load and fire a firearm and when is it appropriate to unload and remove the firearm. So all those aspects are covered in the document and they will be adapted into our system as well.

There must be a safe and reasonable assessment of the guidelines that are used by the range to see that in the context of where that range is located that the operation is safe and secure. There must be a transparent assessment of the factors, and that's why I'm saying that the range documents must be available to everyone. It's not the Department of Justice's intention that people will be refused an authorisation without being told the reason why. I'm sure we will be getting into arguments and disagreements as to what the interpretation of the document is in reality. I will hope we will be able to reach an amicable solution, ultimately I suppose if we can't, your certification is going to be delayed. I would prefer to work towards a co-operative effort towards getting your range certification.

The point of equitable application nationally is very relevant. It is important that the same standard is applied across the board. However there is flexibility in the system to reflect the exact geographical location which may differ from one location to another.

Our Canadian colleague believes that their standard is one of the best in the world; I concur with that view, I believe it is very good from a technical perspective, but also from the way it is presented; it is very legible English, easily

understandable and it's highlighted with very good diagrams which explain the concept of the pages. It was written by them, but it involved international efforts in that they used the co-operative expertise of the other agencies around the world to develop it.

It's based on probabilistic data calculations and the essential test is that in developing the footprint that the range occupies there should be no more than one in a million chance of a round escaping the target area. That is the similar statistic that is used in calculating the footprint for the JSP. I think possibly the difference though, which you must recognise is that the JSP document was developed for shooters, young 14-15 yr old recruits who had never held a rifle before in their lives. The footprints in some cases are slightly exaggerated compared to the Canadian one, the Canadian one considers first of all that before you go on the range you have been appropriately trained and secondly that you are an experienced shooter before you start developing the large calibres and the larger type firearms. What they did was they generated shots on the range, recorded them, and they used a computer simulation model to simulate one million rounds and if one of the rounds escaped then they enlarged it and they kept doing that until they could establish the type of footprint required.

It provides options for the construction of the range, so in some cases it is timber, sometimes concrete, sometimes steel, and it is up to the range operator to decide what option can be afforded that will meet the requirements. It covers all shooting activities for firearms.

While I was busy doing this in my office in the Department of Justice, as you are aware, the Firearms Consultative Panel was established and one of the sub-groups of that panel was formulated with a view to looking at range structure. From the Department of Justice we had Maighread Fowley and myself as

representatives. We examined the requirements and the easiest way to facilitate the authorisation and certification of the range; we have come up with an interim report which has application forms in draft format for the authorisation and certification of the range and the club. They are strongly based on the UK model and that's why I think that Roger Weedon's talk and the workshop tomorrow exploring more of these issues will be very relevant.

We are happy that we are almost ready to go with the certification of a range; the authorisation of a range will require I think a little bit more examination because it involves security aspects, certainly An Garda Síochána will be a major contributor to it and once we have those I think that we will be ready to implement the whole system in a uniform manner.

So where do we go from here? The Firearms Consultative Panel will be reformed starting next week with a sub-group specifically targeted at looking to advance it to a stage where we can release documents into the public domain for registration and authorisation of the range and clubs. We have to adapt the Canadian document and adapting it is not changing the dimensions, it's removing what I would consider Canadisims; the words that may cause conflict, for example, some of you will be familiar with the term "no danger area range" in the Canadian document it's "no safety area range". Now there is a big difference, if you interpret it wrong you get it badly wrong, so we have to fine tune the document to make sure it reflects the Irish use of language as opposed to the Canadian use of language.

It is expected that we will be in a position to commence section 33 of the legislation which enables the authorisation and certification of ranges and then we will start the authorisation and certification of ranges. Some of them are authorised already and we won't be interfering with those immediately; they will be able to continue until we can get around to implementing the new

procedures. We are aware that there is an awful lot of applications for new ranges that have been made recently and I suppose that they should be made a priority because they want to develop a sport. We are not overly concerned about the existing ranges because they have been operating safely and to a standard that's acceptable.

We hope in a very short period of time that we will be at a stage where ranges and clubs begin to become established formally under the new legislation and it is expected that in a few months time the only people who will be nervous about shooting in this country would be this chap here (deer shown on slide) for a very good reason.

Remember we have a workshop tomorrow where a lot of the issues can be teased out and explored in more detail and we would value the input from anybody who opts to attend that workshop.

We have draft documents in place; we are reasonably happy, but there is always the potential that we have missed something, and I would urge all of you who have an interest in this area to attend this workshop and contribute as required.

# ***The Economic Impact of Game Shooting in the Republic of Ireland***

**Mr. David Scallan, BA (Ph.D. Candidate)**

## **Introduction**

This paper places game shooting in its broader economic and habitat conservation context. It defines the different activities involved, clarifies concepts, and discusses some selected results from my Ph.D. research over the past two years.

## **Background**

In recent years, rural space has been increasingly brought within the consumption sphere as conservation or recreation space (Cox *et al.*, 1996). Leisure and recreation management are widely recognised as important elements in people's lives, and are receiving increasing academic attention and respectability (e.g. Mercer, 1980; Chubb, and Chubb, 1981; Patmore, 1983; Van Lier and Taylor, 1993; Lynch and Veal, 1996). They are vital social issues (e.g. see Owen, 1984) and rewarding forms of human experience, constituting a "major aspect of economic development and government responsibility" (Kraus, 1984: 3). At present, there are several debates concerning the potential role of recreation and leisure activities in rural areas throughout Europe and Ireland (Torkildsen, 2005; Roberts and Hall, 2001; Hanley *et al.*, 2003).

Recently in Ireland, rural areas have been facing many important challenges due to Common Agricultural Policy (CAP) reform and changes within wider agricultural market trends. Under current European Union (EU) rural development regulation, a key component (Axis 3) of Ireland's Rural Development Strategy (2007-2013) is built around measures linked to diversifying the rural economy and in particular, the promotion of non-

agricultural activities. It also provides 10% of its funding for non-agricultural resource initiatives. This allows for increased measures to support various leisure activities, thus providing a potential source of funding for initiatives and objectives based on countryside recreation.

In recent years, the importance of economic information in decision making is increasing and policy makers need to determine how and where to direct funds and manpower towards managing and conserving various recreation activities. They must have a clear understanding of the current needs and expected benefits resulting from each management alternative (Wallace *et al.*, 1991). However, within current Irish rural development policy, country sports (hunting and game shooting activities) occupy an interesting position for they are rarely mentioned on the leading issues of agriculture, environmental protection, and recreation. In this context, this paper investigates the wider economic and habitat conservation role of shooting in the Republic of Ireland. Although two studies have previously examined the economic role of game shooting in Ireland (Burke *et al.*, 1992 and Corbally *et al.*, 1998), this study considers both the monetary benefits and expenditures by the hunters as well as the organisers of shooting in Ireland<sup>1</sup>. This method represents a more comprehensive survey technique and analysis than was the case in the previous studies.

### **Shooting in Ireland**

For the purpose of this study, shooting in Ireland is divided into two main categories; game shooting and deer shooting. Game shooting in Ireland is mainly organised through the structure of the National Association of Regional Game Councils (NARGC). The NARGC is the principal recognised shooting body in Ireland. It represents the interests of the Regional Game Councils (RGC) which

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<sup>1</sup> Participation in country sports is to a large extent made possible by the organisers of country sports who organise, manage, and in some cases, finance the facilities required. More specifically, the term organiser relates to a person or group of people who arrange sporting events on a formal or semi-formal basis. For example, the organisers of game shooting are the gun clubs and shoots.

are organised on a county basis and gun clubs which are organised at local level. Currently, the organisation has 27,000 members spread throughout 840 gun clubs.

The majority of gun clubs in Ireland operate as rough shoots where hunters walk up to game flushed by dogs. The clubs obtain permission from local landowners to shoot an area and in the majority of circumstances they do not pay for shooting rights. Much of the shooting is carried out on an informal basis and includes the hunting of game species and vermin under Section 24 of the Wildlife Act, 1976 and 2000<sup>2</sup>.

In addition to the many gun clubs in Ireland, there are also a number of private shoots which are usually organised at syndicate level which involve the driving of game over standing guns. The quarry is mainly pheasant but also applies to a lesser extent to duck and partridge. The majority of these driven shoots employ gamekeepers and manage habitat in order to maintain sufficient game populations within the shoot area.

The second type of shooting considered in this study is deer shooting. Recently in Ireland, deer shooting has become a popular sporting activity. At present, there are 2,500 participants licensed to shoot deer. Deer shooting is regulated by the National Parks and Wildlife Services (NPWS) under Section 29(1) of the Wildlife Act, 1976 and 2000. There are also a small number of deer shooting organisations such as the Irish Deer Society (IDS) and the Wild Deer Association of Ireland (WDAI) which represent the interests of deer shooters.

## **Game Shooting and Habitat Conservation**

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<sup>2</sup> Vermin is a term given to animals or birds which are considered by some people to be pests or nuisances. They are usually not protected by any season and include species such as pigeon, mink, fox, grey crow, magpie, rat, grey squirrel, etc.

Although little is known about the effects of country sports on habitat conservation in Ireland, many studies have been carried out in the UK examining the impacts of shooting on habitat conservation. It has been suggested for example, that some landowners voluntarily conserve biodiversity-rich habitat through the incentives of participating in game shooting (Oldfield *et al.*, 2003). Mac Donald and Johnson (2000) also state that landowners participating in game shooting maintain the largest areas of established woodland and have planted more woodland and hedgerows than land owners and managers of land who do not participate in the activities.

There are usually no direct habitat management activities undertaken for the purpose of deer and vermin shooting but it is widely accepted that these forms of shooting are important for the protection of certain natural and agricultural habitats including woodland, crops, arable, and grassland habitats.

### **Study Methodology**

The project mainly employed quantitative methods of research and analysis to examine the economic and habitat conservation impacts of shooting in Ireland. Preliminary steps of the methodology involved collating background information for a national questionnaire-based survey of the participants and organisers of game shooting examining their economic and habitat conservation impacts.

