An Roinn Dlí agus Cirt
Department of Justice

Firearms Expert Committee

First Report

Firearms Expert Committee: Report One

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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

29th 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 licensing 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 of Justice and An Garda Síochána and build upon the existing guidelines for Superintendents when considering certificate applications.

1.3 Reports of the Committee

The Committee's Terms of Reference task it with considering the following:

- To carry out an assessment of all types of firearms which are currently licenced in the State to determine their use under the existing licensing system.

- To make recommendations based on this assessment on which types of firearms should be licensable in the State and for what purposes.

- 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.

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

This report, Report One, contains the Committee's recommendations from its assessment of the firearms which are currently licenced in the State to determine their use under the existing licensing system. This report also contains the Committee's recommendations based on this assessment on which types of firearms should be licensable in the State and for what purposes. This report has identified several issues related to the licensing of firearms that the Committee believes merit examination in the future.

Chapter two: Recommendations regarding the suitability of types of Firearms to be licenced

This chapter has been prepared in line with the Committee's terms of reference, which task it with making recommendations regarding which types of firearms should be licensable in the State.

2.1 Firearms suitable for licensing

The members of the Firearms Expert Committee recommend that the following firearms are suitable for licensing in the State:

Gas-operated firearms

Gas-operated pistol between one joule and sixteen joule
Gas-operated pistol over sixteen joule
Gas-operated rifle between one joule and sixteen joule
Gas-operated rifle over sixteen joule

Rifles

Break-action
Lever-action
Pump-action
Bolt-action
Falling-block
Semi-automatic (excluding centre-fire licenced after the 18 September 2015)
Black powder
Tranquiliser gun
Blank-firing

Revolver (excluding restricted revolvers sought after 19 November 2008)

Rim-fire
Centre-fire
Black powder
Blank-firing

Pistol (excluding restricted pistols sought after 19 November 2008)

Rim-fire
Centre-fire
Break Action
Tranquiliser gun
Black powder
Blank-firing

Shotguns

Break-action
Pump-action
Semi-automatic
Falling-block
Bolt-action
Blank-firing
Punt gun
Black powder

Crossbow

Rifle crossbow, suitable for target shooting only.
Pistol crossbow, suitable for target shooting only.

2.2 Types of Firearms on which there was non-consensus

The members of the Firearms Expert Committee do not share consensus concerning whether the following types of firearms should be recommended as being suitable to be licenced in the state.

2.2.1 Centre-fire semi-automatic rifles licenced after the 18 September 2015

The role of the Firearms Expert Committee is to serve in an advisory capacity to the Minister by carrying out an assessment of all types of firearms to determine their current use under the existing licensing system and their suitability for future licensing. The Committee's terms of reference task it with carrying out an assessment of all types of firearms which are currently licenced in the State to determine their use under the existing licensing system and prepare recommendations based on this assessment on which types of firearms should be licensable in the State and for what purposes. During this process, the committee discussed the suitability of centre-fire semi-automatic rifles to be licenced in the State.

The Committee engaged in an exchange of views on the licensing of the centre-fire semi-automatic rifles at its third meeting on 14 October 2022. When discussing the suitability of centre-fire semi-automatic rifles the Committee members did so in the understanding that a restriction on the licensing of centre-fire semi-automatic rifles is scheduled to be introduced in a forthcoming Criminal Justice (Miscellaneous Provisions) Bill. This restriction was among a number of changes to Firearms Licensing announced on 18 September, 2015, by then Minister for Justice, Frances Fitzgerald, T.D., who advised the following:

> "*Immediate cap on licensing of any new centre-fire semi-automatic rifles:*
> *The Minister intends to introduce an immediate temporary cap on the licensing of any new centre-fire semi-automatic rifles pending the establishment and determination of the Authority.*

Legislation will provide for the revocation of any licenses issued between today (18 September 2015) and the enactment of the legislation and it is intended that anyone applying for licenses of this nature will be informed of that fact."

All members of the Committee agreed that the centre-fire semi-automatic rifles licenced before 18 September, 2015 should remain licensable to their owners. However, the Members could not find consensus on forming a recommendation regarding the suitability of centre-fire semi-automatic rifles licenced after 18 September, 2015.

Two members of the Committee, the representatives from An Garda Síochána and the Department of Justice, did not support that the centre-fire semi-automatic rifles licenced after 18 September, 2015 should be among the firearms the committee recommends to the Minister be available for licensing. Mr Connolly was firmly in favour that these firearms should be available for licensing and Mr Walsh indicated that the licensing of these rifles should be reviewed in light of further information on the use and/or misuse of these firearms being acquired before making a recommendation on their suitability.

The Committee heard from the PSNI that centre-fire semi-automatic rifles are not licensable through normal licensing channels in Northern Ireland, but rather through applications to the Secretary of State on a case-by-case basis. The PSNI advised that when licenced, level-three storage conditions are applied to such rifles.

Positions of the Members

Mr Guinane, on behalf of the Department of Justice, advises that the intention to introduce a restriction of centre-fire semi-automatic rifles is a stated government policy that was first announced in 2015. Mr Guinane advises that this position was formed in response to public safety concerns being raised by the Garda Commissioner to the then Minister in relation the threat posed by semi-automatic rifles. Mr Guinane advises that the Department's position on the licensing of centre-fire semi-automatic rifles, as directed by the Minister, has not changed since it was first announced on the 18 September, 2015.

Superintendent Doyle, on behalf of An Garda Síochána, submits that no '*good and sufficient reason'* has been identified to justify the continued licensing of centre-fire semi automatic rifles. In the view of An Garda Síochána in nearly all circumstances other types of rifles can be licensed for the same purpose, making the presence of centre-fire semi-automatic rifles in Irish society unnecessary. Superintendent Doyle advises that, while An Garda Síochána acknowledges that the vast majority of firearm holders possess their firearms in a safe and responsible manner, An Garda Síochána continues to hold the concerns expressed in the 2014 that these firearms pose a very serious risk to public safety if in the wrong hands. Superintendent Doyle draws attention the use of semi-automatic centre-fire rifles in the shootings in Oslo, Norway (77 deaths) in 2011, Newtown, Connecticut in 2012 (27 deaths) and in Christchurch, New Zealand in 2019 (51 deaths). An Garda Síochána rejects the arguments presented that centre-fire semi-automatic rifles should be available for licensing

in the State. An Garda Síochána submit that these are rapid fire rifles with a large magazine capacity and which are more dangerous in the wrong hands. An Garda Síochána believes that any increases in the licensing of these firearms would increase the risk of them being diverted for criminal use. An Garda Síochána believes that as only a small number of these firearms are licenced in the State, less than 200, their prohibition would only impact upon a small number of users.

Mr Connolly submits that centre-fire semi-automatic rifles should be available for licensing, including those licenced after 18 September, 2015. Mr Connolly advised that there are several shooting disciplines where this is the only type of firearm that is suitable and that these disciplines are currently being undertaken in Ireland without issue or danger to the public. Mr Connolly pointed out that the incidents AGS have mentioned occurred in jurisdictions where semi-automatic centre-fire rifles are not subject to the same high-level of scrutiny and licensing requirements that exist in Ireland. In Mr Connolly's view any firearm is dangerous in the wrong hands but due to the classification of centre-fire semi-automatic rifles as restricted firearms under Irish legislation, the high standard of security and personal reliability that must be demonstrated to acquire them provides the necessary framework and safeguards to prevent their misuse. Mr Connolly notes the lack of any incident involving these type of firearms in the state and there no evidenced based justification for capping the licensing of these firearms. Further, he notes that high-capacity magazines are already prohibited by EU law. Mr Connolly believes that due to the small number of these firearms licensed in the state that they pose no serious risk to public safety and the advice to introduce a cap is unwarranted and an excessive measure.

Mr Walsh is conscious of the impact the forthcoming restriction will have on members of the shooting community, the vast majority of who possess and use their firearms without incident. Mr Walsh observes that the same public safety concerns apply to a semi-automatic centre-fire rifle licenced before or after 18 September, 2015, while he acknowledges that this date was set to facilitate a "phasing out" of these firearms, he believes it is a somewhat contrary policy to permit the licensing of some semi-automatic centre-fire rifles and not others. Mr Walsh requests that before a final decision is made regarding the licensing of centre-fire semi-automatic rifles, the suitability of these firearms should be subject to a more extensive consideration. Mr Walsh believes such a consideration would be in line with the intention of the then Minister's announcement in 2015, that the restriction would be introduced pending the establishment and determination of the then proposed Firearms Assessment and Appeals Authority. Mr Walsh suggests that a review of the licensing of centre-fire semi-automatic rifles would benefit from being informed by the supply of information regarding the prevalence of these firearms in Ireland and the rate of their misuse.

As the Members of the Committee could not find consensus regarding the suitability of centre-fire semi-automatic rifles licenced after 18 September, 2015, they are not included in the list of firearms the Committee agrees should be licensable. The members of the

Committee have presented their views on the suitability of these firearms to be licenced for consideration by the Minister.

2.2.2 Short Firearms

The Firearms Expert Committee discussed the restriction imposed by Section 3D of the Firearms Act 1925, as amended, which prohibits issuing persons from considering applications for firearm certificates for a short firearm unless it is sought in the following circumstances:

- a device capable of discharging blank ammunition and to be used as a starting gun or blank firing gun;
- a short firearm of a type specified at paragraph 4(2)(e) of the Fire-arms (Restricted Firearms and Ammunition) Order 2008 (S.I. No. 21 of 2008) and designed for use as so specified;
- a short firearm for which the applicant for the firearm certificate held a firearm certificate on or before 19 November 2008.

As a result, no new certificate for live firing short firearms may be granted, unless the firearm is declared non-restricted through Statutory Instrument No. 21 of 2008 (Firearms (Restricted Firearms and Ammunition) Order 2008), as amended by S.I. No 337 of 2009 and S.I. No 391 of 2015. Paragraph 4(2)(e) this Order provides that the following live-firing short firearms are non-restricted:

"*short firearms where a firearms certificate is sought for the purpose of using a firearm for target shooting on the premises of a rifle or pistol club or a rifle or pistol shooting range authorised under section 4A of the Firearms Act 1925 or at such other place as stands authorised under section 2(5) of that Act:*

(i) air-operated firearms designed for use with 4.5 millimetres (0.177 inch) calibre ammunition;
(ii) single shot firearms designed for use with 0.22 inch long rifle rim fire percussion ammunition;
*(iii) firearms which are designed for use with 0.22 inch long rifle rim fire percussion ammunition and use magazines that have been manufactured or modified prior to use so as to accommodate no more than five rounds of ammunitio*n".

