



STATUTORY INSTRUMENTS.

**S.I. No. 493 of 2010**

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EUROPEAN COMMUNITIES (ACQUISITION AND POSSESSION OF  
WEAPONS AND AMMUNITION) (AMENDMENT) REGULATIONS  
2010

**(Prn. A10/1491)**

EUROPEAN COMMUNITIES (ACQUISITION AND POSSESSION OF WEAPONS AND AMMUNITION) (AMENDMENT) REGULATIONS  
2010

I, DERMOT AHERN, Minister for Justice and Law Reform, 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 Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008<sup>1</sup>, hereby make the following regulations:

*Citation, construction, collective citation and commencement*

1. (1) These Regulations may be cited as the European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2010.

(2) These Regulations and the Principal Regulations shall be construed as one and may be cited together as the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993 to 2010.

(3) These Regulations come into operation on 29th October 2010.

*Definition*

2. In these Regulations “Principal Regulations” means the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993 (S.I. No. 362 of 1993).

*Amendment of Regulation 2 of Principal Regulations*

3. (1) Regulation 2(1) of the Principal Regulations is amended—

(a) by inserting the following definitions:

“ ‘ammunition to which the Directive applies’ means ammunition within the meaning of paragraph (1c) of Article 1 of the Directive;

‘deactivated’ shall be construed in accordance with point (a) of Part III of Annex I to the Directive;

‘essential component’, in relation to a firearm to which the Directive applies, has the meaning it has in paragraph (1b) of Article 1 of the Directive;

‘firearm to which the Directive applies’ means a firearm within the meaning of paragraph (1) of Article 1 of the Directive;

<sup>1</sup>OJ No. L179, 08.07.08, p05-011.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 19th October, 2010.*

‘PULSE identification number’ means the 4 digit identification number issued to a firearms dealer by the Commissioner and, in relation to the manufacturer of a firearm to which this Directive applies, means such a number that has been issued to that manufacturer.”,

- (b) by substituting the following definition for the definition of “the Directive”:

“ ‘the Directive’ means Council Directive 91/477/EEC of 18 June 1991<sup>2</sup> on control of the acquisition and possession of weapons, as amended by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008<sup>1</sup>, and includes Articles 10 and 11 of Chapter III of Council Directive 93/15/EEC of 5 April 1993<sup>3</sup> on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses;”,

- (c) by substituting the following definition for the definition of “the Firearms Acts”:

“ ‘the Firearms Acts’ means the Firearms Acts 1925 to 2009, and any Act or provision of an Act to be construed as one with those Acts;”,

and

- (d) by deleting the definition of “firearms dealer”.

- (2) Regulation 2 of the Principal Regulations is amended by adding the following paragraph after paragraph (3):

“(4) A word or expression used in these Regulations and also in the Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.”.

*Application of section 9 of Act*

4. (1) A person, in his or her application under section 9 of the Act to be registered in the register of firearms dealers or, as the case may be, for renewal of such registration, shall state whether he or she intends to carry on business as a dealer in firearms to which the Directive applies.

(2) Where an applicant referred to in paragraph (1) states that he or she intends to carry on business as a dealer in firearms to which the Directive applies, the Minister, in considering his or her application, shall have regard, in addition to the matters referred to in section 9 of the Act, to the applicant’s abilities.

- (3) Where an applicant referred to in paragraph (2) is a body corporate—

- (a) the reference in section 9(3) of the Act to the character of the applicant shall be construed as a reference to the character of the director

<sup>2</sup>OJ No. L256, 13.09.91, p. 051-58

<sup>3</sup>OJ No. L121, 15.05.93, p.20-36.

of the body corporate and to the reputation of the body corporate, and

- (b) the reference in paragraph (2) to the applicant's abilities shall be construed as a reference to the abilities of the director of the body corporate.

(4) Where an applicant referred to in paragraph (1) states that he or she does not intend to carry on business as a dealer in firearms to which the Directive applies, and the Minister decides, in accordance with section 9 of the Act, to register the applicant in the register of firearms dealers, the registration shall be made subject to the condition that the person shall not deal in firearms to which the Directive applies.

(5) Where a person to whom paragraph (4) applies fails to comply with the condition referred to in that paragraph, section 11(2A) of the Act shall apply to him or her as if the condition was a condition referred to in section 9(8) of the Act.