Questionnaires were sent to the participants of game and deer shooting ( $n = 1,450$ ) and to the organisers of game shooting ( $n = 215$ ). Game shooting participants were sampled through the NARGC's RGC structure and distributed at gun club level to members. Deer shooting participants were sampled through their respective deer shooting organisations and Coillte. Questionnaires were redistributed on numerous occasions during 2007 to increase the response rate. Of the 1,665 questionnaires distributed, 404 (14 percent) questionnaires were returned of which 273 were from

game shooting participants, 66 were from deer shooting participants and 65 were from shooting organisers.

In general, the questionnaires requested information relating to the numbers of people involved in spending money on the sports, the frequency of the sporting activity, and the levels of direct expenditure of those people who participate/organise the activities of shooting. The method used to estimate monetary benefits from game shooting involved analysing the various expenditures by the participants involved (Giles, 1978; Sountwick, 1994; United States Department of Commerce, 1997; Grado *et al.*, 2001; Wallace *et al.*, 1991). This approach requires a determination of participants' total expenditure on travel, licenses, food, clothing, equipment, and other associated costs (David and Johnson, 1987). Questionnaires also sought to examine the extent to which special management practises are undertaken to create habitats for game shooting in Ireland.

The questionnaire surveys were devised following consultation with a range of other recreation studies and were preceded by a pilot exercise. National geographic coverage was achieved and special care was taken to survey representative samples of the sports' organisers and participants. The generated data was evaluated using a combination of Microsoft Excel and the statistical analysis software SPSS to manage, sort, and analyse the quantitative evidence in order to reach useful conclusions from the data.

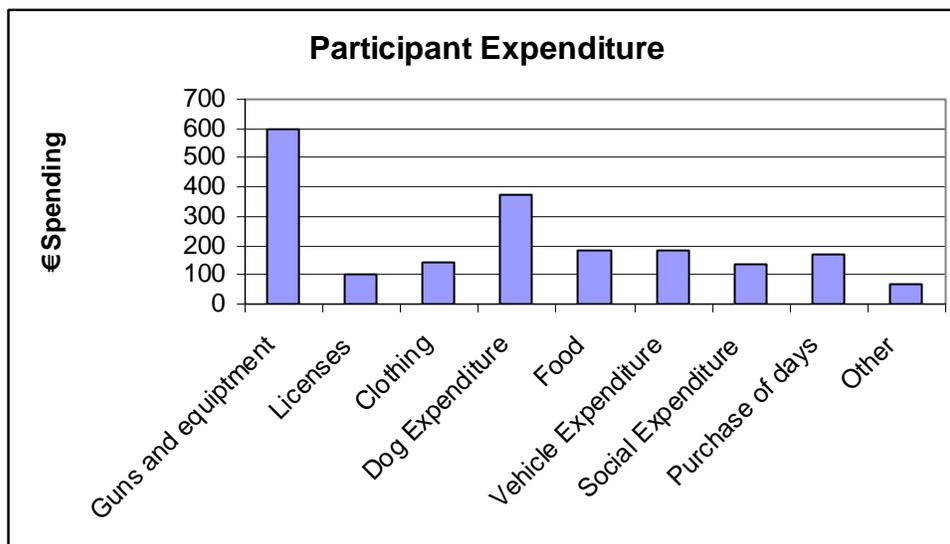
### **Results - Economic Impact of Shooting in Ireland**

Total annual game shooting expenditure amounted to €49 million in 2007 (Table 1). Rough shooting accounted for 71 percent of this figure, with driven shooting (21 percent) and deer shooting (8 percent) making up the remainder.

**Table 1. Breakdown of Expenditure relating to Game Shooting in Rep. of Ireland**

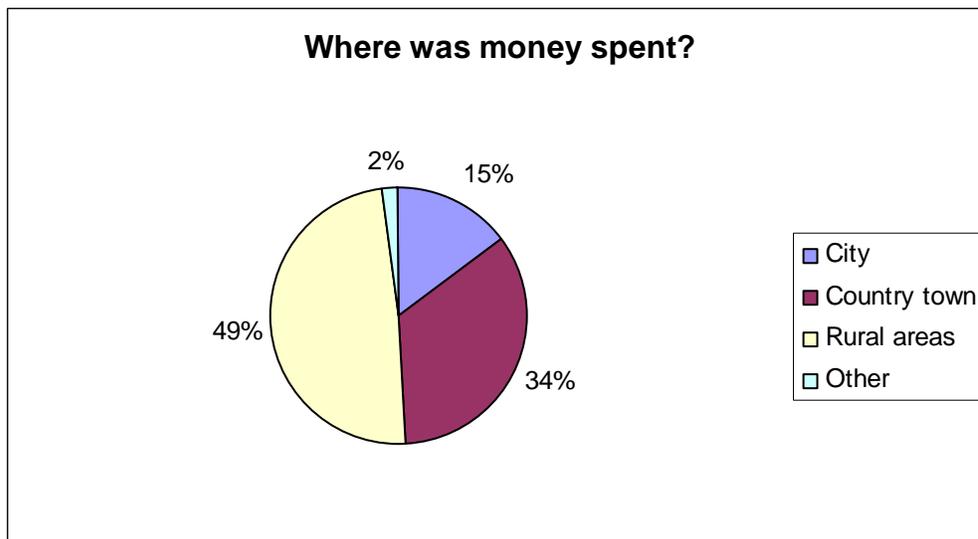
Activity	Organiser	Participant	€ Total	%
Rough Shooting	1,613,640	33,723,000	35,336,640	71
Deer Shooting	-	4,202,500	4,202,500	8
Driven Shooting	10,236,350	-	10,236,350	21
<b>Total</b>	<b>11,849,990</b>	<b>37,925,500</b>	<b>49,775,490</b>	<b>100</b>

The breakdown of expenditure on goods and services by the participants involved in game shooting can be seen in Figure 1. The purchase of cartridges, ammunition, shotguns, sporting rifles, and gun repairs represented the highest expenditure category with an average of €597 being spent per person in 2007. Expenditure relating to gun dogs was the second highest category of expenditure at €372 per person in 2007. The largest component of this figure would be food, followed by veterinary expenses.



## Figure 1. Breakdown of Expenditure relating to Game Shooting Participants

As the vast majority of game shooting is carried out in rural areas, a key focus of this research set out to determine the economic significance of shooting to the rural economy. Participants involved in game shooting were asked to estimate what percentage of their expenditure was made in a city/large town, in a country town, or in rural areas (Figure 2).



## Figure 2. Breakdown of Expenditure by Region

Figure 2 illustrates that 83 percent of the money was spent within rural regions (rural areas 49 percent and country towns 34 percent). The remaining 15 percent was spent in large towns/cities with a further 2 percent being spent outside of Ireland either through mail order or travel abroad.

## Results - Game Shooting and Habitat Conservation

In addition to examining the economic dimension of shooting, the questionnaires sent to the organisers of game shooting included a section investigating the various habitat management practises undertaken to improve shooting. Of the

215 game shooting organisers who were asked to complete postal questionnaires, 59 (27.4 percent response rate) provided information on their habitat management practises.

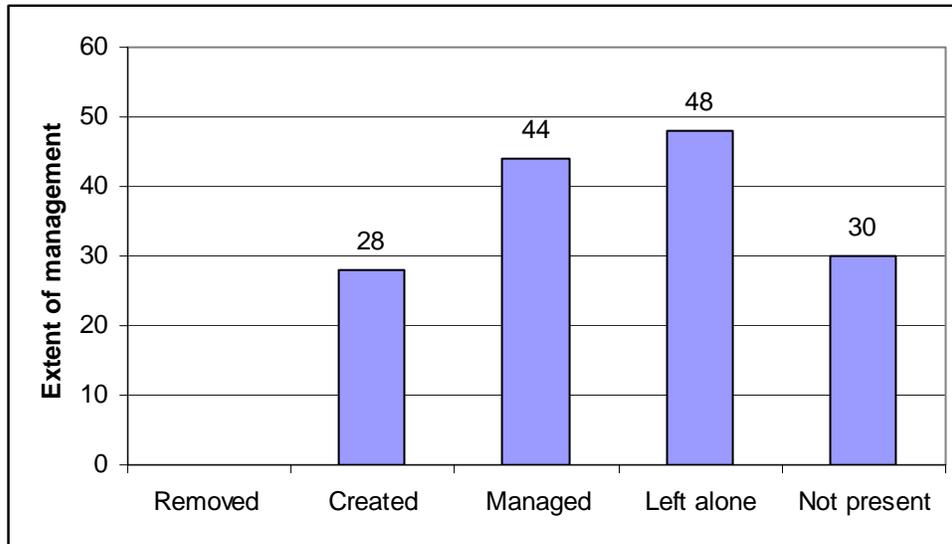
**Table 2. The habitat management activities reported by the 59 shoot organisers**

Habitat Type	Removed	<i>Encouraged</i>		Left alone	Not present
		Created	Managed		
Hedgerows	0	6	8	3	0
Field margins	0	4	6	5	2
Field Corner Spinneys <sup>1</sup>	0	5	6	5	1
Woodland	0	6	6	4	0
Scrubland and Coverts <sup>2</sup>	0	3	2	5	2
Water and marshland	0	3	4	5	1
Reed Beds	0	0	2	4	2
Copses <sup>3</sup>	0	0	4	3	4
Arable and grassland	0	1	6	3	1
Upland habitats	0	0	0	3	8
Bogland	0	0	0	6	1
Other	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>28</b>	<b>44</b>	<b>48</b>	<b>30</b>

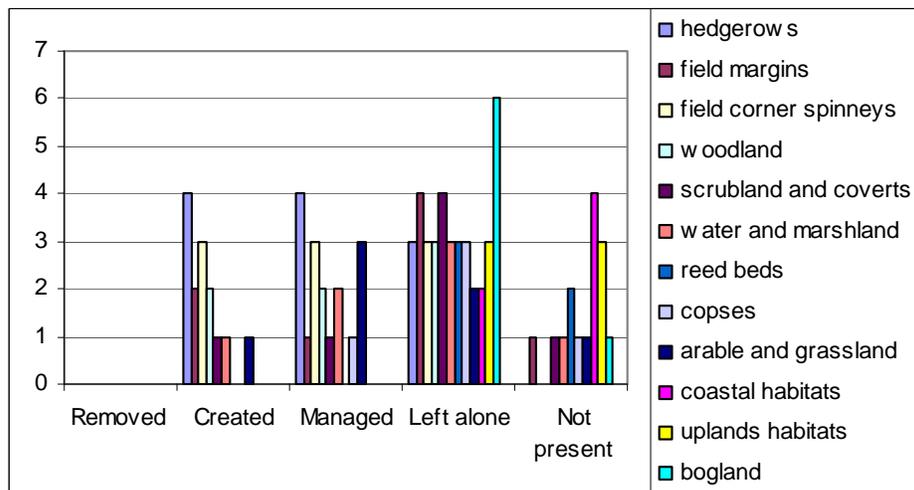
<sup>1</sup> A small thicket of hedge/scrub or a growth of bushes.