This means that most centre-fire short firearms and short firearms with a magazine capacity of more than five rounds may not be licenced in the State.

a) Centre-fire short firearms

All members of the Committee accept that centre-fire handguns licenced before 19 November, 2008 should remain licensable to their owners. However, the Members do not share consensus regarding the suitability of centre-fire handguns sought after 19 November, 2008 to be licenced. Mr Guinane and Superintendent Doyle do not believe that these firearms

should be recommended as being available for licensing, and Mr Walsh and Mr Connolly do not share this view.

Mr Guinane, on behalf of the Department of Justice, advises that the restriction on the licensing of centre-fire short-firearms was introduced in 2008. Mr Guinane advises that this position was formed in response to public safety concerns being raised by the Garda Commissioner when, following a legal challenge, centre-fire short-firearms became available for licensing again in 2004. Mr Guinane advises that the Department's position on the licensing of centre-fire short-firearms, as directed by the Minister, has not changed since the restriction was introduced in 2008.

Superintendent Doyle, on behalf of An Garda Síochána, submits that An Garda Síochána is strongly of the view that centre-fire short-firearms should remain unavailable for licensing other than to the current limited number of persons who are entitled to possess them. Superintendent Doyle advises that after centre-fire short-firearms became available for licensing again in 2004, two Garda Commissioners outlined their concerns to then Minister for Justice regarding the risks to public safety posed by these handguns. Nevertheless, when the then Minister introduced the restriction on the licensing of centre-fire handguns in 2008, individuals who had been licenced these firearms prior to 19 November, 2008 were permitted to retain them. Superintendent Doyle submits that, while An Garda Síochána understands the Minister's decision to permit the licensing of these firearms held before 19 November, 2008, recommending for centre-fire short-firearms to become licensable again is a measure An Garda Síochána would not support. An Garda Síochána rejects the arguments presented in support of the licensing of centre-fire short-firearms and advises that these firearms are a firearm of choice for criminal actors and that any increase in their numbers may increase the risk to public safety.

Mr Connolly submits that centre-fire handguns should be available for licensing, including those licenced after 19 November, 2008. In Mr Connolly's view, the licensing of these handguns poses no higher risk to public safety than any other firearm. Mr Connolly believes the public safety concerns surrounding these firearms does not take into account Ireland's very strict licensing laws and the high standards a person must meet. Mr Connolly advises that these firearms are used in several disciplines of target shooting and suggests that alternatives to prohibition should be explored to allow these sports to continue. Mr Connolly notes that 2004 was not the first time these type of firearms were licensable in the state, as they were available before 1972. Legally held centre-fire handguns have not been the specific target of criminal actors in this jurisdiction due to the high levels of security that owners of these type of firearms employ and the apparent ease of acquiring these types of firearms from international sources.

Mr Walsh understands that public safety concerns surrounding centre-fire handguns arose when they became available for licensing again in 2004. Mr Walsh believes that the prohibition was introduced in reaction to growing numbers of theses firearms being licenced

in the State. Mr Walsh submits that the restriction on the licensing of centre-fire handguns should be reviewed. Mr Walsh suggests that a review of the licensing of centre-fire handguns would benefit from being informed by the supply of information regarding the prevalence of these firearms in Ireland and the rate of their misuse.

The Committee heard from the PSNI that centre-fire short firearms are available for licensing in Northern Ireland, though only for use at shooting clubs. The PSNI advised the Committee that there is no particular evidence that licensed pistols are used in criminal activity by the licence-holder in Northern Ireland. An Garda Síochána advised the Committee that there is no particular evidence that licensed pistols are leaking into criminal use in the State; however, it is the view of An Garda Síochána that what has been proved is that the less of these licensed firearms that are in circulation, the less that are stolen. The Committee notes, however, that An Garda Síochána does not evidence this statement by reference to statistics.

As the members of the Committee do not share consensus regarding the suitability of centre-fire handguns licenced after the 19 November, 2008, they are not included in the list of firearms the Committee recommends should be licensable. The Committee members have presented their views on the suitability of these firearms to be licenced for consideration by the Minister.

b) Short firearms with a capacity to hold more than five rounds

Statutory Instrument No. 21 of 2008 (Firearms (Restricted Firearms and Ammunition) Order 2008), as amended by S.I. No 337 of 2009 and S.I. No 391 of 2015, imposes a maximum capacity of five rounds to unrestricted rim-fire short firearms used in target shooting. The regulations concerning the use of rim-fire short firearms have passed through three iterations due to these amendments. Initially, these could be used only in connection with competitions governed by International Olympic Committee regulations; in 2009, the five-round limit was introduced; and in 2015, reference to Olympic regulations was dropped, while the five-round limit was retained.

During its discussion, the Committee noted that the amendments to S.I. 21 of 2008 were an attempt to address public safety concerns by An Garda Síochána while permitting sport shooting with these short firearms. By 2015, the permissible sport formats had been formalised. However, the Committee also noted that the retention of the five-round limit has been criticised as being arbitrary and impractical by some in the shooting community. This is on the basis that the majority of chambers or magazines for short firearms are manufactured with either a six or ten round capacity that then need to be modified before they can be used as part of a licenced firearm in Ireland. It has been stated by some shooters that modifying the chambers or magazine may lead to safety issues and void any warranty issued with the product.

The Committee considered the reported implications that the five round limit has upon sports shooters. While the Olympic discipline of 25-meter rapid fire pistol consist of firing 5 shots, the majority of handgun target shooting competitions consists of firing six shots or 12 shots within a set time period. It has also been contended that competitors who hold a non-restricted rim-fire short firearm are at a disadvantage when compared to those who acquired a restricted rim-fire short firearm, to which the fire-round limit does not apply.

Position of the Members

Superintendent Doyle submitted that An Garda Síochána continue to support imposing a five-round limit to the capacity of short firearms and that, in the view of An Garda Síochána, removing such a limit would be rowing back from the restrictions introduced on public safety grounds. Superintendent Doyle advised that on 19 November 2008, the Minister for Justice announced his intention to restrict the number of handguns in the State, save for very limited models used in Olympic competitions. In subsequent years, various pieces of legislation were introduced stepping down from this announcement, to the point that all handguns of a calibre of .22 inch or lower are currently available for licensing to individuals provided they can demonstrate they require the firearm for use in target shooting on an authorised range. An Garda Síochána is of the view that the five-round limit should remain in place and that it increases safety without impeding persons from engaging in target shooting. An Garda Síochána believes that increasing the limit would pose a significant risk to public safety, security and the peace, albeit without providing further evidence of this. An Garda Síochána pointed out that the vast majority of .22 non-restricted handguns now licenced in this jurisdiction are not used for Olympic standard shooting events so the argument supporting more than five rounds is essentially moot. Superintendent Doyle also advised that in the 13 years since the legislation was amended this issue has not been raised with the Firearms Policy Unit of An Garda Síochána by any of the Shooting Representative Groups.

Mr Connolly notes that one of the reasons the five round limit was introduced was to facilitate Olympic-style shooting. However, as not all shooters are initially attracted to this discipline, a other feeder disciplines are needed in order to develop talent pools. Mr Connolly submits that in other sports talent is nurtured by clubs and competitions facilitating engagement in broader forms of the sport, not just the Olympic style. Mr Connolly submits that the only people the five-round limit impacts are law-abiding certificate holders, that criminals will not adhere to this limit and that it places an undue burden on shooters to have the capacity of their short-firearms altered. Mr Connolly also points out that not all Olympic-style competitions are accommodated by the current legislation, as centre-fire pistol is precluded by the current legislation.

Mr Walsh agrees that the burden is placed upon the shooter, and notes that in practice the limit seems un-enforceable as magazines are sold with a higher capacity and then altered before being used at the range. Mr Walsh advises from his experience the limit is checked by

An Garda Síochána at the time of licensing and renewal, therefore, while there is no suggestion that target shooters are not adhering to the limit, any potential breach would be difficult to detect. Mr Walsh notes that it is not illegal to sell or possess magazines with a higher capacity and if the incorrect magazine is loaded at the range a person may inadvertently commit an offence by accidently using a non-limited magazine. Mr Walsh submits that the limit creates unnecessary complications at the range, he advises that a person who wishes to discharge six shots, will chamber one round in the firearm and load five in the magazine, an action that is permitted under the legislation. This in his view creates a potentially unsafe scenario, by requiring two steps to discharge six shots a loaded firearm is being handled unnecessarily. Mr Walsh recommends that it would be safer if all the rounds were contained in the magazine.

Mr Walsh and Mr Connolly advise that it is correct that the majority of magazines for short firearms are manufactured with a ten-round capacity, even those produced for Olympic shooting are capable of been fitted with magazines that are in excess of this limit. Mr Walsh and Mr Connolly are not aware of any manufacturer that would impose the limit at the time of production; as a result, dealers or owners themselves alter the magazines to adhere to the limit. Speaking from their own experience, they agree that altering the magazine can void the warranty of the item and they have encountered magazines that had been rendered unsafe or damaged beyond repair due to being altered to impose the limit.

Mr Walsh and Mr Connolly advise that the limit can sometimes be implemented by inserting pieces of plastic, metal or wood into the magazine or chamber, which can be removed relatively easily. However, some license holders have their certificates conditioned requiring them to weld or solder parts of the magazine or chamber shut. Mr Connolly submits that this can be particularly impactful on revolvers as the level of heat required to weld the chamber shut potentially changing the temper of the steel and leaving the firearm unsafe to use. Mr Walsh agrees and advises that dealers can refuse to undertake this work, as they do not want to be responsible for modification that could render the firearm unsafe. An Garda Síochána advised that they have not been presented with specific evidence supporting that this practice is unsafe.

