



**A CRITIQUE OF THE ADMINISTRATION OF THE FIREARMS
LICENSING SYSTEM IN THE REPUBLIC OF IRELAND**

FROM

AUGUST 1ST 2009

TO

FEBRUARY 28TH 2014

BY

**A COALITION OF SHOOTING ASSOCIATIONS WHICH IS
REPRESENTATIVE OF ALL IRISH SHOOTING INTERESTS**

March, 2014

The authors of this critique are listed in ANNEX I to the submission.

INTRODUCTION

In 2006 and 2009 the Oireachtas enacted new legislation which significantly amended the Firearms Act 1925, bringing in new higher standards to be met by firearms licence applicants, not least significant new home security measures, applicant referees, doctors' details etc. In arriving at the new legislative provisions, the Minister for Justice of the day, the late Brian Lenihan TD, established a Firearms Consultative Panel comprised of all stakeholders, including Gardai, shooting representatives, farming, Sports Council, statutory bodies etc., the purpose of which was to arrive at a consensus as to what the new updated firearms requirements should be. This, although not perfect, did in fact achieve broad agreement on the new legislative arrangements and their administration. The shooting community embraced the new requirements and complied with all of them to the letter. The Gardai regrettably disregarded those elements which they didn't like and exerted much energy and taxpayers money in trying to circumvent those provisions of the new legislation with which they clearly disagreed. This resulted in literally hundreds of court cases having to be taken by ordinary aggrieved shooting people to force the Gardai to comply with the legislation. The result has been that the courts have upheld a staggering 93% of those legal challenges with consequent significant financial liabilities for the taxpayers in legal costs against the Gardai. This was despite the Minister who introduced the new legislation in the Dail, Dermot Ahern TD, expressly stating on the Dail record on Thursday July 2nd, 2009 that the intention of the Oireachtas in enacting the new legislation was to allow the licensing of those firearms which the Gardai sought to ban through the "back door" of legislative circumvention. In relation to static bulls eye target shooting he said ***"That is and will be allowed under the legislation"***. He also stated ***"...there will be no difficulty with normal target shooting"***. That is precisely the type of target shooting which has featured in the many legal cases which have been necessary. Many of the cases have been characterised by obstruction and there has been evidence of even dishonesty in some cases. In one very significant test case, being representative of some 168 High Court cases, a senior Garda officer was found to have interfered with evidence even as the cases were before the court. Another had failed to record his refusal decisions on the PULSE system. That case involving interference with evidence is currently the subject of a criminal investigation by the Garda Síochána Ombudsman Commission (GSOC). Further complaints to GSOC are known to be in the pipeline.

In a District Court decision in January 2014, Judge Lucey took the quite unusual step of issuing a lengthy written judgement, the contents of which raise a great many serious questions for the Gardai. The Minister would do

well to read it before conceding anything to Garda proposals to further restrict possession of sporting firearms. New proposals from An Garda Síochána represent a very serious development for all shooters, more particularly as such proposals have not, as at the date of completion of this submission, been discussed with any representative body of the shooting community. Conceding the Garda proposals would represent a very serious and unnecessary escalation in a deterioration of relationships with the Gardai and potentially with the Department of Justice. Apart from the fact that a ban such as is proposed is made without any reference to a risk assessment to support or disprove the Garda position, it would represent an unconscionable insult to the thousands of law abiding citizens who happen to be firearms licence holders and who, unlike An Garda Síochána, have done nothing other than comply with every regulation put before them. Any notion that the Garda recommendations could be achieved without payment of compensation to the licence holders affected, firearms dealers and range operators for their financial losses would be a serious misunderstanding of the law. In fact such a move would likely result in a conveyor belt series of army deafness type claims.

Garda officers have now ceased licensing most unrestricted handguns as are listed on the Garda Commissioner's list annexed to his Guidelines in the knowledge that many applicants will be put off District Court Appeals because they cannot get their costs even when they win. Judge Lucey had something to say about the unfairness of this in his written judgement and he raised the prospect of the Gardai indulging in a policy of "wear them down". The failure of the state in these particular circumstances are thought to be most likely in breach of Article 6 of the European Convention on Human Rights.

The Gardai have failed to make their case where it counts most in a democracy, in the courts. Because the courts have not allowed them to break the law, they now require the law to be changed. There can be no reasonable basis for this as no security risk can be substantiated since the law was enacted as any risk assessment would undoubtedly confirm. There are no series of increased thefts of licensed handguns since the firearms laws were amended, introducing, among other things, the new stricter security arrangements. By comparison, it should be noted that in Northern Ireland, with only 25% of the population of the Republic, some 15,000 handguns are licensed, compared to 2,000 in the Republic, without causing any apparent concern about public security and the peace.

This submission on behalf of the organisations and individuals listed in ANNEX I, is a critique of the administration of the firearms licensing system

since 1st August 2009, when the new legal provisions effectively commenced, up to 28th February 2014. The submission identifies the main problems throughout the system, supported by documented case histories. It also identifies the consequences of those problems for the individual citizens, the businesses and the organisations affected and also for the taxpayer. In addition, the submission identifies and proposes what the authors believe are sensible solutions which would result in the efficient and smooth operation of the licensing system without the controversy or legal challenges which have characterised the current administration of firearms licensing in the Republic of Ireland.

March, 2014.

HUNTING



National Association of Regional Game Councils (NARGC)

Failure to acknowledge receipt of applications in timely manner or at all.

The firearms legislation provides for firearms certificate applications to be dealt with within 12 weeks from the date of receipt of a completed application. Very often, Licensors regard the clock as having commenced ticking only from the date on which the written acknowledgement is issued by the licensor. This is a misinterpretation of the law as no such provision exists in legislation to link the time limit as commencing from such date. The legislation states it is from the time of receipt of a completed application. The fact that neither the Licensor nor anyone on his/her behalf has checked that an application is complete is not the fault of the applicant who is entitled to have the time limit set from the date on which he/she delivers a completed application. It is common practice for applicants not to receive an acknowledgement of their applications for weeks and months on end. In some isolated cases, not at all. If an application is incomplete, very often the applicant will only find out when he/she contacts the Garda Station to check on the progress of the application. By and large, there is no proactive follow up by the Licensor to the applicant.

Solution:

A receipt should be issued by whichever Garda is on duty at the time the applicant leaves in the application or on the same date on which the application is received, if by post. If the application is incomplete for any reason, this should be communicated in a timely manner to the applicant and a new receipt issued when the outstanding data is supplied. The time limit can only commence when the completed application is received.

Delays in dealing with applications.

Irrespective of the 12 week time limit set by law and irrespective of the incorrect date which Licensors regard as the commencement of the 12 week period, it is now common practice for the time limit to be ignored by Licensors. The attitude is that if an applicant wishes to make an issue of this then it is regarded in law as a refusal and they can appeal the refusal to the District Court, where even if they are successful, they cannot get their

costs. However, such a refusal is not appealable to the District Court as it is a refusal by default of not dealing with the application at all and no refusal letter issues and consequently no reasons are offered for the refusal. No applicant can make a meaningful appeal to the District Court in such circumstances and are facing the prospect of Judicial Review to vindicate their rights instead, with all the attendant high cost risks. This state of affairs cannot be what the legislature intended. It clearly intended Licensors to comply with the legislation it enacted.

Solution:

Amend the legislation to an automatic grant of the firearms certificate in such circumstances or in the alternative, grant an express right of appeal for the delay, with costs if successful.

Misinterpretation of the legislation resulting in unnecessary legal challenges and the extent of those court challenges.

Misinterpretation of the legislation by Licensors and their advisor is rampant. While it is accepted that in some cases this is through lack of knowledge, in most it is very clearly nothing more than an intended circumvention of the legislation for prejudicial and even vindictive reasons. Lest there be any doubt about the level of misinterpretation, one need only examine the statistical data which is readily available as to the unprecedented level of legal challenge to the administration of this single Act of the Oireachtas in such a short period of time (since 1st August 2009 to date), the total number of court cases taken by citizens (over 600, of which more than 470 were handled by one law firm alone - 190 High Court Judicial Reviews and 280 District Court appeals) and the number of challenges upheld against the Licensors (over 93%). The same law firm handled 250 or so reconsiderations by Chief Superintendents following the Judgements in January 2012 of 168 Judicial Reviews and the same officers reversed their original decisions in 220 of those cases when they properly considered the terms and correct implementation of the legislation. Thirty cases went back to the District Court. Of the total of 280 District Court appeals handled by the aforementioned law firm, in only one case did the District Court refuse to overturn the original decision of the Chief Superintendent involved. That case is now the subject of a reapplication and it is believed the application will now be successful.

A tribute to the Superintendents.

Most of the licensing decisions of Chief Superintendents in respect of 2/3rd of the licensing applications in 2009 for short firearms were based on misconceived advices/information/directives issued centrally which expressed opinions which were almost without exception rejected by the

Courts when litigated. As already stated, in fairness to over 90% of Chief Superintendents, when they were faced with reconsidering original refusals which had been quashed by the High Court, they upon proper reflection and upon presentation of primarily the proper summary of the legal position relating to these applications, reversed the original decisions, notwithstanding the continued negative advices which issued centrally. In less than 10% of cases reconsidered did Chief Superintendent continue to take the advices rejected by over 90% of their colleagues and ultimately rejected in virtually every case by the Courts.

Solution:

There needs to be a specific independent system in place to correct misinterpretation of the legislation before the issue comes to conflict. This would have significant benefits in that it would keep most disputes out of the courts, saving both applicants and the state significant financial loss, and providing a solution to problems before they become intractable.

Blanket policy.

Blanket policy in firearms licensing has been repeatedly held by the High Court and by the Supreme Court as being unlawful. However, the practice of blanket policy continues unabated in the licensing system by some Licensors. A good example is the issue of applications for authorisations for sound moderators. Some Licensors will not authorise sound moderators under any circumstances. This has been routinely confirmed to applicants by Firearms Officers working under the direction of certain Licensors. Such practice, while denied by the Licensors concerned when confronted is nonetheless blanket policy and is evidenced by the absence of authorisations issued with the relevant Districts. In short, the decisions of the courts are being ignored by these Licensors.

Solution:

Active enforcement of the decisions of the courts.

Reasoned decision.

One of the major problems in relation to firearms licencing has been the failure to give a reasoned decision or to give decisions which are ambiguous or misleading. A common feature of unreasoned decisions is the absence of a clear provision of a statutory ground for refusal. The Garda Commissioner's Guidelines are wholly deficient in relation to the obligations as are required by both statute and law and the Garda Code (Chapter 39) in terms of what information ought to be provided to an unsuccessful firearm certificate applicant. The Commissioner of An Garda Síochána should

prescribe a template of a refusal which should be in a similar format to a planning application decision which would include the following:

1. The statutory ground for the refusal or imposition of condition and;
2. The reason for the statutory ground of refusal or imposition of condition.

One of the main reasons for licensors not providing reasoned decisions is because to do so in a lawful manner, would disclose the operation of a blanket policy. If a reason for the statutory ground for refusal was provided in each case it would become immediately apparent whether there was a subjective consideration of the merits of the particular applicant's application as opposed to the application of the closed mind of a licensor who was not prepared to licence the firearm under any circumstances.

Solution:

A strict requirement to give proper reasoned decisions which are required by the legislation and in accordance with Chapter 39 of the Garda Code.

Contradictory application.

Separate to misinterpretation, there is also the ongoing and festering problem of Licensors in some areas granting certificates for certain firearms whereas others in an adjoining area will not. This also applies to the granting of authorisations for sound moderators. There can be no logical or justifiable reason for this. A system of statutory licensing should offer the same terms and benefits to all citizens, irrespective of the personal opinions and prejudices of the licensors and irrespective of the areas or regions where citizens live. In this regard it should be noted that our firearms licensing system is a national one and there is no legal basis for effective regionalisation.

Solution:

The Garda Commissioner's Guidelines should expressly address this type of injustice and inconsistency and the Guidelines should be mandatory. This would go a long way to removing the current arbitrary and inconsistent practices in the application of the legislation by Licensors.

Refusal to consider applications.

