An Garda Síochána

2022

Annual Review

of the Operation of the

Firearms Acts 1925 to 2009

Introduction

Section 31 of the Criminal Justice (Miscellaneous Provisions) Act 2009, inserted section 3E into the Firearms Act of 1925 and provides that: *"The Commissioner shall conduct an annual review of the operation of the Firearms Acts 1925 to 2009 and shall submit a report to the Minister specifying the number and classes of certificates and authorisations issued under the Acts. The Minister shall lay a copy of such report before each House of the Oireachtas."*

Implementation

Following on from changes to the firearms licensing processes by means of Primary Legislation in August 2009, all existing one year firearm certificate holders were required to apply under newly commenced legislation for a three year firearm certificate for each firearm. Other changes saw the collection of firearms fees outsourced to An Post, the introduction of new minimum security standards and proof of competence in the use of firearms, requirements to provide two referees to attest to the character of each applicant and written consent of an applicant for an issuing Superintendent, (or Chief Superintendent if the firearm is restricted), to make enquiries in relation to an applicant's medical history. The legislation also provided for An Garda Síochána to inspect the accommodation and secure storage facilities of licensed firearm owners.

Implementing the firearms licensing processes continues to place significant demands on Garda resources, with each new and renewal firearm certificate application entered and processed on the Garda PULSE system. It remains a priority for An Garda Síochána to ensure that each application is fully processed within the three month timeframe as provided for in legislation, however, on occasion, an issuing person may make further enquiries of an applicant, for example in respect of land permissions, medical enquiries, verification of nominated referees or ensuring that minimum security storage requirements are satisfied. This may result in a small number of applications taking longer than 3 months to fully process. An Garda Síochána continues to review the firearms licensing processes to ensure any delays in processing new applications or applications to renew, are kept to an absolute minimum.

Planning

One of the benefits of the amended firearms licensing processes is that each firearm certificate continues in force for a period of three years from the date it was granted, unless otherwise revoked. A large tranche of firearm certificate renewals commenced in June 2021 and continued into 2022. During this period, significant numbers of firearms certificates reached their expiry dates and were therefore subject to renewal. The continued co-operation of firearms owners and firearm representative groups

has been a significant factor in ensuring that all firearms are licensed on time and in accordance with the legislation.

As highlighted in previous annual review reports, a firearm certificate renewal form (FCR) automatically issues to each firearm certificate holder approximately three (3) months prior to the expiry of their existing 3 year firearm certificate. The renewal form is pre-populated with all existing details relevant to that particular firearm certificate. The FCR includes the facility for each certificate holder to make any changes relevant to his/her details; for example a change of referee(s), land permissions, gun club membership etc. prior to submitting the renewal form to the relevant Superintendent (or Chief Superintendent if the renewal relates to a restricted firearm). Licensed firearm owners are again reminded that it is a mandatory requirement for each firearm owner to include details of their General Practitioner on the FCR, prior to returning it to An Garda Síochána for processing.

Firearms Policy Unit

The Firearms Policy Unit, Crime Legal Division, Garda Headquarters, continues to act as the central reference point for District and Divisional Officers of An Garda Síochána, Department of Justice and the various shooting organisations and representative groups located throughout the country. The Firearms Policy Unit enjoys excellent working relationships with the vast majority of the representative groups and works closely on a daily basis with these organisations to address any concerns that may arise. A process continues whereby nominated representatives of each of the shooting groups can liaise and meet with staff from the Firearms Policy Unit to address any issues affecting their members in relation to firearm certificate applications or renewals.

Commissioners Guidelines

The Commissioner's Guidelines document, as to the application and operation of the Firearms Acts 1925 to 2009, first issued on 4th September 2009 to coincide with the commencement of the then new firearms licensing legislation. In September 2018 the amended Commissioners Guidelines document was published by the Garda Commissioner, resulting in the first significant amendments to the document since 2009. The revised document has taken account of more recent case law, changes to legislation and lessons learned in the area of firearms licensing.