Mr Guinane advised that amendments to the Restricted Firearms and Ammunition Order which imposed the five-round limit were done to clarify that the .22 rim-fire handguns used for Olympic shooting should not be considered restricted and hence prohibited. He noted that Ireland's limit is lower than the limit imposed by the EU Firearms Directive, which allows for up to 20 rounds. Mr Guinane acknowledged that the limit appears to have practical impacts for shooters that have been more far reaching than what was foreseen at the time. Overall, Mr Guinane agreed there would be merit in reviewing the limit to ascertain if the measure is serving the purpose for which it was introduced.

The Committee considered what would be the result of increasing the limit to six rounds instead of ten. Superintendent Doyle maintains that the limit should not be increased. Mr

Walsh and Mr Connolly submit a six-round limit would replicate many of the problems of the five-round limit, by placing the burden on the purpose and ultimately being difficult to enforce. It was noted that as long as a person can purchase multiple magazines, any limit may have little practical impact.

Recommendations

The Firearms Expert Committee recommends that a review should be undertaken on the five-round limit applied to rim-fire short firearms. The majority of the Committee recommend that the Minister should increase the five-round limit to ten rounds. An Garda Síochána disagreed as it found that public safety concerns would remain. An Garda Síochána highlighted in particular that licensed firearms are sometimes misused to inflict harm on others or on the licence-holder themselves outside broader criminal contexts, e.g. via murder-suicide or suicide.

2.2.3 Shotguns with a barrel length of less than 61 centimetres

The Committee considered the suitability of shotguns with a barrel length that is less than 61 centimetres, to be licenced in the State. The Committee noted that a shotgun with a barrel length of less than 61 centimetres is a restricted firearm.

When discussing the suitability of these shotguns, the Committee was mindful that Section 12 of the Firearms and Offensive Weapons Act creates an offence to shorten a shotgun's barrel to a length of less than 61 centimetres. However, a shotgun that has been manufactured with a barrel length of less than 61 centimetres may still be licenced.

Mr Connolly does not hold the view that there is no justifiable reason for a person to possess this type of shotgun. Mr Connolly advises that typically shotgun barrels are longer than 61cm, as shotguns are used to shoot targets from far away a longer barrel is required to accommodate the energy needed to project the shot. However, some disciplines of target shotgun involves shooting static targets at a shorter range where the same velocity is not required. In these circumstances, the longer barrel is a hindrance to the target shotgun shooter as it only serves to add more weight to the muzzle of the firearm.

Mr Connolly submits that shotguns with a barrel length of less than 61 centimetres are already restricted firearms and are subject to a higher threshold for licensing and security, therefore, these shotguns would likely only be licensable to target shotgun shooters who can satisfy the requirement to licence a restricted firearm. Mr Connolly advised that criminals are prohibited from firearms ownership and thus will not seek to be licensed a restricted shotgun if they wish to obtain a concealable firearms. Mr Connolly submits that criminals obtain firearms through other means, and if a licensed firearm falls into their hands, they will typically cut down the barrel for concealability regardless of the original length. Mr Connolly believes that prohibiting these shotguns would be an ineffective response, as it would only impact persons

who have legally acquired the firearm, who have already satisfied An Garda Síochána that they can possess a restricted firearm safely. Mr Connolly notes criminals would still be able to cut down barrels of other shotguns, an offence which is appropriately addressed by the Firearms and Offensive Weapons Act 2000.

Mr Walsh and Mr Guinane agree that the existing regulation applied to these shotguns appears to be sufficient. Superintendent Doyle advises An Garda Síochána continue to see merit in their prohibition.

As the majority of the Committee believe that shotguns with a barrel length of less than 61 centimetres should remain licensable, they are not excluded from the list of firearms the Committee agrees should be licensable. However, the concerns of An Garda Síochána and the limited circumstances when these firearms would be required is noted by the Committee.

Recommendations

The Committee understands that a shotgun whose barrel length is less than 61 centimetres is a restricted firearm and is aware of the concerns of An Garda Síochána that firearms with a shorter barrel are more desirable to criminals as they can be easily concealed. Therefore, the Committee recommends that they only be licenced in circumstances where it has been demonstrated that shotgun with a barrel length of more than 61 centimetres will not suffice. The Committee believes that these shotguns would likely only be sought to a small number of target shotgun shooters for use on an authorised range.

The Committee recommends that if the barrel length is to be used as a basis for prohibition of certain shotguns then a more appropriate length might be setting minimum barrel length of 45 cm and a minimum overall length of 90 cm. The Committee notes that this is the minimum length for pump-action shotguns provided by Germany.

2.2.4 Rifles with a barrel to a length of less than 50 centimetres

The Committee considered the suitability of rifles with a barrel length that is less than 50 centimetres, to be licenced in the State. The Committee noted that while a rifle with an overall length is less than 90 centimetres is a restricted firearm, the barrel length is not specified in the legislation.

When discussing the suitability of these rifles the Committee was mindful that Section 12 of the Firearms and Offensive Weapons Act creates an offence regarding the shortening of a rifle's barrel to a length of less than 50 centimetres. However, a rifle which has been manufactured with a barrel length of less than 50 centimetres may still be licenced.

Mr Connolly does not share the view that there is no justifiable reason for a person to possess these rifles. Mr Connolly advises that many of the commercially available .22lr rifles have a

barrel length shorter than 50 centimetres and noted that the standard length of a Ruger 10-22 barrel length is 47 centimetres. Mr Connolly advises that many centrefire rifles' barrels are also less than 50 centimetres for weight saving reasons. Mr Connolly notes that a rifle with a shorter barrel may be required when the firearm needs to be fitted with a muzzle attachment such as a silencer or muzzle brake. If the barrel is too long the attachment may make the firearm excessively cumbersome and heavy.

Mr Connolly believes that prohibiting these rifles would be a disproportionate response; on the basis it would effect a large number of persons who have legally acquired commonly licenced models of rifles. Mr Walsh and Mr Guinane agree that the existing regulation applied to these rifles appears to be sufficient. Superintendent Doyle advises that An Garda Síochána continues to see merit in their prohibition.

As the majority of the Committee believe that rifles of barrel length that is less than 50 centimetres should be licensable, they are not excluded from the list of firearms the Committee agrees should be licensable. However, the concerns of An Garda Síochána is noted by the Committee.

Separately, Mr Connolly noted the Firearms and Offensive Weapons Act precludes a gunsmith who is a registered firearms dealer from legally shortening a firearm to a customer's requirements or to extend the usable life of the firearm. Mr Connolly recommends that this section should be reviewed to allow a registered firearms dealers to shorten barrels for legitimate reasons. i.e. shortening the barrel so it is not excessively cumbersome with a silencer attached, or removing worn parts of the barrel to extend its usable life. Without providing evidence, An Garda Síochána has concerns with this proposal as it may result in the proliferation of such firearms.

Recommendations

The Committee is aware of the concerns of An Garda Síochána that firearms with a shorter barrel are more desirable to criminals as they can be easily concealed. The Committee recognises that prohibiting rifles that have a barrel length shorter than 50 centimetres would be disproportionate as it would impact most of the commonly licenced rifles in the State.

The Committee recommends that if barrel length is to be used as a determining factor to the level of regulation applied to rifles, then this could be achieved by making certain barrel lengths restricted. However, the length of the barrel that is specified would have to be practical and not impact the licensing of commonly held models of rifle. The Committee recommends that a survey of the rifles licenced in the State should be conducted to establish what length may be appropriate.

The Committee recommends that Firearms and Offensive Weapons Act be reviewed to allow registered firearms dealers shorten barrels to lengthen their life. The Committee notes the

concerns of An Garda Síochána and believes this would have to be measured, e.g. you can shorten to 45cm to get rid of wear and tear but no further.

Chapter three: Recommendations regarding the changes to the licensing of types of firearms

3.1 Regulation of gas-operated firearms

The Committee agreed that there would be merit in reviewing the regulation of some gas-operated firearms. The Committee understands that gas-operated firearms of over one joule are defined as firearms under the Firearms Act 1925, as a result possession of these devices is subject to the same certification and security framework provided for firearms which use an explosive propellant. Ireland appears to be an outlier in Europe for applying this level of regulation to gas-operated firearms, with many neighbouring States permitting the possession of these devices up to a higher joule rate without the need to obtain a firearm certificate. However, Northern Ireland and Scotland, like Ireland, require the possession of a firearms certificate for gas-operated firearms with a muzzle energy above one joule. England and Wales, in comparison, permit some gas-operated firearms with a muzzle energy under 16 joules be possessed without a certificate subject to other restrictions.[1] The Committee noted that some Member States (DK, FI, ET, CZ) would appear to permit access to gas-operated firearms up to 16 joules and over.

An Garda Síochána advised that gas-operated firearms of a lesser joule are at the lower level of concern in relation to public safety. However, An Garda Síochána does not believe that this means they present no risk to the public and any deregulation would have to be carefully considered. An Garda Síochána contend that some level of control must continue to be applied to these firearms.

Bearing this in mind, the Committee recommends that consideration be given to a less onerous form of licensing for gas-operated firearms, while remaining subject to licensing.

The Committee identified that there are three types of gas-operated firearms, these are: airsoft devices, paintball markers and gas-operated firearms which can use metal projectiles.

3.1.1 Airsoft and paintball

The Committee was made aware that private ownership of an airsoft device or paintball marker over one joule is uncommon. The Committee understands this is because using these devices for events and competitions involving combat style shooting may only be undertaken at locations authorised by the district or division's Superintendent under Section 2(4)(d) of the 1925 Firearms Act, as amended.

The Committee believes that, as there may only be a limited number of individuals seeking to be granted a certificate to possess a gas-operated firearm for the purpose of airsoft and paintball, the resources required to provide a separate regulatory regime for these firearms would be disproportionate to the number of users who would benefit from their

[1] See UK Home Office Air Weapons Guide and The Firearms (NI) Order 2004.

deregulation. Therefore, the Committee did not consider changes to the regulation of these devices as part of their discussions.

3.1.2 Other gas-operated firearms

The Committee believes there would be merit in exploring the introduction of an alterative regulatory framework for some gas-operated firearms over one joule. The Committee identified these as gas-operated firearms that use 1.77 wasted pellets and metal "BBs". These could be rifles or air guns with a muzzle energy not exceeding 16.27 joules, or 8.13 joules for an air pistol.