(6) In this Regulation, "abilities", in relation to a person, means the person's understanding of, and ability to comply with, the requirements of the Firearms Acts.

*Amendment of Regulation 3 of Principal Regulations*

5. The Principal Regulations are amended by substituting the following Regulation for Regulation 3:

*"Maintenance of register kept by firearms dealers*

3. (1) A firearms dealer shall, throughout the period of his or her activity as a firearms dealer, enter and retain in the register kept by him or her under section 12 of the Act the following information in relation to the transactions referred to in that section—

- (a) the type, make, model, calibre and serial number of all firearms to which the Directive applies and to which a transaction relates, and
- (b) the names and addresses of the persons supplying or acquiring such firearms.

(2) Where a person ceases to carry on business as a firearms dealer, the person shall deliver up to the Minister the register referred to in paragraph (1).

(3) A person who complies with paragraph (2) shall be deemed to have complied with section 11(3)(b) of the Act."

*Insertion in Principal Regulations of Regulations 3A and 3B*

6. The Principal Regulations are amended by inserting the following Regulations after Regulation 3:

*“Marking of firearms to which Directive applies placed on market*

3A. (1) No person shall place on the market any firearm to which the Directive applies that has not been marked in accordance with this Regulation.

(2) A manufacturer of a firearm to which the Directive applies shall ensure that, at the time of its manufacture, such a firearm is marked with a unique marking which shall comprise the particulars specified in Part 1 of Schedule 2.

(3) Where the State is the place of import onto the Community market of a firearm to which the Directive applies, that firearm shall be marked with a unique marking which shall comprise the particulars specified in Part 2 of Schedule 2.

(4) The unique marking referred to in paragraph (2) or (3), as the case may be, shall be engraved upon an essential component of the firearm concerned, the destruction of which would render that firearm unusable.

(5) Paragraphs (2) and (3) are without prejudice to the affixing of the manufacturer’s trademark.

(6) This Regulation shall not apply to a firearm to which the Directive applies that has been deactivated.

*Marking of ammunition to which Directive applies placed on market*

3B. No person shall place on the market any ammunition to which the Directive applies, unless each elementary package of complete ammunition is marked so as to provide the name of the manufacturer, the identification batch number, the calibre and the type of the ammunition.”.

*Amendment of Regulation 4 of Principal Regulations*

7. The Principal Regulations are amended by substituting the following Regulation for Regulation 4:

*“Application for firearms training certificate or firearm certificate in respect of firearm to which Directive applies*

4. (1) An application for a firearms training certificate in respect of a firearm to which the Directive applies shall, where the applicant is under 18 years of age, be accompanied by the written consent of the applicant’s parent or guardian.

(2) The Commissioner shall not issue a firearms training certificate in respect of a firearm to which the Directive applies to an applicant unless the Commissioner is satisfied that the possession and use of the firearm is not likely to be a danger to the applicant himself or herself.

(3) An application for a firearm certificate in respect of a firearm to which the Directive applies shall, where the applicant is under 18 years of age, be accompanied by the written consent of the applicant’s parent or guardian.

(4) An issuing person shall not grant a firearm certificate in respect of a firearm to which the Directive applies to an applicant unless the issuing person is satisfied that the possession and use of the firearm is not likely to be a danger to the applicant himself or herself.”.

*Insertion in Principal Regulations of Regulation 4A*

8. The Principal Regulations are amended by inserting the following Regulation after Regulation 4:

*“Restriction on sale of firearm to which Directive applies*

4A. It shall not be lawful for any person to sell a firearm to which the Directive applies to a person under 18 years of age.”.

*Amendment of Regulation 6 of Principal Regulations*

9. Regulation 6 of the Principal Regulations is amended—

- (a) in paragraphs (1) and (2), by substituting "firearm to which the Directive applies or ammunition to which the Directive applies" for "firearm or ammunition",
- (b) in paragraph (3), by substituting "firearms to which the Directive applies or ammunition to which the Directive applies" for "firearms or ammunition", and
- (c) by inserting the following paragraph after paragraph (3):

“(3A) A registered dealer to whom a continuing licence has been granted shall, prior to the date of transfer of a firearm, communicate to the Minister the following particulars:

- (a) the names and addresses of the person selling or disposing of the firearm and of the person purchasing or acquiring it or, where appropriate, of the owner;
- (b) the address to which the firearm is to be consigned or transported;
- (c) the number of firearms to be consigned or transported;
- (d) the particulars enabling the firearm to be identified and also an indication that the firearm has undergone a check in accordance with the Convention of 1 July 1969 on the Reciprocal Recognition of Proofmarks on Small Arms;
- (e) the means of transfer;
- (f) the date of departure and the estimated date of arrival.”.