<sup>2</sup> Thick underbrush or woodland affording cover for game/foxes.

<sup>3</sup>A thicket of small trees or shrubs usually maintained by periodic cutting or pruning to encourage growth.



**Figure 3. The amount of habitat managed by the 59 game shooting organisers**



**Figure 4. The various habitats managed by the 82 shoot organisers**

As Table 2, Figure 3, and Figure 4 outline, there is a wide variety of habitat conserved by those involved in game shooting in Ireland. The data provided

relates specifically to the 59 game shooting organisers who returned the questionnaire.

As Figure 4 outlines, the main habitats created by those involved in game shooting are hedgerows and woodland. It was evident that the driven shoot organisers were significantly more involved in habitat management in comparison to the gun clubs. Game shooting organisers were also asked a series of questions regarding the amount of game crop planted to improve shooting. In total, game crops were planted by 32 shoot organisers. In addition to new planting, the research indicates that the shooting organisers who release pheasants are also more likely to plant game crops.

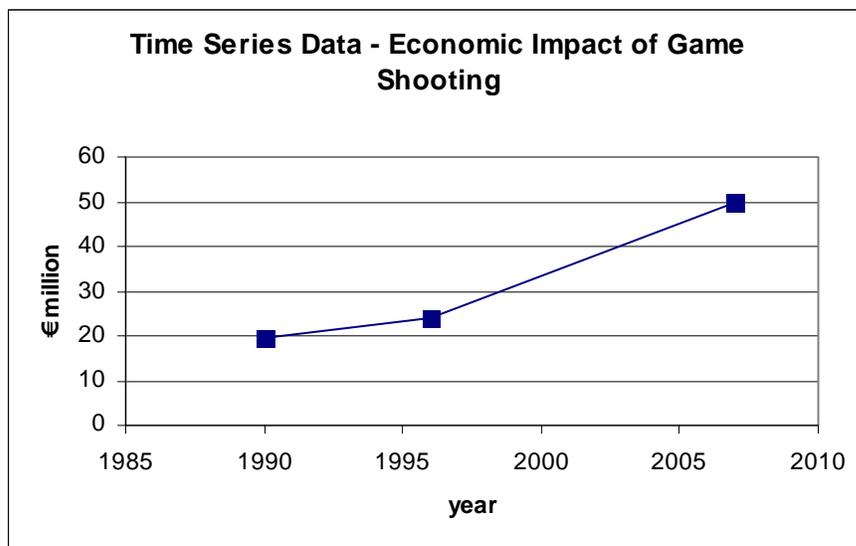
## **Discussion**

This study set out to examine the economic and habitat conservation role of shooting in the Republic of Ireland. The results show that the expenditures on game shooting contributed €49.7 million to the Irish economy in 2007 of which 83 percent was spent in rural areas. This figure however can be regarded as being conservative for a number of reasons. Firstly, the research only considered the registered participants involved in game and deer shooting in the Republic of Ireland. There are currently in the region of 80,000 licensed shotguns (unlimited) with permission to hunt game in the Republic of Ireland. At the outset of the study, it was not possible to get access to the participants outside of the respective hunting organisations and, as a consequence, they could not be incorporated into the study. If these were to be included into the study the original figure would be significantly increased.

In addition, the study only considered the direct expenditure of the organisers/participants involved in game shooting in Ireland. Indirect expenditure or multiplier effects of participant's expenditures were not incorporated into this analysis. Input-output analysis considers inter-industry relations in an economy,

depicting how the output of one industry goes to another industry, where it serves as an input, and thereby illustrates the flow of money through an economy. An input-output model would provide a measure of monetary value to the Irish economy which would outline the wider secondary and employment benefits from game and deer shooting in Ireland. If such modelling was to be applied to the expenditure by the participants involved in shooting, the original figure would be substantially increased.

The research also indicates that the expenditure associated with game shooting has increased since the previous research in 1990 and 1996 was undertaken (Burke *et al.*, 1992 and Corbally *et al.*, 1998) (Figure 5).



**Figure 5. Economic Impact of Shooting – Time Series Data**

Although the methods differed between the various studies, Figure 5 shows an increase in economic activity over the past decade. This further demonstrates that shooting forms an important part of Ireland’s rural economy.

The study also indicates that game shooting organisers are responsible for creating and conserving a variety of habitats on agricultural land in Ireland.

Research by Ó hUallacháin (2005) has illustrated that the habitats conserved by those involved in game shooting such as set-aside/bird crops have positive impacts on biodiversity. McMahon and Whelan (2006) similarly outline the importance of hedgerows which are also created by the organisers of game shooting to farmland bird populations. Given the large sample size and the response rate achieved, it provides a reasonably accurate outline of the extent of the habitat management activities practised by those involved in game shooting in Ireland.

The results of this research can be used to promote rural development and legislative and financial support for natural resource-related recreational activities in Ireland. Policy makers should consider ensuring that future land-use policies are developed with objectives whereby the shooting community can avail of subsidies to enhance habitat on agricultural land. Such measures could be contained within the Rural Environment Protection Scheme (REPS) as a means to encourage wider participation in habitat development for natural resource-related recreation. Similarly, policy makers should recognise the wider economic impacts of game and deer shooting when allocating limited wildlife related funds and when considering future rural development plans.

## *Open forum and discussion*

- A delegate congratulated the speakers and commented that he found them very informative. He observed that such a conference and such a group coming together like this, a mixture of Government and shooting interests can only benefit everybody.

He observed that a common thread of FACE is working together, but it is disappointing that there are a number of relevant national associations in Ireland not represented on FACE; an example of this is the Deer Alliance. He believed that if Deer Alliance and FACE work together it can be a benefit to all.

- A delegate asked Roger Weedon to elaborate on the regime for reloading in the UK and the regulation of it.

Mr. Weedon responded that currently reloading is acceptable, mainly for target shooters. A large number of target shooters reload; the issue that brought about the changes in UK law in the Violent Crime Reduction Act was a number of quite spectacular street shootings, involving hand loaded ammunition, in particular hand loaded ammunition for blank firing firearms which had been modified to fire live ammunition. A current trend in the UK a year or so back, those of you who might recognise the blank firearms that come in from the continent, 8mm and 9mm calibres, and they come in usually with a green plastic cover over the head of the case. By drilling the case out you can actually put into it a bullet head and in some cases more powder. Therefore it was decided that the only thing that was probably needed was to ban just the purchase of primers to stop this whole ability to reload. Ammunition in the UK is only ammunition subject to controls, so the individual component parts of a bullet cartridge, primers, case , powder, bullet head all of those items on the table up to

that point were not licensable, and they remain that way until you assemble them. The finished item becomes licensable ammunition. As I said my own view is that all of the component parts should have been made licensable, just by licensing only the primers you are actually only tackling one aspect of it, but that's my personal opinion. All it requires is that somebody with a legitimate reason for that ammunition and who says they are reloading, they have that calibre on their licence, and they genuinely go in and buy the component parts, so it hasn't actually affected the reloaders at all, what it has done is make it more difficult for the criminal to obtain component parts.

- A delegate asked David Scallan whether licence revenue is included in the figure of €49m regarding expenditure relating to shooting in the Republic of Ireland.

Mr. Scallan replied that licence revenue is included; he asked the participants in the category of how much do you spend on guns, sporting equipment, the second category was licences. So licences have been included, although Mr. Scallan observed that his figures are quite conservative when you take into account there are 230,000 firearms licences.

Mr. Scallan commented that he recently presented his paper at a Geography conference in Boston, and one of the questions he was asked was where does the money for firearms licences go in Ireland. In America all of that money goes back into habitat development and into managing the species, managing game etc.

- A delegate commented that it strikes him that there are two important players who were not represented at the conference, one of whom was the Wildlife Service. The Wildlife Service does have a very important role regarding game shooting that has implications for firearms control and

certifications. The second party who would find use in a debate like this is of course the state's larger landowners, who have countless lettings for game shooting and deer hunting and receive enormous revenue for that, and for whom there are equally enormous health and safety implications, regarding the use of firearms on their property.

- Finally, a delegate commented that Mr. Weedons' contribution was extremely invaluable as was Mr Lecocq's, but he wondered why they aren't looking at the Northern Ireland model for Ireland, licensing which works very well. If we can learn from the Canadians etc, we should also be looking at the Northern Ireland experience and learning from that.

## *From Conflict to Co-operation*

### **Desmond Crofton, Director, National Association of Regional Game Councils**

Good morning ladies and gentlemen. I'm going to talk this morning about the 'c' word, the conflict and then the co-operation. I want to talk about the whole shift from conflict. There is no doubting the fact that there has been conflict in firearms licensing, but I'm going to talk about the transition from the conflict, the causes of conflict and the move to where I think we are now, where I hope we are now.

