



STATUTORY INSTRUMENTS.

S.I. No. 180 of 2022



EUROPEAN COMMUNITIES (ALARM AND SIGNAL WEAPONS)
(TECHNICAL SPECIFICATIONS) REGULATIONS 2022

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I, HELEN MCENTEE, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Commission Implementing Directive (EU) 2019/69 of 16 January 2019¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Alarm and Signal Weapons) (Technical Specifications) Regulations 2022.

Interpretation

2. (1) In these Regulations –

“alarm and signal weapon” means a device with a cartridge holder, which is designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds;

“authorised officer” means a person appointed by the Minister under Regulation 3 to be an authorised officer;

“Commission Implementing Directive” means Commission Implementing Directive (EU) 2019/69 of 16 January 2019¹;

“database” means the database established and maintained under Regulation 7;

“Department” means the Department of Justice;

“Minister” means the Minister for Justice;

“technical specifications” means the technical specifications set out in the Annex to the Commission Implementing Directive.

(2) A word or expression that is used in these Regulations and is also used in the Commission Implementing Directive has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Commission Implementing Directive.

Appointment of authorised officers

3. (1) The Minister may appoint such and so many officers of the Minister as he or she thinks fit to be authorised officers for the purposes of these Regulations.

(2) The Minister shall furnish an authorised officer with a warrant of his or her appointment and, when exercising a power conferred by these Regulations,

¹ OJ L 15, 17.1.2019, p. 22.

the authorised officer shall, if requested by a person affected, produce the warrant, or a copy of it, to that person for inspection.

(3) The Minister may terminate the appointment of an authorised officer whether or not the appointment was for a fixed period.

(4) The appointment of an authorised officer ceases –

- (a) if it is terminated under paragraph (3),
- (b) if it is for a fixed period, on the expiry of that period, or
- (c) upon the person ceasing to be an officer of the Minister.

Inspection of devices

4. (1) An authorised officer may inspect a device for the purpose of –

- (a) determining whether the device is or is not an alarm and signal weapon, and
- (b) where the authorised officer determines, in accordance with paragraph (a), that the device –
 - (i) is an alarm and signal weapon –
 - (I) further determining whether the alarm and signal weapon concerned complies or does not comply with the technical specifications, and
 - (II) ascertaining the information referred to in subparagraphs (ii) to (vii) of paragraph (c) of Regulation 5,
 - or
 - (ii) is not an alarm and signal weapon, ascertaining the information referred to in subparagraphs (i) to (vi) of paragraph (d) of Regulation 5.

Recording information in database

5. Where an authorised officer inspects a device pursuant to Regulation 4, he or she shall enter, or cause to be entered, the following information in the database as soon as practicable after the inspection:

- (a) the date on which the authorised officer inspected the device concerned;
- (b) whether the device is or is not an alarm and signal weapon;
- (c) where the authorised officer determines that the device is an alarm and signal weapon, the following matters in relation to the alarm and signal weapon concerned:
 - (i) whether it complies or does not comply with the technical specifications;

- (ii) where the authorised officer determines that it does not comply with the technical specifications, the reasons for that determination;
 - (iii) its type;
 - (iv) the name of its manufacturer or brand;
 - (v) the name of the model;
 - (vi) its serial number;
 - (vii) the country of its manufacture;
- (d) where the authorised officer determines that the device is not an alarm and signal weapon, the following matters in relation to the device concerned, where applicable:
- (i) the reasons for that determination;
 - (ii) its type;
 - (iii) the name of its manufacturer or brand;
 - (iv) the name of the model;
 - (v) its serial number;
 - (vi) the country of its manufacture;
- (e) any other information relating to the device concerned that the authorised officer considers relevant.

Designation of national focal point

6. The Department is designated as the national focal point for the purposes of Article 3 of the Commission Implementing Directive.

Establishing and maintaining database

7. (1) The Department shall establish and maintain a database for the purpose of recording, in relation to a particular device –

- (a) the information referred to in paragraphs (a) to (e) of Regulation 5, and
- (b) the information received from the national focal point of another Member State in response to a request made by the State in accordance with Article 3 of the Commission Implementing Directive.

(2) The database may be established and maintained in paper or electronic form.

Request for information from another Member State relating to a device

8. Where –

- (a) another Member State requests, in accordance with Article 3 of the Commission Implementing Directive, information from the Department relating to a particular device, and
- (b) the information referred to in paragraphs (a) to (e) of Regulation 5 in relation to that device has, in accordance with that Regulation, been entered in the database,

the Department shall provide the requesting Member State with a copy of the information so entered as soon as practicable after the request is made.



GIVEN under my Official Seal,
11 April, 2022.

HELEN MCENTEE,
Minister for Justice.

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