



STATUTORY INSTRUMENTS.

S.I. No. 209 of 2022



EUROPEAN UNION (ACQUISITION AND POSSESSION OF WEAPONS
AND AMMUNITION) 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 further effect to Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021¹ on control of the acquisition and possession of weapons (codification), hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Acquisition and Possession of Weapons and Ammunition) Regulations 2022.

Interpretation

2. (1) In these Regulations -

“Act” means the Firearms Act 1925 (No. 17 of 1925);

“ammunition to which the Directive applies” means ammunition within the meaning of paragraph 1(3) of Article 1 of the Directive;

“broker” has the meaning it has in paragraph 1(10) of Article 1 of the Directive;

“Commissioner” means the Commissioner of the Garda Síochána;

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016² on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“Directive” means Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021¹ on control of the acquisition and possession of weapons (codification) and includes Articles 12 and 13 of Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (recast)³;

“essential component”, in relation to a firearm to which the Directive applies, has the meaning it has in paragraph 1(2) of Article 1 of the Directive;

“European Firearms Pass” means a document so described in Regulation 21(1);

“excepted person” means a person who possesses, uses or carries a firearm to which the Directive applies where such possession, use or carriage is, under

¹ OJ No. L 115, 6.4.2021, p.1

² OJ No. L 119, 4.5.2016, p.1

³ OJ No. L 96, 29.3.2014, p. 1

subsection (3) or (4) of that section, excepted from section 2 of the Act, but does not include a person to whom section 2(3)(b) of the Act applies;

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

“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;

“holder”, other than in Regulations 21(2) and 23 and Schedule 1, means the holder of a firearm certificate in respect of a firearm to which the Directive applies;

“Minister” means the Minister for Justice;

“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;

“register of brokers” means the register established under Regulation 25;

“registration”, other than in Regulation 3(4), means registration in the register of brokers;

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

“relevant firearm” means –

- (a) in relation to a holder, the firearm specified in the firearm certificate concerned, and
- (b) in relation to an excepted person, the firearm to which the Directive applies, the possession, use or carriage of which is, under subsection (3) or (4) of that section, excepted from section 2 of the Act.

(2) The forms to be used for the purposes of these Regulations shall be such as may be authorised or prescribed by the Minister, except where otherwise indicated.

(3) These Regulations shall be construed as one with the Firearms Acts.

(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

3. (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 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.

Maintenance of register kept by firearms dealers

4. (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 all essential components of such firearms to which a transaction relates, and
- (b) the names and addresses of the persons supplying or acquiring such firearms or essential components.

(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.

Marking of firearms to which Directive applies placed on market

5. (1) Subject to paragraph (7), 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 into 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.

(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.

(7) A reference in this Regulation to a firearm to which the Directive applies is a reference to such a firearm that is manufactured or imported into the Union before 14 September 2018.

Marking of firearms to which Directive applies manufactured or imported into Union on or after 14 September 2018

6. (1) Subject to paragraph (7), this Regulation applies to a firearm to which the Directive applies manufactured or imported into the Union on or after 14 September 2018.

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

(3) A manufacturer of a firearm to which this Regulation applies shall ensure that, at the time of its manufacture or, at the latest, before its placement on the market, each essential component of the firearm is marked with a unique marking which shall comprise the particulars specified in Part 1 of Schedule 3.

(4) Where the State is the place of import into the Union of a firearm to which this Regulation applies, each essential component of the firearm shall, at the time of its manufacture or without delay after importation into the Union, be marked with a unique marking which shall comprise the particulars specified in Part 2 of Schedule 3.

(5) The unique marking referred to in paragraph (3) or (4), as the case may be, shall be engraved permanently upon the essential component concerned, to a minimum depth of 0.04 millimetres.

(6) Paragraphs (3) and (4) are without prejudice to the affixing of the manufacturer's trademark.

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

Additional requirements for marking of firearms to which Directive applies manufactured or imported into Union on or after 1 August 2021

7. (1) This Regulation applies to a firearm to which the Directive applies manufactured or imported into the Union on or after 1 August 2021.

(2) Without prejudice to the requirements of Regulation 6, where a firearm is one to which this Regulation applies, the unique marking referred to in paragraph (3) or (4), as the case may be, of Regulation 6 that each essential component of a firearm is marked with shall –

- (a) subject to paragraph (3), have a font size of at least 1.6 millimetres, and
- (b) where the essential component of the firearm consists of a frame or receiver made from a non-metallic material, be applied to a metal plate that is permanently embedded in the material of the frame or receiver in such a way that the plate cannot be easily removed and where removing the plate would destroy a portion of the frame or receiver.

(3) Where an essential component of a firearm to which this Regulation applies is too small to be marked in compliance with paragraph 1 of Part 1 of Schedule 3, a font size smaller than 1.6 millimetres may be used.