#### *Conflict – the causes*

In any conflict there will be at least two sides and equally, any peace will require the consent of all sides. For the purposes of my paper, one side is represented by the shooting community and the other side jointly by the Gardai and the Department of Justice Equality and Law Reform. Prior to 1972, conflict between the licensing authority for firearms in the Republic of Ireland, the Garda Síochána, and shooting people was virtually unheard of. However, the implementation of the Firearms Temporary Custody Order (S.I. 187/1972) which was made in that same year under Section 4 of the Firearms Act 1964, changed all that and it could be said that this conference is a direct consequence of that Order. While the Order, which required the owners of certain classes of firearms to hand them into the Garda Síochána, was made by the then Minister for Justice, Desmond O'Malley, in response to fears that the IRA would arm themselves by stealing guns which were licensed to private citizens, it was made without any consultation with the sports shooting associations. Because the Order had a life of one month, the shooting community did not react in any significant way. The period of custody was viewed as being short and not justifying a strong reaction. However, when the order expired and the state

refused to either hand back or licence the firearms which had been handed in, the seeds of conflict between the shooting community and the authorities were sown. The shooters felt a deep sense of betrayal and distrust of the Gardai and the Government as a result and over the following 36 years they gradually made their feelings known. During that time there is no doubt but that the unstable political situation in Northern Ireland and the security of the Republic was uppermost in the minds of the Garda chiefs and the Government and perhaps understandably, the wishes of sports shooting took a back seat.

But the sense of injustice felt by a great many shooters deepened as their many attempts to open a dialogue about the Government's policy on gun ownership were persistently frustrated or rejected. The situation was exacerbated by the feeling among many sports people that they were regarded as being somehow on the fringes of criminality and terrorism. It is also fair to say that in many cases over the years, the treatment meted out by some Gardai to individual shooting folk fell short of what was acceptable. Lest anyone get the wrong idea, I have not come to this conference to engage in a Garda bashing exercise, but there is little point in not mentioning the causes of conflict if we are to understand how to avoid them in a new licensing code. It is only by gaining that understanding we can plan a new beginning and build a new relationship between the shooting community and those who are charged with administering the firearms licensing system. In many cases, the unacceptable treatment to which I refer was as a result of poor knowledge on the part of both the Gardai and the shooters about the provisions of the Firearms Acts. There was an equally poor understanding among many Gardai about the culture of sports shooting in Ireland and that there is no connection between sporting ownership of firearms and criminal possession. That lack of understanding only served to create a vacuum which was inevitably filled by prejudice against guns and gun ownership by private citizens. There is no doubt that this was influenced to a large extent by what was happening in the North on both sides of the border.

Add into the melting pot the fact that there was no structure or history of dialogue between shooters or their representatives and the senior officers and officials who were responsible for administering the licensing system. As a result, over the years the licensing system had evolved into an inconsistent, and in many cases an incoherent one, with many licensing decisions clearly arbitrary.

Resentment became widespread throughout the shooting community, particularly over the past ten years as the political situation in Northern Ireland turned from terrorism and violence to peace. Despite that reality, there was still a huge reluctance to contemplate any easing of the licensing regime and there was a feeling of the goal posts being in a constant state of movement. It was only a matter of time before the shooters became sufficiently organised and began fighting their corner. My own organisation, the National Association of Regional Game Councils (NARGC), which is the largest of the shooting associations, was well organised and had the capability and the will and the money to mount a challenge. While the impetus to challenge was driven by a mix of the inconsistencies and arbitrary nature of how the system was operated on a daily basis, it was also a response to the demands of ordinary citizens who just happened to enjoy sports shooting and who believed they were entitled to expect a licensing system which was consistent, transparent and had at its centre a sense of customer service. This was no more than everyone in the modern peaceful Ireland had come to expect.

The heave on behalf of the shooting community came in the form of legal challenges by way of judicial review. The first of these was against the mandatory imposition of gun safes. The NARGC was confident that this condition, which was imposed without consultation, was unlawful. It was not that shooting organisations such as NARGC were against gun safes. Quite the opposite. In fact we encouraged members to install them in their homes. But the legal challenge was taken to demonstrate a number of things. Firstly that

shooting people were no longer prepared to accept the kind of practices which had found their way into the licensing system over the years. Secondly, they wanted to signal an end to unchallenged arbitrary decisions which had no basis in the legal framework and thirdly, that the concerns of the shooting community could no longer be ignored. We wanted the authorities to start talking to us in a constructive way. Over the years I had written seeking meetings with Ray Burke, Pádraig Flynn, Máire Geoghan-Quinn, Nora Owen, John O'Donoghue and Michael McDowell, all of whom were former Ministers for Justice. Only Michael McDowell and John O'Donoghue met with NARGC and only Michael McDowell actually listened. I also wrote during that time to the two previous Garda Commissioners neither of whom displayed any interest in meeting my association. It was against this background that the first challenge was launched by NARGC.

As everyone knows, the gun safe challenge was successful and it was affirmed by the Supreme Court. This was a watershed in terms of how sports shooters perceived themselves on the one hand and how the Gardai perceived the shooters on the other. There was shock among some Gardai who believed the Firearms Act to be unassailable in terms of challenge and this was expressed to me at the time by a number of members of the force. There is no doubt but that we made a nuisance of ourselves. This was only the first of many challenges and over the last number of years the NARGC has mounted numerous legal challenges, all of which have been successful to date. One of the main reasons for the NARGC's success was the fact that the licensing system had no central fulcrum around which the administration turned. Each Garda Superintendent is an independent licensing authority (*persona designata*) in his own district and is not answerable for his or her decisions to any higher authority. This of course was a panacea for different interpretations of the legislation resulting in widespread inconsistencies in firearms licensing decisions. And with every

incorrect or inconsistent decision came a deepening of the resentment felt by shooters.

In the absence of any apparent will to establish a dialogue with shooters following the gun safe case, the NARGC took a decision to challenge all decisions affecting the members of its clubs which the Association believed were not in accordance with the legal provisions of the Firearms Acts. This has resulted in approximately 50 legal challenges, a great many of which have now been determined but with many more still in the system making their way gradually up the court lists.

A major impediment to sustaining any kind of dialogue with either the Gardai or the Department of Justice was the regularity with which their staff were moved around. As most people will know only too well, this is a problem throughout the public service. As a shooting representative, I can say it was rare for me to meet the same senior officers from Garda Headquarters twice, and this was enormously frustrating. On virtually every occasion a meeting was arranged, I found myself meeting a different person than on the previous occasion, and this was enormously frustrating. The same problem arose, albeit to a lesser extent, with the Department of Justice. It is not difficult to understand that progress was virtually impossible in those circumstances.

### ***The Co-operation***

However, it is clear that this state of affairs was unsustainable and sooner or later something had to yield to a different way for shooters and the licensing authorities to do business together. I can tell the Gardai that are here that the shooting people want to do business with you and they want to do it in a constructive way. While some attempts to establish a dialogue were attempted, the first serious attempt was made when the Department of Justice Equality and Law Reform opened discussions with the shooting associations in the lead up to

new firearms legislation in the Criminal Justice Act of 2006. It would be fair to say that Tom Lynch from the Department of Justice, who is not here today, had quite an important role in that at the time. I recall very well him phoning me up and saying look I know we've had a lot of problems but, will you please come and talk to me. We got an understanding of what consultation meant and we took it from there. This was the first structured attempt at establishing what could be described as a lasting peace between the two sides.

It is fair to say that the shooting associations approached these talks with a very high degree of suspicion and scepticism, none more so than myself. This was based largely on our previous experiences. However, with patience and perseverance, the officials in the Department of Justice gradually began to gain the confidence of the shooting representatives. Shortly before the legislation was enacted, the Minister for Justice went on record in the Dail to acknowledge the positive and responsible contribution which the shooting associations had made in the consultation stages of the legislation. This sent a clear signal to the associations that we were being listened to and being taken seriously at last. It was what we had sought for many years and had articulated to successive Ministers for Justice. Our hope was that a lasting understanding just might be possible.

By far the most significant breakthrough came in 2006 when it was mooted that some kind of advisory board would be established which would act as a forum for all interests involved in firearms ownership and licensing. There was also, very significantly at that time, a "new" team in the Department of Justice spearheading the implementation of the new firearms provisions. I say new, but it was in reality a mix of old and new and therefore had the benefit of a fresh approach on the one hand but with the benefit of existing knowledge on the other. It was headed up by Garrett Byrne who you already heard speaking about the work of the Firearms Consultative Panel. On a personal note, I found

him to be a breath of fresh air and just the ticket for the task which was clearly facing all of us involved in the firearms licensing system. The fact that he and his colleagues in the Department have remained on the team and have not been moved on has helped the situation enormously. As the person most associated with challenging the system, it would be remiss of me not to acknowledge that fact.

The first substantive approach on the new forum initiative came in the first half of 2007 when soundings were made among the shooting associations. Given that the associations were crying out for a partnership approach to the administration of the licensing code, it was no surprise that the response from them was positive. During the months leading up to the establishment of that forum, further discussions were held about appropriate terms of reference and the composition of the forum.

Finally, the Minister appointed the Members of the forum, which became the Firearms Consultative Panel, and it held its first meeting on November 6<sup>th</sup> 2007. The panel is comprised of people who are representative of all shooting disciplines i.e. game shooting, target shooting, clay shooting, the gun trade etc. There is also farmer representation by the IFA, the Irish Sports Council, the National Parks & Wildlife Service, the Department of Justice Equality and Law Reform, and the Gardai.

The terms of reference include new guidelines. Mental health issues arise for the first time, and we have to deal with that because situations like Abbeylara have told us that we have to deal with that. There are also guidelines on public safety and security, competence, fee structure, club and range authorisation and issues concerning the gun trade.

