



**An Roinn Dlí agus Cirt**  
Department of Justice

## **Firearms Expert Committee**

### **Second Report**



## Firearms Expert Committee: Report Two

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## **Chapter One: Introduction**

### ***1.1 Introduction from the Chair to the Minister***

Dear Minister Browne,

I attach the reports from the Firearms Expert Committee (the Committee) on firearms licensing in Ireland, as established by your office in June 2022.

The remit of the Committee was to consider several areas related to firearms licensing in an independent and objective manner. The Committee consisted of individuals with a very high level of firearms expertise. Mr. Fabian Connolly and Mr. Paul Walsh were appointed as ordinary members of the Committee, both being registered firearms dealers with extensive experience in this area. An Garda Síochána was represented on the Committee by Inspector Paul Greene or Superintendent Emma Doyle (on a rotational basis). Mr. John Guinane, the Firearms Range Inspector, was appointed to represent the Department of Justice. Officials from the Criminal Policy Function of the Department of Justice acted as Secretariat to the Committee.

As the independent Chair of the Committee, I can assure you that equal time and due deference was allocated to each member of the Committee in having their views heard throughout the oral hearings. Robust debate was a common feature of these hearings. The reports reflect where there was a lack of consensus on a particular issue.

A total of nine in person oral hearings were held at the Department of Justice over a nine-month period. The Committee invited contributions from the National Parks and Wildlife Service, the Garda National Technical Bureau and from Chief Superintendent Glacken and Superintendent Gamble in their role as experienced issuing persons. Personnel from each of these bodies attended at the Committee hearings to give their contributions in person. In addition, a separate remote meeting was held by the Committee with staff from the PSNI over the course of several hours. I believe the contributions from the various bodies mentioned above was essential and very insightful.

As you will be aware, recent estimates place the number of firearm certificates in force in Ireland at over 200,000. At the outset, the Committee accepted that the concerns around public safety, including those of An Garda Síochána, primarily an unarmed force tasked with addressing criminal use and misuse of firearms, had to be balanced with the concerns of the shooting community, the vast majority of whom possess their firearms in a responsible and safe manner.

The first report of the Committee determines the characteristics of the different types of firearms that should be considered acceptable for licensing by An Garda Síochána. The report also provides guidance on the purposes for which these firearms can normally be expected to be used.

The second report provides recommendations in relation to conditions to be attached to certificates and additional recommendations in relation to specific issues that the Committee identified as being pertinent to its terms of reference.

I believe the reports will provide an authoritative and accepted yardstick for use by the Department of Justice and An Garda Síochána in determining the suitability of licensing firearms within this jurisdiction. The reports could also be a useful reference point in any future legal proceedings involving licensing decisions on firearms matters. Furthermore, the work of the Firearms Expert Committee will assist in striking the balance between public safety and the rights of firearms users when developing new policies and measures to regulate the possession and use of firearms.

I believe that the reports should be of great assistance in attempting to align the current legislative framework with the twenty first century to ultimately benefit firearms users and society as a whole.

I commend the members of the Committee for their commitment and diligence. I wish to thank you most sincerely for appointing me as Chair.

I remain at your disposal should any issues arise in respect of the reports and work of the Committee in general.

Yours sincerely,

Emma Meagher Neville

Chair of the Firearms Expert Committee

29<sup>th</sup> March 2023

## **1.2 Background**

In September 2013, a joint Department of Justice and Equality and Garda Síochána Working Group was established to examine firearms licensing issues. The report of the Working Group was presented to the Minister for Justice and Equality and a public consultation took place between November 2014 and January 2015. This review was followed by an announcement by the Minister for Justice and Equality in September 2015 proposing several reforms to firearms licensing in Ireland. Principal among the longer-term measures announced was the intention to establish a Firearms Assessment and Appeals Authority.

One of the proposed functions of the Authority was to determine, on the basis of an objective assessment of all the issues and with safety of the public being paramount, whether particular forms of firearms may be licensed in the State; whether there should be any limit on the number of such firearms; and what safety conditions might properly be applied to their licensing. The proposal received broad support from stakeholders; however, it has not proven possible to create this authority on a statutory basis. This led Minister Browne to decide to establish a non-statutory Committee – the Firearms Expert Committee - to carry out the proposed assessment.

The firearms legislation grants extensive discretion to Garda Superintendents as decision-makers in assessing such factors as intended use, need, safety and security, and personal character of the applicant. This ensures that firearms licensing is flexible and can adapt to the specific circumstances of each application. However, it also means that there is a large number of decision-makers who are tasked with interpreting the legislation on a day to day basis.

The Commissioner's Guidelines have made a positive impact in assisting Superintendents when acting as persona designata in licencing decisions in their districts and divisions, however, they are not exhaustive and large parts of the legislation remain open to interpretation, particularly where new makes and models of firearms are concerned. The Firearms Expert Committee has in an independent and objective manner, considered a number of areas related to firearms licensing in order to prepare its reports to help inform officials in the Department Justice and An Garda Síochána and build upon the existing guidelines for Superintendents when considering certificate applications.

### ***1.3. Reports of the Committee***

The work of the Committee has been separated into the preparation of two reports.

This report, Report Two, contains the Committee's recommendations on the following issues identified in its terms of reference:

- To consider whether firearms certificates should be conditioned to specify the locations where the firearm may be used.
- To consider whether firearms certificates should be conditioned to limit the use of the firearm to the purpose for which the firearms certificate was sought.
- To consider whether there should be a limit on the number and type of firearms a person may hold.
- To make recommendation on other matters that might be examined in the future.
- To provide a report or reports containing recommendations on these matters to the Minister.
- To examine any other firearms licensing matter or carry out any other relevant task the Minister considers appropriate during the Committee's term.

