

OVERVIEW OF THE NEW FIREARMS LICENSING CODE. BRIEFING FOR THE SHOOTING COMMUNITY.

ISSUED JOINTLY BY THE ASSOCIATIONS LISTED IN THE APPENDIX TO THIS BRIEF

The work of the Firearms Consultative Panel has been making substantial progress. All shooting associations have been taking a very active part and there can be no argument but that every shooting representative has argued passionately for the cause of shooters and they continue to do so as there is still much to be achieved.

The principal developments to date are:

1. GUIDELINES:

Guidelines for the administration of the firearms licensing code will shortly be agreed with significant input and change from the shooting associations. It is envisaged that the completed document will be widely available on websites and in other public areas. The Garda response to the input of the shooting associations is now back with the shooting associations for consideration.

2 MENTAL/PHYSICAL HEALTH:

The questions on mental/physical health, where they would apply, have been agreed to be time limited to the preceding 5 years.

3. MINIMUM STANDARDS OF HOME SECURITY:

The minimum standards of home security have been agreed:

LEVEL 1: It shall be sufficient where the license holder has only a single shotgun that it be broken down into it's component parts and each part hidden separately. A gun cabinet is not required.

LEVEL 2: In the case of up to and including four non-restricted firearms, the minimum requirement should be a gun safe which meets an agreed specification and it should be bolted to a solid block or concrete wall where possible. Ammunition and component parts such as rifle bolts, pistol slide bars or shotgun fore ends should be stored separately in a secure and safe place.

LEVEL 3: Where five non-restricted firearms or more or even one restricted firearm is kept, the minimum requirement should be the same as for level 2 but in addition, the premises should have an alarm fitted (non monitored) and the external house door should be fitted with locks to BS3621 standard.

N.B. In all levels, the Superintendent for the area concerned will still have authority to require a higher level of security in circumstances where a **demonstrable** security concern arises. However, should it prove to be the case that Superintendents, or their Crime Prevention Officers, are insisting on higher security levels in all or a significantly high number of cases, it has been agreed that the matter will be referable back to the Firearms Consultative Panel to be dealt with.

It was further agreed that when travelling with a firearm, the firearm should be in a case or sleeve locked in the boot of the vehicle and should not, where possible, be accessible to passengers travelling in the vehicle. **(The Gardai have indicated they may yet wish to discuss further this particular element of security while travelling in so far as short firearms are concerned.)** It was further agreed that the carrying of short firearms by certificate holders in public places in particular should not occur and legislation may be required to address this issue. Furthermore, it was agreed that under no circumstances should firearms be left in vehicles overnight and where this occurs, resulting in the theft of the firearm, it will be regarded as negligence by the licence holder.

Central storage of firearms at authorised ranges may also be an option.

4. MINIMUM STANDARDS OF COMPETENCE:

The minimum standards of competence have been agreed. While the courses conducted by all national shooting associations will exceed the standard, it was necessary to set the minimum standard of competence to cater for those applicants who are not members of shooting associations and therefore do not have access to the courses. This has been achieved by the drafting of a national safety book which addresses the typical safety concerns and issues for the different shooting disciplines. It has been drafted by the shooting associations and will be widely published and available on various websites. Applicants will be required to obtain a copy of the book and indicate at the time of application that they have read the section applicable to the type of shooting for which the firearms certificate is sought and that they understand what they have read.

National associations will be required to lodge copies of their syllabuses with the Firearms Section at Garda HQ.

5. FEE STRUCTURE:

The last increase in the fee level was in 1992 and before that 1964! The Department of Justice will not seek to make a profit from license fee revenue but neither will the Department subsidise it. For the first three-year licence period, the Department of Justice will not seek to increase overall revenue income but will offset the cost of the scheme by savings which will be achieved in lower administration costs of the three-year licence.

All firearms will attract the same fee irrespective of whether the firearm is a shotgun, second/subsequent shotgun, rifle or pistol.

The fee per firearm will be based for the first three-year licence period on the total revenue in 2007 divided by the total number of firearms registered in 2007, multiplied by three. Based on the figures which were placed before the Panel at the time this structure was agreed, this would appear to indicate a fee per firearm somewhere in the order of €66 for the first three-year licensing period. However, the fee may vary slightly as the agreed structure for arriving at the fee will take account of the final revenue and final number of firearms registered in 2007.