The formation of the Panel has proven to be very important for a number of reasons:

1. It brings together all the stakeholder representatives who have an interest in the administration of firearms licensing.
2. It is inclusive in its approach.
3. It provides a forum in which all sides can discuss practical issues affecting firearms licensing and where the shooting community and the Gardai can gain an understanding of each other's legitimate concerns within an appropriate structure.
4. It forces all participants to look to each other to help solve issues.
5. While taking on board many of the concerns of the shooting community, it has also focused attention on the fact that shooters must take personal responsibility for public safety and security arising from their possession of sporting firearms.
6. It has tasked all sides to work together with specific responsibilities for the introduction of the new firearms licensing code.
7. It demands tolerance from all and it encourages the participants to be businesslike and constructive.
8. It has created a positive atmosphere of mutual respect between all the participants resulting in a real sense of partnership. I cant say enough to you how important that it is for the shooting people to have that sense of partnership.

For these reasons, the importance of the Panel cannot be underestimated. You cannot get perfection in legislation and you shouldn't even try. Similarly, in the panel you cannot get perfection either. There are going to be shortcomings, there are going to be gripes so we need to recognise that, but it is a hell of a step from where we were. One of the first positive outcomes of establishing the Panel was that all of the principal national shooting associations came together

and agreed to speak with one voice as opposed to each trying to push their own agenda separately. This meant that shooting itself was forced to adopt a coherent approach on matters affecting sports shooting. It also helped the work of the Panel to flow more freely than it might otherwise have done had each association sought to be heard. It has become a partnership.

Speaking for the shooting community, I wish to acknowledge that we are now being listened to and that brings with it a responsibility on the shooting associations to react positively and responsibly. I know I speak for all the shooting associations when I pledge that we will not be found wanting in adopting a positive approach to what lies ahead in the new firearms provisions. We are appreciative for the respect and partnership approach which has been adopted by our Garda and Department of Justice colleagues on the Firearms Consultative Panel. The future is now much brighter and with that spirit of respect now established between all sides I have no doubt but that in time it will filter down to where it really matters – between the local clubs and shooters and the local Gardai.

But despite the best of goodwill on all sides, flashpoints will undoubtedly still occur. Nonetheless, I believe we have at last travelled from conflict to co-operation and those flashpoints should fade away with time.

*Mr. Crofton asked all the shooting representatives on the panel to stand up, and seven stood up. He introduced them and said we will not be found wanting for what lies ahead.*

*H.C.A.P. a case study in proficiency training & proficiency*  
**Liam McGarry, Vice President & Chief Examiner for Hunting**  
**Tests for I.D.S**

Good Morning ladies and gentlemen.

I'm here to talk mainly about the Irish Deer Society's experience of a case study in HCAP. This is a programme that was started a few years ago, and I will get into detail of it later. I'm involved with the Irish Deer Society; as vice-president and Chief Examiner for hunting tests within the Irish Deer Society.

**History:**

The Irish Deer Society (I.D.S.) was founded in 1968 by a group of hunters to lobby government to try and secure recognition of Deer in Ireland and establish a close and open season for Deer. I wasn't at the first meeting, but I was there immediately after it and I've been on the council ever since, it's exactly forty years and I wonder what we've achieved. At that time deer had no legislative protection and were little short of vermin and were shot at all times of the year with all types of firearms. At that time also there was no wildlife legislation. In 1972 I was involved in a prosecution and the prosecution had to be taken under the 1861 Larceny Act and believe it or not it was successful. In the late 1960s we were promised that there was going to be this new Wildlife Act and one of the first international forums I sat on was the 1970 European Conservation Year Committee and we were told that the Wildlife Act was going to be ready for 1<sup>st</sup> of January 1970, but that did not happen. It wasn't until 1976 that the Wildlife Act was passed.

The three main aims of the IDS were established at that time and remain to this day:

- 1. The conservation & study of deer and their habitat in Ireland.**
- 2. The dissemination of the knowledge of deer.**
- 3. The promotion of the proper & humane control and management of deer.**

We felt that under those 3 headings we could cover all aspects of deer.

The 1976 Wildlife Act when enacted in 1976 was the first protection and recognition of deer as a game species with an open and close season together with a minimum calibre of rifle with which to hunt deer in Ireland.

Unfortunately when the 1976 Act was being enacted the existence of the 1972 temporary Custody Order which banned all firearms larger than .22 calibre created a problem for deer hunters and legislators of the wild life act. The minimum recommended calibre by all hunters, deer organisations & wild life service was and still is .243 with minimum 100 grain bullet giving a minimum 1700 ft/lbs energy. Fortunately a loop hole in the 1972 Temporary Custody Order was discovered in the .22/250 centre fire .22. Although considered by all to be an inadequate calibre for deer it was the only option available and the wildlife service made the .22/250 with a 55 grain bullet the minimum in the legislation. Having spoken to the Wildlife Service recently there seems to be a natural wasting away of the .22/250 and there are no plans or need at present to change this section of the legislation.

Fortunately the Temporary custody order was rescinded in the mid 90's and to day we have a more enlightened position with up to .30 calibres being available.

After the passing of the 1976 Wild life Act the I.D.S. concentrated on a policy document on deer which included the following:

*'The special skills needed for proper management of deer must be recognised and promoted at all times. A proficiency test such as that already offered by the Irish Deer Society should be a prerequisite to the granting of a deer hunting licence'.*

When the 1976 Act was enacted it stipulated that any person shooting a deer must hold a Deer Hunting Licence issued by the Wildlife Service. The only requirement needed to get that piece of paper is permission to shoot on a patch of land on which there are deer and also to stipulate a rifle of proper calibre with which one intends to shoot the deer. We have always felt that a proficiency test should be a pre-requisite. In order to advance this we ran our own deer hunting & management courses and test which we have been running since 1977.

This I.D.S. Test and training programme involved a number of lectures on all aspects of deer culminating in a written test based on multiple choice answers and a practical test on a rifle range. We very quickly learnt that the vast majority of deer stalkers were very supportive and enthusiastic.

However our moves to have such a test compulsory prior to the granting of a Deer Hunting Licence as wished under our policy document were dashed when the Wild Life Service indicated that there was a legal problem in implementing such a test under the 1976 Wildlife Act. We understand that this has now been corrected under the 2000 Amendment act. The I.D.S. and other Deer organisations have persisted in running such programmes and tests and they have proved to be very popular.

#### **H.C.A.P. (Hunter Competence Assessment Programme)**

As many Irish hunters hunt on Coillte forest property, Coillte stipulated in 2001 that as part of its forest certification process that by 2006 that all deer hunters

hunting on Coillte property will have to have passed an independently assessed competency test. Unfortunately the tests as run by the I.D.S. and others were not independently assessed and certified and therefore were not accepted by Coillte. After investigations by ourselves we found that achieving such certification was not practicable and was too expensive. The date set by Coillte was 2008 for a hunter who has a licence on a Coillte forest for shooting deer and by 2010 all deer hunters on Coillte property

After a number of meetings called and chaired by Coillte the **H.C.A.P.** (**H**unter **C**ompetence **A**ssessment **P**rogramme) was agreed and developed to an initial stage of planning and implementation by an alliance of deer interests (The Deer Alliance) which included all the deer organisations namely The Irish Deer Society, The Wild Deer Association of Ireland, Wicklow Deer Management Group, and Wicklow Deer Society as well as various independent stalking interests (including commercial stalking interests). All the organisations agreed to abandon their own individual tests and row in behind the Coillte one.

H.C.A.P. was then further developed by a development committee comprising of the above named interests as well as representatives of Coillte Teoranta, The National Parks & Wildlife Service, the Forest Service, An Garda Síochána, Irish Farmers Association and The Irish Timber Growers Association. From this the Stalker Training Manual was developed on which H.C.A.P. is based. All these organisations are still members except An Garda Síochána.

This manual was compiled (from submissions made by all the organisations) by two members of the committee, Liam Nolan & James Walsh. The manual is intended to reflect and communicate best practice in management and culling of wild deer by licensed hunters operating in Irish conditions. I think it is a fantastic manual; it's the bible on which the test is based.

The manual consists of 160 pages and is divided into 12 chapters covering:

1. Principles of deer management.
2. Basic deer biology.
3. Red Deer.
4. Sika Deer.
5. Fallow Deer.
6. Deer stalking aids & techniques.
7. Rifles ballistics and zeroing.
8. Firearms safety.
9. Deer hunting and the law.
10. Carcase handling.
11. Forestry and deer.
12. Impacts of deer on nature conservation habitats.

The H.C.A.P. Test is broken into 3 parts:

1. Written test – 50 questions with a pass mark of 80%.
2. Range Test
  - a) Grouping – prone rested at 100 Metres.  
Pass mark 100mm 3 shot group inside 150mm circle.
  - b) Deer shape Target - total 6 shots –
    - 2 shots at 100M prone position
    - 2 shots at 60M kneeling or sitting position
    - 2 shots at 40 M standing positionAll 6 shots at deer target must be inside the killing area marked on the deer target.
3. Oral safety test.

All three sections must be passed.

H.C.A.P. is only required when shooting deer on Coillte property.

In order to hunt deer in Ireland one requires a deer hunting licence issued by the National Parks & Wildlife Service.

<u>Deer Hunting Licences issued</u>		<u>Returns of Deer Shot</u>	
<u>Season</u>	2002/03	2001	11,941
	2003/04	2156	13,550
	2004/05	2420	15,735
	2005/06	2530	18,605
	2006/07	2759	21,310
	2007/08	3189	-----

Since the 1990s the number of deer hunting licences has been going up steadily. Even with the sharp increase in the returns of deer shot, there are still not enough deer being shot. We are continuing to get reports from farmers and forestry interests regarding crop damage.

**H.C.A.P.**

To date approximately 600 candidates have taken the test including repeats. 386 candidates have passed, and the average pass rate is 75%. You are allowed a second chance on the day. You can either repeat the grouping test if you fail it, or if you fail the deer shaped target you can repeat it on the day, but you cannot repeat the two of them on the same day. To a certain extent it's a logistic thing, but its also to stop people, as I have seen in other countries, from going to the range and shooting all day until they pass.