The Guidelines set out in practical terms, for the benefit of members of the Garda Síochána and the public alike, how the complex area of firearms legislation may be applied and this document should be read in conjunction with firearms legislation. The document will continue to be subject to amendment as and when appropriate, to take account of any significant legislative provisions as well as emerging case law.

Authorised Shooting Ranges and Rifle and Pistol Clubs

On 31st December 2022, the number of shooting ranges in the State authorised under section 33 of the Criminal Justice Act 2006, totaled sixteen (16). Shooting range authorisations remain in force for a period of five years unless otherwise revoked and are granted by the local superintendent. On 31st December 2022, the number of rifle and pistol clubs authorised by superintendents of An Garda Síochána under section 33 of the Criminal Justice Act 2006, totaled twenty (20). Authorisations for rifle and/or pistol clubs also remain in force for a period of five years unless otherwise revoked.

Numbers and Classes of Firearm Certificates

The statistics for issued firearm certificates as provided in this report covers the period to 31st December 2022. As highlighted in previous annual review reports, firearm certificates are granted for a period of three years unless otherwise revoked. Therefore, annual figures of granted certificates for a particular year no longer accurately reflect the overall number of firearm certificates on issue in the State.

It must also be emphasised that the figures below do not include new applications or applications to renew that were not fully processed on 31st December 2022. Additionally, the numbers do not include applications for renewal which had been granted but not yet paid, or applications that were in progress, but not yet fully considered.

Number and classes of Firearms Certificates in force on 31st December 2022

Firearms Certificate Type:	
Firearm Certificate	**177,777**
Limited Certificate	**7,542**
Restricted Certificate	**841**
Substitute Certificate	**7837**
Training Certificate	**116**
Total	**194,113**

Firearm Storage & Safety

Public safety is the paramount concern for An Garda Síochána when considering applications for firearm certificates or renewals. It is vitally important that all firearm owners take every precaution to ensure their firearm(s) remain secure and do not fall into the wrong hands. Statutory Instrument No: 307/2009 – Firearms (Secure Accommodation) Regulations 2009, outlines the minimum security requirements in relation to the provision of secure accommodation for firearms and is available to the

public on the Garda website **www.garda.ie**. Advice on securing licensed firearms, both in the place they are stored and also while being transported by their owners, is available in the Commissioner's Guidelines document.

Conclusion

A comprehensive section on firearms licensing is available to the public on the Garda website **www.garda.ie**. All firearms application forms, a copy of the Commissioner's Guidelines, Statutory Instruments relevant to firearms legislation, frequently asked questions, etc. can all be accessed on the website.

An Garda Síochána again wishes to acknowledge the ongoing assistance of all firearm owners and also the support of the shooting representative groups and organisations who work tirelessly on behalf of their members. The continued engagement between the Firearms Policy Unit, Garda Headquarters, and the shooting representative groups ensures that any firearm licensing issues or concerns can be satisfactorily addressed and resolved in a timely manner.

J.A. Harris
Commissioner
An Garda Síochána

13 **November 2023**

An Garda Síochána

2022

Athbhreithniú Bliantúil

ar Oibriú

Achtanna na nArm Tine, 1925 go 2009

Réamhrá

Rinne alt 31 den Acht um Cheartas Coiriúil (Forálacha Ilghnéitheacha), 2009 alt 3E a iontráil isteach in Acht na nArm Teine, 1925 agus foráiltear leis: *"Tabharfaidh an Coimisinéir faoi athbhreithniú bliantúil ar oibriú Achtanna na nArm Tine 1925 go 2009 agus cuirfidh sé/sí tuarascáil faoi bhráid an Aire ina sonraítear líon agus aicmí na ndeimhnithe agus na n-údaruithe a eisíodh faoi na hAchtanna. Cuirfidh an tAire cóip den tuarascáil siúd faoi bhráid gach Tí an Oireachtais."*