The Committee identifies that these gas-operated firearms can be used for the control of small pests such as rats and for some types of target shooting. The Committee notes these gas-operated firearms are often more expensive than traditional firearms and believes that while the same barriers for their possession remain in place they are not attractive to prospective shooters when compared to firearms that use an explosive propellant.

The Committee suggests that, if it is recognised that these firearms are at the lower level of concern in relation to public safety, then a more accessible process for possessing them could be introduced. The Committee believes this would encourage some prospective firearms holders to acquire these lower powered gas-operated firearms instead of higher powered .22 rifles or non-restricted shotguns.

However, the Committee recognizes that there is still a degree of risk associated with these firearms and that, therefore, persons should still be subject to Garda vetting and need to present a good reason before being permitted to acquire them. The Committee believes that these firearms should still only be sold by Registered Firearms Dealers who would record their serial numbers and other identifiers. The Committee believes that reducing the licensing fee and simplifying the licensing process could make the acquisition of these firearms more attractive to prospective shooters.

The Committee considered the storage standards provided by S.I. No. 307/2009, Firearms (Secure Accommodation) Regulations 2009. While the Committee agrees it is preferable that firearms are stored in a gun cabinet, it seems disproportionate to the Committee that the legislation applies a higher standard to a low powered gas-operated firearm than a non-restricted shotgun.

The Committee also believes it is disproportionate that possession of a low powered gas-operated firearm could result in a person needing to upgrade their security arrangements. For instance, if a person who possesses three non-restricted firearms wishes to acquire a low power gas-operated rifle as a "training" firearm for a family member, this person could be required to install an alarm and additional locks. Instead, it would be easier for them to seek a training certificate for one of their existing firearms and as a result the inexperienced shooter could have access to a more powerful firearm than is necessary.

The Committee believes that the current framework of the regulation of gas-operated firearms creates an environment where there is little motivation for a person to seek to be granted a lower powered firearm. The Committee believes that under the existing framework there are less barriers in place for the acquisition of more powerful firearms and this should be reviewed.

Recommendations

The Committee recommends that the licensing framework applied to low powered gas-operated firearms should be reviewed to make it less onerous for both sides of the licensing process.

The Committee recommends that the storage requirements for low powered gas-operated firearms provided by the S.I. No. 307/2009 Firearms (Secure Accommodation) Regulations 2009 should be reviewed to make them more proportionate.

The Committee recommends that these reviews should aim to make the licensing of these firearms more accessible when compared to higher-powered firearms.

3.2 The licensing of "assault style" rifles

The Firearms Expert Committee is aware that there are reported instances where the same model of rifle can be licensed as either a restricted or non-restricted firearm, dependent on the view of the licensing officer who receives the application. The Committee believes that this inconsistency is undesirable, as to be granted a restricted certificate, a prospective shooter must meet a higher threshold when evidencing their good and sufficient reason to acquire the firearm than an application for a non-restricted certificate. If the firearm is deemed to be restricted, they may also be required to implement a higher standard of security for the storage of the firearm under S.I. no 307/2009 – Firearms (Secure Accommodation) Regulation 2009.

The Committee understands that the firearms which are classified as non-restricted firearms are detailed in Statutory Instrument 21 of 2008, the Firearms (Restricted Firearms and Ammunition Order) 2008, as amended. All other firearms are categorised as restricted by exclusion from this list. The majority of the firearms detailed in S.I. 21 of 2008, are described with reference to specific characteristics or functions such as "a barrel not longer than 30 centimetres" or "firearms that reload automatically from a magazine". However, the definition of an assault rifle is less descriptive and leaves room for interpretation. Assault rifles are defined in S.I. 21 of 2008 as being the following:

(a) rifles capable of functioning as semi-automatic firearms and as automatic firearms,

(b) firearms that resemble such rifles;

The Committee has identified that inclusion of the word "resemble" in part (b) of the definition of an assault rifle has created inconsistencies in licensing decisions due to the subjective nature of resemblance. The Committee is aware that this provision is interpreted by some licensing officers to include rifles that bear a visual resemblance to an assault rifle, while others interpret it to mean rifles that resemble assault rifles in function, which is equally difficult to define. As a result, some applications for the same firearm are being subject to the additional criteria contained in Section 4(2)(h)(ii) of the Firearms Act 1925, as amended, that the firearm is the only type of firearm that is appropriate and some are not.

The Committee understands that this mainly occurs during the licensing of .22 rim-fire rifles, most commonly models of the Ruger 10/22. The Ruger 10/22 is a .22 rim-fire rifle that can be bought in a number of different models and configurations, which change the visual appearance of the firearm but do not alter its function. However, some of its configurations can be considered to visually resemble an assault rifle. Therefore, while models of the Ruger 10/22 can be considered to meet the description of non-restricted rifles contained in S.I. 21 of 2008, some configurations are considered by some licensing officers to be restricted due to their visual resemblance to "assault rifles".

Consideration by the Firearms Expert Committee

The Committee sought legal advice on the scope of the existing definition, and this advice confirmed that functions other than firing capacity can be considered when assessing if a firearm resembles an assault rifle. The advice supports the view that the definition is extremely broad and open to vastly different interpretations depending on the view of the officer making the decision. The advice also suggests that the legislation should be clarified.

In light of the legal advice received, the Committee sought the view of the Garda National Technical Bureau to hear their views regarding when a firearm can be considered to "resemble" an assault rifle. At the fifth meeting of the Firearms Expert Committee, Detective Sergeant Shane Curran and Detective Sergeant Dave O'Leary from the Garda National Technical Bureau attended to discuss the definition of an assault rifle and how they interpret the legislation in practice.

The representatives from GNTB advised that when it comes to determining if a rifle "resembles" an assault rifle, in their view this means that the rifle must it be comparable in features to an identifiable model of an assault rifle. This includes assessing the rifles functions and its visual appearance. In the view of the GNTB for a rifle to resemble an assault rifle it should be modelled on and have a good likeness to a pre-existing assault rifle.

The representatives from GNTB advised that as the Ruger 10/22 is not modelled on and does not have the appearance of an assault rifle, it would not considered these rifles to be

restricted firearms. However, they advise that if the Ruger 10/22 is fitted with aftermarket shells or skins which are not manufactured by Ruger this can give them the appearance of an assault rifle such as a AR15, a M16 or a MP5 submachine guns. It is the view of the GNTB that, if these shells or skins give a firearm the appearance of a known assault rifle , such as one in the AR15/M16 family, once applied, the firearm then falls within the restricted category under the current legislation.

The representatives from GNTB advised that there are numerous rifles manufactured for sale that do not have automatic fire capability but are modelled on and closely resemble assault rifles. The GNTB advised that they would consider the inclusion of some cosmetic fixtures, which give the appearance of an extra-large magazines or non-original barrels to be deliberately modelling the rifle on an assault rifle. The GNTB advised that sometimes these items are marketed as being derived from particular models of an assault rifle and the intent to model the firearm on an assault rifle is clear.

The Committee also heard from the PSNI that rifles with a military-like appearance may not be licenced for field use, which would be considered a public place, but may be licenced for use on a range, which is not considered a public place.

Positions of the Firearms Expert Committee

The Firearms Expert Committee identified that the current wording of the definition is creating two “types” of assault rifles under the current legislation. These are: rifles capable of engaging in automatic fire; and rifles, which resemble those that can engage in automatic fire.

The Committee considered that the civilian licensing of firearms which are able to engage in automatic fire is prohibited under the EU Firearms Directive, and this has been transposed into Irish law by Section 2D of the Firearms Act 1925, as amended. Therefore, classifying that rifles capable of engaging in automatic fire as restricted firearms may be moot, as they are unavailable for licensing. Some members of the Committee believe that the reference to automatic fire as the primary characteristic which makes a firearm restricted is unhelpful as in all cases these firearms are unavailable of for licensing. Some members of the Committee believe that it would be clearer if the characteristics that result in the rifle being a restricted firearms are identified and expressed in the legislation as these are the firearms which may be licenced, although on a restricted basis only. The Committee held differing opinions regarding what characteristics should warrant a firearm being classified as a restricted firearm, and if this should include features that are purely cosmetic in nature.

Three members of the Firearms Expert Committee believe that the visual appearance of a firearm should not be taken into consideration, as the firearms appearance is immaterial to its function and lethality. These members believe that the fitting of a rifle with an aftermarket shell or skin that has no effect on function should not impact the firearm’s classification under the legislation.

An Garda Síochána disagreed that visual appearance should not be taken into account when determining whether a rifle should be classified as restricted or non-restricted. An Garda Síochána advised that in their view the general public would be uneasy to see licensed firearms in use in this jurisdiction that are modelled in appearance on Armalite and Kalashnikov assault rifles. An Garda Síochána noted that it would share these concerns from a public safety and security perspective, without providing evidence. A majority of the Committee was of the view that visual appearance should not be taken into account in relation to assault rifles, as the public would be uneasy to see any firearms in public.

The Committee agrees that the presence of a pistol grip, a heat shield or a folding stock should not result in a rifle being considered to resemble an assault rifle under the current legislation.

The Committee attempted to identify a threshold for when a firearm is altered to a degree that it visually resembles an assault rifle. The basis being that if a clear "test" for resemblance could be established this would be easier for licensing officers to navigate. However, the Committee acknowledges that identifying an agreed list of characteristics would be difficult and providing it in legislation may result in the legislation becoming outdated when advances in technology change the format of the firearms.

Overall, all members of the Committee agreed that the current definition of an assault rifle is too broad and open to interpretation. The Committee agreed that the presence of the word "resembles" in the definition is problematic and should be reviewed.

When considering what a revised definition might encompass An Garda Síochána would prefer a definition of an assault rifle that is simple and unambiguous when describing the functions of the rifle and it should refer to a rifle capable of automatic fire. An Garda Síochána believe that resemblance, including visual resemblance, to an assault rifle should still be addressed in the definition but should be clearer that this means the rifle is deliberately modelled on and closely resembles an existing model of an assault rifle.