Licensors know very little about shooting sports or sporting firearms and rely for advice on one individual who equally knows nothing of shooting sports, or the firearms which are suitable for same or the history of how certain firearms came to be regarded under international rules as suitable for the

various competitions. He is also clearly prejudiced and this transfers to his advice to licensors.

As the courts have in the vast majority of the many cases heard, found against the Gardai in their repetitive arguments for refusal of firearms certificates, some four years later, the Gardai have moved the goalposts yet again and on advice from their much impugned expert, have taken to declaring a significant number of firearms on the Garda Commissioner's unrestricted list, as restricted. These firearms have heretofore been designated as unrestricted since the introduction of the new legislation on 1st August 2009 and have been agreed with the stakeholders as such and are published as unrestricted in ANNEX F of the Garda Commissioner's Guidelines on the Garda website for the past four years. Many of these firearms are already licensed since 2009. Where applications are made for certificates for many of the firearms on the Commissioner's list, Licensors are refusing to consider the applications on the advice of the Garda expert erroneously claiming that these firearms are restricted and therefore not amenable to being licensed as they were not licensed to the applicants prior to 18th November 2008. There are a number of significant issues arising from this state of affairs, all with serious legal implications.

Firstly, the Garda expert is at serious odds with the Garda Commissioner who has agreed and published these firearms on his list of unrestricted firearms. In fact many who in 2009 were entitled to apply for a centre fire handgun under the legislation were encouraged at that time by Licensors to apply for one of the firearms from this list as they were unrestricted and there would be less difficulty in agreeing to issue licenses for them.

Secondly, there is no legal provision to allow a Licensors to refuse to consider an application. What is expressly required by the legislation is that all applications are considered and a decision in accordance with the legislation is rendered. Where a negative decision is reached, the legislation expressly provides that the decision be communicated to the applicant in writing and that the reasons for the decision are furnished. The applicant is then entitled to appeal the negative decision and the grounds for it to the District Court. The refusal to even consider the application means that the Licensors is unlawfully depriving the applicant of the right of appeal. This is also contrary to the European Convention on Human Rights. It has also now been irrefutably established that this is a conspired policy which is being directed centrally from the Firearms Policy Unit at Garda HQ and being communicated to Licensors by a named individual in that Unit. It is clearly a device being employed to prevent applicants having access to the courts. There can be no other interpretation.

Thirdly, this is in effect a blanket policy which is being centrally directed from Garda HQ. Blanket policy has been repeatedly ruled by the High Court and once by the Supreme Court as being unlawful. It is therefore self-evident that the decisions of the higher courts are being disregarded.

Fourthly, if the advice from the Garda expert were to be correct, the legal imperative would require all existing licenses for these firearms issued to applicants for the first time since 18th November 2008 to be revoked! It is inconceivable that the law on such a serious matter could simply be ignored, leaving more than 1,000 citizens in possession of unlawfully held firearms.

Solution:

The Garda Commissioner needs to take control and instruct his Licensors to comply with his Guidelines and ignore the Garda expert's erroneous advice. Also, and as previously submitted, the Garda Commissioner's Guidelines should be mandatory.

Risk Assessment.

The important point about risk assessment is that it should be focused on what actual risk is being assessed. The risk which requires to be assessed in the context of a consideration of the effective prohibiting of certain firearms, is what risk the lawfully licenced/held firearm could potentially constitute to society generally. That is very distinct from the issues commonly referred to in Court by Garda witnesses, which are references to the use of firearms in crime. These firearms invariably almost exclusively have never been within the domestic licensing scheme. The fact that there might be 100 murders per annum, in which 9mm pistols are used, in risk assessment terms this has no relevance to risk assessment for the purposes of licensing as all 100 such pistols were never lawfully licenced. If it were to be the case that a significant proportion of licensed pistols had fallen into the hands of criminals due to problems associated with their being licenced, then that would be a valid consideration in the risk assessment. That is not the case in the licensing of sports firearms.

How many short firearms are licenced in Ireland.

There are just under 1000 short firearms of .22 calibre currently licenced in Ireland and no more than 550 restricted short firearms. Consequently, there are no more than 1600 short firearms licenced in this Country which is effectively the exact same number as were licenced in 1970.

Solution:

The statistics published by the Gardai which relate to the criminal use of firearms, should be broken down to make clear the number of firearms so used which have been established as being within the licensing system at the time of the crime or previously, and the number which were not established as being in the system. The current manner of publication of these statistics gives a skewed and unfair view of the risk of legally licensed firearms.

Disrespectful behaviour.

The behaviour of some Gardai and Licensors has all too often given rise to concern in their dealing with applicants for firearms certificates. While most ordinary Gardai try to be helpful, there have been numerous reports to the NARGC office over the past four years of behaviour by some Garda officers which falls very far short of what a citizen applying for licence would be entitled to expect. Examples include Gardai who are not Licensors turning away applicants from Garda stations on the basis that a Lensor will not licence a particular firearm; telling applicants that the Gardai will decide what is allowable under the law; turning away young people who have clearly reached the age at which they can be licensed for a firearm on the grounds that they are too young and often being told to come back a year later; promising to call back applicants who enquire about the progress of their applications and then failing to do so; Licensors refusing to meet with applicants; taking offence when the provisions of the legislation are pointed out in response to an erroneous interpretation of the legislation by the Lensor and many more similar incidents.

Solution:

Active enforcement of a courtesy first policy towards citizens accessing a public service from An Garda Síochána. Firearms applicants and other citizens seeking access to public services provided by the force should be treated in the first instance as customers and not as some kind of nuisance as is all too often the case.

Loss of applications.

The loss of applications for firearms certificates happens regularly. While, not unexpectedly, the Gardai deny this to be a problem area, that is not the case. The matter has been the subject of complaint to, and adjudication, by the Data Protection Commissioner yet it still persists. There have been some instances of quite inexplicable losses e.g. the same applications being lost by the Gardai more than once and in some cases up to and including

three times! Very often this can coincide with a change of personnel at a Garda station. However, while this might go some way to explaining losses it does not in any sense excuse it. There are a number of specific considerations of concern in relation to this issue.

Firstly, in almost all cases applicants are blissfully unaware their applications are lost until they make enquiries as to the progress of the application. Typically, the loss involves a fresh application having to be made. In terms of the aforementioned problems of disrespectful behaviour by members of the Gardai, none can be more disrespectful than the failure to apologise to an applicant for losing his/her application and the serious implications of such loss and the failure to reassure the affected applicant that an extra effort will be made to speed up the processing of the fresh application. Despite numerous losses of applications, there is no record of an apology to an affected applicant. This is aggravated by the fact that each application contains details of the applicant's name and address, what type of gun he/she holds, the home security arrangements, the name and addresses of applicants' doctors and referees etc. If the application is lost and therefore not in the possession of the Gardai, the question arises as to where the application documents are. In the wrong hands there could be serious consequences for the personal security and safety of the applicant affected. The Data Protection Commissioner has examined this issue on foot of specific complaints for applicants and has found against the Gardai.

Solution:

The introduction of a receipt system as already submitted and the timely processing of the application would also help. These measures have both been recommended already in this report.

Failure by Licensors to meet clubs in their areas as required in the Garda Commissioner's Guidelines.

With the introduction of the new licensing system, and on the recommendations of the Barr Tribunal of Inquiry into the death of John Carthy in Abbeylara, it was decided that Licensors would meet at least once per year with each gun club in their areas. This was considered an important provision which would help reduce problems in the licensing system, foster good relations and trust between the Gardai and the shooting community, highlight the important issue of firearms owners who had obtained their firearms certificates on the basis of club membership but who no longer satisfied the 'good reason' requirement having ceased club membership etc. This was important enough to be included in the Garda Commissioner's Guidelines. Alas, it is yet another provision in that document which is conspicuous by an abysmal failure to implement by the

vast majority of licensors. Unfortunately, because of the manner in which firearms owners now view the administration of the licensing system by the Gardai, it is unlikely clubs would be enthusiastic about exchanging any information with the Gardai at such meetings were they to be proposed at this point.

Solution:

A solution to this problem is very difficult to suggest as the entire basis for such meetings was originally trust. When this was first put forward, the Gardai enjoyed the trust of the shooting community and that trust was at the time very reluctantly given as many people were not convinced the Gardai had earned it based on previous experiences. At this point the good will risked by the shooting associations has been squandered by the Gardai and lost, as is clearly evidenced by the need of the combined shooting associations to produce this joint submission. How the Gardai and the shooting representatives can interface with any degree of trust is a prize which the Gardai will have to win back through their actions. It must be remembered, the only party in all of this who has broken the law is an Garda Síochána. There can be no equivocation about this fact.

Refusal to make Data Disclosure.

Firearms licence applicants and licence holders are entitled under Data Protection and Freedom of Information legislation to access all data held by the Gardai relating to their licence applications. The Garda Commissioner is the designated Data Controller under the legislation. However, there have now been numerous incidents of failure/refusal by the Commissioner to make disclosure when requested by applicants or lawyers on their behalf. This has often been to frustrate applicants in asserting their rights through the courts. The failure/refusal is unlawful and an abuse of position.

Solution:

There must be strict enforcement of citizens' rights in this regard under the law and no office holder, including the Garda Commissioner should be permitted to ignore the legal requirements.

Garda Commissioner's responsibility and delegated functions.

Repetition of rejected evidence.

A feature of the mala fides of An Garda Síochána in relation to firearms licensing has been the repeated presentation of evidence which has been roundly dismissed and disregarded in District Courts. It is an unfortunate feature of the District Court that the views/decisions of one District Justice are in no sense binding on a Judge operating in another District Court. The District Court is only obliged to take judicial notice of decisions of Superior

Courts. This is indicative of the inappropriateness of the District Court to deal with Firearms Licensing Appeals because the system can be abused, particularly so in a scenario where unlimited resources are necessary to uphold perfectly good firearm certificate applications because An Garda Síochána, as a matter of principle, are opposed to the granting of firearm certificates for certain categories of firearms, which the legislature has indicated are licensable and are to be licenced, subject to the statutory scheme.

The Garda Commissioner is responsible for his officers and for their actions, especially where they are acting on a statutory delegation of authority on his behalf. However, it is a sad fact that the Commissioner seems to all intents and purposes to have abandoned all responsibility for the actions of his officers where firearms licensing is concerned when his officers have been held to have been acting unlawfully. He has allowed his officers to repeatedly implement the same policies and present the same evidence which have been repeatedly impugned by the courts without any regard for the inconvenience, affect and cost to the citizens who happen to be sports shooters and without any regard for the consequences for the public purse. In any other jurisdiction, a police officer of similar rank would most certainly have called halt early on and questioned what his officers were doing wrong. The Garda Commissioner has been singularly unresponsive to the unlawful administration of the firearms licensing system by his officers and he has allowed them to be unaccountable for their actions or for the consequences for the citizens affected or for the public purse.

The delegation of functions of the Commissioner of An Garda Síochána are delegations which are capable of rescission. It was incumbent on the Commissioner of when problems arose within a licensing scheme involving his delegates that he took action to deal with those issues. One of the options available to him was, where appropriate, to rescind his delegations to deal with applications as was contemplated by the legislation or to appoint alternative delegates. The Commissioner appears to have abdicated responsibilities as a statutory licensor in terms of failing to exercise statutory powers and functions of revocation of delegation where the delegation was unreasonably or was being irrationally applied or being applied in a discriminatory manner. The sheer weight and number of adverse court decisions against his officers provided ample grounds for him to act.

Solution:

This is a political matter and one for the Government and the Minister for Justice. However, the same criticism could just as credibly be made of the

Government for not calling the Commissioner to account. However, the Garda Commissioner should be expressly obliged to step in at an early stage when this situation becomes clear and his actions in that regard should form part of his report to the Dail, as required by law, on the operation of the firearms licensing code. He should be required where appropriate, to rescind his delegation.

Effect on sports shooters.

The shooting community embraced the new firearms legislation and the resulting requirements and complied with all of them to the letter. The Gardai on the other hand disregarded those elements which they didn't like and exerted much energy and taxpayers money in trying to circumvent the legislation. This resulted in literally hundreds of court cases having to be taken by shooting people to force the Gardai to comply with the legislation.