Cur i bhFeidhm

Tar éis gur tugadh athruithe isteach ar na próisis cheadúnaithe airm thine trí Reachtaíocht Príomha i Lúnasa 2009, bhí ar gach sealbhóir reatha deimhniú arm tine bliana iarratas a dhéanamh faoi reachtaíocht ar cuireadh tús léi le déanaí ar dheimhniú arm tine trí bliana do gach arm tine. I measc na n-athruithe eile, rinneadh bailiú táillí airm thine a sheachfhoinsiú chuig An Post, agus rinneadh caighdeáin nua slándála íosta agus cruthúnas inniúlachta in airm thine a úsáid, riachtanais chun beirt mholtóirí a sholáthar chun carachtar gach iarratasóra a dheimhniú agus toiliú scríofa iarratasóra go ndéanfaidh Ceannfort eisiúna (nó Ard-Cheannfort má tá an t-arm tine srianta), fiosrúcháin maidir le stair leighis iarratasóra, a thabhairt isteach. Foráladh sa reachtaíocht chomh maith go ndéanfaidh an Garda Síochána iniúchadh ar chóiríocht agus áiseanna stórála sláine úinéirí airm thine cheadúnaithe.

Leanann na próisis cheadúnaithe airm thine a chur i bhfeidhm le héilimh mhóra a chur ar acmhainní an Gharda Síochána, agus déantar gach iarratas nua agus gach iarratas ar dheimhniú arm tine a athnuachan a iontráil agus a phróiseáil ar chóras PULSE an Gharda Síochána. Leanann an Garda Síochána le tús áite a thabhairt do chinntiú go ndéantar gach iarratas a phróiseáil go hiomlán laistigh den amfhráma trí mhí, faoi mar a bhforáiltear dó sa reachtaíocht. Ach b'fhéidir go measfaidh duine eisiúna, ar uairibh, áfach, gur gá fiosrúcháin bhreise a dhéanamh, mar shampla, maidir le ceadanna talún, fiosrúcháin leighis, fíorú ar mholtóirí ainmnithe nó a chinntiú go sásaítear riachtanais íosta slándála maidir le stóráil airm thine. D'fhéadfadh go nglacfadh líon beag iarratas níos faide ná 3 mhí lena bpróiseáil go hiomlán dá bharr. Leanann an Garda Síochána le hathbhreithniú rialta a dhéanamh ar na próisis cheadúnaithe arm tine lena chinntiú go mbíonn aon mhoilleanna ar iarratais nua agus iarratais ar athnuachan a phróiseáil a ghiorra agus is féidir.

Pleanáil

Ar cheann de na tairbhí a bhaineann leis na próisis leasaithe cheadúnaithe airm thine is ea go leanann gach deimhniú arm tine de bheith i bhfeidhm ar feadh tréimhse trí bliana ón dáta a deonaíodh é, murach go ndéantar é a chúlghairm ar bhealach eile. Tosaíodh tráinse mór athnuachaintí ar dheimhniú arm tine i Meitheamh 2021 agus leanadh leo isteach sa bhliain 2022. Bhain líon mór deimhnithe arm tine a ndátaí éagtha amach i rith na tréimhse seo agus bhí siad le hathnuachan, ar an ábhar sin. Baineann ríthábhacht

le comhoibriú leanúnach úinéirí airm thine agus grúpaí ionadaíocha airm thine lena chinntiú go ndéantar gach arm tine a cheadúnú in am agus i gcomhréir leis an reachtaíocht.

Faoi mar a tugadh chun solais in iarthuarascálacha ar athbhreithniú bliantúil, eisítear foirm athnuachana ar dheimhniú arm tine (FCR) go huathoibríoch do gach sealbhóir deimhniú arm tine thart ar 3 bliana sula n-éagfaidh a ndeimhniú arm tine. Bíonn an fhoirm réamhlíonta leis na sonraí ábhartha go léir a bhaineann leis an deimhniú arm tine sin. Tá an áis ar an FCR do gach sealbhóir deimhnithe chun aon athruithe ábhartha a dhéanamh ar a s(h)onraí; mar shampla, athrú ar mholtóir, ceadanna talún, ballraíocht de chumann gunnaí, etc. sula seoltar an fhoirm athnuachana ar aghaidh go dtí an Ceannfort ábhartha (nó an tArd-Cheannfort, má bhaineann an athnuachan le harm tine srianta). Meabhraítear d'úinéirí arm tine ceadúnaithe arís eile gur riachtanas éigeantach é go gcuireann gach úinéir arm tine sonraí san áireamh ar an FCR faoina nDochtúir Ginearálta, sula seoltar ar ais í chuig an nGarda Síochána lena próiseáil.

