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Ms. Frances Fitzgerald TD,  
Minister for Justice and Equality,  
Dept. of Justice and Equality,  
94 St. Stephen's Green,  
Dublin 2.

**Our Ref: 2015/5/B/5/23**

**Re: Review of Firearms Licensing – Interim Report**

Dear Minister,

Arising from the publication of the Working Group Report on the review of Firearms Licensing compiled by the Department of Justice & Equality and An Garda Síochána, which was published in November 2014, the Joint Committee of Justice, Defence & Equality decided to examine this review and to make its own report on the matter to the Minister.

Following the Joint Committees call for submissions on 19<sup>th</sup> November 2014, over 200 were received. The Committee met in public on two occasions and then private on 5 occasions to consider the issues in detail, to include all the written submissions received and also to hear from a large number of interested groups and individuals. The Committee also visited Garda Headquarters in Phoenix Park and the Harbour House Sports Club in County Kildare.

Having reviewed all the submissions and engaged with various stake holders as well as examining international best practice the Committee Members agreed that the review of Firearms Licensing is a very complex matter requiring further detailed study.

In particular, following receipt of information requested from the Department of Justice & Equality and the Garda Síochána on 17<sup>th</sup> December 2014 and received on 5<sup>th</sup> March 2015 the Committee Members were very concerned about the number of firearms reported stolen or lost. The number of shotguns (853) reported stolen from 2010 to 2014 inclusive and the further number of shotguns (441) reported as lost in the same years raises a number of very serious questions.

The Committee was very impressed with the professionalism and dedication and responsibility of the owners of legally held firearms who presented at the Committee and who engaged with the Committee during the visit to Harbour House Sports Club in County Kildare.

The Committee acknowledges the wish of representatives of the various shooting organisations and clubs to engage in meaningful discussions and to progress matters further. The Committee cautions against comparing, in any way, the owners of legally held firearms with those engaged in criminal activity. The Committee is also cognisant of the concerns of An Garda Síochána and makes a number of recommendations in this interim report.

## **Recommendations**

**In light of the above concerns, the Committee makes the following interim recommendations:**

- 1. The Committee strongly recommends that the Minister request that the Garda Inspectorate carry out an independent review of the current firearms licensing regime;**
- 2. The Minister should establish a national firearms control and advisory licensing authority with an associated central database also accessible by an Garda Síochána;**
- 3. A ballistics record of all license firearms should be created and maintained;**
- 4. The Committee recommends that the licencing of point 22 calibre short firearms and centre fire semi-automatic rifles be temporarily restricted;**
- 5. The Committee recommends that all firearms be stored in a gun safe;**
- 6. It is recommended that holders of restricted firearms are required to have time control locks fitted to their gun safes only allowing access at pre-determined times;**
- 7. The Committee recommends the establishment of a structured and graduated licensing scheme.**

## **Rationales for the Committee's Recommendations**

**Recommendation 1: The Committee strongly recommends that the Minister request that the Garda Inspectorate carry out an independent review of the current firearms licensing regime**

The Committee is very concerned about the information contained in the letter dated 5 March 2015 to the Chairman of the Joint Oireachtas Committee detailing, among other things, the number of firearms reported lost or stolen from 2010 to 2014.

**Recommendation 2: The Minister should establish a national firearms control and advisory licensing authority with an associated central database also accessible by an Garda Síochána**

Such a body would, in the opinion of the Committee:

- a) Establish an expertise in all aspects of firearms diversity, use and the licensing of firearms. This would include the development of regulations for the licensing control management and security requirements of private ranges. The formation of a standing consultative forum which would include all major stakeholders should be considered. Such a forum would ensure that concerns and proposals from stakeholders could be put forward on a regular basis to the authority.
- b) Propose certain standards, competency and tests that individuals must meet in order to be granted a firearms license. This could include a firearms theory test and practical assessment.
- c) Set out requirements for the storage, handling, transportation and use of all firearms and any associated equipment and material, including ammunition.

The Committee is also of the opinion that such an authority could be:

- a) The National authority that issues firearms licenses; or
- b) An independent authority of final appeal in decisions to grant licenses if the initial decision is to remain with An Garda Síochána.

(In the event that option a) is the role chosen then it would be advisable to separate independent appeals process).

**Recommendation 3: A ballistics record of all licensed firearms should be created and maintained.**

The Committee was concerned to hear that a ballistics databases for all firearms licensed within the jurisdiction is not maintained. The Committee further submits that the testing of firearms could form part of a national proofing process (which verifies that the firearm is operating correctly and safe to use). Any costs associated with this process will be borne by the applicant. Such a database would help identify with a wide degree of certainty if lost or stolen firearms are being used by criminal gangs and organisations, while also providing a forensic record of every firearm legally held in this jurisdiction.

**Recommendation 4: The Committee recommends that the licencing of point 22 calibre short firearms and centre fire semi-automatic rifles be temporarily restricted**

This course of action is pending the final report from the Joint Committee and a possible further report from the Garda Inspectorate. This should recognise concerns raised in the An Garda Síochána / Department of Justice and Equality Working Group Report on the Review of Firearms Licensing as well as the professionalism and responsibility of licensed gun owners.

It is recommended that point 22 calibre short firearms which are currently licensed be further temporarily restricted to such firearms suitable only for competition under ISSF rules with a barrel length of not less than 12.7 cms and not longer than 30cms and with a magazine capacity of 10 rounds. This will require a new SI before the 2015 renewal date.

In addition, a temporary cap on the numbers of licenced centre fire semi-automatic rifles should also be considered, pending the outcome of the wider firearms licensing review and further consultation.

**Recommendation 5: The Committee recommends that all firearms be stored in a gun safe.**

The Committee was concerned to hear that many shotguns are not stored in secured areas like gun safes and recommends that this be made a requirement. In the opinion of the Committee, safety should take paramount importance, particularly with regard to the risk of crime and burglary. The Committee further submits that gun safes should be secured according to standards determined by the licencing Authority at all times.

**Recommendation 6: It is recommended that holders of restricted firearms will be required to have time control locks fitted to their gun safes only allowing access at determined times.**

Holders of restricted short firearms should be required to have a monitored alarm and have it configured in such a way that the alarm will be triggered if the gun safe is opened outside time specified to the alarm monitoring company. If the safe is opened at say, these times, it will be treated as a device alarm. This should send a silent signal to the monitoring station who will in turn inform the Garda.

**Recommendation 7: The Committee recommends the establishment of a structured and graduated licensing scheme.**

The idea of a structured and graduated licensing scheme, built on the classification of a valid need for requiring a firearm has considerable merit. It brings clarity and certainty to the process. More importantly it brings an escalating and more vigorous qualification and expense to achieve a license for firearms of concern to An Garda Síochána. In effect the higher levels of requirement and expense form a well-defined restriction to risk of proliferation. Also license applicants will have to accumulate a license history in addition to meeting all other requirements to allow them progress up the licensing hierarchy.

**Conclusion**

The Joint Committee is of the view the law in this area needs to be consolidated as soon as possible. To contribute to this, the Committee intends to consult with independent experts on this matter and consider any Report by the Garda Inspectorate. However, the issues involved are highly complex and divisive. The Committee hopes to examine these matters in further detail and will keep you informed of its progress.

Yours sincerely,

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David G. Stanton TD  
Chairman  
2<sup>nd</sup> April 2015