This has been at a huge personal and financial cost to many law abiding citizens who have had to modify their homes to incorporate the new security requirements; incur the cost of hiring lawyers to vindicate their rights and because of the undue and unnecessary delay, forego participation in their chosen sport for very long periods, in some cases years, to be vindicated at the end.

This is no way to treat law abiding citizens of this state.

Solution:

The only possible solution capable of addressing this is respect for the law by the Gardai. Sadly, no one within the shooting community is convinced this will happen anytime soon in the absence of a radical reform of an Garda Siochana and quite frankly, despite the obvious urgent need, no one believes this has any chance of happening.

GENERAL

Inadequate training.

The inability of An Garda Siochana from within its own resources to insure that Licensors are properly trained in their functions and are properly appraised of the law relating to same should be of serious concern to the Garda Commissioner and to the Minister for Justice. One of the tools which should be used to educate Licensors and applicants should be the Commissioner's Guidelines which regrettable have not been updated and are not mandatory for Licensors. There have been significant advances in the jurisprudence relating to firearms licencing since 2009. These have not been incorporated into the Guidelines. There is presently within the

Guidelines case law relating to the pre 2009 firearms licensing scheme which was operated under different legislative provisions and most of the jurisprudence within these cases is no longer applicable because of decisions of the Supreme Court, the High Court and various Districts Courts. There is a strong argument that no case law should be referred to in the Commissioners guidelines, particularly in view of the fact that the current Guidelines incorporate contradictory decisions of the High Court and this may well have mislead licensors.

Independent licensing authority

The licensing system has been so badly damaged by the Gardai in the eyes of those whom it regulates, that all confidence in not just the ability, but more importantly the intention of the Gardai to administer the system in a fair, reasonable and honest manner which is consistent with both the letter and the spirit of the legislation is completely gone. As stated previously in this part of the submission, the Gardai had within their grasp in 2008 and 2009 the opportunity to commence a new beginning with licence holders following several years of argument both in and out of the courts. They squandered that opportunity by the manner in which they, on the one hand, assured the shooting representatives that they would act fairly while at the same time went to considerable lengths to circumvent the legislation. That opportunity will not present itself again in the same manner. What the shooting organisations now want is the administration of the licensing system to be moved to the control of an independent licensing authority. This could be another Government Department or even the local authorities. The Gardai should still retain their role in the vetting of the character of all applicants, which is the only function one could argue remains as the key consideration in the grant of a firearms certificate. There is no imperative for the Gardai to be administering the system beyond that involvement.

Civil Licensing Scheme/Administrative Function.

It is unacceptable that administration of the firearms licensing scheme is not undertaken in a transparent manner. The function is an administrative one. In this regard the reserved judgement from “*Dunne v. Donohue*” in the High Court should be noted as follows:

“In considering the submissions advanced on behalf of the parties in this case, it should be noted, at the outset, in relation to the first issue, that the power conferred by s. 3 of the Act of 1925 on Garda Superintendents to grant firearm certificates is one of a wide range of powers in various areas conferred by legislation: one could instance the Betting Act, 1931, the Public Dance Halls Act, 1935, the Gaming and Lotteries Act, 1956, and the

Intoxicating Liquor Acts. One is entitled to assume that in all such instances the Oireachtas decided that the power should be exercised by a senior Garda officer in a particular locality for what seemed to them (the Oireachtas) good reasons, but they would, of course, have been perfectly entitled to confer the power in question on another body, such as a court of local and limited jurisdiction, a local authority or some other state agency.”

The fact that the Oireachtas could have conferred the licensing power on another body, local authority or state agency requires that similar standards of transparency be applied to firearms licensing, as would have been applied to a local authority or other state agency had such body had the licensing power conferred on it. There is a danger that in considering firearms licensing issues generally, sight is lost of the fact that it is a civil licensing scheme which licenses people primarily for recreational activities or in connection with the earning of their livelihood (farmers). This is why the shooting organisations seek the administration of the licensing system to be moved to the control of an independent licensing authority.

Formal complaints and redress procedure for failure to process applications within statutory time limits.

The licensing system is crying out for a redress procedure to deal with failure to process applications within the time frame set by legislation. Failure to address is simply to accept that any law passed by the Oireachtas can be ignored at will. Redress for this should be fast, effective and definitive. There is little to consider in the majority of cases. The application is either within or outside the time limit. If it is outside, then a higher authority should be in a position to order the immediate processing.

Code for compulsory application of legislation.

There must be some better way to enforce compulsory compliance with the provisions of the legislation other than constant recourse to the courts. Of course if the administration of the system were to be transferred, as suggested, to another central authority, this issue could become moot. In the absence of that happening, the Minister might usefully consider creating an independent position within his Department occupied by a suitably qualified person who would adjudicate on the conflict of interpretation. This would have huge benefits in terms of financial savings arising from numerous people on both sides no longer having to argue before the courts, the freeing up of valuable court time, the removal of a large element of

conflict in the system and the eventual settling of the system into one of consistent application.

Magazine capacity.

The issue of magazine capacity has gone from not ever being a contentious issue to one of being at the root of much of the litigation we have seen in the past short few years. How something which was never a problem in the past could suddenly become so contentious can be traced to the legal provisions that all unrestricted handguns cannot have a magazine capable of holding more than 5 rounds of ammunition. This has been seized on by certain members of the Gardai, but particularly the Garda Ballistics expert, to obstruct the licensing of these guns by sports people. The fact that many guns have to have the magazines modified to comply with the legislation does not satisfy the latest Garda interpretation. It did satisfy them for the last number of years but this is now one of the more recent goalpost moves. Because the guns come into the country with standard magazine sizes, the Garda position is that they are restricted on arrival and therefore will always remain restricted. This madness has failed to recognise that the Garda Commissioner's list in ANNEX F, previously mentioned, lists these firearms as unrestricted and a great many have already been licensed as such. As magazine capacity has never been a problem area in the past it should be dealt with sensibly and definitively immediately. There is no real sustainable reason as to why firearms with up to 10 rounds should be restricted in this way. The other matter in relation to this is of course the fact that just because a handgun has more than 5 rounds it is in fact restricted. We would submit that is an incorrect interpretation of the legislation. The full extent of the legislative consequences of a rim fire handgun having more than 5 rounds is that the licence application must be dealt with by a Chief Superintendent, not as a restricted firearm but as an unrestricted one with a 10 round capacity.

Costs in District Court appeals.

The issue of costs not being allowed to successful firearms licence applicants in their District Court appeals must surely be one of the most unfair aspects of the licensing system. There is no doubt that fact is having an effect on peoples' ability to bring cases before the courts and this is probably in breach of Article 6 of the European Convention on Human rights. It is noted that this has arisen from a judgement in a case referred from the District Court to the High Court. However, since the judgement, a contrary judgement has also been delivered by the High Court and the matter is now being challenged. There is a view among the shooting community that this absence of costs for successful applicants is being exploited by the Gardai and the possibility of that was also referred to in the written judgement of

Judge Lucey in an appeal in the District. This is a matter of extreme public interest which should be rectified immediately and ordinary citizens should not have to be put through the trauma and financial consequences of having to challenge this through the courts again.

Independent non legal appeals system.

In the case of a challenge to the refusal to grant a firearms certificate, the appeals system should be one which is independent and non-judicial, thereby removing a large element of cost together with the adversarial nature of current appeals. This has much to offer in making the system more fit for purpose without compromising public safety.

Reaction of An Garda Siochana and Government to legal challenges

In January 2012, the High Court made orders against the Gardai in 168 Judicial Review cases following revelations in court that evidential documentation had been altered by a Chief Superintendent even while the cases were before the court. There was great consternation at the time that the officer had been caught. Another officer of similar rank was found not to have bothered keeping any records of firearms licence applications, virtually all of which he refused. It was also irrefutably revealed that all senior officers involved in the 168 cases had colluded in operating a common policy of blanket refusals. The GSOC is currently conducting a criminal investigation into the officer who interfered with the evidence and has since retired. The officer who failed to keep records was promoted to Assistant Commissioner immediately after the court cases and no known action was taken against any officer who colluded in operating an unlawful blanket policy in defiance of previous orders of the High Court and Supreme Court. However, NARGC's overtures to open discussions about the future in the aftermath of the court cases were roundly rejected by the Gardai. The Minister for Justice and Deputy John Perry on his behalf made highly critical comments in the Dail about the NARGC in relation to it supporting the legal challenges. The same comments were made by Minister Ruairi Quinn in the Seanad. They also quoted Judge Hedigan of the High Court very selectively indeed. We were criticised for assisting citizens in exercising a constitutional right of access to the courts to vindicate their cases and we were criticised for in effect being right and for expressing our disgust at what had been exposed in the court. The court records in over 600 cases are now a sobering testament to how the politicians simply got it wrong.

This is entirely unacceptable and aspects of the penalty points controversy most certainly mirror that reaction.

TARGET SHOOTING



The National Association of Sporting Rifle and Pistol Clubs (NASRPC)

It is fair to say (some may say it is stating the obvious) that target shooters have gone to significant expense to comply with the requirements of the current amended legislation. In many cases individuals have, without complaint, gone to additional significant expense to meet extra local requirements imposed by An Garda Síochaná, in addition to the new security requirements at their homes. Despite this honest effort to meet the letter and spirit of the law, a significant number of the clubs have reported that their members had to resort to legal action in order to be granted licenses for their firearms, particularly centrefire pistols - firearms for which they were previously licensed and for which the Oireachtas intended could be licensed. After a long legal struggle, supported largely by the NARGC, these

law-abiding sportsmen and sportswomen were granted their firearms certificates, but only after intervention by the courts. The ending of this round of litigation presented an opportunity for all involved to seek a better way forward. The NASRPC made it clear it was ready to positively engage with all stakeholders in order to formulate a new approach. However, rather than seize that opportunity to work positively with the NASRPC, it seems An Garda Síochaná were determined not to accept, either in fact or in spirit, the decisions of the courts and instead continued in their attempts to obstruct licence applications as evidenced by their ongoing actions which can only end in another round of litigation as they now impose new barriers on sportsmen and women on a regular basis. This philosophical juxtaposition clearly identifies the need for action.

It is against this backdrop that the NASRPC, together with other interested parties, decided to strongly communicate our call for legislative change.

2.0 Problems for NASRPC within the Firearms Licensing Process.

Inconsistency in the implementation of firearms licensing legislation is an ongoing problem. Inconsistent or, in our view, unreasonable and wilful misinterpretation of the current legislation by the licensors is the root cause of the problems experienced to date. Such problems can be resolved as follows:

- Primary focus should be on the suitability of the person to hold a firearm certificate and not on the firearm.
- Centralise firearm licensing - ideally employing an independent body to administer the process.
- Firearm categorisation should be based on specifications and not descriptions. Barrel length, overall length and magazine capacity should be the only criteria to judge firearm suitability.
- Define a discipline list which will cover all of the competitions administered by the NASRPC and other shooting organisations.
- Agree an escalation process that removes the need for sportsmen and women to attend court to resolve issues in a fair and equitable way.
- Hold regular reviews with all stakeholders.

3.0 Rimfire Short Firearm Licensing.

3.1 Issues with licensing legally compliant short firearms (i.e. compliant in terms of barrel length, magazine capacity etc.) are commonplace. Compliant firearms have been deemed unsuitable as they are 'not suitable for target practice' in the opinion of the licensor or, as has been communicated on numerous occasions, by his / her advisors. These decisions on 'suitability' are judgemental by nature and therefore not based

on any specification and subject to extreme negative bias as has been consistently demonstrated in licensing decisions and in evidence offered to the courts on behalf of licensors. Such ambiguity can be removed by taking the following action:

- Define a specification for suitable short firearms based on barrel length and magazine capacity - this removes all ambiguity.
- Magazine capacity should be 10 rounds (the typical factory magazine capacity) - this removes the need to have firearms modified and questions over the permanency of modifications.