Three members of the Firearms Expert Committee believe that the new definition should exclude reference to the rifle's visual appearance. These members of the Committee believe that as long as the definition includes phrases such as "resembles" inconsistencies will arise from its interpretation. These members of the Committee believe that as the licensing of firearms which can engage in automatic fire is now prohibited under the EU Firearms Directive, there would be merit in removing the reference to an assault rifle in the S.I. and instead replace it with specific characteristics or functions that merit a rifle being treated as restricted. These members noted that identifying these characteristic would need careful consideration so to impact on the licensing of commonly held non-restricted firearms.

Recommendations

The Firearms Expert Committee, having considered the legal advice received and the views of the GNTB and PSNI, believes that the current definition of an assault rifle is too broad and

open to interpretation. The Firearms Expert Committee recommends that the definition of an assault rifle should be reviewed with an aim to provide for more prescriptive language that is easier for licensing officers and firearm-holders to interpret.

Three members of the Firearms Expert Committee recommend that the new definition should exclude reference to a rifle's visual appearance when the features are purely cosmetic. An Garda Síochána recommends that the new definition should include reference to the rifle's visual appearance.

Chapter four: Recommendations on the purpose for which the firearm should be licenced

These recommendations have been drafted as in line with the Committee's terms of reference:

- To carry out an assessment of all types of firearms which are currently licenced in the State to determine their use under the existing licensing system.
- To make recommendations based on this assessment on which types of firearms should be licensable in the State and for what purposes.

The purpose of the committee is "to provide an authoritative yardstick for use by the Department of Justice and An Garda Síochána in future licensing matters." Therefore, the Committee suggests that, if their recommendations are accepted by the Minister, this Chapter may serve as a guide for licensing authorities to assist them in identifying that the activity the firearm is sought for is suitable and appropriate.

A table outlining the Committee's recommendations in this regard is included at Annex One of this report.

4.1 Hunting and animal control

4.1.1 The hunting and control of small mammals (rat, hare, rabbit, grey squirrel and other similarly-sized mammalian quarry)

Types of suitable firearms

The Committee recommends that when a firearm is sought to shoot a small mammal, such as rat, hare, rabbit, grey squirrel and other similar sized quarry, the following firearms would be suitable for this purpose:

- Gas operated rifles over 16 joule - these firearms should be between .17 to .35 calibre.

- All types of shotgun, common suitable gauges are 10g, 12g, 16g, 20g, 28g, .410 and 9mm "garden guns".

- All types of rifles of a calibre between .17 rim-fire to 0.22 centre-fire ammunition.

The Committee recommends it would be preferable, when possible, that one firearm is licenced for multiple purposes, for example, a firearm of a larger calibre capable of controlling both rabbits and rats. However, the Committee notes that this is not possible in all circumstances and a person may require firearms of differing energies. In all cases, the person should be able to demonstrate that they have reasonable grounds for requiring the firearm.

Use of restricted firearms

The Committee agrees that in some limited circumstances restricted firearms may be required for this purpose at the discretion of a Chief Superintendent and that applicants must be able to demonstrate that they have good and sufficient reason for requiring a restricted firearm and demonstrate that it is the only type of firearm that is appropriate for the purpose for which it is required.

4.1.2 Medium mammalian quarry (fox, feral cat and other similar sized quarry)

Types of suitable firearms

The Committee recommends that when firearm is sought for the purpose of hunting and controlling medium quarry, such as fox, feral cat and other similar sized quarry, the following firearms would be suitable for this purpose:

- All types of rifles of a calibre between; .22" Hornet; .22" WMR .22"lr (at close range only).218" Bee; .22"-250 Swift; .22 Remi; 5.56mm/.223"/.243" 6mm PPC, 6mm/.244"; .220 Swift.

- Rifles of a lower calibre such as a .204 Ruger, or a .17 Remington provided they are used with expanding ammunition.

- Gas operated rifles over 16 joule, provided these firearms are of sufficient power to dispatch the quarry humanely. The Committee recommends that when a gas-operated rifle firearm is sought to dispatch fox sized quarry at a close range, the gas-operated rifle should be of approximately a minimum of 160 joules or 120 foot pounds approximately, in order to dispatch the quarry humanely.

- All types of shotgun, with the appropriate ammunition**.** In some circumstances, a pump action and/or semi-automatic shotguns with a capacity of over three rounds may be required.

Firearms of a larger calibre may not be required when the firearm is sought solely for the purpose of hunting fox and medium quarry. However, a firearm of a larger calibre may be suitable when a firearm is also sought for deer hunting or target shooting. For instance a person may have a .243 Winchester for deer hunting and this can also be used for the control of foxes with suitable ammunition such as 55gr expanding projectile.

The Committee recommends it would be preferable, when possible, that one firearm be licenced for multiple purposes. However, the Committee notes that this is not possible in all circumstances and a person may require firearms of differing energies depending on the purpose sought and the environment for which the firearm is to be used.

Use of restricted firearms

The Committee agrees that in some limited circumstances restricted firearms may be required for this purpose at the discretion of a Chief Superintendent and that applicants must be able to demonstrate that they have good and sufficient reason for requiring a restricted firearm and demonstrate that it is the only type of firearm that is appropriate for the purpose for which it is required.

The Committee is aware that some experienced shooters will hold semi-automatic centre-fire rifles for this purpose, which are restricted firearms. However, the Committee notes that legislation may be introduced which changes this.

4.1.3 Large mammalian quarry (feral goat, deer, boar, and other similarly-sized quarry)

Types of suitable firearms

The Committee recommends that when firearm is sought for the purpose of hunting deer and other large quarry, such as feral goat, boar, and other similar sized quarry, the following firearms would be suitable for this purpose:

- All types of rifles of a calibre between .240 to .308 and of a muzzle energy of over 2300 Joules. For the shooting of larger types of deer, or deer on open terrain rifles of considerably higher muzzle energy i.e. 3600 Joules should be licenced.
- All types of shotgun with the appropriate ammunition (excluding deer as per S.I. 239 of 1977).

The Committee notes that S.I. 239 of 1977, provides that deer many only be hunted with a centre-fire rifles of not less than .22 calibre with a muzzle energy of not less than 1,700 foot pounds. The Committee understands from the NPWS that some hunters in Ireland may still have firearms with these characteristics but recommends that new applicants should be directed to higher calibres as a .22 may not be humane. The Committee understands that aspects of deer management are under review by the NPWS and recommends that this issue be referred to the review group for its consideration.

The Committee recommends it would be preferable, when possible, that one firearm is licenced for multiple purposes. However, the Committee notes that this is not possible in all circumstances and a person may require firearms of differing energies depending on the purpose sought and the environment for which the firearm is to be used. The Committee notes that the suitability of the firearm will change with the conditions, distance, environment and quarry.

Use of restricted firearms

The Committee understands that certificates for restricted firearms are granted at the discretion of a Chief Superintendent and that applicants must be demonstrate that the firearm is the only type of firearm that is appropriate for the purpose for which it is required.

4.1.4 Dangerous quarry (lion, elephant, buffalo, bear, chimpanzee, etc.)

Types of suitable firearms

The Committee recommends that when a firearm is sought for the purpose of hunting or euthanising dangerous quarry, such as lion, elephant, buffalo, bear and chimpanzee, the following firearms are suitable:

- All types of rifles - these should be of a calibre above .338".

- All types of shotgun with the appropriate ammunition such as slug or sabot.

In the Committee's view, the use of a firearm for this purpose in Ireland would be limited to animal control at zoos or wildlife parks. The Committee believes that these facilities should have appropriate policies and arrangements in place for the safe use of these firearms.

The Committee understands that some shooters travelling overseas may seek these firearms to engage in big game hunting. In these circumstances, the minimum calibre varies depending on the country the shooter intends to visit, with most countries specifying a minimum calibre of .375". Some countries do not specify a minimum energy but it is likely an energy level of over 5300 joules would be required to engage in this type of hunting.

The Committee notes that some countries require visitors to bring their own firearm for use in big game hunting and hiring a firearm on arrival may not be an option. In order to use the firearm safely when abroad these shooters will require access to the firearm in the State in order to practice using the firearm before they travel abroad with it. Applicants seeking for firearms for this purpose should be able to demonstrate that they have access to an authorised shooting range certified for a use by firearms of the correct calibre and that they travel to engage in these activities.

Use of restricted firearms

The Committee understands that certificates for restricted firearms are granted at the discretion of a Chief Superintendent, and that applicants must be able to demonstrate that they have good and sufficient reason for requiring a restricted firearm and demonstrate that it is the only type of firearm that is appropriate for the purpose for which it is required.

4.1.5 Bird quarry

The Committee understands that there are two types of bird quarry "game bird" and "non-game bird". The classification as a game bird can effects the type of firearm which may be used. A "game" species is one that is specified in an Open Seasons Order that the Minster for the Department of Housing, Local Government and Heritage publishes each year. The Open Season Order states the types of bird that as classified as "game birds" and the dates and circumstances when they may be shot.

Game birds may only be lawfully hunted by means of a shotgun, whereas, non-game birds may be shot either with a rifle or a shotgun in accordance with a declaration made by the Minister for Housing, Local Government and Heritage.

Many birds that are shot each year are not "game" birds. These birds include Hooded Crow, Magpie, Rook, Jackdaw, Feral Pigeon, and Rock Dove. These species of bird will be detailed in a declarations made under the European Communities (Wildlife Act, 1976) (Amendment) Regulations 1986, as amended. These declarations are reviewed annually for publication in April each year. These declarations may permit the firearm to be a rifle or a shotgun.

The Minister of Housing, Local Government and Heritage may also grant permits under Section 42 of the Wildlife Act 1976 allowing the shooting of birds that are not specified in a "declaration" but which are causing certain kinds of damage. Such permits may authorise the use of gas-operated firearms and shooting at night with the aid of lamps.

Types of suitable firearms

The Committee recommends that when a firearm is sought for the purpose of shooting bird quarry the following firearms are suitable:

- All types of shotgun.
- Pump-action and/or semi-automatic shotguns should have a maximum capacity of three rounds.
- A rifle or gas-operated firearm if permitted by a declaration or order issued by the Minister for Housing, Local Government and Heritage (non-game birds only).