*Amendment of Regulation 7 of Principal Regulations*

10. Regulation 7 of the Principal Regulations is amended—

- (a) in paragraph (1), by inserting “to which the Directive applies” after “any firearm”,
- (b) in paragraph (3), by substituting “consent” for “concent”, and by inserting “listing such firearm” after “European Firearms Pass”, and
- (c) in paragraph (4), by inserting “to which the Directive applies” after “a firearm”.

*Amendment of Regulation 9 of Principal Regulations*

11. Regulation 9 of the Principal Regulations is amended—

- (a) in paragraph (1), by substituting “Schedule 1” for “the Schedule”,
- (b) in paragraph (2)(a), by inserting “in respect of a firearm to which the Directive applies” after “Firearms Acts”,
- (c) in paragraph (2)(b)(i), by substituting “firearm to which the Directive applies or ammunition to which the Directive applies” for “firearm or ammunition”,
- (d) in paragraph (2)(b)(ii), by substituting “in respect of” for “relating to”,
- (e) in paragraph (2)(c)(i), by substituting “in respect of” for “relating to”, and
- (f) by substituting the following paragraph for paragraph (2)(d):

“(d) For the purposes of subparagraph (c), the maximum period for the duration of a European Firearms Pass is 5 years.”.

*Amendment of Regulation 10 of Principal Regulations.*

12. Regulation 10 of the Principal Regulations is amended in paragraphs (2) and (3) by substituting “in respect of” for “relating to” in each place where it occurs.

*Amendment of Regulation 11 of Principal Regulations.*

13. Regulation 11 of the Principal Regulations is amended in paragraph (1)(a) by substituting “in respect of” for “relating to”.

*Amendment of Regulation 13 of Principal Regulations.*

14. The Principal Regulations are amended by substituting the following Regulation for Regulation 13:

“13. (1) A person who contravenes Regulation 3A or 3B or fails to comply with a condition referred to in Regulation 4(4), is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 3 years or both.

(2) A person who contravenes any provision of these Regulations other than those referred to in paragraph (1) is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 2 years or both.

(3) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(4) If the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to the acts and defaults of a member in connection with the functions of management as if the member is a director or manager of the body corporate.

(5) Proceedings for a summary offence under these Regulations may be brought and prosecuted by the Minister.”.

*Amendment of Schedule to Principal Regulations.*

15. The Schedule to the Principal Regulations is amended by—

- (a) substituting “Schedule 1” for “SCHEDULE”, and
- (b) inserting after the Schedule the following:

“Schedule 2

*Part 1*

Where a firearm to which the Directive applies is manufactured in the State, the unique marking shall comprise a human readable identification consisting of:

- (a) the name of the manufacturer;
- (b) the name of the State;
- (c) the PULSE identification number of the manufacturer;



(d) the unique serial number of the firearm; and

(e) the year of manufacture (if not part of the serial number).

Example:

Alfa Firearms Limited

IRELAND 9999 001/2010

*Part 2*

Where the State is the place of import onto the Community market of a firearm to which the Directive applies, the unique marking shall comprise a human readable identification consisting of:

(a) the name of the manufacturer;

(b) the name of the country or place of manufacture;

(c) the unique serial number of the firearm; and

(d) the year of manufacture (if not part of the serial number).

Example:

Alfa Firearms Limited

NAME OF COUNTRY/PLACE OF MANUFACTURE 001/2010”.



GIVEN under my Official Seal,  
14 October 2010.

DERMOT AHERN,  
Minister for Justice and Law Reform.

EXPLANATORY NOTE

*(This does not form part of the Instrument and does not purport to be a legal interpretation.)*

These regulations give effect to Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on the control of the acquisition and possession of weapons.

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