4.0 Rimfire Rifle Licensing.

4.1 Issues with licensing resulting from the licensors view of suitability, or as it has been described, appearance of the firearm are not uncommon. The conundrum faced by the sportsperson in this situation is that many modern target rifles, such as Anschütz's MSR 0.22lr, are built on modern platforms which have a radically different appearance to the older designs. Given the inconsistency, the end result is that some shooters in some Garda Districts are unable to obtain licenses for such firearms while others are. Therefore, some competitors are seriously disadvantaged. There seems to be no legal impediment to making all 0.22 rifles unrestricted and much justification for so doing. Licensing issues in this area could be prevented by:

- Defining a high level specification as opposed to a list of suitable firearms. This specification should simply cover barrel length, overall length and magazine capacity (10 rounds).
- Removing the requirement to have bullpup 0.22lr rifles restricted.

5.0 Centrefire Short Firearms Licensing.

There are a number of issues with centrefire short firearms licensing which are detailed below.

5.1 Even after winning in the courts some shooting sports participants are being forced back through the courts to have their renewals issued. This, in our opinion, is totally unacceptable and appears to be a cynical attempt to "wear down" sportsmen and women. Furthermore, it is unreasonable that current license holders cannot change firearms (within calibre). This prohibition is forcing some sportsmen/women to hold on to firearms that may be less than ideal for their chosen disciplines. Finally we believe that the current ban on issuing new restricted short firearm licenses is unreasonable and is negatively impacting our sport. We believe the following actions can resolve the current issues identified above:

- Implement centralised licensing (as previously suggested) - this would prevent sportsmen and women having to endure a court case with every renewal. Clearly this waste of state resources is unjustifiable.
- Allow current license holders to change firearm type (substitution).
- Allow suitable new applicants to license centrefire short firearms.

6.0 Centrefire Rifle Licensing.=

6.1 Gallery rifle competitions require centrefire lever action rifles in 0.38 and 0.44 calibres. We see little reason why these rifles should be restricted as they are not concealable and have a relatively short effective range. .30 Cal semi-automatic M1 carbines are also used in specific gallery rifle competitions. These vintage rifles pose little threat as ammunition is specific and not generally available. In at least one Garda District, attempts to limit the types of competition in which centrefire rifle sports shooters can participate. This is affected through the introduction of unreasonable license conditions. In practice this means that four Gallery Rifle (International Team Members) cannot participate in home Internationals - this is unreasonable. We propose the following action.

- Make lever action centrefire rifles unrestricted.
- Allow the continued licensing of 0.30 calibre M1 Carbines.
- Remove all licensing conditions that prevent full participation in Gallery Rifle competition.

7.0 Competitions / Targets

Much has been made about the legality of some NASRPC competitions and the shape and type of target used by some members of An Garda Síochána. This is unreasonable on the grounds that the NASRPC has run such competitions now for many years without any interference or objection. No one has been arrested, cautioned or charged with any offence over this time. Furthermore, numerous judges across the country have determined that NASRPC competitions do not constitute practical or dynamic shooting. Nor have they found these competitions constitute combat or military training. We propose the following:

- NASRPC competitions be deemed legal.
- If IPSC shooting is to remain prohibited that such competitions be clearly defined (scenarios used, moving with loaded firearms etc).

8.0 Holsters.

Attempts have been made to ban holsters on some ranges. Holsters used in NASRPC competition are typically competition holsters and are indeed a safety feature. Any reasonable individual with any level of competition training would understand that it is far safer to carry a firearm in a holster (while on the shooting line) than in a box. We propose the following:

- Holsters be an express requirement in the legislation as a safety aid on ranges.

9.0 Reloading.

Using factory ammunition can be a serious disadvantage to Irish competitors competing at National and International level. Custom loads provide much more accuracy (less recoil) than factory ammunition. Therefore we would argue that reloading should be permitted generally for licensed firearms holders engaged in competitive target shooting (within licensed calibre).



Irish Bullseye Sports (IBS) Castlebridge Invitational Pistol Club (CIPC)

Problems experienced by IBS/CIPC and its members in dealings with An Garda Siochána:

1. IBS members all experienced the effects of the well documented difficulties regarding the 2009 renewal debacle for centre fire handguns which resulted in 168 high court challenges, all of which were upheld.
2. Following a move to a new indoor range facility at South Slob Wexford in 2011, IBS/CIPC was obliged to cease using the premises on receipt of an e-mail from Superintendent Gralton of Wexford Garda

Station relating to non-inspection by qualified Garda personnel. Members, the e-mail stated “may be in breach of the conditions of the granting of their respective firearms certificates”. No range in the country was authorised at this time and there were no Gardai in the country who were “qualified” in range inspection.

3. This resulted in the NARGC’s legal action, with CIPC as the Appellant, to oblige the Minister to sign the necessary Statutory Instrument to commence Range Safety Certification etc. - notwithstanding that the fee of €1000 for a Garda Authorisation had already been paid by the Club. During the period from August 2011 to April 2012 the range was closed for shooting purposes. Its development cost €18,000 and the rent had to be paid during that period. Currently a new long lease is about to be signed with the land-owners.
4. Four current IBS/CIPC members were issued with Restricted Certificates for firearms containing a condition that the firearms could only be used OUTSIDE THE STATE. This unlawful condition was overturned by the High Court, although it took almost 4 years.
5. Following the January 2012 High Court Judicial Reviews and subsequent interviews with Chief Superintendent John Roche of Wexford Garda Station, IBS/CIPC members were issued with firearms certificates that expired almost 10 months prior to the specified 3-year licensing period. This was rectified only when written requests were sent to Chief Supt. Roche - some are still outstanding because the recipients failed to write the necessary letter.
6. Members who had not wished to be included in the High Court challenge were issued their certificates on completion of the FCA 1 application form. No interviews were conducted by C/Supt. Roche in these instances.
7. In April 2008 a member applied to have his 9mm Glock pistol entered on a firearms certificate by way of substitution. At an earlier date that same firearm had been held on that same certificate. Supt. Kevin Gralton interviewed the applicant and assured him that he would make the substitution. Then Supt. Gralton stalled the issue until November 2009 when the applicant was informed that implementation of the amendments to the Act did not permit him to make the substitution.

8. A club member with a Dublin address had his centre-fire pistol certificate renewed in 2009. His daughter and her husband, domiciled in County Wexford were refused their certificate renewals by C/Supt. Roche of Wexford Garda Station although they were members of the same club! Had they been living at her father's address it is probable that their renewals would have been issued. This issue was resolved following the January 2012 High Court hearings, although the certificates were not issued until November of that year - with an incorrect expiry date.
9. When applying for non-restricted certificates in the Castlebridge district in 2009, some applicants were told by a Garda that "it will go hard on you" if they were found to be using magazines with a capacity greater than 5 bullets. These renewal applications included a certificate provided by the Firearms Dealer who had made the necessary modifications to the magazines, restricting them to 5-shots, in compliance with the Act.
10. An IBS/CIPC member who had a private meeting with the Minister for Justice in Wexford in 2011 was accosted immediately afterwards by a local Garda Detective who made serious allegations about him possessing an un-authorised silencer, using a pistol outside of an authorised range and having eight firearms stolen from his home. These disgraceful allegations were totally untrue and the NARGC's Legal Representatives Wm. Egan and Associates, Solicitors, sent a strongly worded letter to C/Supt. Roche which asked that the club member be informed that the Gardai held no such unfounded information about him. No reply was received to the letter and no contact was made with that club member.
11. On Jan 2nd, 2013 an IBS/CIPC member held a telephone conversation with Supt. P Conlon of Wexford Garda Station in which he pointed out that some conditions in the Garda Authorisation issued to the club required modification. Specifically, it was explained to the Supt. that the condition of confining firearms to the actual shooting range meant that the owner relinquished control of his/her gun if they went into the adjoining club room and this could be a breach of the Act. Also, it was pointed out that the safest place for a firearm not in use was in a holster worn by the owner - after the firearm had been cleared as "safe" by the Range Officer. This is standard practise abroad and on other Irish ranges. Supt. Conlon's Authorisation specifies that the use of holsters is not permitted. Highly trained personnel such as target Shooters can safely use holsters within a

Range environment. The Garda response was that “boys will be boys” and that some individuals might start “playing” with or “cleaning” the firearms. He appeared to believe that the safest place for a firearm was on a shelf under “the control of a Range Officer”. When it was pointed out that there was no provision in any Act for a R/O to be in charge of someone else’s firearm without having a certificate for that particular firearm, the Supt. asked if Range Officers could not be trusted and twice said that he could introduce “new conditions that I might not like” to the member. He also launched into a diatribe about Dynamic Shooting which the club member pointed out was banned by the Act. Supt. Conlon abruptly ended the conversation by putting the phone down.



WA1500 Association of Ireland

Submission:

In 2009, most centre fire pistol holders were refused the renewal of their licences. Surprisingly, most went to court. Unsurprisingly, 93% won, in addition to another 168 in the High Court. The WA1500 Association of Ireland provided witness evidence in 14 cases over a four year period. The written

Judgements which issued from some of these cases are attached... All 14 cases were successful.

The Garda contended that WA1500, our sport, was illegal, being “practical and dynamic shooting”. In all court cases they failed to convince a single judge that this was the case. Indeed a few Judges stated that if the Garda thought an illegal act was being committed, why were people not arrested and brought before the courts. Judge Lucy, in his written Judgement, stated that he himself, having viewed a demonstration of WA1500 PPC agreed that the sport was not practical or dynamic shooting and was therefore not illegal.

The WA1500 Association of Ireland Ltd desires the sport of Precision Pistol Competition to be accepted by the Gardai as a legal shooting competition, there being no question of their being a legislative impediment to it. In Germany, where the World Governing Body is located, “Combat shooting or practice” is also outlawed. Shooting Orders have to first submit their rulebook to the Federal Government, so they can decide if the competition is legal. Humanoid targets are also illegal; therefore the targets to be used must also be submitted. Precision Pistol Competition is legal in Germany and has been passed by the Federal Government. It is the exact same competition as is practised in Ireland.

The WA1500 Association of Ireland Ltd wants to stage the European Championships and The World Championships here in our Country. As one of the WA1500 Association of Ireland principals is (also) the Vice President of the World Governing Body with corporate responsibility under German Law, achieving the above, would not be difficult. There are a number of fine ranges in the country more than capable of staging such an event. Introducing hundreds of sports men and women for the first time would also be very beneficial for the local economy.

In order for the above to happen, there must be a mechanism for shooters to be able to licence new centre fire pistols. Currently a foreign shooter cannot apply for a temporary licence for a centre fire pistol/revolver, to participate in a competition here. (Thus the Irish Open is held in NI since 2010). This impediment could be construed as a means of “strangling” the sport to extinction in Ireland.

We suggest a system such as exists in Australia. This demands cooperation between the Clubs and the Gardai and a certain degree of trust between both. While it is acknowledged that this would be difficult to achieve in a climate where the Gardai are constantly pre-occupied in obstructing the

sport as manifested by the need for hundreds of court challenges to simply force them into compliance with the law. It must also be set against the background that they are constantly trying to move the goalposts as a response to losing in court. This is tantamount to trying to circumvent the legislation. Trust in a poisoned atmosphere such as this would be extremely difficult to earn, if achievable at all. The Australian system requires a club member to first have had a non-restricted pistol for at least one year and have passed all the competency/safety courses provided by the clubs. In addition, the applicant must have participated in “x” (number to be determined) competitions during the year with his/her non-restricted pistol. If that person then wants to participate in competitions such as Precision Pistol Competition, he/she must further pass a competency/handling course at the club to show that he/she has the basic skill levels to be safe on the range, using a pistol or revolver provided by a club member in association with Garda authority. If the club is satisfied with the above, it then supports the member’s application for a centre fire pistol.

Concern has been raised by the Garda, as to large capacity magazines available for some self-loading pistols. We propose that all magazines for such pistols be professionally adapted to six rounds, such as ensure they cannot be reversed so as to carry more (than six rounds). It would then be a criminal offence to own, possess or carry such a high capacity magazine. This in effect would mirror the legal requirement as laid down in the Wildlife Acts that no shotgun used for shooting game may hold more than three rounds of ammunition. This has been the position since the inception of the Wildlife Act 1976 and there have been precious few prosecutions for breach in that period. It should be noted that most revolvers are already six rounds only and the amendment to the current arrangements would represent an increase of only one round, the smallest increase possible. The reason for “six” is that this is all that is required in Precision Pistol Competition. This is also true for other centre fire pistol competitions in Ireland.