The Committee notes that a person may find heavier shotguns and those with a stronger recoil difficult to manage, they may seek to possess a lighter shotgun that is easier to manage, such as a double barrel 20 gauge shotgun or a lighter recoiling semi-automatic shotgun.

Other shooters will have no difficulty carrying and managing a heavier shotgun throughout the day. Applicants should be able to discuss their preferences and needs with the licensing officer and advise why the type of shotgun they seek is the most appropriate for them.

Use of restricted firearms

The Committee understands that certificates for restricted firearms are granted at the discretion of a Chief Superintendent, and that applicants must be able to demonstrate that they have good and sufficient reason for requiring a restricted firearm and demonstrate that it is the only type of firearm that is appropriate for the purpose for which it is required.

The Committee agrees that in most circumstances a restricted firearm may not be required for the purpose of game hunting. However, the Committee identified that a restricted shotgun might be required by shooters who may have difficulties holding a conventional shotgun stock and may need a pistol grip. Shooters should be able to discuss their preferences and needs with the licensing officer and demonstrate why they required a restricted firearms, on an exceptional basis.

4.1.6 Humane killing of animals

The Committee recommends that when a device is sought for the purpose of humane killing of animals, consideration should be given to the individual circumstances when identifying the most suitable type. The Committee recommends that where a possible a device that has been specifically designed to euthanise animals should be used.

The Committee understands captive-bolt humane killers, which are not considered to be firearms, are commonly used in abattoirs or by veterinarians and the Committee believes the use of these devices is appropriate in most circumstances.

The Committee recommends that when an animal may be safely euthanised from a close distance, for example, a horse on a racetrack, the use of a single-shot smoothbore pistol or handgun would be appropriate for use in these circumstances. This firearm should be of suitable calibre. The Committee recommends that when possible devices such as .32 and .38 Webley & Scott Humane Killers be used. The Committee, however, notes that S 2(3) (g) of the Firearms Act 1925-2009 exempts certain users of humane killers from the need to have a firearms certificate.

The Committee recommends that when animal cannot be easily controlled, for example, a large wounded animal, the use of a rifle or shotgun would be appropriate in these circumstances. This firearm should be of a suitable calibre.

The Committee recommends that all facilities should have appropriate policies and arrangements in place for the safe use of these devices and firearms.

4.1.7 Sedation of animals for examination or veterinary treatment

Types of suitable firearms

The Committee recommends when a firearm is sought for the purpose of sedation of animals for examination or veterinary treatment that firearms designed or adapted to use tranquiliser darts would be suitable to be licenced.

The Committee recommends that when these firearms granted the facilities should have in place the appropriate policies and arrangements in place. These could include requiring that the firearm should be stored in a secure premises in a locked container or safe secured to the structure of the building and only authorised and competent persons have access to the firearm.

Use of restricted firearms

The Committee understands that certificates for restricted firearms are granted at the discretion of a Chief Superintendent, and that applicants must be able to demonstrate that they have good and sufficient reason for requiring a restricted firearm and demonstrate that it is the only type of firearm that is appropriate for the purpose for which it is required.

4.1.8 Gun dog training

The Committee understands than in most instances a dog owner will use their existing licenced firearm when training their gun dog to become accustomed to the noise of gun-fire. However, in some circumstances a person may wish to acquire a separate device for gun dog training if using their existing firearm would not be appropriate or safe.

The Committee recommends if a firearms certificate or authorisation is sought solely for gun dog training purposes the applicant should be directed to acquire a blank-firing device that has been purpose built and cannot be converted into a live-firing firearm. These devices should meet the technical specifications contained in Commission Implementing Directive (EU) 2019/69.

4.1.9 Netting of birds

The Committee recommends that a rifle, pistol, or shotgun designed or adapted to shoot a net may be used for the non-lethal capture of birds. These firearms may be sought when birds are required to be captured for research purposes or for veterinary treatment.

There are several purpose built gas-operated net guns available on the market for this purpose, these would be suitable for the capture of a single bird. These gas-operated net guns are restricted firearms due to their calibre.

In instances where a larger sample needs to be captured a punt gun may be required. Punt guns are not commonly licenced in Ireland and due to the use of black powder their use must be authorised in conjunction with the Department of Justice to ensure accordance with the explosive legislation and the guidance issued by the Government Inspector of Explosives.

The Committee understands that Section 32 of the Wildlife Act 1976, as amended, provides that it shall be an offence for a person to have in his possession a cannon-net, mist-net, rocket-net or similar appliance for taking or trapping birds unless he is the holder of a licence granted by the Minister of Housing, Local Government and Heritage.

4.2 Target shooting

4.2.1 Clay-target shooting

Types of suitable firearms

The Committee considers all shotgun types may be suitable for use in clay-target shooting.

The Committee is aware that there are specific competitions involving black powder, muzzle loader and black powder cartridge firearms, which may require the use of black powder or nitrocellulose substitute.

The Committee recommends that when a shotgun is sought for the purpose of engaging clay-target shooting, the following be considered:

- That the firearm is appropriate for rules of the competition as set by a national governing body.
- That all firearms should be non-restricted, unless it is clearly demonstrated that only a restricted firearm will suffice.
- That the firearm will be used at an authorised clay-target location, in line with the recommendation that such locations be subject to authorisation. (The majority of the Committee agreed with this.)

The Committee recommends it would be preferable that, when possible, that one firearm is licenced for multiple purposes, for example, if a person also wishes to engage in game hunting and clay target shooting an over and under double barrel shotgun would be suitable for both purposes. However, the Committee notes that this is not possible in all circumstances and different clay shooting disciplines require different types of shotgun, as such, some applicants may require more than one firearm for this sport.

Supporting information

The Committee is aware that an application to be permitted to possess a shotgun for the purpose of clay-target shooting does not have to be supported by membership of a club authorised under Section 4A of the Firearms Act 1925.

The Committee believes that it would be preferable that a person who seeks a firearm to engage in any type of clay target shooting be the member of an authorised clay target club, subject to exemptions for ad hoc groups of 10 or less, as discussed in Report Two. This club should be able to demonstrate that they have permission to shoot in appropriate location and that its members are insured.

The Committee believes all clay target shooting clubs should be able to demonstrate that they are responsibly managed with appropriate policies and arrangements in place to safely undertake the sport**.** It would be preferable that the club operates under a national governing body that oversees the rules and regulation of the sport and can provide guidance to new members.

Use of restricted firearms

The Committee understands that certificates for restricted firearms are granted at the discretion of a Chief Superintendent and that applicants must be able to demonstrate that they have reasonable cause for requiring a restricted firearm.

The Committee agrees that in most circumstances a restricted shotgun is not required for the purpose of clay-target shooting. However, the Committee identified that a restricted shotgun might be required by shooters who have difficulties holding a conventional shotgun stock and may need a pistol grip. The Committee understands that certificates for restricted firearms are granted at the discretion of a Chief Superintendent, and that applicants must be able to demonstrate that they have good and sufficient reason for requiring a restricted firearm and that it is the only type of firearm that is appropriate for the purpose for which it is required.

4.2.2 Short firearm target shooting

Types of suitable firearms

The Committee understands that only persons who have been licenced to hold a restricted short firearm for that particular firearm on or before 19 November 2008, may be permitted to possess a restricted short firearm for target shooting.[2]

The Committee understands that in most instances the types short-firearms sought for use in target shooting will be pistols and revolvers.

[2] The following live-firing short firearms are non-restricted:
(i) air-operated firearms designed for use with 4.5 millimetres (0.177 inch) calibre ammunition;
(ii) single shot firearms designed for use with 0.22 inch long rifle rim fire percussion ammunition;
(iii) firearms which are designed for use with 0.22 inch long rifle rim fire percussion ammunition and use magazines that have been manufactured or modified prior to use so as to accommodate no more than five rounds of ammunition".

The Committee is aware that there are specific competitions involving black powder, muzzle loader and black powder cartridge firearms, which may require the use of black powder or nitrocellulose substitute.

The Committee notes that different target shooting disciplines require different types of short firearms, as such, some applicants may require more than one short firearm for this sport.

Supporting information

The Committee agrees that applications should be supported by membership of an authorised rifle or pistol club authorised under Section 4A of the Firearms Act 1925

The Committee recommends the following be considered when licensing pistol and revolvers for the purposes of target shooting:

- That the short firearm is appropriate for rules of the competition set by a national governing body.
- That the authorised range the short firearm sought is to be used on is certified for that calibre of firearm.

4.2.3 Rifle target shooting

Types of suitable firearms

The Committee considers all types of rifles are suitable for use in rifle target shooting.

The Committee understands that target-shooting rifles may have pistol grips for enhanced controllability, and/or adjustable stocks for various shooting positions.

The Committee is aware that there are specific competitions involving black powder, muzzle loader and black powder cartridge firearms, which may require the use of black powder or nitrocellulose substitute.

The Committee notes that different target shooting disciplines require different types of firearms to be used, therefore, some applicants may require more than one rifle for this sport.

Supporting information

The Committee agrees that all applications for a firearm certificate for the purpose of rifle target shooting must be supported by membership of a an authorised rifle or pistol club authorised under Section 4A of the Firearms Act 1925.

The Committee recommends the following be considered when licensing rifles for the purposes of target shooting:

- That the firearm is appropriate for rules of the competition as set by a national governing body.
- That all rifles should be non-restricted, unless it is clearly demonstrated that only a restricted firearm will suffice.
- That the range the firearm is sought to be used on is certified for that calibre of rifle.

Use of restricted firearms

The Committee understands that certificates for restricted firearms are granted at the discretion of a Chief Superintendent, and that applicants must be able to demonstrate that they have good and sufficient reason for requiring a restricted firearm and that it is the only type of firearm that is appropriate for the purpose for which it is required.

The Committee agrees that in some circumstances a restricted rifle is required for the purpose of rifle target shooting. The Committee identified that semi-automatic centre-fire rifles and rifles of a restricted calibre are required for some target shooting competitions, such as gallery rifle. However, the Committee notes that legislation may be introduced which changes this.

The Committee notes that even if a restricted rifle is not explicitly required by the rules of a competition, they may be necessary to be competitive. Shooters should be able to discuss their preferences and needs with the licensing officer and demonstrate why they require a restricted firearm.