An tAonad Beartas Airm Thine

Leanann an tAonad Beartas Airm Thine, an Roinn Dlí Coireachta, Ceanncheathrú an Gharda Síochána, ag gníomhú mar an pointe tagartha lárnach d'Oifigigh Cheantair agus Roinne an Gharda Síochána, an Roinn Dlí agus Cirt agus Comhionannais, na heagraíochtaí éagsúla lámhaigh agus na grúpaí ionadaíocha éagsúla atá suite ar fud na tíre. Baineann an tAonad Beartas Airm taitneamh as sárchaidreamh le tromlach mór na ngrúpaí ionadaíocha agus oibríonn sé go dlúth ar bhonn laethúil leis na heagraíochtaí seo, chun dul i ngleic le haon bhuarthaí a d'fhéadfadh teacht aníos. Leanann próiseas, inar féidir le hionadaithe ainmnithe gach cinn de na grúpaí lámhaigh idirchaidreamh a dhéanamh agus casadh le foireann ón Aonad Beartas Airm Thine, chun dul i ngleic le haon saincheisteanna a dhéanann difear dá mbaill maidir le hiarratais nó athnuachaintí ar dheimhniú arm tine.

Treoirlínte an Choimisinéara

Eisíodh cáipéis Treoirlínte an Choimisinéara, maidir le cur i bhfeidhm agus oibriú nAchtanna Airm Thine 1925 go 2009, i dtosach an 4 Meán Fómhair 2009, i gcomhthráth le tosach feidhme na reachtaíochta um cheadúnú airm thine a bhí nua ag an tráth sin. D'fhoilsigh Coimisinéir an Gharda Síochána cáipéis leasaithe Treoirlínte an Choimisinéara an 28 Meán Fómhair 2018, agus rinneadh na chéad leasaithe móra ar an gcáipéis ó 2009 dá bharr. Cuireadh cásdlí níos mó, athruithe ar reachtaíocht agus ceachtanna a foghlaimíodh i limistéar an cheadúnaithe airm thine san áireamh sa cháipéis leasaithe.

Leagtar amach sna Treoirlínte i dtéarmaí praiticiúla, ar mhaithe le comhaltaí an Gharda Síochána agus an phobail araon, conas is féidir limistéar casta na reachtaíochta airm thine a chur i bhfeidhm, agus ba cheart an cháipéis seo a léamh i gcomhar leis an reachtaíocht airm thine. Leanfar leis an gcáipéis a leasú, faoi mar is cuí agus nuair is cuí, chun aon fhorálacha reachtaíochta móra, agus cásdlí atá ag teacht chun cinn, a chur san áireamh.

Raonta Údaraithe Lámhaigh agus Cumainn Údaraithe Raidhfilí agus Piostal

B'ionann an líon raonta lámhaigh a údaraíodh faoi Alt 33 den Acht um Cheartas Coiriúil, 2006 agus sé cinn déag (16) an 31 Nollaig 2022. Leanann údaruithe raon lámhaigh de bheith i bhfeidhm ar feadh tréimhse cúig bliana, murach go ndéantar iad a chúlghairm ar bhealach eile agus go ndéanann an Ceannfort áitiúil iad a dheonú. B'ionann an líon iomlán cumainn raidhfilí agus phiostal a d'údaraigh Ceannfoirt an Gharda Síochána an 31 Nollaig 2022, faoi Alt 33 den Acht um Cheartas Coiriúil, 2006 agus fiche (20). Leanann údaruithe do chumainn raidhfilí agus/nó phiostal de bheith i bhfeidhm freisin ar feadh tréimhse cúig bliana, murach go ndéantar iad a chúlghairm ar bhealach eile.

