

The National Rifle and Pistol Association of Ireland

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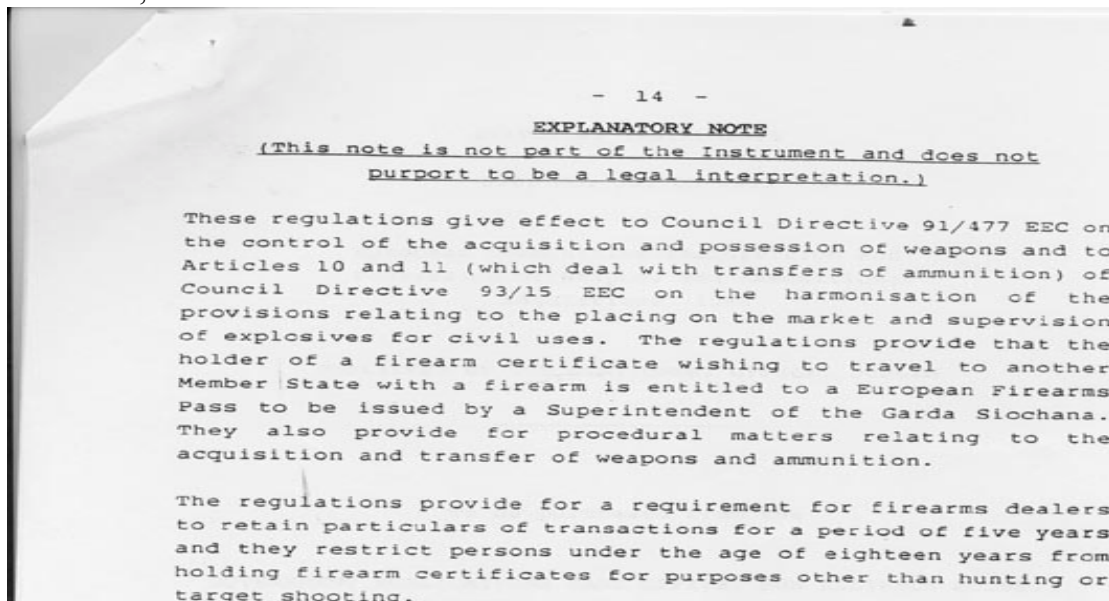
To whom it concerns
Tuesday, October 26, 2004

A number of enquiries have been made regarding the legal position with respect to the purchase and importation of a firearm into the State. These have been made by individuals who have been granted a firearms certificate in respect of the importation query.

At this time we are aware that the Department of Justice have not issued any permits to firearms importers dealers or registered firearms dealers for the importation of pistols and or revolvers, this information document does not comment on this issue in any way.

The focus of this information is for individuals who have been granted an Irish Firearms Certificate and have purchased a firearm in another EU country or outside of the EU. Note: Due to the free trade agreements within the EU it is reasonable for individuals to seek to purchase items including firearms in other member states, the transfer of goods within the EU is guided by EU directives and enacted into Irish Law by Statutory Instruments where appropriate.

The Statutory Instrument which pertains to the purchase and transfer of Firearms into and out of Ireland is S.I. No. 362 of 1993, European Communities (Acquisition and Possession of weapons and Ammunition, Regulations, 1993) Signed into Irish Law 9th December, 1993.



The major question that has been asked is regarding the requirement for an importation license as issued by the Department of Justice to allow for the importation of a firearm into the state by the holder of a firearms certificate!

We have sought legal opinion on this matter and in respect of an individual who is a holder of a firearms certificate for the particular firearm that they wish to import the following legislation applies:

Section 17 of the 1925 act as amended in the Firearms Acts of 1964 states:

21.—(1) The restriction imposed by section 17 of the Principal Act on the importation into the State of firearms shall not apply in relation to the importation of a firearm by the holder of a firearm certificate in respect of the firearm which is in force. Amendment of section 17 of Principal Act.

Legal opinion provided to us indicates that a person wishing to import a firearm for which they have a valid firearms certificate does not require an importation license as issued by the Department of Justice.

In addition a search of documentation as published by Customs and Excise reiterates the 1964 act where it relates to the importation of a firearm from outside the EU.

Customs and Excise Tariff of Ireland 2003, January 2003 Edition:

FIREARMS AND AMMUNITION

Imports between Ireland and Non EU Member States

Except (i) under licence issued by the Minister for Justice, Equality and Law Reform or (ii) by the holder of a current firearm certificate in respect of the firearm or ammunition (Firearms Acts 1925 to 2000.)

Note: This document relates to Prohibitions, Restrictions and Surveillance and it clearly exempts an individual holder of a firearms certificate from the need to have an Importation License.