WA1500 Association of Ireland would like to see a streamlined licensing system in Ireland: One central issuing authority instead of the multi licensing authorities as currently exist. The Garda input would remain as the character vetting authority to determine that the applicant was a suitable person. After that the central licensing authority would decide if the applicant meets the requirements for holding a certificate for the firearm in question and would otherwise administer the system. If the applicant was refused, there should be an independent non judicial panel which could adjudicate on any appeal. This would almost completely eliminate any need to go to court and the resultant costs.

Before the temporary Custody Order of 1972, there were some 1500 pistols and revolvers licence in Ireland. Indeed the undersigned knew and knows several people who were licence holders prior to 1972. People who participate in WA1500 competitions, people who participate in pistol competitions in general are above reproach and should not be punished for some vague undefined and in fact non-existent threat to the old reliable “Public Safety”. If public safety is to be used as a factor in the decision making process, and more importantly if it is to be used to underpin a policy of refusal, it must be based on a proper risk assessment to have any credibility. All firearms are potentially dangerous. All cars and trucks are potentially dangerous. All airplanes are potentially dangerous. However in a modern democracy, people are licensed to operator all the above.

RANGES



Range Operators Association of Ireland

Target shooting is the sport of firing at approved targets of various kinds with rifles, handguns (pistols and revolvers), and shotguns in a test of marksmanship. This sport has been enjoyed by Target Shooting Club members at ranges all around the country for generations.

Shooting ranges have been a feature of the Irish landscape for many years. Shooting ranges have been traditionally run on an informal basis, they have been cultivated and grown by Target shooting enthusiasts and have been focused in the areas where most interest has been generated. Prior to 2004 the demand for ranges was focused solely on rifle target shooting activities. Since 2004, the demand for multifunctional ranges catering for both pistol and rifle have become significant.

Target shooting ranges cater for recreational, local, regional, national and international shooting events. It is important to point out that since 2006 pistol owners are required to restrict all target shooting activities to authorised range facilities. The onus is on the Range Operators to provide pistol shooting facilities to the minimum standards required under the legislation. They have done so since 2006 at significant investment for which there is unlikely to be a return for approximately 10 years at the current rate of shooting range membership.

Prior to 2006 there were no range standards in operation. Representations by shooting bodies in the formation of the 2006 regulation on the use of firearms encouraged the introduction of range specifications and standards to aid in the protection of public safety. As range operators and owners, the concept of minimum construction and safety standards were welcomed as was the appointment of a state range inspector. The formal approach to range certification was seen as a major improvement and allowed for the verification that the locations used for the practice of target shooting were to the highest international standards. Range operators and owners have invested heavily in the construction of the range facilities to the standards required by the legislation post 2006. This investment requires a long term return on investment and will take many years to be recouped.

Ranges have been built to the required specification depending on the type and nature of firearms that are used at the range facilities. Principally, firearms can be grouped into two broad categories - rifles and handguns. These categories can be subdivided into centre fire and rim fire. A significant and growing discipline is Gallery Rifle competition using both centre fire and rim fire. Centre Fire Gallery Rifle uses pistol calibre ammunition such as .38 and .44.

The construction of the range facilities are determined by the range and nature of the firearms to be used. By far the highest cost to achieve range standards have been to meet the requirements for pistol use on the ranges throughout the country.

All ranges in the ROAI have been built to facilitate the use of pistols and in most cases gallery rifle shooting.

Key to successful range development is the development of the infrastructure in support of shooting ranges. Due to the nature of the weather profiles in Ireland all shooting range operators have invested in club facilities to support the range activities which are principally outdoor. The physical facilities associated with the shooting ranges consist of a club room, a training room and a gear room at the very least. This configuration has been deemed necessary as 95% of the shooting range facilities in Ireland are, as already stated, outdoor. While there are no associated standards in the firearms legislation with respect to the provision of club facilities, minimum standards have been addressed on a voluntary basis by range operators and owners, again leading to significant investment.

Some individuals view a separation in the provision of shooting ranges as Commercial and Club Voluntary. However the Range Owners Association of Ireland do not view this as significant in that commercial operators or club voluntary operators fulfil a very important community service in the provision of shooting range facilities to firearms owners in Ireland. In addition to the provision of physical range and club facilities, the range operators have invested heavily in ensuring that the ranges are run to an appropriately high standard which can be traced to internationally recognised standards.

Club members are required under the legislation to be supervised by suitably qualified individuals - Range Safety Officers (RSO). The RSO's in the majority of Clubs have been trained to NRA (USA) Certified Range Safety Officer Standards. Ranges are required to only operate under the legislation when an appropriately qualified RSO is present. To achieve this level of cover more than 400 individuals have been trained to the NRA Standards. Recently the NASRPC introduced their own RSO course to qualify club RSO's to competition standards.

Range operators take safety very seriously and part of the RSO training is the management of emergency situations that may occur at the range facilities. Risk assessments have been carried out at a number of range facilities and these ranges have invested in Automated External Defibrillators as well as the necessary first aid training, all at significant

cost. Range Operators accept a responsibility to ensure that individuals using the range facilities are suitably qualified and competent in the use of the particular firearms. This requires a regular and highly professional Range Safety Course to be provided at certain intervals. The provision of the courses to new members is compulsory within the first three months of probationary membership. These courses are run by suitably qualified and experienced Range Safety Officers. They require facilities and appropriate documentation and range operators have invested in suitable equipment to provide these courses in a professional manner.

Coaching and additional training is vital for the ongoing safe enjoyment of the Sport of Target Shooting. Range operators have invested heavily in the qualification of Certified Instructors in the various disciplines that are carried out on their ranges. To date Range operators have now available to them 72 NRA Certified Firearms Instructors in Pistol, Rifle and Shotgun.

As can be seen, overall there has been significant investment in the range construction, club facilities, training and education. As a result of the instruction of the new standards and the significant investment involved, there is a perceptive growth in the sport of target shooting at both recreational and competitive shooting levels. National competitions are now typically attracting more than 100 competitors; international competitions have been conducted over the last two years at the ranges of Harbour House with excess of 300 competitors from UK, Germany, France and other countries including Northern Ireland. The economic benefit to the local community in Kildare is estimated to be in excess of €1.5M for the three days of the competitions. These have been conducted during July 2013 and July 2012.

Part of the unstated responsibility to local communities is the running of annual charity events that provide most needed funds to various charities. Range operators support numerous such causes by organising shooting events for the benefit of the bodies concerned.

Members of the ranges are highly regulated through the same legislation which dictates, storage use and transport standards for the firearms used. This has required each individual to increase investment in home security in line with legislation.

Range operators provide a very important social function for firearms owners in Ireland.

With the perception that the state's persecution of this sport and its firearms owner participants was at an end following the collapse of 168 High Court cases in 2012, numbers competing in target shooting increased. The greatest change has been the number of female participants. If the restrictions now proposed for private gun ownership are introduced, target shooting will be severely damaged and shooting ranges will become bankrupt and close, leading to loss of livelihoods.

Target shooting can only be carried out in the controlled environment of an *authorised shooting range*. Competitive shooting and practice shooting are both strictly supervised by highly trained Range Safety Officers. Range users receive proficiency training and all range activity is controlled by strict rules and procedures. The physical layout of all authorised ranges is constructed in compliance with the "Range Design and Construction Guidelines - Ireland" and certified by the Department of Justice's Range Inspector. Range Procedures and Rules must also be approved by the DOJ Range Inspector. For this, a €1,000 authorisation fee must be paid every five years. Range Operators must keep specific records of range attendance and training. These records may be inspected by the Gardai or DOJ Inspector at any time. Range Operators have developed high class facilities which have cost hundreds of thousands of euro. This is mostly borrowed capital which Range Operators have invested in the future of their business. The result is a network of high quality, professionally operated sports facilities which operate in compliance with stringent legislative requirements and which host club, regional, national and in some cases, international target shooting events. Participants of all legal ages and abilities can enjoy our target shooting facilities. Target shooting is one of the few outdoor sports that is open to persons with physical disabilities.

Attendance by competitors and their families at such events brings significant economic benefit to the local and national economy. The boost to the restaurant business and the sale of hotel beds are the most obvious beneficiaries which surround such events. The high quality shooting range facilities available and the tight controls in place at Irish ranges means that statistically, target shooting is the safest competitive sport for participants and spectators. No other sport is subject to the same levels of control.

In 2006 and 2009 the Oireachtas enacted new legislation which significantly amended the Firearms Act 1925, bringing in new higher standards to be met by firearms owners, target shooting clubs and shooting ranges. The sport shooting community, including range operators embraced the new requirements and complied with all of them to the letter. We all put our faith in the new legislation, the honour of the Department of Justice and

the Gardai. Range Operators began the costly reconstruction of their ranges to meet the new certification standards demanded by the state so that all licensed target guns, especially handguns, could be used on the ranges. The new arrangements provided for in the legislation have worked well with the exception of those elements of the legislation with which the Gardai disagree with resulting in their ongoing attempts to circumvent the legislation. These attempts failed in the courts and were declared to be unlawful. Now, law abiding sport shooters, the firearms trade and range operators are faced with a proposal for further unjustified restrictions in private ownership of sporting firearms. Such proposals will ultimately devastate the shooting sports sector in Ireland and close many clubs and sports shooting facilities. How is it proposed to compensate the range operators for this loss of their investment, not to mention the loss of jobs that will result from implementation of this proposal?

Range operators provide a very important social function for firearms owners in Ireland, they provide facilities that are contracted to minimum standards, that are inspected by the government appointed range inspector, that are certified on the basis of the inspection by the local Garda Superintendent and all members who are licensed for firearms are governed by strict firearms legislation. all these aspects of the firearms legislation ensure that the public are protected and the public safety concerns for the use of firearms are minimised.

FIREARMS DEALERS



Mourne Shooting Grounds

Irish Firearms Dealers' Association (IFDA)

The Irish Firearms Dealers' Association understands there are currently proposals before the DOJ with regard to imposing further restrictions on firearms ownership in what is already one of the strictest legislative frameworks for firearms possession in Europe. From our experience as registered firearms dealers, dealing on a day to day basis with our customers and potential new entrants to the shooting sports, the impetus for the proposed changes appears to be as a direct result of the numerous defeats suffered by An Garda Siochana in the district and High Court actions which the shooting community have had to endure as a result of the manner in which An Garda Siochana have attempted to fetter the correct implementation of the legislation as intended by the Oireachtas.

The shooting community have had to expend significant personal funds and endure an arduous district court process which has seen innocent law abiding citizens forced to sit amongst criminals and worse still have details of their cases read aloud for all in the public gallery to hear to obtain licenses for their firearms to which they were entitled in the first place, in the full knowledge that, win or lose, they had to pay for the privilege of their day in court. This would appear to even the most cynical members of society as completely unfair, and possibly an abuse of process.

It is the view of the IFDA that the legislation as it is currently written is unfair and creates a discrimination in law for certain members of the shooting community, and the proposals which we understand are before your

Department will offer nothing in the way of remedying the inequalities which currently exist,. They will in fact worsen the situation further and lead to many more legal challenges being brought before the courts, with the resultant waste of state resources and the bills being picked up by the tax payer, and the law abiding citizens of this country. It would appear a more appropriate use of the limited funds available to An Garda Siochana to invest their human and monetary resources more effectively in tackling crime and criminality rather than vilifying law abiding gun owners and forcing them through a costly court process only to be granted their firearms by a judge rather than in the manner which was intended by the legislation as passed by the Oireachtas.

It would also appear that the manner in which the review has come about is completely unfair to both shooters, range operators and firearms dealers, all of whom will be significantly affected by the proposed changes. Neither has the DOJ nor An Garda Siochana attempted to engage in any serious way with the relevant stakeholders whose amenity and livelihoods will be affected by these changes. On the contrary, the Garda involvement has been to try and undermine the legislation and by extension the shooting community, and they have lost all claim to the trust and credibility which they historically enjoyed. This to say the least, is undemocratic and not befitting the police force of a member state of the EU.