This report also contains the Committee's recommendations on the following issues that the Minister considered it necessary to examine, which were not identified in its initial terms of reference:

- To consider the licencing of add-on devices that are considered firearms under the Act, including silencers and sound moderators, telescope sights with light beams, and telescope thermal-imaging sights; and
- To consider whether qualifications and training should be required in order to be eligible to hold a firearms certificate or to become a registered firearm dealer permitted to repair firearms or make modifications to the functioning of firearms.

## **Chapter Two: Consideration of whether firearms certificates should be conditioned to specify locations and purposes**

### ***2.1 Introduction***

The Firearms Expert Committee has been tasked with considering whether firearms certificates should be conditioned to specify locations and purposes where the firearm may be used. This section of the report details the Committee's consideration of this proposal.

Section 4(2)(g) of the Firearms Act 1925, as amended, provides a firearms certificate may be conditioned with additional requirements that are considered necessary in the interests of public safety or security. The Committee considered that the reason to specify a location or purpose on a firearms certificate would be to provide minimum standards to prevent the use of that firearm in circumstances that would be unsafe. The Committee notes that specifying the locations and purposes for which a firearm may be used is already in effect for many short firearms, which may only be licenced for target shooting on authorised ranges, and that Section 3(6) of the 1925 Act provides for "limited certificates" which are granted solely for the purpose of vermin control on specific areas of land.

However, after examining this proposal, the Committee believes that using conditions applied under Section 4(2)(g) of the Firearms Act 1925 to set standards for the safe and appropriate use of firearms would be an ineffective pathway to adopt. While the Committee agrees that it may be possible to apply conditions to firearm certificates to specify the purposes and locations where the firearm may be used, it believes that attempting to apply such conditions on a nationwide basis risks introducing a layer of complexity in the licencing process that is unnecessary. Furthermore, as any conditions imposed under Section 4(2)(g) are ultimately applied at the discretion of the licencing officer, relying upon conditions to introduce nationwide standards would risk creating inconsistencies in licencing decisions. On this basis, the Committee does not recommend that firearms certificates be conditioned to specify locations and purposes where the firearm may be used.

However, the Committee agrees that there would be merit in providing further clarity regarding the locations where and purposes for which a firearm may be used. As an alternative, the Committee suggests that, if measures are to be introduced to provide for the environment in and purpose for which firearms may be used, then these should be



provided for in the firearms legislation itself. The Committee suggests that provision for these purposes could be achieved by introducing different types of firearms certificates that would be aligned with the purpose for which the firearm has been sought. Such licenses could be introduced in a similar format as the “limited certificates” provided by Section 2(6) of the 1925 Act. The Committee suggests that regulation of the environment in which a firearm may be used could be achieved by introducing standards for all types of target shooting ranges and by expanding the authorisation of all shooting clubs by An Garda Síochána. However, the Committee also notes that this will have obvious resource implications.

The Committee heard from the PSNI that it applies a standard set of conditions to all firearm certificates, that the Head of Branch is empowered to apply additional conditions to licences and that the Head of Branch does apply additional conditions to licences when the circumstances require this.

## ***2.2 Reasons for specifying the purposes for which a firearm may be used***

The Committee noted that when An Garda Síochána receives an application for a firearms certificate under Section 3(4)(b) of the Firearms Act 1925, as amended, it may seek information that demonstrates the person’s proof of competence in the use of the firearm. The information requested in support of the application will be influenced by the reason that is declared on the application. Therefore, if only target shooting is declared on the application, An Garda Síochána will seek information related to target shooting alone.

The Committee agrees it would be preferable that, when a person wishes to engage in both target shooting and hunting, it be clear that both reasons must be submitted to An Garda Síochána at licencing stage in order for the licencing officer to make an informed decision. This information is essential for An Garda Síochána to be able to determine that *“the person can be permitted to possess, use and carry the firearm and ammunition without danger to the public safety or security or the peace”* as required of them by Section 4(2)(b) of the Firearms Act 1925, as amended.

The Committee suggests that providing measures to specify the purposes for which a firearm may be used would encourage applicants to advise An Garda Síochána of all the purposes a firearm may be used for at licencing stage. This requirement would mitigate

against a person using firearms that are unsuitable for the purpose or without the necessary skills and experience. The onus remains with the firearms license holder to use the firearm responsibly and in accordance with the law.

### ***2.2.1 How should this be achieved?***

The Committee suggests that if the purposes for which firearms may be used are to be specified on a firearms certificate, then this should be provided for in the legislation itself. The Committee suggests that this might be achieved by introducing different types of firearms certificates that would be aligned with the purpose for which the firearm has been sought. Such licenses could be introduced in a similar format to the “limited certificates” provided by Section 3(6) of the 1925 Act, as amended. The Committee believes this would achieve the aim of the proposal to apply conditions to certificates but do so in a manner that would ensure better consistency in licencing decisions.

The Committee suggests this would require the introduction of several different firearm certificates, such as, but not limited to, the following:

#### *Target shooting only certificate*

- This certificate would be issued to firearms holders who only wish to engage in target shooting, including clay target shooting. It would be supported by membership of an authorised shooting club.
- This certificate would permit the use of the firearm for target shooting at all types of ranges authorised by An Garda Síochána or for clay-target shooting at private property.

#### *Limited hunting and shooting wildlife certificate*

- This certificate would be issued to firearms holders for primary use on their own land or land when they have direct relationship with the landowner or rights owner.
- This certificate would replace the current limited certificate to permit the use of a shotgun or rifle at certain locations expressed on the certificate.
- The certificate could permit the use of the firearm at an authorised range and, in the case of a shotgun, for clay-target shooting on private property.

### *Hunting and shooting wildlife certificate*

- This certificate would be issued to firearms holders for hunting and pest and predator control at various locations in Ireland. The certificate would be issued to holders who have access to or wish to be able to access land through membership of an authorised club or land where they do not have direct relationship with the landowner or rights owner.
- The certificate could permit the use of the firearm at an authorised range and, in the case of a shotgun, for clay-target shooting on private property.