The training licence fee will be 50% of the normal fee.

6. RESTRICTED LIST:

The long awaited Statutory Instrument (S.I. 21 of 2008) on restricted firearms was finally signed by the Minister on 12th of February 2008. It must be emphasised that restricted firearms **MAY BE LICENSED!!** They will be authorised by an officer of higher rank than a Superintendent who is nominated by the Garda Commissioner.

What is not restricted:

Short firearms capable of firing only blank ammunition.

Shotguns capable of carrying not more than 3 cartridges (plugged).

All rifles (single shot, semi auto and bolt action) up to and **including** .308 (7.62 millimetres) and whose overall length is greater than 90 centimetres.

Single-shot, repeating or semi-automatic rim-fire firearms designed to fire rim-fire percussion ammunition and with a magazine having a capacity of not more than 10 rounds.

Air operated rifled or smoothbore long firearms.

Pistols of calibres .177 air and .22 designed for use in Olympic competition.

Silencers for long rifled rim-fire firearms.

What is restricted: (This is not an exhaustive list)

Shotguns with magazines capable of carrying more than three cartridges.

Shotguns with individual pistol grips (as opposed to normal stocks), folding or telescopic stocks.

Shotguns with a barrel length less than 60.9 centimetres (24 inches).

Assault rifles, or rifles that resemble assault rifles.

Rifles of bull pup design.

Rifles with magazines which carry more than 10 cartridges.

All handguns other than .177 air and .22 used in Olympic competition.

Slug ammunition for shotguns.

Grenades, bombs and other similar missiles.

Accelerator, incendiary or sabot ammunition.

Ammunition for restricted or prohibited firearms.

Moderators (silencers) for firearms larger than .22 calibre.

It is now hoped that the Panel will shortly be able to roll out the timescale for the introduction of all phases of the new Licensing Code.

The Minister will launch a major conference on the new licensing code, on the 8th and 9th of May 2008. A draft programme and agenda for that conference has already been circulated. While the conference will be by invitation only, as to leave it otherwise open would present enormous logistical problems, all interested parties will be represented. It will also be the first time that members of the shooting public and members of the Garda Síochána, particularly those responsible for firearms licensing and firearms policy, have been put together in the same room for the sole purposes of discussing, examining and evaluating the administration of firearms licensing in Ireland with particular reference to the new licensing code. Speakers from abroad from both the shooting world and regulatory authorities will also be participating at the conference along with Officials from key Irish Government Departments, sporting bodies, politicians, shooting representatives, the media etc

7. RELOADING:

Following advice from the Attorney General, the DOJ had decided to pause for thought on the advisability of allowing the reloading of ammunition in private homes by citizens. The Department has issued a discussion document on the subject setting out the pros and cons from it's point of view and has invited submissions from the shooting interests.

8. TRAINING LICENCE

Discussion is ongoing regarding the new training licence which hopefully will result in the licence being applicable to a class of firearm rather than a particular firearm.

9. GARDA HQ

A new firearms policy unit is being established at Garda HQ which is intended will finally ensure consistency and service to the licensing regime. Also, a new firearms licensing training programme for Gardai has been announced.

10. THREE YEAR LICENCE

The new three year licence will not be available until 2009. Therefore, all licences will be renewed in August 2008 as usual. It is also the case that payment of fees for both new applications and renewals will be contracted out, as will the printing of firearms licences.

11. FIREARMS DEALERS:

Much attention has been focused on the criteria for granting of Dealers Licences.

The number of Dealers Licences has fallen dramatically in recent years. As of February 2008 there are 227 Registered Firearms Dealers in the State with a further 108 licensed to sell Shotgun Cartridges and .22 ammunition only. At the turn of the millennium there were in excess of 700 dealers. This number has already been greatly reduced.

Dealers Licences will in future be for 3 years and will cost €340.

Minimum standards are proposed for new registrations and for renewals after 3 years of all existing Dealers' licences in areas of:

Planning - premises must comply with planning laws for storage & retailing.

Certificate of Tax compliance.

Suitability of premises in terms of security, monitored alarms, CCTV etc.