It should be noted that the amendments as proposed by An Garda Siochana, despite their denial, will have a detrimental effect upon the trading viability for many Registered Firearms dealers and their staff. The proposed restrictions will undoubtedly result in the loss of jobs and the closure of shops with the resultant knock on effects through the loss of rates to local authorities, increases to the live register and more mortgage arrears for employers and staff alike within the firearms trade.

Sporting firearms and ammunition worldwide are in strong demand on a continual basis and in order to attempt to meet our clients' needs dealers are forced to place orders in advance to ensure supply to the small market in Ireland. Some dealers would have sums in excess of €250-€750,000.00 invested in stock which in many instances must be paid for in full at order. Much of this stock must be stored offshore due to the manner in which the current legislation is being implemented by your Department through an undocumented "policy" which varies from dealer to dealer and from day to day apparently at the whim of whoever is in charge using the old familiar words "The Minister has directed...". Having examined the legislation we are unable to locate the elusive "policy" or any legislative reference to the existence of such a policy. Furthermore, some of our dealers have requested

a copy of the policy and have been told they cannot have it! In a democracy with a civilised population and well established legislative and legal system it can hardly be seen to be fair to expect a business person to attempt to conduct business in a restricted and licensed profession where the goalposts can be moved at the whim of an individual who can exploit the absence of any legally based policy which is in any event “secret”. In this regard we would propose that either the “policy” is abandoned and the trade is governed by the primary legislation into which clear, concise and unambiguous definitions are inserted as appropriate which provide clarity for all parties as to the intention of the legislation, or the policy is clearly drafted in consultation with relevant stakeholders and published for all to see.

To provide an illustrative example of our concerns, consider non restricted target pistols. Dealers are not permitted to stock these pistols in Ireland according to prevailing “policy” and may only import them on foot of an import license which is only issued upon receipt of a valid end user certificate. In order for a customer to obtain a license for a firearm they must provide a serial number on their application form. For this to happen the dealer must purchase the firearm from a dealer or manufacturer offshore PRIOR TO A DECISION ON THE LICENCE APPLICATION and arrange for them to store it until such time as the license is granted. This presents a significant number of risks to the dealer. Firstly, the dealer has paid for and sold a firearm which is not in his possession. There is a financial exposure to the dealer in the event that the supplier enters liquidation or suffers some unforeseen event such as fire. The dealer is left completely exposed as they have entered into a contract to supply specific goods to the end user. In the event that these goods are lost for whatever reason the dealer is in breach of contract with his customer. Similarly in the event that an applicant is unsuccessful in obtaining a license for whatever reason the dealer is left with a pistol for which he has no client, has paid for in full racking up storage charges abroad, which due to the length of time taken by some districts to process license applications can be anything between six weeks to twelve months, and he can’t even land the gun into his stock. These costs and risks are borne by the dealer which erodes margins significantly. Then there is a significant cost accrued for shipping firearms which in some instances can amount to sums in excess of €300.00 to ship a single firearm from within the EU. This is a significant cost to expect an end user or dealer to pay for shipping a single item when a shipment of ten firearms would cost little more, not to mention the amount of administration within arising for the DOJ, An Garda Siochana and the firearms dealer, as export licenses must be generated off shore for each firearm individually and similarly import licenses must be individually

generated for each firearm within the DOJ and An Garda Siochana must meet with the dealer to confirm the receipt of each item.

The need for controls to be in place for the importation and export of firearms is fully understood by firearms dealers. However, there can be no good reason for not allowing registered firearms dealers with appropriate security systems in place to stock non restricted long or short firearms, or restricted dealers from stocking restricted firearms, long or short, as would be the case for our counterparts working within Northern Ireland. None of what is suggested here poses any threat to public order or security.

If this system were implemented significant resources could be spared in terms of manpower within your Department and An Garda Siochana. Firearms dealers are business people and are acutely aware of market conditions within Ireland. To this end it would not be foreseen that a dealer would unnecessarily hold excessive levels of stock or items which are not licensable within the jurisdiction. This simply would not be in his/her interests from a purely economic point of view. These practical measures are not unreasonable and would facilitate a more efficient administrative process for all parties providing additional benefits for the taxpayer, shooter and dealer alike.

Some further issues which are frequently experienced by end users and dealers alike, particularly although not exclusively with regard to licensing non restricted short firearms. With regard to S.I. 337/2009 regarding short firearms, we believe the criteria which firearms must meet to be considered non-restricted i.e. *“suitable for use in competitions governed by the International Olympic Committee regulations”* is misunderstood and consequently misinterpreted by the Garda authorities. It also creates a discrimination in law where preference is provided to one group of sports people who are in the minority and against another group who are the majority. This we suggest is also in breach of the Olympic Charter which seeks to ensure mutual respect for all sports and participants. The IOC regard it as a human right that people should be free to participate in their chosen sport, and indeed seeks to remove discrimination for all participants, and sports. The provisions of this section of the S.I. have been misinterpreted purposefully and cynically by An Garda Siochana in many districts to impede the licensing of firearms which clearly comply with the provisions of Article 4 and which are clearly suitable for use in IOC competitions under the rules. The focus on the word “designed” is an error and serves only to emphasise the dearth of knowledge and understanding of targeting shooting, its rules, Olympic competitions etc, of the person giving advice to licensors. In real terms, pistols designed for IOC competitions are

significantly more expensive than entry level pistols which may be used in such competitions and forcing individuals to spend significant sums on such pistols creates a discrimination based upon one's ability to pay, and creates a discrimination against those with lower incomes. It also creates an elitist public perception of a sport which is not in any sense elitist. On the contrary, it welcomes all new entrants of all ages, creeds, and abilities. Shooting sports offer equal competitive opportunities to young, old, male, female and able bodied and disabled participants and encourages social integration and cohesion between young and old alike. Surely these are characteristics which should be embraced rather than discriminated against. Furthermore, the restriction of magazine capacity to 5 rounds serves no useful purpose other than to obstruct the use of short firearms in other legitimate competitions. We would suggest that the reference to Olympic only competitions should be removed from the S.I. and the magazine capacity should be restored to 10 rounds which is in line with the requirements for long firearms. We also suggest that the Commissioner's Guidelines should either be mandatory or abolished because at present the Guidelines are observed more in the disregard than the compliance.

There is also a significant degree of prejudice towards certain firearms and firearms manufacturers being exercised by An Garda Síochána which is completely inappropriate on a number of levels. It could be argued they are offering a preference to one manufacturer over another which is in contravention of EU competition laws, and but for the fact that Ireland is such a small market the State could find itself defending a case from a disgruntled manufacturer with pockets deeper than the state coffers. In order to bring balance to this situation we suggest that a body or resource within the Department of Justice with suitable experience and knowledge of firearms, shooting sports and the legislation should make a decision based upon correct interpretation of the legislation as to the suitability of a particular firearm for licensing within the state, and that this interpretation be based upon the technical characteristics of the firearm in question and not based on "looks", unqualified "opinion" or brand name as is the current practice. Determinations on new firearms must remain relevant to market developments and the evolution of shooting sports. References such as "looks like" or "resembles" offer nothing to effective legislation serving only to creating ambiguity, leaving the door open to legal challenges. It also renders the administration of the licensing system open to improper practices to satisfy unacceptable agendas. To date this is common practice by the Gardai.

The role of An Garda Síochána in licensing firearms must be examined. The outcome of the numerous legal challenges demands a serious examination of

the suitability, willingness and capacity of the Garda Síochána to administer the system in a legally correct, non-prejudicial, efficient, cost effective and fair manner. It is inconceivable that a critical assessment has not yet been undertaken set against the background of gross misapplication of the legislation resulting in an unprecedented number of successful legal challenges to a single piece of legislation - over 600 since 1st August 2009. The court decisions in 93% of the cases taken indicate that in the administration of the firearms licensing system, the Gardaí are either grossly incompetent or wilfully/vindictively obstructive. This state of affairs would not have been allowed continue and develop unchecked as it has in Ireland in any other jurisdiction. The role of the Gardaí should be limited to determining the suitability (character) of a person to hold a firearms certificate, to ensure that the applicant's security arrangements and competency as determined by one of the sports' governing bodies has been established. However, they should have no input into what type of firearm is licensed, what sports are acceptable etc. If a person is suitable to hold a firearm having satisfied all the legal requirements, this should be enough. The Gardaí should of course have access to current and relevant information regarding the types and quantities of firearms held by an individual, and that they should also have a role in determining the suitability of the applicant to renew their licenses based upon usage and participation in shooting sports. All clubs and responsible firearms dealers would have no difficulty in providing this information, subject to the provisions of the Data Protection Act, to assist the licensing system. However, this can only be achieved by setting down minimum standards which must be met for renewals which make allowances for age, work commitments and health conditions, so as not to offer another opportunity for Garda obstruction. By implementing such reforms a significant amount of time could be freed up for Gardaí who are currently engaged in processing applications. A more transparent and fair licensing system would emerge and the unqualified opinion and prejudice factors would be removed forever from the process.

The Firearms Dealers Association believes the licensing system is overly bureaucratic in terms of its administration and could benefit from a comprehensive overhaul. For example, in the event that a license holder wishes to substitute a firearm on a like for like basis e.g. a bolt action .22lr rifle for a bolt action .22lr rifle, this should be possible for a registered firearms dealer to process through a system similar to that implemented in Canada and the UK whereby substitutions can be phoned in or logged by authorised agents onto a central firearms database without the necessity to involve An Garda Síochána in more bureaucracy. The effect of this would result in an accurate and efficient system for minor changes which currently seems to take forever for no good reason.

Firearms dealers would welcome the implementation of an on-line applications process for import and export licenses on a notifications based system similar to that operated for dealers in the UK and Northern Ireland, and also a move away from paper registers towards a computerised system for recording transactions. We believe the paper based system poses a significant risk under data protection laws, not to mention the risk of loss or theft of documentation, and better methods of storing data through the use of modern encryption technologies would offer a more secure medium for storing such sensitive information.

Firearms dealers are not in favour of proposing a free for all or uncontrolled availability of firearms for all. They are mindful that there are elements of society which for any number of good reasons should not have firearms or access to firearms. But equally we believe that law abiding shooters should not be discriminated against for the sins of the few. Enforcement of the law is the responsibility of An Garda Síochána through the correct implementation of the legislation as enacted by the Oireachtas. This requires best modern police practices and policies which target crime and criminals

At this juncture reconsideration should be given to the licensing of centre fire pistols for shooters engaged in legitimate target shooting competitions. The current situation has come about due to a knee-jerk reaction from a previous Minister who found himself under pressure to deal with gangland criminality. Rather than deal with the cause of the crime problem the shooting sports in Ireland were targeted for unjustified restriction.

The effect of the resultant reforms has been the creation of a significant inequality in the law, depriving an upcoming generation of shooters from gaining experience in centre fire competitions. Similarly, the legislation as it stands prevents those currently licensed from upgrading their firearms, which again prevents their ability to compete at higher levels within their chosen sports and in the event that their firearm suffers a severe and irreparable fault, prevents them from further participation in the sport as they cannot substitute or licence a different firearm. This is a most draconian situation.

The current restrictions have also had a significant effect on firearms dealers' ability to earn a living from the trade. Many dealers are left holding significant levels of centre fire stock with no market in which to dispose of their product due to these legislative changes.

We would ask for reconsideration of the ban on licensing new centre fire pistols. Again, neither the firearms dealers nor the national governing bodies for target shooting, are proposing a free for all. However, we believe there should be a way in which shooters can be allowed to progress from rim fire pistols and competitions to centre fire, possibly after they have held a certificate for a rim fire pistol for a number of years, during which time they have been active in the shooting sports and have participated in sanctioned competitions. This would offer a fair path for new entrants. In addition, existing centre fire license holders should be allowed to substitute their firearms and license new centre fire firearms where they can justify their use for competition purposes.