### *General conditions*

The Committee recommends that if measures are to be introduced to detail the circumstances when firearms may be used, then all certificates should provide the following conditions:

- The firearm may only be used for the purpose for which it has been granted;
- The firearm may not be used without the appropriate insurance being in place; and
- When not in use, the firearm must be stored securely and in accordance with the legislation.

While the Committee understands that some discretionary conditions might need to be applied on a case-by-case basis, the Committee believes that the scope of these conditions should be narrow so that certificate holders are generally subject to the same standards and should be objectively reasonable.

### ***2.3 Reasons for specifying the locations where a firearm may be used***

The Committee agrees that there is merit in providing for the locations where a firearm may be permitted to be used. This would be to provide An Garda Síochána with better oversight of where firearms are being used in their District or Division and to ensure that the environment is safe and appropriate for firearms use.

However, the Committee believes that detailing precise locations or addresses on a certificate could be too inflexible. The Committee suggests instead that setting standards for the environment and circumstances when the firearm may be used could be more effective. The Committee believes that this could be achieved by expanding the framework for

authorisation of shooting clubs by An Garda Síochána and by introducing harmonised standards for all shooting ranges authorised under the Firearms Act.

### ***2.3.1 Authorisation of shooting clubs***

The Committee recommends that consideration should be given to expanding the framework for authorisation of shooting clubs by An Garda Síochána. Currently this requirement only applies to rifle and short firearm target shooting clubs. The Committee's recommendation would see this be expanded to all clubs, including clay-target shooting, target shotgun, hunting and game clubs. The Committee notes that this would require the introduction of appropriate legislation to permit the authorisation of a wider range of shooting clubs.

The Committee believes that, if membership of a shooting club is submitted in support of an application for a firearms certificate, it is appropriate that such a club be authorised to operate by An Garda Síochána. Furthermore, if shooting clubs are facilitating access to land and/or providing insurance for their members' activities, then it is appropriate that there be uniform standards in place for their management and administration. The Committee suggests expanding the authorisation requirements across the disciplines of recreational shooting would be appropriate to ensure the harmonisation of standards for these clubs.

The Committee believes that club membership should not be required for those who are seeking a firearm to hunt or control pests and predators on their own land or at a limited number of locations for which they have permission from landowners who are known to them.

The Committee acknowledges that further exploration of how the framework could be expanded is required and with input from the clubs that would be impacted. The Committee does not support a requirement that a person would need to be a member of several clubs in order to possess the same firearm.

The Committee agrees that having appropriate arrangements in place for financial compensation in the event of an accident or injury is essential to ensuring that the environment where shooting occurs is safe and appropriate. The Committee noted that

currently this cover is provided both by way of traditional insurance and through indemnities offered by compensation funds established through membership schemes.

The Committee agrees that, if its recommendation to expand the framework of shooting clubs that require the authorisation of An Garda Síochána is accepted, then the provision of insurance for club members should be evaluated and requirements introduced to ensure that such provisions are harmonised and appropriate for all involved. A majority of the Committee held the view that legislation should be introduced to ensure that every shooting activity be covered by an insurance provider regulated by the Central Bank of Ireland and that on application for a licence or renewal a declaration must be given that an adequate policy of insurance in place.

### ***2.3.2 Authorisation of shooting ranges***

The Committee notes that all rifle and pistol target shooting ranges are subject to authorisation under Section 4A of the Firearms Act 1925, as amended. These ranges are subject to inspection by the Firearms Range Inspector and must meet the standards set out in secondary legislation.

The Committee notes that, while not all shotgun ranges are currently subject to authorisation and inspection in the same manner as rifle and short firearm ranges, persons who do not hold a firearms certificate are prohibited from using a firearm unless they do so at a location authorised by An Garda Síochána. Thus, the range or location must be authorised by An Garda Síochána if a non-certificate holder is to engage in target shotgun or clay target shooting. This authorisation is issued under Section 2(5) of the Firearms Act for the ranges referred to in section 2(4)(e) of the Act. While a Section 2(5) authorisation may only be issued when a Superintendent is satisfied that such an authorisation will not endanger the public safety or the peace, no uniform standards are provided for these ranges in legislation.

The Committee recommends the introduction of a harmonised framework for authorisation and inspection for all ranges or where non-certificate holders are engaging in shooting. The Committee recognises that shotguns have a smaller ballistic footprint than a rifle or pistol range. Hence, their construction should recognise this fact in determining the extent of the

protective structures required to render them safe. Further consideration would need to be given to the standards applied to these ranges.

The Committee recognises that clay target shooting is a traditional and social pursuit. As such, the Committee believes that a separate authorisation should not be required for certificate holders who wish to engage in clay-target shooting on private property as part of a group of ten persons or less.

#### ***2.4 Impact on hunting and shooting of wildlife***

The Committee believes that if measures are to be introduced to express the locations and purposes where firearms may be used, this could have a significant impact on the licencing of firearms for the purpose of recreational hunting and game shooting and for the control of pests and predators. The Committee understands that there is shared competence between An Garda Síochána, the Department of Justice and the Department of Housing, Local Government & Heritage regarding the regulation of firearms for these purposes.

##### *Limiting the purpose*

The Committee is aware that there are existing restrictions on the hunting of wildlife, as set by the Minister for Housing, Local Government & Heritage. Section 33 of the Wildlife Act, 1976, provides that the Minister for Housing, Local Government & Heritage may make regulations specifying the type and calibre of firearm that may be used to hunt wild birds and wild animals. Therefore, while the Committee believes that some firearms are only suitable for use in the hunting of certain species, it suggests that specific species for which the firearm may be used to hunt should be not detailed on the firearm certificate but should instead be set by regulations made by the Minister for Housing, Local Government & Heritage. The Committee believes this would ensure that the standards that are applied are consistent for all firearms holders.

The Committee recommends that if measures are to be introduced to express purposes for which firearms may be used, this should be limited to specifying that its purpose be for hunting or for the control of pests and predators in accordance with the wildlife legislation. The Committee recommends that it should be made explicitly clear to certificate holders during the licensing process that firearms may only be used for this purpose in accordance

with the wildlife legislation and that to breach the wildlife legislation would also be a breach of the firearm certificate.

