



Number 32 of 1998

FIREARMS (TEMPORARY PROVISIONS) ACT, 1998

ARRANGEMENT OF SECTIONS

Section

1. Conditions for granting firearm certificates to persons not ordinarily resident in State.
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[No. 32.] *Firearms (Temporary Provisions) Act, 1998.* [1998.]

Acts Referred to

Firearms Act, 1925	1925, No. 17
Firearms Act, 1964	1964, No. 1
Firearms Acts, 1925 to 1990	
Firearms (Proofing) Act, 1968	1968, No. 20
Wildlife Act, 1976	1976, No. 39



Number 32 of 1998

FIREARMS (TEMPORARY PROVISIONS) ACT, 1998

AN ACT TO PROVIDE FOR AMENDMENT OF THE PROVISIONS GOVERNING THE LIMITATIONS AND RESTRICTIONS FOR THE GRANTING OF FIREARM CERTIFICATES UNDER SECTION 3 OF THE FIREARMS ACT, 1925, AND THE GRANTING AND RENEWAL OF HUNTING LICENCES UNDER SECTION 29 OF THE WILDLIFE ACT, 1976, IN RESPECT OF PERSONS NOT ORDINARILY RESIDENT IN THE STATE, AND TO PROVIDE FOR CONNECTED MATTERS. [13th July, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) Notwithstanding sections 4 and 8 (as amended by section 17 of the Firearms Act, 1964) of the Firearms Act, 1925, and subject to this section, the Minister, before granting a firearm certificate to a person not ordinarily resident in the State, shall be of the opinion that the application is bona fide and that there is no good reason to refuse to grant the certificate.

Conditions for granting firearm certificates to persons not ordinarily resident in State.

(2) A firearm certificate shall not be granted to a person not ordinarily resident in the State who has not attained the age of 16 years.

(3) The Minister may, for the purpose of establishing that there is no good reason to refuse to grant a firearm certificate, treat any of the following as *prima facie* evidence of suitability to so grant:

- (a) where a person is resident in a Member State of the European Community other than the State, any European Firearms Pass duly issued to such person to which paragraphs (4) and (5) of Regulation 7 of the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations, 1993 (S.I. No. 362 of 1993) relate, or
- (b) in any case, any other permit, licence, authorisation or other document duly issued by an appropriate authority or body outside the State which the Minister considers acceptable.

(4) The Minister may make such enquiries as he or she considers appropriate as to the suitability of any applicant not ordinarily resident in the State for a firearm certificate.

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(5) The Minister may, as he or she considers necessary, attach such conditions, if any, to any firearm certificate granted to a person not ordinarily resident in the State.

(6) The Minister may at any time revoke a firearm certificate granted to a person not ordinarily resident in the State if he or she is of the opinion that the holder of such certificate is a person who cannot, without danger to the public safety or to the peace, be permitted to have a firearm in his or her possession.

(7) In this section “the Minister” means the Minister for Justice, Equality and Law Reform.

Conditions for granting or renewal of licences under section 29 of Wildlife Act, 1976, to persons ordinarily resident outside State.

2.—(1) Notwithstanding subsection (3) of section 29 of the Wildlife Act, 1976, and subject to this section, the Minister, before granting a licence under subsection (2), or renewing a licence under subsection (6), of that section to a person ordinarily resident outside the State, shall be of the opinion that the application is bona fide and that there is no good reason to refuse to grant the licence or renew it.

(2) The Minister may, for the purpose of establishing that there is no good reason to refuse to grant or renew a licence under section 29 of the Wildlife Act, 1976, treat any of the following as *prima facie* evidence of suitability to so grant or renew:

(a) where a person is resident in a Member State of the European Community other than the State, any European Firearms Pass duly issued to such person to which paragraphs (4) and (5) of Regulation 7 of the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations, 1993 (S.I. No. 362 of 1993) relate, or

(b) in any case, any other permit, licence, authorisation or other document duly issued by an appropriate authority or body outside the State which the Minister considers acceptable.

(3) The Minister may make such enquiries as he or she considers appropriate as to the suitability of any applicant ordinarily resident outside the State for a licence under section 29 of the Wildlife Act, 1976.

(4) In this section “the Minister” means the Minister for Arts, Heritage, Gaeltacht and the Islands.

Non-application to certain proceedings.

3.—Where in any proceedings—

(a) a court has, before the passing of this Act, made a finding relating to the validity of any firearm certificate granted, or purported to be granted, under section 3 (as amended by the Firearms Act, 1964, and section 62 of the Wildlife Act, 1976) of the Firearms Act, 1925, or of any licence to hunt with a firearm granted or renewed, or purported to be granted or renewed, under section 29 of the Wildlife Act, 1976, or

(b) a court, after the passing of this Act, makes such a finding and the proceedings concerned were commenced before the passing of this Act,

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then this Act shall not have effect in relation to such grant, or purported grant, of the certificate or to such grant or renewal, or purported grant or renewal, of the licence, as the case may be. S.3

4.—(1) This Act may be cited as the Firearms (Temporary Provisions) Act, 1998. Short title, construction and duration.

(2) The Firearms Acts, 1925 to 1990 (other than the Firearms (Proofing) Act, 1968) and this Act (other than *section 2* of this Act) shall be construed together as one.

(3) The Wildlife Act, 1976, and this Act (other than *section 1* of this Act) shall be construed together as one.

(4) Subject to *subsection (5)* of this section, this Act shall expire on the day that is 12 months after the date of its passing.

(5) The Government may, by order made before this Act expires, continue this Act in operation for such period (not exceeding 12 months from the date on which this Act would, but for the order, cease to have effect) as the Government think proper and specify in the order.