An amendment to the legislation should be made to allow tourists to come to Ireland to compete in centre fire competitions with their own firearms, and the legislation should permit entry with a valid European Firearms Pass or similar document for tourists from further afield. There is a vibrant competition circuit in Europe and around the world for numerous legitimately sanctioned shooting competitions which are internationally recognised. Many Irish shooters travel to these events abroad to compete. We believe there are significant benefits for the local economy in bringing these events to Ireland. Most authorised ranges are located in rural environments where the local economies have been hardest hit by the economic downturn. With professional promotion and marketing, supported by your colleagues in the Department of Sport and Tourism, significant benefits could flow to Ireland. To reaffirm, we are not seeking to encourage a climate of combat training tourism to Ireland but we are trying to promote country sports and legitimate target shooting sports and competitions.

The Firearms Dealers Association fully supports the efforts of the shooting sports National Governing Bodies to influence the proposed legislative changes and are united in our aims to ensure fair licensing, competition, participation and opportunities for current shooters and new entrants to the sports alike and we will use all lawful methods at our disposal to ensure a favourable outcome for our members and clients alike.

The current licensing system is discriminatory in nature and is being openly abused by licensors. We seek assurances from public representatives and members of the Oireachtas that any amendments will not punish the law abiding shooting community and firearms dealers who are attempting to earn a living from this restricted trade in the most difficult trading conditions experienced in Ireland for decades. Any actions made to impose further restrictions will be viewed by legitimate license holders throughout rural Ireland as another attempt by persons with little understanding of

country pursuits and our sport to erode country life while rewarding wrongdoing. Firearms owners by and large are responsible citizens. They are reluctant to publicly advertise their ownership of firearms so as to protect their security and that of their community. However, it would be a serious error of judgement on the part of the Government to underestimate the level of frustration and anger being felt by licensed firearms owners regarding the proposals which are currently before you. While we have seen the statement issued by you to the effect that a review is underway and stakeholders will be consulted when it is further advanced. This can only indicate an intention not to consult in any meaningful way before decisions are taken as reports are already arriving since the beginning of March that some Garda stations are notifying applicants that their applications for unrestricted firearms as published in the Garda Commissioner's Guidelines will not even be considered as new legislation is pending!!!

The Firearms Dealers' Association supports country life and country pursuits and our right to earn a living from our chosen profession and will do all in our power to rebut any attack which seeks to diminish or erode our way of life.

FIREARMS APPLICANT:

Since 2008 the new Firearms Licence Process has failed the industry, the shooting sports and all law abiding licensed Firearms Holders. The system itself is severely flawed and is a process that serves the shooting and sporting community of the Republic of Ireland poorly and is not fit for purpose in the manner in which it is being administered.

Examples of this are:

1. The application form (FCA1) is a 9 page document that requires information from the applicant. Page 1 of the form requires a photo of the applicant. The rest of the information relates to names, addresses, dates of birth, GPs details etc. While this information is supplied by the applicant and the relevant supporting documentation, the form is then signed with an attached photo and submitted to An Garda Síochána for processing. As per the Commissioner's Guidelines any Garda at a Garda Station shall on receipt of an application form shall validate the form before the end of a tour of duty. This is manifestly not happening in the vast majority of cases. At most Garda Stations the applicant receives the same old line 'the Garda that deals with Firearms is off today'. This automatically leaves the applicant in a position where he/she must either insist that somebody processes the application or leave the application at the stations and hope it will be dealt with. Often there is conflict as other Gardai routinely resent being pressed to deal with the

application. Most members of An Garda Siochana don't know how to validate the form. This is due to an obvious lack of training and lack of knowledge in dealing with same. After handing across 9 pages of highly confidential information and a photo stating names, address, phone numbers, security measures, occupations, GPs details etc., one can't help but think that the absence of a receipt for such an important document is a significant flaw.. There is no formal collection process for this confidential form to proceed to the necessary licensing authority. There are frightening numbers of examples of these forms being lost or misplaced when received by the Gardai and the Data Protection Commissioner is aware of this as a significant issue. When an application is lost, there is never an acknowledgement of responsibility, never an apology and never any effort to speed up the process by way of 'compensation' when a replacement application is submitted. In the absence of a receipt being issued and signed by the validating member nobody will accept responsibility and no one will be accountable for the loss of such a confidential application. I am aware that on occasions these application forms have been resubmitted as many as 3 occasions. Often, it is only after making enquiries as to the progress of an application, the applicant discovers it has been lost. What is of significance is the fact that the vast majority of applications are personally delivered to Garda stations by the applicants. Therefore the losses occur after the applications pass into Garda custody. These are by no means isolated cases. A great many applicants have experience of this and most applicants know someone to whom it has happened. We know on a successful process a FCA1 can be processed as fast as 3-4 days but the current processing time is more like 3 -12 months. When the licence is eventually issued, it is nothing short of an insult to the applicant. As a result of a 9 page document, an €80 fee, a three to twelve month wait and a photograph, the end result is a cheap poorly laminated piece of coloured paper with illegible print which is clearly not fit to last three years. One would have thought that the licence should be durable for the 3 year period. Every licence holder knows that after 6 months you can only identify it by its distinctive colour with no hope of reading a name, address, firearms details, expiry date or the actual certificate number. The licence doesn't even contain the applicant's photo supplied. As the Gardai would have concerns of public safety and national security the absence of a photo on the firearms licence is mind-boggling. It looks like somebody stopped short of completing the process. A licence must be produced to a firearm's dealer for the purpose of obtaining ammunition. In the absence of a photo it is very difficult to ascertain whether or not the person with the licence is the person named on the licence. The absence of the signature from the

issuing officer, the absence of the station name from where it was issued leaves it difficult for authentication. One finds it hard to believe there is more security, durability and information on a national age card than on a Firearms Certificate.

2. It is also the case that the majority of Gardai, often acknowledged by them, have a very limited knowledge of firearms. This is not satisfactory as it is the statutory body charged with responsibility for issuing firearms licences. In addition to this there are numerous examples nationwide of incorrect licences being issued such as:
 - *Incorrect serial numbers*
 - *Incorrect Addresses*
 - *Incorrect expiry dates.*

A very great many people in the state at some stage at renewal of their firearms licence were issued with a certificate bearing an expiry date of the year 1000.

3. On the process of substituting one firearm for another, again a 9 page document must be completed and in some cases a new photo supplied. There is no process in place for collecting the licence that is being substituted which leaves these licences still valid for three years from the date they were issued, even though a new licence will have been issued to replace it.
4. On receipt of your firearms Renewal Notification any time in the 3 months leading up to the expiry date it is virtually impossible to change or substitute your firearm. If you substitute your firearm in this period you will receive a substitute licence which will only be valid to the original term of your first licence. Then what has to take place is; you must renew a licence for a firearm that you don't have, and when received, complete the substitution for a 2nd time. This is another example of poor management of the firearms licensing system and severely hampers the firearms industry to trade. It is reminiscent of a level of bureaucracy with which the old communist countries would have been truly prod.

FIREARMS DEALER:

1. On a successful application for a Firearms Dealers Licence the applicant must have a purpose built secure building/structure fit for purpose. There are very clear and defined security measures one must have to become a firearms dealer in this country. An armoury of reinforced concrete with a bank style fault or similar, a GSM monitored alarm and

CCTV, mag-locks on doors, fixed panic buttons, mobile panic buttons, restricted site access and restricted site egress, barriers, gates etc., are some of the measures demanded. Following an inspection by the Crime Prevention Officer a detailed report is submitted to 'Management' of An Garda Síochána who in turn will forward the application to the Department of Justice. The DOJ will further seek some additional requirements such as:

A licence from the Local Authority Fire and Building Control Section. This entails that the applicant must have a fire certificate for the building which also entails having planning permission. This building must also have all the necessary fire alarm, fire-fighting equipment and a service contract for the maintenance of same. After forwarding this information to the Fire authority an inspection will then be carried out by the Fire officer and a local authority licence is issued. The DOJ will also require a current up-to-date tax clearance certificate from Revenue. On receipt of these documents you must then forward 1000 euros for your Firearms Dealers Licence and a further 500 euros for a restricted Firearms Dealers Licence even though the restricted dealer's licence will not permit the dealer to keep new restricted guns in stock!

Since 2009 the new firearms legislation has divided Firearms into two groups, mainly:

Non restricted and Restricted Firearms. A Firearms Dealers Licence allegedly allows the trade in non-restricted firearms and a restricted dealer's licence allegedly allows the trade in restricted firearms. Having both licences one would feel they are covered to trade in such firearms. Upon application to the DOJ for an importation application to import a restricted firearm, the application will be automatically refused. The DOJ will not issue or grant an import licence for a restricted firearm even though they have issued the dealer with a restricted firearms dealer's licence and have taken 500 euros in respect of same. This restriction is not provided for in the firearms act and is commonly called 'policy' by the DOJ but is clearly not law.

Unfortunately this policy is forced upon us and after being issued with a restricted firearms dealer's licence and payment of a 500 euro fee we are not allowed to trade. When person (not a restricted firearms dealer) successfully seeks a licence for a restricted firearm from a Chief Superintendent of An Garda Síochána, the same DOJ will issue an importation licence for this restricted firearm. So in actual fact the Firearms Dealer, who has fulfilled all the Regulations from An Garda

Siochana, Local Fire Authority, Revenue, DOJ, is not needed in this process. This undermines the very term “Firearms Dealer”.

To add insult to the trade there is a list of non-restricted firearms published for licensing in a document called ‘The Commissioner’s Guidelines’. Examples of these firearms:

- > ***Shotguns***
- > ***Rifles***
- > ***Pistols***

All conform to the Commissioner’s Guidelines and the Firearms Acts but please note, these are non-restricted firearms. A Dealer can make an application to the DOJ to import a Category D Shotgun or any firearm of a non-restricted type i.e.: a rifle. This application will be granted within 10-12 working days and an importation licence generated. However if the same dealer applies to import a non-restricted small arm i.e.: pistol/revolver from the very list of non-restricted firearms created by the Gardai and the Department of Justice (See Commissioner’s Guidelines) no importation licence will be granted. The DOJ will advise that an end user certificate is required first. Again, this is not provided for in the Firearms Act.

Q: So what does this mean for the compliant firearms dealer?

A: He has a Firearms Dealer’s Licence but is not allowed to import stock and therefore can’t stock these items for sale or trade. A prospective buyer who can licence such a firearm under current legislation cannot physically see or inspect the firearm prior to purchase. This is a unique concept in business - a true case of buyer beware! Very often the result is no sale. However the prospective buyer can, and often does, travel to a firearms dealer outside the jurisdiction - mainly Northern Ireland but in some cases European Countries - where he can view the product he wishes to buy and do his deal with the foreign dealer. This Practice is facilitated by An Garda Siochana and the DOJ and completely bypasses the Licensed Firearms dealer.

Q: Why is this practise frustrating to the dealer?

A: After a serious investment in a purpose built premises, security measures, alarms, CCTV, Local authority licences, Fire Certificates, Planning Permission, and Revenue Tax Clearances, the DOJ and the Gardai discriminate against the licensed dealer which leaves a serious amount of money being spent outside the jurisdiction in this industry. Revenues such as taxes and VAT go to a foreign exchequer. Loss of earnings for the firearms dealer who is a resident in the State of the Republic of Ireland and who generates revenues in the form of tax, VAT, PAYE, PRSI. It is hard to believe

that our own DOJ encourages and promotes this state of affairs through its 'policies' at a time when we are trying to encourage investment in business.

RECOMMENDATIONS:

1: Allow the Firearms Dealers to import such non-restricted small arms like our counterparts in Northern Ireland and Europe even by means of a cap system e.g: allow 30 items to be imported and as each item is licensed/sold another can be imported.

The benefits:

- *The dealer can now trade similar to counterparts in Northern Ireland and Europe.*
- *Revenue, taxes and VAT stay in the Irish State.*
- *Sustain the Industry and Jobs*

2: Allow a system of 'one on one off like for like firearms. This system to be conducted by the dealer with a legal onus on the dealer to notify the licensing authority within 48 hours, similar to our counterparts in Northern Ireland, England and Europe.