#### *Locations and circumstances*

The Committee understands that there are existing limits to the locations where hunting may occur. The Wildlife Act 1976, as amended, establishes that it is illegal to hunt on any lands without the express permission of the landowner. The Committee believes there would be merit in providing that to use the firearm at a location without permission or to hunt wildlife in contravention of the wildlife legislation would also be a breach of the corresponding firearm certificate. The Committee recommends that it should be explicitly clear to certificate holders that firearms may only be used to hunt on land on which the person, or their club, has permission to shoot.

The Committee is aware that some landowners will only give verbal permission to shoot on their lands. However, a majority of the Committee believes it would be preferable that all permissions be evidenced in a written form so they may be easily verified. The Committee believes that being able to produce such information would be essential to satisfying An Garda Síochána that a hunter is not in breach of the Wildlife Acts if a complaint were made.

The Committee discussed the importance that firearms-users be familiar with the environment in which they are intending to use the firearm. The Committee believes it may be appropriate that a person with less experience be required to hunt in locations known to them, unless in the company of a person who is familiar with the area. The Committee believes there would be merit in differentiating between certificate holders who only required the use of the firearms at a limited number of locations - for example a farmer on their own land or that of a neighbour - and those who wish to use their firearm at numerous locations in the State.

#### *Club membership*

The Committee recommends that hunting and game clubs should be subject to authorisation by An Garda Síochána. The Committee suggests that such an authorisation process would see hunting and game shooting clubs submit maps and documentation to

their local Superintendent detailing the membership of their club, the lands over which they have permission to shoot, and the insurance that is in place for their members.

The majority of the Committee recommends that club membership should be required when a firearm is sought for the purpose of recreational hunting or game shooting, unless the applicant is seeking a firearm for use on their own land or with the permission of a limited number of landowners. Essentially, if a person wishes to engage in hunting or game shooting at various locations in the state and this is facilitated by shooting clubs, that person should be a member of such a club.

### ***2.5 Recommendations***

The Committee does not recommend that conditions applied under Section 4(2)(g) of the Firearms Act 1925, as amended, should be used to specify locations and purposes on firearm certificate. The Committee believes this approach would result in inconsistencies in licencing decisions. The majority of the Committee instead recommends introducing these measures through different types of firearms certificates that would be aligned with the purpose the firearm has been sought. The Committee suggests such licenses could be introduced in a similar format as the “limited certificates” provided by Section 3(6) of the 1925 Act.

The Committee recommends that consideration should be given to expanding the framework for authorisation of shooting clubs by An Garda Síochána. Currently this requirement only applies to rifle and short firearm target shooting clubs.

The Committee recommends the introduction of a harmonised framework for authorisation and inspection of all ranges or where non-certificate holders are engaging in shooting.

The majority of the Committee recommends that, if its suggestion to expand the authorisation of shooting club by An Garda Síochána is accepted, then the provision of insurance by these clubs should be evaluated and requirements introduced to ensure that such provisions are harmonised and appropriate for all involved.

The Committee understands that measures of this nature would create obligations on both sides of the licencing process. The Committee recommends that Licencing Officers be provided with training prior to any changes being introduced.



## **Chapter Three: Consideration of whether a limit should be introduced on the number and type of firearms a person may hold**

### ***3.1 Introduction***

At the fifth meeting of the Firearms Expert Committee, the Members considered whether there should be a limit on the number and type of firearms a person may hold. Currently, no such limit exists in Irish legislation.

### ***3.2 Consideration by the Committee***

An Garda Síochána advised that the lack of a limit in the legislation creates difficulties for licencing officers. An Garda Síochána has serious concerns regarding how many firearms a person should be permitted to possess in their home without creating a danger to the public safety or security or the peace. An Garda Síochána advised that as well as having concerns regarding how many firearms an individual has access to, it believes that a person who possesses a large number of firearms could be the target of criminals in robberies. However, no evidence was provided by An Garda Síochána to support this view. An Garda Síochána advised that some licencing officers may request a person to relinquish ownership of one firearm before acquiring another. Not only is this approach not supported in legislation, this can create inconsistencies between decision-makers, as superintendents may hold differing views regarding the number of firearms that they believe a person can be permitted to possess. An Garda Síochána would support the introduction of a limit, as it would set a clear direction for licencing officers and certificate-holders to follow.

The Committee considered the concerns raised by An Garda Síochána and the difficulties the absence of a limit can create. The Committee was made aware that, while it is uncommon that a person would possess a significant number of firearms in Ireland, a person could have good reason to require multiple firearms due to participation in the various disciplines of shooting. The Committee considers that ownership of over 10 firearms, while exceptional, would not be unheard of and that these certificate-holders would likely be committed shooters who have invested considerable resources to engage in their sport. The Committee notes that these certificate-holders will have been repeatedly vetted by An Garda Síochána and found suitable to possess firearms.

The majority of the Committee agreed with the position of An Garda Síochána that the presence of a higher number of firearms at a residence could increase the risk associated with their licencing and possession. The Committee agreed that providing for a limit in the legislation could improve consistency in licencing decisions, as all certificate holders would be subject to the same standards, but the Committee was mindful of the impact that setting a limit in legislation could have. Setting a limit that was too low could adversely impact on persons who engage in multiple disciplines of shooting; however, inversely, setting a generous limit to avoid impacting this group of firearms holders would do little to mitigate against concerns of An Garda Síochána.

The Committee heard from the PSNI that no limits of this nature currently apply in Northern Ireland but that this may be looked at in future. The PSNI informed the Committee that higher levels of security may be applied to sites where high numbers of firearms are being stored and that it is applying a traffic-light risk system to some cases where very significant numbers of licensed firearms are being held by certificate-holders. The guidelines on the security levels that should be applied are set out in the Firearms Security Handbook 2005 and 2019, as well as in DOJ (NI) guidance.