4.2.4 Target shotgun

Types of suitable firearms

The Committee identified that target shotgun is distinct from clay target shooting, which also employs shotgun.

The Committee considers that all shotgun types may be suitable for use in target shotgun shooting.

The Committee understands that these shotguns may have pistol grips for enhanced controllability, and or adjustable stocks for various shooting positions.

The Committee is aware that there are specific competitions involving black powder, muzzle loader and black powder cartridge firearms, which may require the use of black powder or nitrocellulose substitute.

The Committee recommends that when a shotgun is sought for the purpose of engaging target shooting, the following is considered:

- That the firearm is appropriate for rules of the competition as set by a national governing body.
- That all firearms should be non-restricted unless it is clearly demonstrated that only a restricted firearm will suffice.
- That the range the firearm is sought to be used on is authorised.

The Committee notes that different target shooting disciplines require different types of firearms to be used, therefore, some applicants may require more than one shotgun for this sport.

Supporting information

The Committee is aware that an application to be permitted to possess a shotgun for the purpose of target shooting does not have to be supported by membership of an authorised club authorised under Section 4A of the Firearms Act 1925. The Committee recommends that in future target shotgun clubs should be subject to authorisation.

The Committee believes it would be preferable that a person who seeks a firearm to engage in any type target shooting be the member of a target shooting club. This club should be able to demonstrate that they have permission to shoot in locations authorised by a Superintendent and have acquired insurance for their member's activities.

The Committee believes all clubs should be able to demonstrate that they are responsibly managed with appropriate policies and arrangements in place to safely undertake the sport. It would be preferable that the club operates under a national governing body that oversees the rules and regulation of the sport and can provide guidance to new members.

Use of restricted firearms

The Committee understands that certificates for restricted firearms are granted at the discretion of a Chief Superintendent, and that applicants must be able to demonstrate that they have good and sufficient reason for requiring a restricted firearm and that it is the only type of firearm that is appropriate for the purpose for which it is required.

The Committee agrees that in some circumstances a restricted shotgun will be required for the purpose of shotgun target shooting. The Committee identified that some shotguns for this purpose will be only available with a pistol grip for enhanced controllability. The shotgun may be fitted with an adjustable stocks for various shooting positions. The shotgun may be required to hold greater than three rounds or use slug ammunition, dependent on the rules of the competition.

4.2.5 Crossbow target shooting

Types of suitable firearms

The Committee understands that crossbows are defined as restricted firearms and the applicant must demonstrate that a crossbow is the most appropriate firearm for the purpose for which it is sought. The Committee believes that rifles and shotguns are more appropriate firearms to be licenced for purposes of hunting and vermin control. Therefore, the Committee recommends that as crossbows are restricted firearms they should only be licenced to engage in target shooting.

Supporting information

The Committee heard from the PSNI that crossbows are not considered firearms in Northern Ireland but that a separate regulation, the Crossbows (Northern Ireland) Order 1988, restricts their use.

The Committee recommends that, when a crossbow is sought for the purpose of engaging target shooting, the following be considered:

- That the firearm is appropriate for rules of the competition/discipline as set by a national governing body; and
- That the firearm will be used at an appropriate and safe location, (crossbow ranges do not require authorisation under the Firearms Act).

The Committee is aware that an application to be permitted to possess a crossbow for the purpose of target shooting does not currently have to be supported by membership of an authorised rifle or pistol club authorised under Section 4A of the Firearms Act 1925.

The Committee believes it would be preferable that a person who seeks a firearm to engage in any type target shooting be the member of target shooting club. This club should be able to demonstrate that it has permission to shoot in appropriate locations and have acquired insurance for their member's activities.

The Committee believes all clubs should be able to demonstrate that they are responsibly managed with appropriate policies and arrangements in place to safely undertake the sport. It would be preferable that the club operates under a national governing body that oversees the rules and regulation of the sport and can provide guidance to new members.

A majority of the Committee recommends that crossbow shooting clubs should be subject to authorisation, as they employ restricted firearms.

4.2.6 Paintball

Types of suitable firearms

The Committee understands that paintball markers over one joule are defined as firearms under the 1925 Firearms Act and that these type of firearms are at the lower level of concern for An Garda Síochána in relation to public safety.

The Committee understands that paintball events and competitions which involve combat style shooting may only be undertaken at locations authorised by the district or division's Superintendent under Section 2(4)(d) of the 1925 Firearms Act. Paintball markers authorised for use at these events should be of an energy not exceeding sixteen joule.

The Committee recommends that, if issuing an individual with a certificate for a paintball marker, the certificate holder should be advised that to use the firearm to engage in combat style shooting at a location not authorised under Section 2(4)(d) would be considered to be engaging in "practical or dynamic shooting" which is an offence under section 4C of the Act.

The Committee understands that the definition of practical or dynamic shooting is: 'any form of activity in which firearms are used to simulate combat or combat training'. A person convicted on indictment of an offence under section 4C is liable to a fine not exceeding €20,000 or imprisonment for a term not exceeding 7 years or both**.** This does not apply to the use of a firearm pursuant to an authorisation under section 2(5)(a) of this Act, pursuant to Section 2(4)(d), where the muzzle energy of the firearm is less than 16 Joules.

4.2.7 Airsoft

Types of suitable firearms

The Committee understands that airsoft guns of over one joule are defined as firearms under the Firearms Act 1925 and that these type of firearms are at the lower level of concern for An Garda Síochána in relation to public safety**.** The Committee notes that airsoft guns of under one joule are not classified as firearms but are considered realistic imitation firearms, which, if they are to be possessed in a public place, must be authorised under Section 9B of the Firearms and Offensive Weapons Act 1990. The Committee heard from An Garda Síochána that it has no particular concerns over the infiltration of airsoft by criminals.

4.3. Other reasons

4.3.1 Alarm and signal purposes

The Committee notes that alarm and signal weapons are defined in the European Firearm's Directive as being devices with a cartridge holder designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being

converted to expel a shot, bullet or projectile by the action of a combustible propellant. These devices are typically sought for life-saving purposes, for example to produce a distress signal on a ship.

The Committee recommends if a firearms certificate is sought for an alarm and signal weapon the applicant should be directed to devices which cannot be converted into live-firing firearms and meet the technical specifications contained in Commission Implementing Directive (EU) 2019/69. While these devices are still classified as firearms under Irish law and require authorisation, it would be preferable that they were non-convertible.

4.3.2 Bird-scaring

The Committee recommends that blank firing devices are suitable to be licenced for the purpose of bird scaring. The Committee understands that in most instances when a person, such as a farmer, will be engaged in bird scaring they will use their existing licenced firearm. However, in some circumstances such for use at an airport, a person may need to acquire a separate device for bird scaring when using a live firearm would not be appropriate or safe.

The Committee recommends that, if a firearms certificate is sought solely for bird scaring purposes (save in the case of authorised employees or agents of the airport authority, as provided for at Section 2(4)(k) of the Firearms Act 1925, as amended), the applicant should be directed to acquire a blank-firing or pyrotechnic device that has been purpose built and cannot be converted into a live-firing firearm. These devices should meet the technical specifications contained in Commission Implementing Directive (EU) 2019/69.

4.3.3 Historical re-enactments

The Committee believes that all types of firearms may be suitable for use in historical re-enactments depending on the needs of the event and that these firearms are normally supplied by a Registered Firearms Dealer for use by actors or reenactors.

The Committee understands that in circumstances where such firearms are non-restricted, an authorisation may be issued under Section 2(5) of the Firearms Act 1925, by the district or division's Superintendent. In these circumstances, the Superintendent will assess that appropriate safety arrangements are in place for the use and storage of the firearms under the control of the Registered Firearms Dealer. The Committee is aware that under Section 2(6) of the Act only non-restricted firearms may be authorised for this purpose. The Committee is aware that the paramount consideration for licensing officers in this particular area is the safety of the public, including the safety of the people involved in the production. Another consideration is ensuring that the firearms are transported safely to and from the location and do not fall in to the hands of criminals.

The Committee recommends that, when firearms are required for use in historical re-enactments, only blank-firing or deactivated firearms be used, though it recognises that some historical re-enactments may require the use of black powder or cartridged firearms.

The Committee understands that there are two main types of blank-firing firearms: firearms that are purpose-built to only fire blank ammunition and previously live firearms that have been specifically converted for the sole use of firing blank ammunition, referred to as salute or acoustic weapons under the Firearms Directive.

The Committee understands that while it is possible that a person may be granted a firearm certificate for this purpose this would be unusual. A firearm certificate is granted for a period of three years and therefore it may be unnecessary to grant a certificate for a historical re-enactment that will likely span a much shorter period of time. However, if an application is made to licence a firearm for the purpose of historical re-enactments, such an application must be considered on its own individual merits.

The Committee notes the European Firearms Directive prohibits the civilian acquisition of firearms detailed in Category A. This includes Category A firearms that have been converted to firing blanks, pyrotechnic rounds or into a salute or acoustic weapon. Therefore, previously "live" Category A firearms may not be acquired in any circumstance.

The Committee recommends that the system of authorisations at Section 2(5) of the Firearms Act 1925, as amended, be reviewed with a view to providing Chief Superintendents of An Garda Síochána with the authority to authorise the possession and use of restricted firearms in certain defined circumstances.

4.3.4 Film, television and theatre productions

The Committee believes that all types of firearms may be suitable for use in film, TV and theatre, depending on the needs of the productions. These firearms are normally supplied by a Registered Firearms Dealer for use by actors or performers.

The Committee understands that in these circumstances, an authorisation may be issued under Section 2(5) of the Firearms Act 1925, by the district's or division's Superintendent. In these circumstances, the Superintendent will assess that appropriate safety arrangements are in place for the use and storage of the firearms under the control of the Registered Firearms Dealer. The Committee is aware that under Section 2(6) of the Act, only non-restricted firearms may be authorised for this purpose. The Committee is aware that the paramount consideration for licensing officers in this particular area is the safety of the public, including the safety of the people involved in the production. Another consideration is ensuring that the firearms are transported safely to and from the set or theatre and do not fall in to the hands of criminals.