A minimum level of turnover has been suggested for restricted firearms dealers to ensure that only *bone fide* traders will be awarded licences.

For the new category of Dealers in Restricted Firearms it has been suggested that applicants must have a clean track-record of at least 3 years as an "ordinary" Firearms Dealer to be considered.

The Department of Justice has agreed to look at the question of allowing the maintenance of Firearms Registers electronically rather than the present hand-written books.

Other areas of discussion with the Department include the failure of the relevant authorities to-date in eliminating cross-border movements of ammunition etc, without proper documentation.

The current refusal by the DOJ to allow dealers to import handguns is still a matter of contention. The Department

does however realise that individual importation by end-users is not satisfactory and accepts that a solution has to be found.

Unfortunately, much of the thinking in the Department with regard to Firearms Dealers' issues is based on the Survey conducted by Lansdowne Market Research. The Department is happy with the level of response to this survey at 37%. However the average annual turnover in firearms sales among the 122 dealers responding to the survey was only **€ 18,300**, which suggests that few of the larger dealers responded.

12. TARGET SHOOTING

The Firearms Consultative Panel (FCP) established Sub-Group Two to examine and report on the minimum standards for the following:

In the case of a Shooting Club:

- The security of the premises
- The membership of the Club
- The management of the Club

In the case of a Shooting Range:

- The security of the Range
- The membership of the Range
- The management of the Range
- The design, construction and maintenance of the Range
- The types of firearms and ammunition to be used on the Range
- The levels of competence of persons using the Range

(Game Clubs and clay pigeon shooting ranges are not considered within CJA 2006 and were not considered as part of the sub-groups deliberations. However, it is recommended that each Game Club should be encouraged to appoint a liaison officer to maintain formal contact with An Garda Síochána.)

THE REQUIREMENT FOR A CLUB TO BE PROPERLY ESTABLISHED

A. It is suggested that clubs must be properly established

before they can be considered for authorisation by An Garda Síochána, in accordance with the S 33 of the Criminal Justice Act 2006.

B. That in order to be properly established each club should have at least a recognised Chair, Club Secretary and Training Officer

C. The club must have an agreed constitution and should consist of at least five active members. The club should also have a geographical location associated with it.

D. It was recognised that whilst all shooting clubs and shooting ranges must be authorised by An Garda Síochána, only shooting ranges will need to be certified by the Department of Justice Equality and Law Reform.

E. The application fee for a club or a range will be €100 and will be subject to review by the FCP after a period of one year.

SHOOTING CLUBS

A. The membership of the club will be considered by An Garda Síochána during the authorization process. This will require the secretary of the club, or some other club officer, to present a complete listing of club members to An Garda Síochána during the authorization process.

B. The management of a club will be critical to the efficient running of the club. It is therefore suggested that the club should develop a comprehensive constitution or articles of association and rules and procedures, which address all relevant matters pertaining to the running of the club. A set of *Shooting Clubs and Shooting Ranges Regulations* should be mandatory for all clubs and ranges. While some clubs are formed as companies limited by guarantee, it is not necessary that clubs be incorporated bodies.

C. Some ranges will operate without any firearms or ammunition storage facilities; others may wish to have an authorisation to store either firearms and/or ammunition. Secure storage guidelines in this situation are being addressed by the sub group.

D. From the safety perspective, it will be crucial for the club to develop and implement a comprehensive series

of safety procedures and standard operating processes to ensure the safe and efficient running of the range. Whilst most existing clubs have such procedures in place, it would be advantageous to ensure that as the certification procedures develop, the safety arrangements in ranges throughout the country develop in a similar direction. A set of *Shooting Clubs and Shooting Ranges Regulations* will be published, which should be mandatory for all ranges. In addition a sample document entitled *Range Operating Instructions* will also be published. This document is not exhaustive but is offered by way of guidance.

THE DESIGN, CONSTRUCTION AND MAINTAINANCE OF A RANGE

A. The Sub-Group have considered it most suitable to adapt the Canadian Guideline document entitled 'Range Design and Construction Guidelines. There was agreement that this document would be suitable for application in an Irish context. Accordingly, the Sub-Group recommends that the Department of Justice, Equality and Law Reform implement the necessary procedures to ensure that the Canadian authorities grant their consent to the adoption of the document within Ireland.