The majority of the Committee does not believe that providing for a limit on the number and type of firearms a person may hold would be the best course of action. The Committee recommends instead that Statutory Instrument No: 307 of 2009 - Firearms (Secure Accommodation) Order, 2009, which defines the minimum security required for the storage of firearms, should be reviewed to improving the security arrangements that a person must have in place as the number of firearms they own increases.

The Committee suggests that the minimum security arrangements required to store a firearm should be a gun safe and the standards should increase to be aligned with the security arrangements required for registered firearms dealers when a person owns a significant number of firearms. The Committee suggests that when a person possesses a significant number of firearms, the following standards set for Registered Firearms Dealers should be in place for their storage:

- 1) The place in which the firearms are stored should have a comprehensive intruder detection system and CCTV system; and

- 2) The place in which the firearms are stored should have a similar construction requirements as a dealer's strong room and be fitted with a time-lock mechanism.

This would require amendment to Statutory Instrument No: 307 of 2009 - Firearms (Secure Accommodation) Order, 2009, which defines the minimum security required for the storage of firearms, to align it with the standards set for Registered Firearms Dealers by Statutory Instrument No: 646/2017 - Firearms (Storage of Firearms and Ammunition by Firearms Dealers) Regulations 2017.

The Committee believes that identifying the thresholds at which these standards would be applied should be informed by consultation with persons who possess a significant number of firearms. The Committee believes that many of these shooters will already have security arrangements in place for the security of their firearms which go beyond those set by Statutory Instrument No: 307 of 2009 - Firearms (Secure Accommodation) Order, 2009.

### ***3.3 Recommendations***

The majority of the Committee does not recommend that a limit be applied on the number and type of firearms a person may hold.

The Committee recommends that Statutory Instrument No: 307 of 2009 - Firearms (Secure Accommodation) Order, 2009 should be amended with a view to aligning the security arrangements required when a person owns a significant number of firearms with those required for Registered Firearms Dealers.

## **Chapter Four: Consideration of the licencing of add-on devices that are considered firearms under the Act, including silencers and sound moderators, telescope sights with light beams, and telescope thermal-imaging sights**

### ***4.1 Introduction***

The Minister has asked that the Committee consider the licencing of add-on devices that are classified as firearms under the Act. These include silencers and sound moderators, telescope sights with light beams “night sights”, and telescope thermal-imaging sights. At the seventh meeting of the Firearms Expert Committee, the Committee considered the licencing of these devices.

### ***4.2 Silencers***

The Committee understands that silencers, also known as sound moderators or suppressors, are designed to reduce the report, or explosive noise, of the firearm, and to reduce its recoil. Section 1 of the Firearms Act 1925, as amended, defines silencers as a component part of a firearm and therefore as a firearm for the purposes of the Act. The Committee understands that legal ownership of these devices is reasonably common. In May 2021, An Garda Síochána reported that the total number of firearms certificates with a silencer authorised as part of the firearm was 15,723.

The Committee is aware that, while these devices do not reduce the report of the firearm to make its use undetectable, as often depicted in film and television, they do reduce the distance that the noise of a shot will travel, meaning that passers-by may have less opportunity to become aware that persons are shooting in the area. The Committee noted that the suppression of the sound of the shot could present public safety concerns when shooting is occurring in shared recreational spaces like woods and mountains. However, one Member noted in particular that silencers do not and cannot reduce the supersonic crack from the bullet, which happens exterior to the firearm and will be heard at a distance measured in multiples miles; silencers merely reduce the blast sound at the shooter.

The Committee is aware that these devices are attractive to criminals and it has been reported that 45 illegal silencers were seized by Gardaí between 2013 and 2017. Therefore, silencers may not be suitable to be licensed in all circumstances to all applicants.

The Committee heard from An Garda Síochána that each application for the possession of a silencer is considered on its own merits and that the person must demonstrate to the issuing person 'good reason' to acquire the silencer. The Committee heard that An Garda Síochána will then assess if the possession of a silencer is necessary. When a silencer has been authorised for use on a particular firearm, this is documented on the firearms certificate and captured by the inclusion of 'S' on the credit card type firearm certificate. The Committee also recommends that the authorization of silencers be aligned to the period of the certificate.

The Committee was also informed that some licensing officers apply additional conditions to the authorisation of a silencer, for example, that the holder will take responsible steps to ensure the safety of other people who may be in the area. The Committee understands that certain firearms training courses request that warning signs are placed on gates and entrances to caution passers-by that shooting is happening in the area.

The Committee considered several “good reasons” why a person might be required to use a silencer. The Committee is aware that these devices are required by all employees for whom the use a firearm is required to fulfil their role. The Committee was advised that the NPWS recommends the use of silencers to reduce the risk of hearing loss. The NPWS suggests that silencers are preferable to relying upon ear protection to reduce the sound to safe levels. The Committee was advised that staff of the NPWS are issued with silencers for use during the course of their duties in accordance with workplace health and safety requirements regarding noise levels.

The Committee was informed that silencers are required in some circumstances to prevent noise pollution: for instance, if the firearm is to be used for pest or predator control on land where livestock is close by or to control deer in parks or golf course, a silencer may be required to prevent unnecessary disturbance.

The Committee was informed that silencers may be used to reduce noise pollution on some ranges, for example those that are used for shooting centre-fire rifles. The Committee was informed that ear protection is also worn on these ranges and the silencers may be used to reduce the disturbance for neighbours.

The Committee discussed the use of ear protection. The Committee heard that using ear protection alone while hunting could be impractical and may reduce the holder's awareness of their surroundings. However, the Committee also heard that there is ear protection available on the market, which allows the wearer to hear ambient noise and only reduces noise over a certain decibel level.

The Committee heard from the PSNI that moderators are approved only for rifles in Northern Ireland and with good reason, such as hearing protection and not startling livestock. Moderators are listed under the conditions on firearm certificates.