Líonta agus Aicmí Deimhnithe Arm Tine

Cumhdaítear an tréimhse go dtí an 31 Nollaig 2022 sna staitisticí do dheimhnithe arm tine a eisíodh, faoi mar a fhoráiltear sa tuarascáil seo. Faoi mar a tugadh chun solais in iar-thuarascálacha athbhreithnithe bhliantúil, deonaítear deimhnithe arm tine ar feadh tréimhse trí bliana, murach go ndéantar iad a chúlghairm ar bhealach eile. Ar an ábhar sin, ní léirítear i bhfigiúirí bliantúla deimhnithe a deonaíodh do bhliain ar leith go cruinn a thuilleadh an líon foriomlán deimhnithe arm tine a eisíodh sa Stát.

Caithfear an bhéim a leagan air freisin nach n-áirítear leis na figiúirí thíos iarratais nua ná iarratais ar athnuachan nár próiseáladh go hiomlán an 31 Nollaig 2022. De bhreis air sin, ní áirítear leis na líonta iarratas ar athnuachan a deonaíodh ach nár íocadh go fóill, ná iarratais a bhí ar bun, ach nach ndearnadh a bhreithniú go hiomlán go fóill.

Líonta agus Aicmí Deimhnithe Arm Tine a bhí i bhfeidhm an 31 Nollaig 2022

Saghas an Deimhnithe Arm Tine:	
Deimhniú Arm Tine	**177,777**
Deimhniú Teoranta	**7,542**
Deimhniú Srianta	**841**
Deimhniú Ionaid	**7837**
Deimhniú Oiliúna	**116**
Iomlán	**194,113**

Stóráil agus Sábháilteacht Arm Tine

Is í sábháilteacht phoiblí an chloch is mó ar phaidrín an Gharda Síochána nuair a bhíonn iarratais ar dheimhnithe arm tine nó ar athnuachaintí á mbreithniú. Tá sé ríthábhachtach go dtéann gach úinéir arm tine i mbun gach réamhchúraim lena chinntiú go mbíonn a n-a(i)rm t(h)ine slán i gcónaí agus nach mbíonn siad i seilbh an duine mhíchirt. Tugtar cuntas in Ionstraim Reachtúil Uimh. 307/2009 - Rialacháin na

nArm Tine (Cóiríocht Shlán), 2009, ar na riachtanais íosta slándála maidir le cóiríocht shlán a sholáthar d'airm thine agus tá sí ar fáil don phobal ar láithreán gréasáin an Gharda Síochána **www.garda.ie.** Tá comhairle ar airm thine cheadúnaithe, san áit a stóráiltear iad agus fad a bhíonn siad n-iompar ag a n-úinéirí araon ar fáil i gcáipéis Treoirlínte an Choimisinéara.

Conclúid

Tá mír chuimsitheach ar cheadúnú airm thine ar fáil don phobal ar láithreán gréasáin an Gharda Síochána **www.garda.ie**. Is féidir teacht ar gach foirm iarratais ar airm thine, cóip de Threoirlínte an Choimisinéara, Ionstraimí Reachtúla a bhaineann leis an reachtaíocht airm thine, ceisteanna coitianta, etc. go léir ar an láithreán gréasáin.

Is mian leis an nGarda Síochána cúnamh leanúnach na n-úinéirí arm tine go léir, tacaíocht na ngrúpaí agus na n-eagraíochtaí ionadaíocha lámhaigh a oibríonn gan stad gan staonadh thar ceann a mball a aithint. Cinntíonn an t-idirchaidreamh leanúnach idir an tAonad Beartas Airm Thine, Ceanncheathrú an Gharda Síochána, agus na grúpaí ionadaíocha lámhaigh gur féidir dul i ngleic le haon saincheisteanna nó buarthaí faoi cheadúnú arm tine agus a réiteach ar bhealach tráthúil.

J.A. Harris
Coimisinéir
An Garda Síochána

13 **Samhain 2023**