We allow rested on all 3 positions, i.e. anything that you would use in the field, in other words, a rucksack, jacket, stalking stick etc.

100Meters Prone, 60Meters sitting or kneeling and 40Metres standing.

We have had the deer shaped target specially printed, it is the full size of a Sika deer hind. We found that with the advent of ranges like Tullamore, most hunters are improving their shooting skills. The photos show some of the 60 participants recently doing their shooting test on the Tullamore Range.

I believe that the H.C.A.P. experience has been a tremendous success and there has not been any negativity throughout the operation and it is now self financing.

The Stalker Training Manual has also been a huge success and is now in its second print run.

Finally full credit must be given to all those participating organisations, bodies and individuals who together provided the impetus and the vehicle for the development and implementation of the Hunter Competence Assessment Programme, whose input made production of the Stalker Training Manual possible and whose continued involvement and support will ensure that the objectives of the programme are fully attained. Specific thanks is given to all those members of the Deer Alliance development committee who gave generously of their time and knowledge in support of H.C.A.P. : Tim Crowley, Director of forestry, Coillte Teoranta (chairman) The Irish Deer Society, Wild Deer Association of Ireland, Wicklow Deer Group, Wicklow Deer Society, National Parks & Wildlife Service, Forest Service, An Garda Síochána, Irish Farmers Association and Irish Timber Growers Association.

Liam Nolan, James Walsh, Barry Coad, Wesley Atkinson, John Flynn, Damian Hannigan, John Connolly, Sgt. Brian Bruton, Noel Spillane, Barbara Maguire, Denis Bergin, Pat Scully, John Fenton, John Jackson, Jamie Mulleady, Tim Crowley.

Thanks must also go to the Midland Rifle Range and their staff who have co-operated and helped so much with the range tests. The facilities there are ideal for such tests.

### **Where from here?**

As I have stated earlier in order to shoot deer in Ireland one requires a deer hunting licence issued by National Parks & Wildlife Service and to get that all one needs is permission from a landowner on whose land there are deer and a suitable rifle. I believe that we may be one of the few countries in Europe who do not have a competency test prior to issue of a deer hunting licence.

I believe that now is the time to introduce a competency test such as HCAP which is one of the objectives of the I.D.S and I believe it is also an objective of other deer organisations and individuals.

I also believe that the success of HCAP is in no small way due to the active input, co-operation and involvement of all the organisations and individuals involved and the very professional approach taken by all, this point should not be overlooked when attempting to get acceptance by existing hunters when making such a test mandatory. While I want to see a competency test introduced I would balk at the idea of a Government department taking it over completely. I think it is extremely important for all of the relevant interest groups to have as much involvement in the competency test as possible in order to ensure its full acceptance.

Thank you.

Liam McGarry.

## *Firearms Safety and Crime Prevention Issues*

### **Inspector Gerry Carroll, Crime Prevention Unit, An Garda Síochána**

#### **Introduction**

Good morning everyone. First I would like to thank Garrett for inviting us here today. I think it's really important that we come up here and we explain the logic behind our views and the decisions we make from time to time.

This morning I am going to be speaking in relation to the public safety aspect and the security of firearms.

I am the Inspector in the Garda National Crime Prevention Unit. This unit has responsibility for the Garda crime prevention officers located in every division around the country who advise the local Superintendents in each division on security matters generally and also in relation to the security of firearms. In the past I spent a number of years attached to the Ballistics Section of the Garda Technical Bureau and so I seem to be continually coming into contact with firearms.

Today I will outline some matters relating to:

- Firearms and Public Safety
- Firearms and Crime Prevention

## **Public Safety**

Public Safety affects us all and we all have responsibilities in this regard. These cover a multitude of our daily actions and may vary from the manner in which we drive our cars to the way we dispose of our waste products.

Persons who possess and use firearms have a serious legal and moral responsibility to society to ensure that their firearm does not in any way endanger public safety i.e., the safety of themselves, their family, visitors to their homes or any member of the general public.

Shooting in Ireland is a very popular and well respected sport. Sporting firearms are central to these sports which include hunting, clay pigeon shooting and target shooting and as such have provided endless hours of outdoor enjoyment to persons involved in these sports.

Undoubtedly it's a lovely sport and it has given a huge amount of enjoyment to people, but it must also be remembered however that firearms are primarily designed for one purpose, to kill and are very efficient at this function. In most cases they are simple to operate and can kill from short medium or long range.

We must therefore ensure that access to our firearm is totally restricted so as to ensure that it does not present a risk to any other person.

The state has always recognised the dangers presented by firearms. It does its part by controls placed on importers and firearms dealers and by ensuring through the licensing system that persons judged to be unsuitable for various reasons are not granted a licence to possess or use a firearm. The licensing system is designed to ensure that licences are only granted to people who can be trusted to possess and use those firearms without putting anybody else at risk.

Once granted a firearms licence the duty of care then falls on the licence holder to possess and use the firearm without endangering the public safety or public peace. This responsibility should never be taken lightly. Unlike most other items the loss of a firearm could result in serious injury or death to innocent people. The vast majority of firearms holders are very responsible. They take their responsibility seriously. But like every other walk of life there is a certain number of people who for one reason or another don't take that responsibility as seriously as they should and that's why the various controls are necessary.

An insecure firearm presents danger in a number of different ways:

### **Accidental shootings**

Firearms have a fascination for many people including children, teenagers and adults. If you place a firearm in a room and people enter that room, you will inevitably find that they will be attracted to it. They will pick it up, in most cases they will examine it, if they hang on to it for long enough they will point it at someone or something and in the end they will actually pull the trigger. The unfortunate thing about it is there has been quite a few accidents and that's exactly how they happened.

### **Family rows and Disputes with neighbours**

There are many recorded incidents where readily available firearms have been used on the spur of the moment in the course of family rows or other disputes.

### **Suicides**

On average about 30 people commit suicide by means of a firearm each year. In many cases the victim is not the licence holder but is another family member who was able to access the gun. If a person wants to commit suicide it will probably be very difficult to stop them, but in a lot of suicides the person who has died hasn't been the firearm or licence holder. The typical scenario would be a young man of 18 or 19 years who has been dropped by his girlfriend, he

comes home and has had a drink taken. He is upset, life is just not worth living, he accesses the firearm and bang he is gone. These things are happening and if the young fellow had just gone to bed he would probably wake up the next morning and life would go back to normal again.

### **Burglary and Theft**

On average about 350 licensed firearms are stolen each year, about 30 are taken out of cars and the rest are taken out of houses. This is clearly 350 too many. These stolen guns in the hands of criminals pose a serious threat to us all. Some are used in murders, robberies, shooting incidents and general intimidation. Drive by shootings have become so common now. It is therefore vital that every precaution is taken to prevent them from getting into the wrong hands.

Last year approximately 200 shotguns and 60 rifles were examined at the Garda Technical Bureau in relation to various forms of crime. They were either located in searches or they were associated with crimes. This illustrates the fact that licensed firearms which are stolen are fuelling armed crime.

What safety/security measures should be in place?

Let's first look at what safety measures a person who wishes to drive a car must put in place.

- The person must be 17 years or over.
- The person must hold a provisional or full driving licence.
- The person must take instruction and pass a driving test to show that they are familiar with the rules of the road and competent to drive safely.

- The person must be covered by motor insurance in case of accident.
- The person must ensure that their car is fully roadworthy.
- The person cannot drive while under the influence of alcohol or a drug.
- The person must drive within specified speed limits and abide by the rules of the road.

Remember a car can kill but unlike a firearm is not designed to kill.

If car owners are obliged to abide by all of the above safety measures in order to minimise the risks to public safety it would also seem reasonable that persons who wish to possess and use lethal firearms should also be subject to reasonable safety measures.

I am well aware that the vast majority of firearms licence holders are responsible people who are well aware of the dangers and take firearms security very seriously. Unfortunately there is a minority who through lack of awareness or just plain carelessness place us all at risk. This situation brings about the need for certain minimum levels of security for the safe storage of firearms and ammunition.

Like all crime prevention / public safety measures the intention is to make the control measures commensurate to the level of risk. We measure risk by two things: the likelihood of the event taking place and the seriousness of the consequences if the event does take place. At the moment if a firearm is stolen and gets into the hands of criminals, the likelihood of it being used is far higher

than it was in the past; we are living in far more violent times than 10 or 20 years ago. Part of this is fuelled by the drug problem. Nowadays most criminals before they go out on a job they absolutely tank up on cocaine or some other drug; these people are highly dangerous. The other thing we have to consider are the possible consequences if the firearm is used, and the worst scenarios is that some person or persons are shot dead. So the measures that we have to put in place have to be reasonable but also reflect the level of risk.

The National Crime Prevention Unit have issued guidelines for Crime Prevention Officers and District officers throughout the country so that, when asked for advice in relation to the secure storage of firearms, the advice given will be appropriate, reasonable, consistent and in line with good practice. We are very much aware that there are different standards in different parts of the country, and that's one of the reasons that we issued these guidelines, so that as far as possible it would be a level playing field and the measures demanded at one end of the country would be the same as those required in other parts of the country. There is a bit of room for latitude here; if you are living in a very high crime area we may be a little bit tougher than if you were living in an extremely quiet area, but generally speaking the best practice guidelines apply to all areas equally.

Under no circumstances are they to be interpreted as being pre-conditions that have to be fulfilled in order to be granted a firearms certificate. The granting of a firearms certificate is solely at the discretion of the local Superintendent (persona designata) and he/she cannot be fettered in that discretion.

### **The Secure Storage of Legally Held Firearms**

The type and number of firearms held by an individual will require different levels of security. In general, however, all firearms should be stored within structurally

solid buildings in purpose built firearm security cabinets or gun rooms. Under no circumstances should firearms or ammunition be left, even for short periods of time, in temporary dwellings (tents etc.) or unattended vehicles.