Marking of essential components placed on market

8. (1) Subject to paragraph (7), this Regulation applies to an essential component manufactured or imported into the Union on or after 14 September 2018.

(2) No person shall place on the market any essential component to which this Regulation applies that has not been marked in accordance with this Regulation.

(3) A manufacturer of an essential component to which this Regulation applies shall ensure that, at the time of its manufacture or, at the latest, before its placement on the market, the essential component is marked with a unique marking which shall comprise the particulars specified in Part 1 of Schedule 3.

(4) Where the State is the place of import into the Union of an essential component to which this Regulation applies, the essential component shall, at the time of its manufacture or without delay after importation into the Union, be marked with a unique marking which shall comprise the particulars specified in Part 2 of Schedule 3.

(5) The unique marking referred to in paragraph (3) or (4), as the case may be, shall be engraved permanently upon the essential component concerned to a minimum depth of 0.04 millimetres.

(6) Paragraphs (3) and (4) are without prejudice to the affixing of the manufacturer's trademark.

(7) This Regulation does not apply to an essential component of a firearm that is mounted on a firearm to which Regulation 6 applies and is marked in accordance with that Regulation.

Additional requirements for marking of essential components manufactured or imported into Union on or after 1 August 2021

9. (1) This Regulation applies to an essential component manufactured or imported into the Union on or after 1 August 2021.

(2) Without prejudice to the requirements of Regulation 8 where an essential component is one to which this Regulation applies, the unique marking referred to in paragraph (3) or (4), as the case may be, of Regulation 8 that each essential component is marked with shall –

- (a) subject to paragraph (3), have a font size of at least 1.6 millimetres, and
- (b) where the essential component consists of a frame or receiver made from a non-metallic material, be applied to a metal plate that is permanently embedded in the material of the frame or receiver in such a way that the plate cannot be easily removed and where removing the plate would destroy a portion of the frame or receiver.

(3) Where an essential component to which this Regulation applies is too small to be marked in compliance with paragraph 1 of Part 2 of Schedule 3, a font size smaller than 1.6 millimetres may be used.

Marking of ammunition to which Directive applies placed on market

10. 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.

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

11. (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.

Restriction on sale of firearm to which Directive applies

12. 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.

Storage of ammunition for relevant firearm

13. Subject to Regulation 15, a holder or an excepted person shall, when a relevant firearm is not in use, ensure that all ammunition for the relevant firearm in his or her possession is stored –

- (a) in a receptacle that is locked, and
- (b) separately from any firearm in which the ammunition is capable of being used.

Transport of relevant firearm or ammunition for relevant firearm

14. Subject to Regulation 15, a holder or an excepted person shall, when transporting a relevant firearm or ammunition for the relevant firearm in a vehicle, ensure that -

- (a) the relevant firearm is -
 - (i) concealed from view, and
 - (ii) stored separately from the ammunition,and
- (b) the ammunition is stored in a receptacle that is locked.

Firearm certificate holders under age of 18

15. Where a holder referred to in Regulation 13 or 14 is under 18 years of age, a reference in the Regulation concerned to a holder shall be construed as a reference to the parent or guardian who provided the written consent referred to in paragraph (3) of Regulation 11 in respect of the holder's application for the firearm certificate.

Restriction on acquisition of loading device

16. It shall not be lawful for any person to acquire -

- (a) a loading device for a centre-fire semi-automatic short firearm which can hold more than 20 rounds, or
- (b) a loading device for a centre-fire semi-automatic long firearm which can hold more than 10 rounds.

Permission to a resident of another Member State to acquire or purchase a Category B firearm in the State

17. An application by a resident of a Member State other than the State to acquire, or be in possession of, a firearm classified in Category B of the Directive or ammunition for any such firearm shall not be considered unless he or she has first produced to the Minister the prior consent of the competent authority of that Member State for the acquisition or possession of the firearm or ammunition, as the case may be.

Transfer of firearms and ammunition

18. (1) A person from another Member State shall not transfer, or attempt to transfer, a firearm to which the Directive applies or ammunition to which the Directive applies to the State except with the prior consent of the Minister and without having obtained a licence for the transfer from the competent authority of that Member State.

(2) A person in the State shall not transfer or attempt to transfer a firearm to which the Directive applies or ammunition to which the Directive applies from the State to another Member State, except in accordance with a licence issued by the Minister.

(3) The Minister may grant a registered dealer in the State a continuing licence to transfer to a registered dealer in another Member State for a specified period not exceeding three years.

(4) 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 the person purchasing or acquiring it or, where appropriate, 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.