With regard to purchase and importation of firearms within the EU regulations enacted by S.I. No 362 of 1993 on the (Acquisition and Possessing of Weapons and Ammunition Regulations, 1993), must be considered. Close inspection of the document clearly provides for the Acquisition and transfer of the firearms within the EU states as long as certain aspects of the regulations are adhered to.

If we take an example of a firearm that would be purchased in Northern Ireland, because one is resident in the South and essentially is acquiring a firearm in another EU member state there is a clear requirement for an Article 7 Authorization to be issued by the state of residence (South) by a competent Authority, Section 9. Form of the European Firearms Pass is relevant. In this section the Competent Authority is the Superintendent of the Garda Síochána for the district in which the individual resides.

Form of European Firearms Pass

9. (1) The European Firearms Pass shall be set out in the form in the Schedule to these Regulations.
- (2) (a) Where a person is granted, or is the holder of, a firearm certificate under the Firearms Acts, he shall be entitled to be issued by the Superintendent of the Garda Síochána for the district in which he resides with-
- (i) a European Firearms Pass containing the required particulars; and
 - (ii) a document stating that the holder of the firearm certificate has the consent of the competent authority of the State, for so long as the certificate remains in force, to any purchase or acquisition by him in another Member State of any firearm or ammunition to which the certificate relates; and an application for the issue of a document falling within clause (i) or (ii) may be made at the same time as an application for a firearm certificate or at any time subsequently while the certificate remains in force.
- (b) Where-
- (i) a person who resides in the State is proposing to purchase or acquire any firearm or ammunition in another Member State;
 - (ii) that person is not for the time being the holder of a firearm certificate relating to that firearm or ammunition, and

- (iii) that person satisfies the Superintendent of the Garda Síochána for the district in which he resides that he is not proposing to bring that firearm or ammunition into the State, the Superintendent of the Garda Síochána may issue that person with a document stating that the competent authority of the State consents to the purchase or acquisition by that person in another Member State of that firearm or ammunition.
- (c) The period specified in the European Firearms Pass as the period for which it is to be valid shall be whichever is the shorter of the following:
- (i) the period ending on the expiry of a certificate relating to a firearm identified in the pass
 - (ii) the maximum period for the duration of that pass.
- (d) For the purposes of subparagraph (c) above the maximum period for the duration of a European Firearms Pass is-
- (i) in the case of a pass identifying only a shotgun, ten years; and
 - (ii) in any other case, five years.

Renewal of European Firearms Pass

10. (1) In relation to a firearm identified in a European Firearms Pass, the holder of a firearm certificate may apply to the Superintendent of the Garda Síochána for the district in which he resides for the renewal of the pass.

When is this Article 7 Authorisation required to be sought, well now that we are aware of the need to have an Article 7 Authorisation we would recommend that it is requested at the same time as the application for the firearms certificate is sought, for individuals who may already have acquired firearms in another EU state the Article 7 Authorisation can be sought at any time the Firearms Certificate is in force, somewhat akin to the EU firearms Pass.

As we have only become aware of this requirement we will be writing to Garda HQ to request further information with regards to what form the Article 7 Authorisation will take and indeed it is very important that the Superintendents be made aware that this authorization will be sought by individuals wishing to purchase firearms outside the state.

So what then of actually moving a firearm from another EU state into Ireland, we would recommend contacting the licensing authorities in the particular EU country to see what can be done, clearly if an individual has an Article 7 Authorisation, a firearms certificate and an EU firearms pass there is absolutely no need for a Department of Justice Importation Certificate.

In the case of Northern Ireland we have been in contact with the Police Service of Northern Ireland and they have advised that any non resident who is resident on another EU state wishing to acquire a firearm in Northern Ireland will require an Article 7 Authorisation and may apply for a Visitors Certificate when granted their Firearms License.

In summary there are mechanisms in place for the lawful acquisition and transfer of firearms into and from within the EU, as long as an Article 7 authorization is sought at some point and the person wishing to transfer the firearm is in possession of a Firearms Certificate issued in the state of residence then there is no legal requirement to seek an importation certificate for the particular firearm from the Department of Justice.

Opinions contained herein are as a result of my individual research on the matter, they do not purport to be a legal interpretation or opinion. It would have been desirable to have the Department of Justice Firearms Section provide appropriate information on the matter but we have failed to get appropriate information from them on the issues outlined in the above document.

Should you require any further information please do not hesitate to contact me, email contact is by mailing to nrpaipro@eircom.net or phone 087 9007501.

Kind Regards,



Declan Keogh
PRO NRPAI
Chairman FLAG