#### ***4.3 Telescope sights with light beams, "night sights" and telescope thermal-imaging sights***

Like silencers, telescope sights with light beams, and telescope thermal-imaging sights, are defined as component parts of firearms under Section 1 of the Firearms Act 1925 as amended. Therefore, possession of these items requires a firearms certificate and an applicant must satisfy the issuing person that they have demonstrated 'good reason' to acquire the sight. The Committee considered that these devices are not among the firearms declared as non-restricted by the Firearms (Restricted Firearms and Ammunition) Order S.I. No 21 of 2008, as amended by S.I. No 337 of 2009 and S.I. No 391 of 2015. As a result, the Committee believes that these devices are restricted firearms, which may only be licensed for use by a Chief Superintendent when the applicant has demonstrated that the firearm is the only type of firearm that is appropriate for the purpose for which it is required. However, the Committee understands that this matter is subject to a request for legal advice to the Office of the Attorney General by the Department of Justice at the time that this report is being finalised.

The Committee has been advised that in recent years due to advances in technology these devices have become more accessible and are replacing the use of lamps for hunting at night. The Committee believes there may be a lack of awareness that these devices are subject to the firearms legislation in the State and require a licence for their import and possession. The Committee also heard from the PSNI that these devices are not subject to licensing in Northern Ireland.

#### ***4.4 Thermal-imaging devices***

The Committee understands that there are two types of thermal imaging devices: those that are handheld and those that are designed to be mounted to firearms. Both types of thermal imaging devices identify the heat signature given off by warm objects and enable identification of objects and animals. The Committee understands that hunting and searching for protected wild animals with any type of thermal vision device requires a license from NPWS.

The Committee is aware that there are public safety concerns regarding the use of these devices when mounted to a firearm. The NPWS advised the Committee that in its view thermal imaging devices should be handheld only and their use should be limited to searching for animals. The NPWS does not recommend the use of thermal imaging devices mounted to firearms, as they can be inaccurate when identifying the target and vegetation between the animal and the scope can go unseen. The Committee understands that differentiating between the heat signatures of some animals can be difficult and that the distance to the shooter and the target can also be misperceived - for instance, a small bird close to the user could appear on the device as a larger animal which is further away. The Committee agrees with the views of the NPWS and believes that a "safe shot" cannot be confirmed by relying on a thermal imaging device alone.

The Committee was also made aware that the use of thermal imaging sights correctly requires particular skills. The Committee understands that extensive training is provided to professional users, such as the Defence Forces, in the safe use of these devices. The Committee has concerns that such training is not readily available to most civilian users of these devices.

#### ***4.5 Night sights***

The Committee understands that there are two types of night sights that are designed to be mounted to firearms. These are: an active night sight, which emits an invisible light beam to illuminate objects and assist with identification of objects and animals, and a passive night sight, which does not emit any beam but amplifies any ambient light (from stars or moon) to allow objects to be distinguished and identified. The Committee understands that some of these sights have daytime operating features that allow them to be used during the day,

similar to a traditional optical scope. The Committee understands that a license to hunt protected wild animals with a night sight is required as they are image-intensifying devices.

The Committee is aware that there are public safety concerns regarding the use of these devices as they may encourage people to shoot longer distances at nighttime, which may not be “safe shots”. The Committee believes that if a person is reliant upon the use of a night sight to take a shot, then they may not have the skills required to take this shot safely. There are also concerns that while the resolution offered by most night scopes is poor, some of the more advanced devices on the market offer military-grade resolution, which could be inappropriate or dangerous in the wrong hands. Similar to the use of thermal imaging sights, the Committee believes that the use of night sights requires particular skills for which training in may not be readily available to most civilian users of these devices.

The Committee believes that in most instances hunting and pest and predator at night can be completed with traditional devices such as lamps, meaning only professional users and some experienced hunters would require the use of night scopes. The Committee believes that due to the cost of these devices the majority of users are experienced firearms holders who are regularly engaged in the control of pest and predators at night. However, one Member noted that the resolution offered by these devices is excellent in some cases. That Member believes that the public safety concerns are unfounded without providing evidence and the combined use of thermal spotting monocular and night vision sight arguably makes the identification of a safe shot easier, it is not clear how the public is going to encounter these devices in operation as it will not be in public places as they are used typical on private farmland.

#### ***4.6 Recommendations***

The Committee recommends that silencers should remain licensable in the State. However, the Committee agrees that applicants should continue to be required to demonstrate “good reason” for their possession to An Garda Síochána for their consideration.

The Committee recommends that silencers should be available to be licensable for use by employees who use firearms as part of their legitimate duties. The Committee suggests that applications for a silencer for this is purpose should be supported by a letter from their



employer outlining that such a device is required and why the use of ear protection is not sufficient.

The Committee does not believe that silencers are required by all recreational shooters. The Committee believes that it may be appropriate for some recreational shooters to utilise ear protection as an alternative to silencer. The Committee believes that persons who will not be regularly exposed to high volumes of noise could be directed to acquire ear protection. The Committee agrees that this should be for licencing officers to determine.

The Committee recommends that any person using a silencer outside a range should be required to take reasonable steps to ensure the safety of other people who may be in the area. This could include placing warning signs on gates and entrances to advise persons shooting is happening in the area.

The majority of the Committee recommends that thermal imaging sights designed to be mounted onto a firearm should not be available to be licensed in the State. This is on the basis that a “safe shot” cannot be confirmed by relying on a thermal imaging device. The majority of the Committee agrees that handheld devices are sufficient for the searching of quarry. The dissenting Member disagrees on the basis that the resolution of thermal devices is constantly improving and the most recent development of these devices allows for the successful identification of targets.

The majority of the Committee recommends that telescopic scopes with light beam “night scopes” should only be licensable for professional users who can demonstrate a need for this device and that no other device is suitable. A professional user should have insurance in place. The Committee agrees that applicants should be required to demonstrate to the issuing person that the use of lamps is not sufficient for the intended use. The Committee believes that these devices are only suitable to be licenced to professional users and experienced firearms holders who are regularly engaged in the control of pest and predators, and can demonstrate to An Garda Síochána that they have skills require for their safe use.