For ease of classification the security guidelines are categorised in accordance with the differing types of firearm(s) in the possession of the licence holder. There are three basic groupings:

- Category A - Rifles (.22 or less) and Shotguns
- Category B - Heavy Calibre Rifles in excess of .22/250
- Category C - Pistols and Revolvers

Note that where the licensed firearms holder has four or more weapons of Category A, then the security guidelines of Category B apply. Similarly, with four or more weapons of Category B, the security guidelines of Category C apply.

It should also be noted that the references to firearms cabinets in the following three sections do not apply where firearms are kept in a properly constructed gun room.

In all cases, the keys of firearms cabinets and gun rooms must be kept in the personal possession of the firearms holder at all times.

### **Category A – Rifles (.22 or less) and Shotguns**

Every firearms holder should install a gun cabinet of approved specification in the dwelling in which the firearm is generally kept. New cabinets should conform to the requirements of BS 7558, or equivalent.

The cabinet should be secured to a solid wall or floor, and, preferably concealed.

The Gardai should be satisfied that there is a "satisfactory level" of security at the dwelling.

BS 7558 was introduced in 1992, but many older cabinets will be built to perfectly satisfactory standards and, if satisfactory, need not be replaced.

### **Category B – Heavy Calibre rifles in excess of .22/250**

Firearms holders should possess a firearms cabinet of approved specification, in a concealed area within the dwelling and secured to a solid wall or floor.

They should preferably have a separate storage compartment within the cabinet for ammunition.

The external doors and windows of the dwelling must be in good condition. Doors should be fitted with 5-lever mortise deadlocks and/or equivalent. Sliding patio doors should be fitted with anti-lifting devices.

The dwelling must be protected with an audible intruder alarm system, at least to ring locally at the house.

### **Category C – Pistols and Revolvers**

Firearms holders should possess a firearms cabinet of approved specification (BS 7558 or higher) in a concealed area within the dwelling and secured to a solid wall or floor.

They should have a lockable storage compartment within the cabinet for ammunition or, alternatively, ammunition should be stored in a separate secure location.

The external doors and windows of the dwelling must be in good condition. Doors should be fitted with 5-lever mortise deadlocks and/or equivalent. Sliding patio doors should be fitted with anti-lifting devices. Accessible windows must be appropriately secured.

The dwelling must be protected with an intruder alarm system (to EN 50131 standard) and connected to a recognised approved monitoring centre to IS 228 standard.

The firearms cabinet must be protected on a 24-hour alarm zone.

The above recommendations reflect good practice in the area of firearm security and are intended to prevent or reduce incidents of death or injury to the public and to prevent the use of legally held firearms in crime. I think it's a great idea that every effort is being made to introduce young people to the sport. Young people are absolutely led by example, and we would urge you that the example that you give in relation to how much importance you place on security and storing firearms will impact on yourself, but will certainly impact on the younger people that are coming in to the sport. So for that reason also we would urge you to take this very seriously.

When one considers the annual number of legally held licensed firearms related fatalities combined with the number of licensed firearms which fall into the hands of criminals each year it is felt that these levels of security are reasonable and appropriate.

In conclusion I would again stress that Public safety and Crime Prevention is the responsibility of us all; the government, the Gardai and the Licence holders. To date thankfully we have never experienced the type of horrific shooting incidents that have occurred in other countries. The fact that Ireland has tight controls in the area of firearms must be regarded as a key factor in this respect. With an awareness of what has happened in other countries it is incumbent on all of us to make every effort possible to ensure that we never experience such tragedy in this country. By working together hopefully we be spared any such misfortune and continue to enjoy this past-time for many years to come.

## *Workshop 1: Young people and firearms*

**Chairperson: Brendan O'Loughlin**

**Rapporteur: John Phelan**

The following issues were discussed:

- The average age of shooters is about 50 years old. It is essential to involve young people.
- Section 28 of the Criminal Justice Act 2006 should be commenced in its present form as soon as possible. Not all workshop participants were entirely happy with the restrictions contained in section 28 especially reference to 'a specified person' but all agreed it is a good starting point.
- Workshop participants would like to see young people aged over 11 years involved in shooting. They are amenable to learning and they need to start young to become proficient.
- Participants would also like to see low power air-rifles/air-pistols exempt from licensing, as is often the case abroad. It would mean that young people from Ireland could travel abroad to competitions and young people from abroad could come here to compete as well. A limit of about 12 joules was suggested.
- There was recognition that resistance to young people becoming involved with firearms has come and will come at a political level. The message that this is both safe and responsible is a hard one to sell and that push must come from the shooting interests.
- Under section 2 (4) (d) of the Firearms Act, 1925 as amended a Superintendent may authorise shooting without a firearms certificate under specified conditions.

## *Workshop 2 Clubs and Ranges*

**Chairperson: John Guinane, Firearms Range Inspector,  
Department of Justice, Equality and Law Reform**

**Rapporteur: Declan Cahill**

John Guinane, the Government Inspector of Ranges, chaired and opened the workshop. He welcomed all present and introduced Roger Weedon, Firearms Licensing Manager with Surrey Police. He invited any questions from the floor and undertook to answer all questions. Where an immediate answer was not immediately available he would have the question noted for a follow-up. A note taker was requested from the floor for this purpose. As it happened all questions and points were dealt with and no questions followed which required additional research.

The point was made by the workshop Chair that the forum was fully open and if necessary any recommendation or observations, which could benefit the process, could and would be put to the FCP Sub Group 2, for consideration. At this point the floor was opened to questions. A shooting Clubs draft document was circulated to all.

The first question related to a definition of a "Shooting Range", essentially "What is a Shooting Range?" A number of definitions emerged from the floor, one suggestion was "A place where shooting is authorized under the Act" another was "A place where regular and structured target shooting takes place". There was further discussion on the issue and the distinction was made between a location where one might zero a rifle and a location where regular structured target shooting would take place.

The next question was a definition of a "Shooting Club"; the points made were on very similar lines to the discussion of a shooting range. Fewer definitions were suggested; one delegate making the point that fundamentally a club was simply an assembly of likeminded individuals gathered together as a club.

It was the consensus of the workshop that the Sub Group 2 would continue to address the issue of a definition of a Shooting Range and of a Shooting Club.

The Government Range Inspector was asked whether he intended to use the Clay and Skeet layout recommendations from the Canadian Range guidelines. His response was that it was not his intention to examine clay ranges at present.

Roger Weedon made a number of points, clubs in the UK must meet criterion such as having a Club constitution and have Club officers. Clubs were essentially locations where members would shoot, but provision existed for "11.6" status which would permit a Clay range to cater for "Guest" shooter. Rifle clubs were permitted up to 12 or 14 guest days a year. The NRA at Bisley had an Annual "Open Day" to help prospective new shooters and members to see how the sport worked.

Questions were addressed from the floor on the issue of Section 24(D) authorisations, and the interpretation that once a range is authorized by a Superintendent of An Garda Síochána, that a shooter need not require a certificate. The question raised aspects relating to the question of a suitable age for participants in shooting sports. Roger Weedon pointed out that he has ten year olds licensed to shoot clays in Surrey under the supervision of an appropriate adult, parent or instructor. It was not possible for a younger shooter to purchase a firearm, but his or her parents could gift one. The Chair pointed out that there were issues being actively pursued on the question of the "Training License" which would be presented at the FCP shortly.

The next question was on the question of capital already outlaid by NGB's and clubs, would there be a "Claw-Back" of any of these costs? The Chair envisaged

no claw back on the range construction issue, but felt that shooting groups could continue to lobby for a dividend from the overall license fund for issues such as safety and training. An additional question from the same delegate asked if the requirement for an RO (Range Officer) while a shooter was shooting alone would be compulsory. The Chair pointed out that Club rules would be decided by each club, the would be an essential element of the factors examined by the Government Inspector of Ranges in the context of assessing a range facility.

The next question was from the Wild Deer Association of Ireland; the delegate enquired why their group had not been offered a seat on the FCP Panel. The chair replied that the intention of the Department was to compose to panel from a shooting activities perspective rather than having each and every possible group represented. This would allow for a less cumbersome and more immediate approach. The issue of Deer hunting was addressed, a deer group (The Irish Deer society) was on the panel and other groups present did have relevant experience across a range of shooting activities.

The Chair explained that there had been other groups across a range of activities who sought representation on the panel, but the minister was satisfied that the broad range of shooting activities were represented across the panel. The Minister had granted authority to the Department to invite new members if required, but this was not envisaged at this time.

The question of young people in sport was raised. The Chair explained that a specific question had been raised by the Modern Pentathlon group (Irish Pony Club) on the question of age. The matter had been addressed to the office of the Attorney General. It is likely that such an event could only take place with the authorisation of a Superintendent of An Garda Síochána. An observation was made that this was likely to bring about a situation where major inconsistencies would emerge with both licensing and authorizations around the country. The

Chair replied that the Panel and An Garda Síochána are actively working towards guidelines on the issue. The Chair observed that on the question of Licensing not everything was crystal clear, he was aware of situations where even shooting groups had expressed to him that relevant factors have existed in the case of certain refusals. Now was the time when interested parties were working together toward the dawn of a new beginning.

### *Workshop 3 Questions and answers on other topics.*

**Chairperson: Mr Garrett Byrne, Department of Justice,  
Equality and Law Reform**

**Rapporteur: Karen Smyth**

During the questions and answers session, the following issues were discussed, with contributions from many participants.

#### **Deer Hunting**

Delegates noted their dissatisfaction that neither Coillte nor the National Parks and Wildlife Service were represented at the conference. It was noted that the Wildlife Service is grossly under resourced. The Chairperson commented that the Department of Justice, Equality and Law Reform neither had a role in relation to conservation nor deer management nor sports tourism, and it would be beneficial if other appropriate Government Departments were more involved, at a strategic level, in these areas.