(5) The licence or, in the case of a continuing licence, a document confirming the existence of that continuing licence, shall accompany the firearm or ammunition until it reaches its destination and it shall be produced whenever so required by the competent authorities of the Member States.

(6) Where the firearm to be transferred is not a firearm which may, by virtue of the information supplied by Member States as provided for in paragraph 4 of

Article 16 of the Directive be transferred to another Member State without the prior consent of that Member State, then, prior consent, from the competent authority of the Member State to which the firearm is to be transferred, for the transfer shall be produced to the Minister before a licence or authorisation may be granted.

(7) A copy of the communication under paragraph 4 of Article 16 of the Directive certified by an official of the Minister to be a true copy shall be received without further proof in evidence as proof of the facts contained therein.

European Firearms Pass

19. (1) Where a person holds a European Firearms Pass issued by the Superintendent of the Garda Síochána for the district in which he or she resides, that person may travel to any other Member State with any firearm in respect of which the Pass has been issued and ammunition for such firearm.

(2) However, where the firearms are not firearms which may, by virtue of the information supplied by Member States as provided for in paragraph 4 of Article 16 of the Directive, be transferred to another Member State without the prior consent of that Member State, an express statement to the effect that the firearm may not be transferred to that Member State without the prior consent of that State shall be entered on the Pass and the person concerned shall obtain the prior consent for the journey from the Member State concerned and this prior consent shall be entered on the European Firearms Pass.

(3) Where such prior consent is not required by a Member State, a hunter, in respect of a firearm in Category C of the Directive and a marksman, in respect of a firearm in Category B or C may travel to that Member State with a firearm in such Category and ammunition for such firearm provided he or she is in possession of a European Firearms Pass listing such firearm.

(4) Where a person from another Member State wishes to travel to the State bringing with him or her a firearm to which the Directive applies with or without ammunition, he or she may do so if he or she has received the prior consent from the Minister, the Commissioner or the appropriate Superintendent (within the meaning of section 2 of the Firearms (Firearm Certificates for Non-Residents) Act 2000 (No. 20 of 2000)) in accordance with paragraph (1) of Article 17 of the Directive and if such prior consent, which may be for one or more journeys for a maximum period of one year, is entered on a current European Firearms Pass which has been issued to him or her in respect of the firearm concerned by the competent authority of the Member State of which he or she is a resident.

(5) The European Firearms Pass shall always be in the possession of the person while he or she is in possession of a firearm authorised by the pass and it shall be produced whenever so required by any member of the Garda Síochána or any officer of the Customs and Excise.

(6) A copy of a communication under paragraph (3) of Article 11 of the Directive certified by an official of the Minister to be a true copy shall, without further proof be received in evidence as proof of facts contained therein.

Provisions of Firearms Acts and other statutes

20. The provisions of the Firearms Acts and other relevant statutes, including provisions relating to powers of the Garda Síochána and Customs Officers, shall extend to a European Firearms Pass or other document to which these Regulations relate and a reference in those enactments to a firearm certificate shall, where the context so admits, include reference to any such document.

Form of European Firearms Pass

21. (1) A European Firearms Pass shall be in the form set out in Schedule 1.

(2) Where a person is granted, or is the holder of, a firearm certificate under the Firearms Acts in respect of a firearm to which the Directive applies, he or she shall be entitled to be issued by the Superintendent of the Garda Síochána for the district in which he or she resides with-

- (a) a European Firearms Pass containing the required particulars, and
- (b) 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 or her in another Member State of any firearm or ammunition to which the certificate relates.

(3) An application for the issue of a European Firearms Pass or a document referred to in paragraph (2)(b) 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.

(4) Where -

- (a) a person who resides in the State is proposing to purchase or acquire any firearm to which the Directive applies or ammunition to which the Directive applies in another Member State,
- (b) that person is not for the time being the holder of a firearm certificate in respect of that firearm or ammunition, and
- (c) that person satisfies the Superintendent of the Garda Síochána for the district in which he or she resides that he or she 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.

(5) The period specified in a European Firearms Pass as the period for which it is to be valid shall be whichever is the shorter of the following -

- (a) the period ending on the expiry of a certificate in respect of a firearm identified in the Pass, or
- (b) the maximum period for the duration of that Pass.

(6) For the purposes of paragraph (5), the maximum period for the duration of a European Firearms Pass shall be 5 years.

Renewal of European Firearms Pass

22. (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 or she resides for the renewal of the Pass.

(2) Where -

- (a) a certificate in respect of a firearm identified in a European Firearms Pass is due to expire, and
- (b) a certificate in respect of another firearm identified in that Pass will continue in force after the other certificate expires,

the holder of the Pass may apply to the Superintendent of the Garda Síochána for the district in which he or she resides for the renewal of the Pass subject to the deletion of the reference to the firearm to which the expiring certificate relates.

