

**2<sup>nd</sup> meeting of the Firearms Expert Committee**  
**6<sup>th</sup> September 2022**  
**51 St Stephens Green**  
**Minute**

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**Attendees**

**Chair** Emma Meagher Neville  
Paul Walsh  
Fabian Connolly  
John Guinane  
Paul Greene

**Secretary** Aoife Byrne

**1. Introduction.**

The agenda was adopted

The minutes of the first meeting were agreed.

**2. Interaction between Section 4(2)(h) of the Firearms Act 1925, as amended, and Statutory Instrument 21 of 2008.**

The Committee considered the interaction between Section 4(2)(h) of the Firearms Act 1925, as amended, and Statutory Instrument 21 of 2008.

The Committee discussed the definition of an assault rifle contained in Statutory Instrument 21 of 2008, and inconsistencies in licencing decisions that have arisen due to the inclusion of the word “resemble” in part (b) of the definition. The inclusion of the word resemble results in some rifles, notably “tactical” configurations of the ruger 10/22 being sometimes classified as a restricted firearms due to its “visual” resemblance to an assault rifle.

The Committee considered the US definition of an assault rifle that details four functional criteria that these rifles must possess. These are that the firearm has a range of 100-300 metres, has a removable magazine, fires an intermediate cartridge (i.e. an intermediate calibre cartridge between a rifle calibre cartridge and a handgun calibre cartridge) and can engage in semi-automatic and automatic fire.

Three members of Committee, John Guinane, Fabian Connelly and Paul Walsh, held the view that for a firearm to be classified as an assault rifle it should contain all four of these functions and a firearm’s possible “resemblance” to an assault rifle should be considered on function alone and not based on its visual appearance. These members agreed that models of the ruger 10/22 with “tactical” configurations should not be classified as assault rifles based on visual appearance alone.

Inspector Paul Greene, on behalf of An Garda Síochána, advised that the Garda National Technical Bureau had previously provided a view that the resemblance of a rifle to an

assault rifle must go further than just visual resemblance and that it must also resemble an assault rifle in function.

The Committee considered that the civilian licencing of firearms that are able to engage in automatic fire is prohibited under the EU Firearms Directive. Therefore, if there is agreement that assault rifles must be able to engage in automatic fire, the classification of these rifles as restricted firearms may be moot, as they are unavailable for licencing. The Committee discussed if S.I. 21 of 2008 should be amended to reflect the prohibition provided by the EU Directive.

The Committee also discussed if the requirement contained in Section 4(2)(h)(ii) that a person must demonstrate that the restricted firearm is the only type of weapon appropriate for the purpose is too restrictive. Inspector Paul Green advised that the purpose of this provision was to introduce a higher threshold for access to restricted firearms, and in practice licencing officers to direct applicants to suitable non-restricted firearms. Fabian Connolly advised that in his experience it can be too limiting in some circumstances, for example, persons with mobility issues who require adjustable stocks may be unable to reach the threshold set by Section 4(2)(h).

It was agreed that Inspector Paul Greene would circulate the views of the GNTB, on the matter of resemblance.

It was agreed that the secretary will draft guidance for licensing officers based on the Committee's discussion regarding the visual appearance of a firearm for inclusion in the Committee's report.

### **3. Preparation of Report one**

#### **3.1 Firearms available for licencing.**

The Committee agreed that there would be merit in discussing the regulation of gas-operated firearms under 16 joule. The committee considered that Ireland applies a higher level of regulation to lower joule gas operated firearms when compared to other European countries and the deregulation of these firearms could release hours spent by Gardaí and customs officials. The Committee was mindful that any deregulation would have to be carefully considered with public safety in mind, and some level of regulation would have to be applied to these firearms, for instance a declaration system as permitted for Category C firearms under the Firearms Directive.

It was agreed that the secretary will share a policy paper concerning paintball makers for consideration by the members.

#### **3.2 Purposes for which firearms maybe be sought.**

The Committee discussed document 2.4.1 and agreed upon the purposes for which firearms should be licenced in the State. These purposes have been compiled in document 2.5, and will be circulated by the secretary.

The Committee agreed that the NPWS should be consulted on the suitability of firearms sought for the purposes of hunting animals controlled under the remit of the Wildlife Acts.

#### **4. Update of correspondence received.**

The Committee considered the submission received from Mr. Declan Keogh. In doing so, the Committee discussed the benefits of adopting an online application process, of issuing a more general license for a possession of a firearm or firearms, and the application of the five-shot magazine limit to rim-fire handguns. The Committee agreed that these issues may merit further discussion at a future meeting.

#### **5. Recommendations discussed**

The Committee recommended that the definition of an assault rifle contained in Statutory Instrument 21 of 2008, should be amended to clarify when a rifle is considered to resemble an assault rifle. The Committee considered that there may be merit in removing the definition to avoid confusion if the licencing of such rifles is prohibited by the Firearms Directive.

The Committee recommended that wording of Section 4(2)(h)(iii) be reviewed, possibly replacing the phrase “only type” with “suitable type”.

The Committee recommended that consideration should be given to harmonizing the requirement for shooters to be a member of a club if they seek a firearm for the purpose of engaging in recreational shooting. Noting that the requirement for club membership only applies to rifle and pistol/handgun target shooting. This requirement could be expanded to clay shooting clubs and target shotgun.

The Committee recommended that consideration should be given to requiring that when a firearms is sought on the basis of the membership of a shooting club, that this club should be subject to authorisation.

The Committee recommended that consideration should be given to improving the regulation of clay pigeon shooting, it was suggested that this could include the range being subject to inspection and authorisation, and that the ranges meet existing international standards.

The Committee discussed the benefits of issuing a provisional clearance document that could be provided to a firearms dealer or range operator, when an uncertified person seeks to have access to firearms.

The Committee discussed the arrangements for overnight storage of firearms away from the shooter’s registered address. The Committee recommended that the onus to arrange safe storage of the firearm should be placed upon the owner. The Committee also discussed possible requirements for notification to AGS when the firearm is stored away from its registered address