The Committee recommends that when firearms are required for use in film, TV and theatre productions, it would be preferable that only blank firing or deactivated firearms were used, though in certain circumstances some productions may require the use of black powder or cartridged firearms**.**

The Committee understands that there are two main types of blank-firing firearms: firearms that are purpose-built to only fire blank ammunition and salute and acoustic weapons. Salute and acoustic weapons are previously live firearms that have been specifically converted for the sole use of firing blank ammunition.

The Committee understands that, while it is possible that a person may be granted a firearm certificate for this purpose, this would be unusual. A firearm certificate is granted for a period of three years and therefore it may be unnecessary to grant a certificate for a production that will likely span a much shorter period of time. However, if an application is made to licence a firearm for the purpose of a film, TV and theatre production, such an application must be considered on its own individual merits.

The Committee notes the European Firearms Directive prohibits the civilian acquisition of firearms detailed in in Category A, including Category A firearms that have been converted to firing blanks, pyrotechnic rounds or into a salute or acoustic weapon. This means that previously "live" Category A firearms may not be acquired, save in very limited circumstances to which duly reasoned exemptions may be applied if set out in national law.

An Garda Síochána noted that it is aware that recommendations have been made by various Government Departments to permit Registered Firearms Dealers, by means of proposed legislative changes, to supply restricted and Category A firearms to the TV/Film industry under strict public safety conditions.

Chapter five: Recommendations on other matters that might be examined in future

These recommendations have been drafted as in line with the Committee's terms of reference which permit the Committee to make recommendation on other matters that might be examined in the future.

5.1 For the improvement of legislation

The Committee recommends that the definition of an assault rifle contained in Statutory Instrument 21 of 2008 should be reviewed, taking into account the requirements of the Firearms Directive, and 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 licensing of rifles with selectable automatic fire is prohibited by the Firearms Directive.

The Committee recommended that consideration should be given to aligning the classification of firearms under Irish legislation with the categories with the Firearm Directive.

The Committee recommended that wording of Section 4(2)(h)(iii) be reviewed, possibly replacing the phrase "only type" with more flexible language. This provision provides that in order to possess a restricted firearm a person must demonstrate that the firearm is only the type that is appropriate for the purpose for which it is required. While the Committee agrees that a higher threshold should be applied to the possession of a restricted firearms, limiting it to the "only type" sets a subjective test**.** The Committee recommends that the term 'only type' be reviewed to provide greater clarity to applicants and licensing officers.

5.2 For the improvement of oversight of firearms

The Committee recommends that consideration should be given to requiring that, when a firearm is sought on the basis of membership of a shooting club, that this club should be subject to authorisation. Further policy consideration should be given to the fees that should apply to the various forms of club.

The Committee recommends 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. A majority of the Committee recommend that it should be expanded to all types of shooting clubs.

The Committee recommended that consideration should be given to improving the regulation of clay target shooting and shotgun ranges. 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 and believes there would be merit in exploring how this could be achieved.

The Committee discussed the arrangements for the transport and 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 recommends that consideration should be given to requiring a higher standard of storage arrangements for when multiple firearms are being transported.

The Committee recommended that consideration should be given to introducing electronic registers for use by Registered Firearms Dealers.

5.3 Improvements to licensing

The Committee recommends that consideration should be given to:

1. Bringing areas of the licensing system online, where possible.

2. Revising the current practice of issuing individual specific certificates for each firearm. The Committee suggests that this revision might allow for the substitution of firearms on the certificate on a like-for-like basis by a registered firearms dealer, without the need to make a new application to An Garda Síochána, as is the case in Northern Ireland. The Committee, however, notes that any such system would need to meet the data-filing requirements at Article 4(5) of the Firearms Directive. The Committee recommends that there would also be merit in reformatting the firearms certificate to make it more durable and include the holder's photograph.

3. Aligning the duration of firearm certificates and hunting permits, so that when hunting permits are submitted in support of an application for a firearm they remain in-force for the same period. This may entail extending the duration of hunting permits.

4. Assessing the efficacy of the current licensing process to establish if there are delays or issues with lost paperwork. If delays are identified, measures should be introduced to mitigate against them, for instance the issuing of receipts when applications are made.

5. Providing specific firearms training for all staff involved in overseeing the firearms legislation.

6. The centralisation of the licensing authority within AGS, with appropriate input from local districts/division in the licensing process. If no centralisation of the authority takes place, there should be extensive training for issuing persons in legislation, policy and functionality of firearms prior to them considering licence applications.

7. Establishment of a non-judicial appeals mechanism for firearms licensing decisions, in line with Department of Justice recommendations and to be based on the Private Security

Authority Appeals Board. The process for refusing a firearms license application should be modified to include a letter of intent to refuse that is issued prior to a refusal decision in order to allow the applicant to provide any further relevant information that may impact on a licensing decision, as is the case in Northern Ireland.

One Member further recommended that the policy on the reloading of ammunition be examined with a view to permitting reloading in residential abodes.

Annex One: Firearms considered by the Firearms Expert Committee to be suitable for licensing

Gas operated Guns

Gas operated Pistol between one joule and sixteen joule
Gas operated Pistol over sixteen joule
Gas operated Rifle between one joule and sixteen joule
Gas operated Rifle over sixteen joule

Rifles

Break Action
Lever Action
Pump Action
Bolt Action
Falling Block
Semi-Automatic (excluding centre-fire licenced after 18th September, 2015)
Black Powder
Tranquiliser gun
Blank-firing
Rim-fire
Centre-Fire
Black powder
Blank-firing

Handgun

Revolvers (centre-fire), now defined as restricted firearms, licensed prior to 19th November, 2008, remain licensable provided the individual held a firearm certificate for that particular firearm prior to that date.

Pistol (centre-fire), now defined as restricted firearms, licensed prior to 19th November, 2008, remain licensable provided the individual held a firearm certificate for that particular firearm prior to that date.

Revolvers (rim-fire)

Pistol (rim-fire)

Break-action
Tranquiliser gun
Black powder
Blank-firing

Shotguns

Break-action
Pump Action
Semi-Automatic
Falling block
Bolt Action
Blank- firing
Punt Gun
Black powder

Crossbow
Rifle crossbow, suitable for target shooting only.
Pistol crossbow, suitable for target shooting only.

The hunting and control of small mammals (rat, hare, rabbit, grey squirrel and other similar sized mammalian quarry).	**Medium mammalian Quarry (Fox, feral cat and other similar sized quarry)**	**Large mammalian Quarry (feral goat, deer, boar, and other similar sized quarry).**	**Dangerous Quarry (lion, elephant, buffalo, bear, chimpanzee, etc.)**	**Bird Quarry**	**Humane Killing of Animals.**
Gas operated rifles over 16 joule - between .17" to .35" calibre. All types of shotgun, 10g, 12g, 16g, 20g, 28g, .410 and 9mm. All types of rifles of between .17" rim-fire to 0.22" centre-fire calibre.	Rifles of a calibre between; .22" Hornet; .22" WMR .22", .218" Bee; .22"-250 Swift; .22 Remi; 5.56mm/.223"/.243" /6mm PPC, 6mm/.244"; .220 Swift. Gas operated rifles of approximately 160 joules or 120 foot pounds approximately. All types of shotgun, with the appropriate ammunition**.**	Rifles of a calibre between .240" to .308" and of a muzzle energy of over 2300 Joules. All types of shotgun with the appropriate ammunition (excluding deer as per S.I. 239 of 1977).	Rifles of a calibre above .338". All types of shotgun with the appropriate ammunition such as slug or sabot.	Shotgun. A Rifle or Airgun if permitted by a declaration or order issued by the Minister for Housing, Local Government and Heritage. (Non-game birds only)	Smoothbore devices such as .32" and .38" Webley & Scott Humane Killers**.**
Consideration could be given that one firearm is licenced for multiple purposes, for example, a firearm of a larger calibre capable of controlling both rabbits and rats.			The minimum calibre may vary depending on the country to be visited, with most countries specifying a minimum calibre of .375".	Heavier shotguns and those with a stronger recoil may be difficult for some to manage, they may seek a lighter shotgun such as a double barrel 20 gauge shotgun or a lighter recoiling semi-automatic shotgun.	A device that has been specifically designed to euthanise animals should be used such as a captive bolt humane killer Alternatively, a firearm should be of suitable calibre. The Committee recommends that when possible devices such as .32 and .38 Webley & Scott Humane Killers are used**.**

Rifle Target Shooting	Target Shotgun	Crossbow Target shooting	Paintball	Alarm and Signal Weapons
All types of rifles are suitable for use in rifle target shooting.	All types of shotguns are suitable for use in target shooting.	All types of Crossbows.	Paintball markers with a muzzle energy below 16 Joules	Devices with a cartridge holder designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.
There are specific competitions involving black powder, muzzle loader and black powder cartridge firearms, which may require the use of black powder or nitrocellulose substitute.	There are specific competitions involving black powder, muzzle loader and black powder cartridge firearms, which may require the use of black powder or nitrocellulose substitute.			These devices are typically sought for life-saving purposes, for example to produce a distress signal on a ship.
Different target shooting disciplines require different types of rifles, as such, some applicants may require more than one rifle for this sport.	Different target shooting disciplines require different types of shotguns, as such, some applicants may require more than one shotgun firearm for this sport.			If a firearms certificate is sought for an alarm and signal weapon the device should be incapable of being converted into live-firing weapons and meet the technical specifications contained in Commission Implementing Directive (EU) 2019/69. While these devices are still classified as firearms under Irish law and require authorisation, it would be preferable that they were non-convertible.

Bird scaring	Historical re-enactments	Film , TV and theatre productions
Blank firing devices are suitable to be licenced for the purpose of bird scaring.	All types of firearms may be suitable for use in historical re-enactments depending on the needs of the event and that these firearms are normally supplied by a Registered Firearms Dealer for use by actors or reenactors.	All types of firearms may be suitable for use in film, TV and theatre, depending on the needs of the productions. These firearms are normally supplied by a Registered Firearms Dealer for use by actors or performers.
	An authorisation may be issued under Section 2(5) of the Firearms Act 1925, by the district Superintendent. In these circumstances, the Superintendent should assess that appropriate safety arrangements are in place for the use and storage of the firearms under the control of the Registered Firearms Dealer.	