The benefits:

- *Faster turnover of stock and monies which leads to VAT and taxes.*
- *A less complicated system.*
- *Less work for An Garda Siochana - more man hours for routine policing.*
- *Sustain the industry and job creation.*

3: Have one central section for Firearms Licensing.

The benefits:

- *Best practise*
- *Uniformity*
- *Consistency*
- *Clarity*
- *Equality and fairness*
- *An end to legal actions*

4: A means of tracking licence applications.

The benefits:

- *Accountability for all concerned including the Issuing Authority.*

5: Have an equal standing with our counterparts in Europe.

The benefits:

➤ ***Equality in a European Trade Industry.***

6: Have a one for all policy and a clear interpretation of the law. No interpretations by people who are not sufficiently familiar with the law.

The benefits:

- ***No court cases***
- ***No misunderstandings.***

7: An annual report on the revenue generated from Firearms Industry similar to the report on tourism value.

The benefits:

- ***A value on our Industry***
- ***Determining the financial contribution to the exchequer from the industry.***



The Federation of Irish Salmon and Sea Trout Anglers (F.I.S.S.T.A.)

Many FISSTA registered members fish for species other than just Salmon, such as wild brown trout and they also pursue the many outdoor nature based sports including shooting and hunting. To ensure our voice is heard more clearly, FISSTA cooperates and assists other organisations in protecting our country way of life. To that end, FISSTA has signed Memorandum of Understanding and Cooperation with our shooting colleagues in the NARGC.

As indicated, a large percentage of FISSTA members not only fish, but also participate in game shooting and therefore are firearms owners. As an

association, FISSTA has been aware of numerous complaints and difficulties experienced by our shooting members over the past few years about how the Gardai operate the firearms licensing code. In fact, firearms licensing issues are increasingly mentioned by members at our meetings. While not a lobbying organisation for this sector, we work closely with NARGC and we fully support their efforts and those of the other signatories to this submission to resolve these problems up to and including a voting pact in the Local, European and next general election if necessary.

Call for Inquiry

There have been a massive number of problems in the administration of the firearms licensing system since 1st August 2009, as evidenced by the grotesque number of court challenges (over 600) of which almost all have gone against the Gardai. This has been at considerable unnecessary cost and inconvenience to firearms owners and has been a significant unjustified financial burden on the taxpayer.

In view of this self-evident inability or unwillingness by An Garda Siochana (and we believe both elements are present) to administer the licensing system in accordance with law, under no circumstances should any recommendations from them for further changes/restrictions to the firearms licensing system be contemplated before an independent inquiry is undertaken into how they have administered the system since 1st August 2009.

The authors of this Critique and Submission seek that such inquiry be authorised by the Government and urge that this task be given to the Garda Siochana Inspectorate as the appropriate body to conduct it.

A copy of this critique and submission is being forwarded to the Inspectorate.

ANNEX I



The National Association of Regional Game Councils (NARGC)

The National Association of Regional Game Councils (NARGC) is the largest game hunting and conservation non-governmental organisation in Ireland.

The Association has two main objectives:-

- a) To defend the traditional shooting rights of resident Irish sportsmen and sportswomen.
- b) To promote the conservation of wildlife and its habitat.

The NARGC's structure is similar to that of the GAA. The fundamental unit in the NARGC is the gun club whose territory generally follows parish boundaries. At county level, the gun clubs come together to form Regional Game Councils and all Regional Game Councils come together to form the NARGC. The Association is governed by a written Constitution which is based on the principles of democracy - i.e. all members have a vote. The Association's supreme authority is its Governing Body which comprises two voting delegates from each of 28 the Regional Game Councils together with the 15 members of a National Executive, including the Chairman, who are elected by the delegates annually at AGM. The Executive meets between meetings of the Governing Body to run the affairs of the Association. On a day to day basis, the affairs of the Association are managed by a full time National Director and Compensation Fund Administrator who report to the Executive through the Chairman. The Association was formed in 1968 and has 27,000 individual Associate Members. These Associate Members, who pay an annual membership fee, are spread throughout almost 1,000 gun clubs all over the country - a club in almost every parish.

The NARGC is a Seanad Nominating Body on the Agricultural Panel. Its individual clubs are also "Recognised Bodies" under the Wildlife Acts. This is a recognition unique to NARGC clubs which essentially means that the clubs are entitled to take prosecutions for offences under the Wildlife Acts.

Desmond Crofton, National Director, NARGC, Ferbane Business & Technology Park,
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Tel: 090-6543623 Email: nargc@nargc.ie; Website: www.nargc.ie



The National Association of Sporting Rifle and Pistol Clubs (NASRPC)

The National Association of Sporting Rifle and Pistol Clubs (NASRPC) is the largest Olympic target shooting organisation in Ireland, representing 19 target shooting clubs. Since its foundation the NASRPC has endeavoured to develop target shooting sports through; the formation of target shoots clubs, club education and development, promoting target shooting disciplines, running national competitions, running international competitions and supporting international competitors. The NASRPC

represent target shooting clubs (and ranges) whose members range in age from fourteen to seventy five years old. These people are as passionate about their sport as any hurler, football player or golfer. They invest their time and money to develop professional clubs and ranges, which are now on a par with facilities in many parts of Europe. We are privileged to represent many target shooters who compete regularly at international level in team and individual events. Over the years these sportsmen and women have been highly successful winning numerous medals in a variety of shooting disciplines. This success has been achieved through genuine dedication by our international competitors to their chosen sport. Without the local support and facilities now available many of these international competitors would never have achieved the standard necessary for international competition.

Mick Tope, Chairman, NASRPC
Email: micktope@eircom.net



WA1500 Association of Ireland

The WA1500 Association of Ireland was founded in June 2008 in Abbeyleigh. The purpose of the Association is to govern the sport of World Association Precision Pistol Competition in Ireland and ensure that the International Rule Book is adhered to at all competitions. Precision Pistol Competition was first introduced to Ireland in 2004, when a number of Irish shooters attended the Austrian Open in Hopfgarten. By early 2006, there were a number of shooters interested in having the sport established here. A training course was organized and two senior members of the World Association 1500 PPC, including the president, came to Dublin for a two day

theory and practical course. The participating shooters in this training course spread the sport to the many target shooting clubs in the country.

By 2008, the first Irish International PPC competition was held at Fermoy Rifle Club, with another very successful competition held in the same location in 2009, attracting competitors from Germany, Sweden, Austria, Czech, and GB.

Gerry McCarthy, 087-2597569,
Email: gerry@lormacgroup.com



**Irish Bullseye Sports (IBS)
Castlebridge Invitational Pistol Club (CIPC)
South Slob, WEXFORD.**

IBS and CIPC are partners in operating a 25 metre Indoor Pistol Range at the above address. It is a Garda Authorised range with a current DOJ Safety certificate.

CIPC - Internal club business: efficient running of a pistol range including all necessary Safety, Training and Club Management.

IBS - National Governing body for NRA Bullseye Conventional Pistol Shooting Sports/Leagues in Ireland, in conjunction with the National Rifle Association.

IBS is the ONLY organisation outside the United States that is authorised to participate in the US Leagues, and is fully affiliated to the NRA.

IBS/CIPC maintains stringent NRA Training, Shooting Practises and Competition events. The latter includes participating in the NRA Monthly Conventional Pistol League involving a specific course of fire for both rim-fire (.22) pistols and centre-fire pistols and revolvers.

Participation in the NRA's League must be approved by the Tournament Director at NRA HQ, Fairfax, Virginia with the calendar/programme posted on the NRA's web-site to inform NRA members world-wide.

IBS/NRA Monthly League events are open to all NRA members.

IBS/NRA conducts intensive Range Safety Officer training courses and all members are encouraged to participate.

IBS/CIPC members have provided Bullseye Shooting demonstrations at other locations in Ireland including a demonstration shoot for a Garda Chief Superintendent at the MNSCI range in Tullamore.

Irish Bullseye Sports, South Slob, Wexford.
Contact: Ronnie Rutledge, Chairman. 087/9291668.
Email: chairman@irishbullseyesports.ie
Website: www.irishbullseyesports.ie



The Range Operators Association of Ireland was formed in January 2014 incorporating the majority of authorized ranges in the republic of Ireland. Membership is open to any operator/owner of a target shooting range authorised under the Firearms Act(s).

The goals of the Association are for members to work together to promote the highest safety standards & best practice in the operation of authorised

ranges & to promote & represent the interests of range owners & operators in the Republic of Ireland.

The Association has a vested interest in any changes in the Firearms Act that may negatively affect those who shoot on ranges. Range operators have invested heavily in their premises as sporting amenities with the expectation of a return on this investment. The greatest investment has been to bring the ranges into line with the recent standards required of them under the Firearms Acts.

The Association vehemently opposes any further restrictions on any of the many types of firearms used on authorised ranges & would in fact urge a lifting of many of the unnecessary swingeing restrictions currently in force under both the primary legislation and the statutory instruments relevant to these firearms.

The coalescence of this Association has been a direct result of what can only appear to be a policy to systematically wipe out sport shooting in incremental stages over the past decade.

Gerry Conlon
Email: gerryconlon101@gmail.com



The Irish Firearms Dealers' Association is a national body representing the interests those who are licensed to carry on the trade of dealing in firearms in the Republic of Ireland. Firearms dealers are regulated by both the Gardai and the Department of justice. They are employers as well as net contributors to the exchequer with PRSI, income tax, corporation tax and VAT arising from the sports shooting industry. Their ability to continue in business has been seriously threatened by not only the downturn in the

economy in recent years limiting the availability of disposable income for spend on recreation such as sports shooting, but also to a significant extent by the arbitrary and overly restrictive manner in which the firearms licensing system has been administered by An Garda Síochána since the introduction of the new legislation in August 2009. Our experience is that the situation has gone from bad to worse and we find ourselves in an almost unique position as business people running businesses where we find it impossible to plan, formulate business plans or budget with any degree of certainty because we don't know from one month to the next what changes the Gardai will implement which will further obstruct our business.

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The Federation of Irish Salmon and Sea Trout Anglers (F.I.S.S.T.A.)

FISSTA is an all-Ireland angling representative body and the voice of over 20,000 wild salmon and sea trout members in 90 affiliated clubs located on the main Irish angling waterways. Many FISSTA registered members fish for other species such as wild brown trout and also pursue the many outdoor nature based sports including shooting and hunting. To ensure our voice is heard more clearly, FISSTA cooperates and assists other organisations in protecting our country way of life. FISSTA has a signed Memorandum of Understanding and Cooperation with our shooting colleagues in the NARGC.

FISSTA was established in 1986 as an effective lobby group to improve and assist the lot of Irish anglers. Local anglers who want to develop and conserve their fisheries need help to get started and FISSTA has over the years assisted many anglers to organise themselves into formally registered clubs on their local waters. The Association also provides a very competitively priced scheme of insurance which protects the officers and club members in the pursuance of their sport. FISSTA campaigns for anglers' rights and for the conservation of wild salmon stocks. We seek fair access to angling waters for the local club angler at a reasonable cost and we campaign for the right to a seven year secure tenure for all Irish angling clubs leasing state waters.

As an umbrella body for anglers FISSTA is a strong voice for the conservation of salmon both nationally and internationally. Our motto is "Committed to Conservation" and we continue to work to achieve the abundant return of the wild Atlantic salmon to our waters and our work has been acknowledged worldwide. In December 2007, the Icelandic President awarded the Icelandic Knight's Cross to FISSTA for its work in the conservation of wild Atlantic salmon. FISSTA continues to campaign for the wild Atlantic salmon to return to abundance and the issues now are the increase of draft netting, pollution from fish farms, and the development of our salmonid habitat. FISSTA welcomes new members who support clean water, the sport of angling, traditional countrysports and saving the wild Atlantic salmon for future generations.

Secretary: Noel Carr, Teelin Road, Carrick, Co Donegal.
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Mourne Shooting Grounds

Sean & Martin Gilliland - Operate a Firearms Dealership in County Monaghan and are significantly affected by the manner in which the Gardai operate the licensing system. They have contributed their experiences in this drafting this submission.

Email: info@clayshooting.ie



Unit 16 Gorey Business Park, Gorey. Co. Wexford Tel: 053 94 84305

Paul & Denise Walsh

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