The Committee recommends that if a person is authorised to possess a telescopic scope with a light beam “night scope” by An Garda Síochána, this should be detailed on the

person's firearm certificate, so that it clear to firearm dealers who may be permitted to purchase such a device.

## **Chapter Five: Consideration of whether qualifications and training should be required in order to be eligible to hold a firearms certificate**

### ***5.1 Introduction***

The Minister has asked that the Committee consider whether qualifications and training should be required in order to be eligible to hold a firearms certificate.

There is currently no overarching approach to the training of firearms certificate-holders in Ireland. Section 4(3)(b) of the Firearms Act 1925, as amended, requires that applicants for a firearms certificate furnish the issuing person with proof of competence in the use of the firearms concerned. An Garda Síochána has taken a broad approach to the demonstration of competence and is understood to accept membership of target shooting range and the holding of previous firearms certificates, amongst other things, as sufficient proof of competence.

Section 2A of the Firearms Act 1925, as amended, provides for ‘firearms training certificates’, which may be sought by persons over the age of 14 in for the purpose of engaging in target shooting or hunting with a non-restricted firearm licensed to a person over the age of 16 while under the supervision of that person. While firearms training certificates are available to applicants over the age of 16, the Committee understands that it is very rare for an adult to apply for one, given that they may apply for full firearm certificates provided that they can demonstrate competence via other means.

It is, of course, in the interest of responsible shooters to acquire competence in the safe handling of each variety of firearm they acquire before making use of them and the vast majority take this responsibility very seriously. The Committee notes that there is no uniform or graduated approach in legislation or policy in relation to the development and subsequent demonstration of competence by first-time applicants over the age of 16.

### ***5.2 Consideration by the Committee***

The Committee considered whether a person who is new to shooting should be directed to the lowest powered firearm suitable for the purpose and only be provided access to more powerful firearms only when they have acquired the appropriate skills and experience. While the Committee saw some merit in this approach, it felt that this could introduce new complexities into the licensing process. For example, the Committee noted that, in the case

of hunting or animal control, any guiding principle on the power of firearms used by beginners must be balanced with ensuring that there is no unnecessary suffering to animals. This is because the accuracy required to make a humane kill increases as the power of the firearm lowers, making the lowest calibres less suited to beginners who may not be able to make these shots. In the case of rifle target-shooting, the use of lower-powered rifles by beginners would automatically preclude them from competing in various shooting disciplines, as these would be outperformed by rifles of higher power. On this basis, the Committee felt that it would be better to focus on specific measures that would require that shooters develop competence in the firearms that they wish to licence for the first time.

The Committee considered that, in the case of another mass-scale licensing regime operated by the State, the driver's licence, applicants for a licence are expected to first apply for a provisional licence of limited duration after demonstrating competence in interpreting the theory behind the rules of the road. Upon receipt of a provisional licence, learner drivers are required to undergo a supervised programme of 12 classes covering the skills and techniques necessary to driver safely and are expected to engage in supervised driving with a licence-holder of more than two years' standing to supplement this course. Learner drivers are also not permitted to undergo a driving test for six months after receipt of their first provisional license in order for them to acquire the competence necessary in driving before seeking a test. There is no comparable provision in the firearms licensing regime. A majority of the Committee agreed that a comparable system of provisional firearms licences should be put in place in Ireland; one Member disagreed.

The Committee has heard from the PSNI that it routinely attaches conditions to the licences of new shooters that require them to shoot only while under the supervision of an experienced shooter of a similar caliber for an initial period of six months and that it will make enquiries with a shooter nominated by an applicant in order to check that they are willing to do so. Any breach of these conditions while in effect is considered a breach of licensing legislation. The Committee Members agreed that An Garda Síochána should attach similar conditions to the licenses of first-time applicants in the State. The Committee recommends that this be supported in legislation.

The Committee has heard that the NPWS would support the provision of more structured and expansive training in firearms insofar as hunting is concerned. The NPWS suggests that such training should include: the safe handling of firearms; animal identification; humane dispatch; using firearms at night; marksmanship instruction; and marksmanship testing. The NPWS notes that other EU member states, such as Germany, provide set courses, exams and accreditation in firearms. The majority of the Committee recommends that applicants for first-time licences in the State should prove that they have attained accreditation in training to an agreed national standard.

By way of example, in Germany, those wishing to hunt must apply to the Hunting Authority, a government agency, and must be approved by the police as a suitable person to handle and use firearms. Once this is confirmed, the applicant must complete 120 hours of theory training with the Hunting Authority and a further 120 hours of practical experience that must be signed off by a qualified hunter. They must train on shotguns, rifles and handguns.

The course is modular and consists of:

1. Hunting firearms, ammunition, ballistic, optics and knives
2. Species recognition
3. Legislation
4. Practical hunting, traps, meat prep and hygiene, disease recognition
5. Hunting dogs, breeding, training, care, etc.
6. Nature protection, agriculture, forestry, conservation, habitat management.

After training, applicants must complete a written exam, firearms-handling test and a practical shooting test in all firearms.

Any person who wishes to shoot any animal, even a rat, must have completed this training. Hunters work with the farmers to control wildlife. Farmers do not have firearms unless they complete this training also.

Similarly, in order to licence a target-shooting firearm in Germany, the applicant must apply to the police, be a member of the German Shooting and Archery Federation, and have completed its training.

The Committee agreed that a more uniform approach should be taken to the demonstration of competence in the use of firearms but did not identify a specific model from another country. The Committee recommends that further policy consideration be given to this matter. One Member disagrees, as the Member believes that there is already uniform approach in place by AGS.