It was observed that in relation to firearms licensing, if a person applies for a deer hunting licence and they are not a member of a range the deer hunting licence is not required to be produced again under the current licensing system, so effectively it allows the individual to hunt if he has a simply has a deer hunting licence, a Coillte lease or permission from a landowner. It needs to be tightened up to deter illegal hunting. The Chairperson observed that An Garda Síochána have an ever increasing range of functions across all legislation that is produced. He questioned what type of model would work to monitor people out hunting. In Canada there were very high fines (up to \$250,000 in some cases ) for people who hunt illegally. The Chairperson posed the question as to who is

the most appropriate person in Government to take on this role. It was agreed that An Garda Síochána cannot become wildlife rangers on top of everything else.

The Firearms Consultative Panel were discussing the possibility of the shooter being able to pay for their gun licence in the post office or a similar outlet , but when the gun licence is being paid for, the shooter would have to produce a copy, where appropriate of his deer hunting licence, gun club membership, his HCAP if he has passed it, his Coillte licence if necessary and this ensures that when he gets his gun licence he is not breaking the law.

Under the 1976 Wildlife Act, a number of wildlife rangers were appointed, and they were located throughout the country. It was observed by delegates that since then, the wildlife rangers have been pushed into other jobs, they are spending most of their time on administrative tasks. Delegates observed that the wildlife rangers are being paid to shoot throughout the winter season. It was noted that responsibility for the 1976 Wildlife Act and subsequent amendments lies with the Wildlife Rangers, who are now called conservation rangers, they have responsibility to prosecute people who take deer illegally, they have to see people doing it in order to act, literally they have to be there when they are pulling the trigger. It was noted the fact that a conservation ranger has to approach somebody who is using a rifle in the commission of a particular crime presents difficulties in enforcing the law and a number of delegates felt that it may be easier for An Garda Síochána to be involved in prosecution and apprehension of such individuals rather than conservation rangers as 99% of deer that are taken illegally are taken at night with the use of a lamp from public roads or from vehicles, which is a breach of the Firearms Act. A member of An Garda Síochána noted that this presents resource issues for the force, however if reports come in of people shooting deer illegally An Garda Síochána will act accordingly and be proactive.

A discussion ensued as to whether the deer population is being managed properly by the National Wildlife Service and Coillte and the merits of Section 42.

### **Licences**

A discussion ensued regarding the possibility of “one man one licence” i.e., shooters being required to obtain only one licence regardless of the number of firearms they own. It was noted that there are massive issues in relation to licensing within An Garda Síochána existing IT structure.

The Chairperson observed that if the population of shooters in Ireland was broken down in relation to firearm ownership it would be found that 92% own one, and only 8% own a few firearms per person. He commented that it must be decided who we are proposing changing the whole system for.

A delegate commented that he doesn't believe that people should be fixed in their ideas, and that a new situation regarding licensing codes is being developed. He observed that the Firearms Consultative Panel would look at this area, and that it is important that new developments are monitored and tweaked as they arrive.

### **Air Pistols\Rifles**

A delegate noted that within the EU context, Ireland is almost the only country in the EU that insists on a licensing regime for low power airguns. It causes particular difficulties in that competitors coming into Ireland for competitions have to apply for a licence in this jurisdiction here, and in order to satisfy their application for that they have to show their licence or their EFP. In most cases they don't have a licence and it causes difficulties for competitors in that regard. It was noted that there is a danger of regulating things that shouldn't be regulated. Air rifles are great firearms to introduce younger people to the sport,

but one has to go through the same restrictions as a full rifle and this can put people off competing.

The chairperson agreed that Government policy in this area was fairly stringent but that all countries reserve the right to do things their own way, and in fact Scotland are now considering tightening up their restrictions on air guns like Ireland has. He observed that there should be representatives from the Department of Arts, Sports and Tourism and the Sports Council trying to encourage this type of sport and tourism opportunity, as it is impossible for the Department of Justice, Equality and Law Reform to wear an enforcement hat and a development hat at the same time.

### **Reloading**

The Chairperson observed that the legislation in relation to explosives is about to be completely overhauled; there is a heads of bill in the Attorney General's office, and something will be published in due course. The Garda Commissioner has some very strong views in relation to the reloading of ammunition for handguns and the Minister for Justice has taken on board his views.

A delegate observed that while the army doesn't use reloaded ammunition that reloading is seen as normal in other countries.

The Chairperson observed that a section of the 2006 Act relates to this but it is unlikely to be implemented, one of the main concerns relating to reloading is the storage of powder etc, and this is backed up by the fact that there has been a resurgence of pipe bombs in Dublin recently. Delegates pointed to the ease with which materials for a pipe bomb could easily be purchased in a supermarket and expressed their dissatisfaction with the negative reaction of Department of Justice officials in relation to reloading.

A delegate noted that reloading is accepted in Australia and in Canada it is considered safe to bring different powders on planes. The Chairperson responded that the job of the Department of Justice, Equality and Law Reform is public safety and security. He noted that if reloading is to be accepted in Ireland the structures must be right. He observed that the main issue is the lackadaisical approach to home storage and a failure of some enthusiasts to appreciate the risks.

### **Importation of restricted items**

A discussion ensued regarding the availability of firearms for purchase through the internet or on the black market in Ireland.

The Chairperson noted that the Department of Justice, Equality and Law Reform liaises with the Revenue regarding prohibited items. He observed that there is, perhaps a boy racer element in relation to some aspects of hand gun ownership restricted items, and that people will go out to buy the Glock just because they can. Handguns have to be approached with caution because people try to run before they can walk.

The Chairperson noted the importance of having a robust club structure. He observed that when 3 year licensing has been obtained, the Department of Justice, Equality and Law Reform may make the case to source funds to subsidise computer systems like which are in place in the Midlands range, so that clubs can keep proper tabs on their members. He observed that An Garda Síochána should be encouraged whenever possible to go out to the ranges and meet the shooting sports enthusiasts. He noted that the Department of Justice, Equality and Law Reform was very impressed with the midlands range and how it is operating. It is important that there are good relations between An Garda Síochána and the shooters, and a sense of mutual understanding.

A delegate noted that under the Criminal Justice Act 2006 it is illegal to target shoot on an unauthorised range, however, there is no definition of what target shooting is, nor is there a definition of what constitutes a range in Ireland, and this is causing problems.

Delegates noted that there is a danger of regulating too much and trying to fix things that aren't broken and that are working quite well. For example, most air rifles that are being used in fairgrounds around the country will be a restricted firearm under the definition that we have.

It was agreed among delegates that fairground air rifles neither are nor have ever been a problem anywhere so this is the type of regulation that should be examined with due caution.

### ***List of conference delegates***

Des	Crofton	Director, NARGC
Eddie	Kelly	Chairman, NARGC
Jim	O'Connor	National Safety Officer, NARGC
John	Munnelly	
Joe	O' Loughlin	
John	Toal	
Andrew	Dillon	
Darren	Flynn	
Paul	Kelly	
Jack	Matthews	
Francis	Connolly	
John	Diver	
Liam	Callaghan	
Sean	Doris	
Tom	O'Donnell	
PJ	Reilly	
Chris	Gavican	
Paddy	McCartney	
Philip	Maher	
Ann	Maher	
David	Wilkinson	Irish Farmers Association
John	Butler	
Tom	Kirwan	
John	Carrigan	
Paul	Walsh	
David	Brennan	
Martin	Brennan	
Elaine	McElroy	Irish Gun Trade Association
Martin	Byrne	
George	Kelly	
Philip	Jordan	
Cian	Merne	Irish Clay Pigeon Shooting Association
Erig	Conway	
Michael	O' Dwyer	
Lyall	Plant	Countryside Alliance Ireland
Paul	Cran	
John	Creedon	
Damien	Hannigan	
Ken	Law	Police Service of Northern Ireland
Damien	McElholm	
Declan	Cahill	Chairman, Shooting Sports Association of Ireland
Kieran	Barry	National Development Officer, SSAI
Michael	Tope	National Silhouette Association
John	Walls	National Association of Rifle and Pistol Clubs
Joe	Costello	
Ivor	Clegg	
James	Griffin	
Noel	Kelly	
Stephen	Hogan	
John Paul	Craven	
Des	Browne	

Wayne	Valentine	
PJ	Harding	
Anthony	G. Cooney	
Liam	Crawford	
Joe	Kinane	
Kealan	Symes	
Mark	Dennehy	
Sandy	Wilson	
Thomas	Cahill	
Jack	Meath	
Laurence	Taffe	
Frank	Rowan	
Paul	Wood	
Liam	McGarry	
Marie	Ahern	Irish Sports Council
Denis	McGowan	Dept. of Community, Rural & Gaeltacht Affairs
Billy	Ryan	
Kevin	McCarthy	
Timothy	Maher	
Joe	McHugh	
Noel	Clarke	
Paul	O'Connor	
Sheila	Morley	
Anne	Wedgeworth	
Mary	Hurley	
Paul	Greene	
Gerry	Carroll	
John	Roche	
Aidan	Glacken	
Dervila	Gillen	
Timothy	Forde	
John	Gantly	
Noel	Crotty	
Barry	Vaughan	
Karen	Smyth	
Roger	Weedon	
Yves	Lecocq	
David	Scallan	
Garrett	Byrne	Dept Of Justice, Equality & Law Reform
Catherine	Jestin	Dept Of Justice, Equality & Law Reform
John	Phelan	Dept Of Justice, Equality & Law Reform
John	Guinane	Dept Of Justice, Equality & Law Reform
Colm	Rath	Dept Of Justice, Equality & Law Reform
Maighréad	Fowley	Dept Of Justice, Equality & Law Reform
Raymond	Ryder	Dept Of Justice, Equality & Law Reform
Donal	O'Meara	Dept Of Justice, Equality & Law Reform
Brendan	O'Loughlin	Dept Of Justice, Equality & Law Reform
Mary	Burke	Dept Of Justice, Equality & Law Reform
Liam	Nolan	
Nicholas	Flood	
Eric	Parkes	



