

November 2014 Notification

Operational developments in the area of firearms licensing

Introduction

This is a notification of two recent developments in the area of firearms licensing.

Annex F

I wish to advise that in accordance with Section 3A of the Firearms Act 1925 the interim Garda Commissioner has decided, with the consent of the Minister, to issue new Commissioner's Guidelines in relation to the Practical Application and Operation of the Firearms Acts 1925 to 2009.

As you will be aware, these Guidelines were published in October 2009, on foot of the Criminal Justice (Miscellaneous Provisions) Act 2009. The Guidelines included an Annex F which was intended to provide a non exhaustive list of .22 calibre handguns, classified as suitable Olympic standard pistols.

The Commissioner has decided to issue new Guidelines which do not contain an Annex F. The interpretation of Annex F of the Commissioner's Guidelines has caused difficulties and confusion in regard to applications for firearm certificates for .22 calibre handguns. These new Guidelines are issued pending a general revision of the Commissioner's Guidelines.

There have been no changes to legislation, primary or secondary, on foot of this development. The Statutory Instruments governing Restricted Firearms (S.I. 21 of 2008 and S.I. 339 of 2009) continue to provide the definition of a non restricted handgun.

Section 3D

Legal advice has also been received in relation to .22 calibre handguns and Section 3D of the Firearms Act 1925, as inserted by Section 30 of the Criminal Justice (Miscellaneous Provisions) Act 2009. Following the legal advice, a negative decision for a licence application for a .22 handgun, citing Section 3D, is now to be considered as a refusal of that application, which allows for an appeal to the District Court provided by Section 15A of the Firearms Act 1925, as amended.

There are currently Judicial Review applications ongoing in this area of firearms licensing and the information regarding the new Guidelines has been provided to the solicitors for the applicants in these cases. These developments have also been communicated to deciding officers within An Garda Síochána.

It is expected that a Working Group Report of the Joint Departmental / An Garda Síochána review of firearms licensing will be published for consultation in the near future. The Department will be in contact with you in relation to that consultation. Any steps taken subsequent to the publication of the Working Group Report, including a revision of the Commissioner's Guidelines, will be carried out in light of that

consultation. Any queries can be made to the following email address:

firearms_inbox@justice.ie .

Marion Walsh, Executive Director
Department of Justice & Equality
Tel – 01 602 8346