The Committee understands that night-time shooting is required for the control of certain pests and predators, and in hunting. Those that engage in this practise must employ additional safety measures when shooting at night, which may require certain training and skills. The Committee suggests that if measures are introduced to detail the circumstances when firearms may be used, this could include measures to help ensure the safe use of firearms at night. On this basis, the Committee recommends that consideration should be given to devising a national standard for night-time shooting to ensure persons have the skills to hunt safely in darkness and semi-lit conditions. One Member suggested instead that consideration should be given to requesting clubs to run more night-time shooting specific training to ensure persons have the skills to hunt safely in darkness and semi-lit conditions.

The Committee also discussed the need for experienced firearms-users to engage in ongoing training and to keep their skills refreshed for their safety and the safety of others. A majority of the Committee felt that certificate-holders should be required to spend a certified minimum number of hours shooting that firearm on an authorised range each year in order for their certificate to remain valid and eligible for renewal; one Member did not agree.

### ***5.3 Recommendations***

The Committee recommends that a more uniform approach should be taken to the demonstration of competence (defined in legislation) in the use of firearms and that further policy consideration be given to this matter.

The Committee recommends that first time applicants for all firearms should be required to undertake appropriate training on an authorised range to an agreed national standard that is aligned with the type of firearm sought and purpose for which it is sought.

The Committee recommends that a graduated approach to the licensing of first-time licence applicants should be taken in the legislation via the introduction of a provisional firearms certificate.

The Committee recommends that An Garda Síochána should routinely condition the licences of first-time applicants or applicants seeking to use new calibres of firearms to require them to use the firearm in question under supervision of an experienced shooter of the same type of firearm for a specified period (legislation required), as in the case of Northern Ireland.

The Committee recommends that consideration be given to devising a training programme to a national standard for those that wish to engage in night-time shooting.

A majority of the Committee recommends that the legislation should require a firearm certificate holder to spend a minimum number of hours using that firearm on a range each year in order for the firearm certificate to remain valid or to be eligible for a renewal.

## **Chapter Six: Consideration of whether qualifications and training should be required to become a registered firearm dealer permitted to repair firearms or make modifications to the functioning of firearms**

### **6.1 Introduction**

The Minister has asked that the Committee consider whether qualifications and training should be required in order to become a Registered Firearms Dealer (RFD) permitted to repair firearms or make modifications to the functioning of firearms.

There are currently over 200 RFDs authorised by the Minister of Justice. Section 1 of the Firearms Act 1925 defines a firearm dealer as a “*person who, by way of trade or business, manufactures, sells, lets on hire, repairs, tests, proves, purchases, or otherwise deals in firearms or ammunition.*” Therefore, these RFDs are permitted to repair and to modify firearms as part of the services they offer.

It is not known how many dealers are engaged in repairing or modifying the functions of firearms. There are no recognised training standards or qualifications required in Ireland for RFDs. It is possible that some may carry out repairs and modifications to firearms without training and/or qualifications. The Committee heard from the PSNI that in Northern Ireland there is no requirement for dealers to have technical qualifications in order to be authorised to carry out business as a dealer.

There are no known courses or qualifications to carry out gunsmithing in Ireland. However, there are a number of large gunsmithing schools on the continent, such as [Suhl](#) (Germany); [Liege](#) (Belgium); [St Etienne](#) (France); and [Ferlach](#) (Austria), which produce roughly 250 gunsmiths per year collectively. These courses, however, may be more suitable for persons who wish to manufacture firearms and may not be required for routine repairs.

### **6.2 Consideration by the Committee**

The Committee discussed the skills required to carry out repairs or modifications to firearms safely. The Committee identified that there is a difference in the level of skill required on the one hand to carry out routine repairs to firearms and on the other to carry out significant modifications that could alter the function of firearms. However, the Committee felt that it may not be easy to define how routine repairs differ from significant modifications and recommended that further policy consideration be given to the matter.



The Committee also considered whether the same standard should apply to those wishing only to engage in minor repairs as to those wishing to engage in significant modifications to firearms, including to the barrel and mechanism. Despite noting that there is a difference in the skillsets required to carry out repairs and modifications, three Committee Members felt that an appropriate training qualification should be required before any RFD is permitted either to repair or to modify any firearm; one Member did not agree.

The Committee identified that some RFDs do not engage in any repairs or modifications to firearms at all, instead focusing only on the sale and purchase of firearms and ammunition. Reflecting this, the Committee agreed that it would be possible to introduce a graduated approach to RFD training whereby a certain number of baseline skills necessary for the purchase and sale of firearms would be evaluated for all applications and a higher level of skills or qualifications relevant to repairs or modifications would be evaluated as part of a further authorisation for applicants that seek to engage in these activities by way of business.

The Committee also considered whether this should be a qualification in gunsmithing specifically (or some other firearms-related field) or if other training, such as in tool making, precision machining or fitter turning, would be more appropriate. While the Committee did not form a recommendation on the type of training that should be required, it agreed that a number of options, such as those listed above, could be suitable. The majority of the Committee recommended that further policy consideration be given to this matter.

### ***6.3 Recommendations***

The Committee considers that there is a difference between the routine repairs carried out to firearms and more extensive modifications to the function of firearms, giving rise to a need for different skills for each.

The Committee recommends that RFDs should be permitted to repair or modify firearms only if they have completed an appropriate training course or gained an appropriate qualification or possess relevant experience. Further policy consideration should be given to how qualification to carry out repairs on the one hand and to carry out modifications to the function of firearms on the other could be demonstrated.

The Committee recommends that a graduated approach should be taken towards the authorisation of RFDs, whereby those wishing to engage in repairs or modifications should be subject to further authorisation beyond the authorisation given to RFDs wishing to engage only in the sale and purchase of firearms and ammunition.

The majority of the Committee recommends that further policy consideration be given to appropriate insurance arrangements for the repair work carried out by RFDs. However, one Member noted that any such insurance may be unavailable in this jurisdiction.

The Committee recommends that a broad approach be taken to the qualifications considered acceptable prior to authorisation to engage in repairs or modifications to firearms.