B. It was agreed that the type of firearms and ammunition to be used on each range should be determined, in the first instance, by the range operator and, subsequently, the limitations imposed would be considered by the Department of Justice, Equality and Law Reform and the range operator as the range certification is being processed. This should be done in accordance with the adopted guidelines as mentioned above.

C. It was agreed that the issue of the competence levels of shooters on a range was a matter for each range to determine in the context of their range operating instructions and other associated documents. The safety and well being of shooters, spectators and members of the public must be paramount during the conduct of shooting at any facility. New members of a range must be given adequate safety instruction before being allowed to use firearms. This should be enshrined in range regulations.

D. Under the Criminal Justice Act 2006, all shooting ranges must be authorized by the Garda commissioner. A draft form for the application for authorization of a firearms range is under consideration by the panel at present. The Gardai will be able to advise on the development of this form from their perspective following internal consultation. In addition, under the Criminal Justice Act 2006, all shooting ranges must also be certified by the Department of Justice, Equality and Law Reform. A draft form for the application for certification of a firearms range is under consideration at present, the Sub-Group will further consider this document.

MATTERS ON WHICH DISCUSSION IS ONGOING AND WHICH ARE STILL OF CONCERN TO THE SHOOTING ASSOCIATIONS.

Training License.

We will continue to press for the license to be issued for a class of firearm rather than for an individual firearm. The training licence simply could not work otherwise. In the longer term, we will press for the minimum age to be reduced below 14 years in line with other EU jurisdictions. Also, we are anxious to see an appeal system put in place where applications for training licenses are turned down.

EU Firearms Passport.

We wish to see this fully implemented as originally intended. We also want the Gardai to consider early renewal of the EU Firearms Passport to facilitate foreign travel where necessary.

The shooting associations are seeking to have a copy of the EU Pass being acceptable to the Gardai instead of the original, as this causes huge problems for sports shooters wishing to travel to other events while the Gardai are holding the original document for up to one month.

Three Year Licence and Club Membership

We will be addressing the issue of annual membership of clubs in a three year licensing period. Many clubs and associations are concerned that the three year licence does not provide a mechanism for individuals to opt not to renew

club membership after the first year. The DOJ appreciates the problem and a solution will be agreed.

The Form of Licence

The shooting associations still wish to see a different type of licence, possibly a credit card or other suitable type with the holder's photo.

The form and layout of the new licence is yet to be agreed.

Referees

The definition of referees needs further discussion and clarification as the draft Guidelines and the relevant annex – Annex E – appear to be contradictory. Also, the reference quoted from the Barr Tribunal seems to further confuse matters. It is also the case that young applicants may have difficulty in drawing from a pool of qualified referees from the designated list as they are less likely to be acquainted with the calibre of person who could act referee.

Air Guns

The associations wish to see a lower criteria for the licensing of air guns, which in many countries are not licensed at all.

Silencers

The associations are not happy with the restricting of silencers for all rifles above .22 calibre. We believe the protection of one's hearing should be sufficient grounds for requiring a silencer for any long gun.

Re-loading

The associations are very concerned with an apparent rowing back on the legislation to allow for the re-loading of ammunition. This is a very common practise in a great many European countries and while the associations note the reported advice of the AG in relation to this matter, they are

not at all convinced that the advice bears close scrutiny. This view is held based on what is common practice in a large number of European countries, noticeably without the "consequences" which seem to concern the AG.

Restricted Dealers' Licenses

The shooting groups are vehemently opposed to the proposal by the DOJ not to allow restricted firearms dealers to import and stock handguns. This proposal is set against a background where dealers will be requested to pay a higher licence fee for the restricted category and where trade is being lost to business interests outside the jurisdiction. It is unanimously felt by the various associations that this is simply unjust.

The issue of compensation for "restricted" stock which has to be disposed of by dealers who will not, for various reasons, qualify as "restricted" dealers, remains of deep concern to the trade. It is felt that the Minister cannot have it every way i.e. directing dealers that they must dispose of their stock by a certain date while at the same time curtailing the opportunities to sell the stock by the creation of a list of restricted firearms which by its very nature dramatically reduces the opportunity to sell. There is a great sense of injustice about this.

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