(3) Where, on an application to a Superintendent of the Garda Síochána under paragraph (1) or (2) -

- (a) the European Firearms Pass concerned is produced to him or her, and
- (b) a certificate in respect of a firearm identified in the Pass is renewed or will continue in force after the time when the Pass would (apart from its renewal) have ceased to be valid,

he or she shall renew that pass, subject to any appropriate deletion, for whichever is the shorter of the periods specified in paragraph (a) or (b) of Regulation 21(5).

(4) Where a European Firearms Pass ceases to be valid under this Regulation, the Superintendent of the Garda Síochána for the district in which the person to whom it was issued resides may, by notice in writing, require that person, within 21 days of the date of the notice, to surrender the Pass to him or her.

(5) It is an offence for any person to fail to comply with a notice given to him or her under paragraph (4).

Variation endorsement etc. of European documents

23. (1) Where -

- (a) a certificate in respect of a firearm identified in a European Firearms Pass or a document referred to in Regulation 21(2)(b) (in this Regulation referred to as an “Article 10 Authority”) has been issued, varied, revoked or cancelled,
- (b) the Minister gives notice that any information contained in paragraph 6(1) or (2) of a European Firearms Pass needs to be modified by addition, deletion or variation, or
- (c) the holder of a European Firearms Pass applies to have particulars of another firearm added to the European Firearms Pass,

it shall be the duty of the Superintendent of the Garda Síochána for the district in which the holder of the European Firearms Pass or Article 10 Authority, as the case may be, resides to make such variations of the European Firearms Pass or Article 10 Authority as are appropriate in consequence of the variation, revocation, cancellation, notice or application or, where appropriate, to cancel it.

(2) For the purpose of performing his or her duty under paragraph (1) the Superintendent of the Garda Síochána for the district in which any person who is or has been the holder of any certificate resides may, by notice in writing, require that person, within 21 days of the date of the notice, to produce or surrender to him or her any European Firearms Pass or Article 10 Authority issued to that person.

(3) Where a person is for the time being the holder of an Article 10 Authority issued by the Superintendent of the Garda Síochána for any district, the Superintendent of the Garda Síochána for that district may, if he or she thinks fit, at any time -

- (a) revoke that Authority, and
- (b) by notice in writing require that person, within 21 days of the date of the notice, to surrender that Authority to him or her.

(4) Where a firearm identified in a European Firearms Pass which is for the time being valid, is lost or stolen, the holder of the pass shall immediately -

- (a) inform the Superintendent of the Garda Síochána for the district in which he or she resides of the loss or theft, and
- (b) produce the European Firearms Pass to that Superintendent for him or her to endorse particulars of that loss or theft on the Pass.

(5) Where a firearm to which an endorsement under paragraph (4) relates is returned to the possession of the holder of the European Firearms Pass concerned, the Superintendent of the Garda Síochána for the district in which that person resides may, on the production to him or her of that pass, make such endorsement on that pass as may be appropriate.

(6) It is an offence for any person to fail to comply with a notice given to him or her under paragraph (2) or (3) or with any obligation imposed on him or her by virtue of paragraph (4)(a) or (b).

Restriction on trade or business as a broker

24. On or after 30 April 2022, it shall not be lawful for any person to engage in trade or business as a broker -

- (a) within the State,
- (b) between the State and another Member State,
- (c) from the State to a state other than a Member State, or
- (d) from a state other than a Member State to the State,

unless such person is registered in the register of brokers.

Register of brokers

25. The Minister shall establish and maintain in such form as he or she considers appropriate (including electronic form) a register (referred to in these Regulations as the “register of brokers”) of persons who have been approved by him or her to carry on trade or business as a broker.

Application for registration

26. (1) Any person belonging to one of the following classes of person shall be eligible to apply to be registered in the register of brokers:

- (a) an individual who is ordinarily resident in the State;
- (b) a company formed and registered under the Companies Act 2014 (No. 38 of 2014) or an existing company within the meaning of that Act;
- (c) a partnership or other unincorporated association formed under the law of the State.

(2) A person belonging to a class of person referred to in subparagraph (a), (b) or (c) of paragraph (1) and that intends to engage in the State in trade or business as a broker shall apply, in accordance with this Regulation, to the Minister to be registered in the register of brokers.

(3) An application under paragraph (2) shall -

- (a) be in writing,
- (b) be made in such form as the Minister may specify,
- (c) include such information as the Minister may reasonably require for the purposes of his or her functions under these Regulations,
- (d) include a tax clearance certificate, and
- (e) be accompanied by a fee of €1,500.

(4) In considering an application under paragraph (2), the Minister shall, having consulted with the Commissioner, have regard -

- (a) to the character of an applicant,
- (b) to an applicant’s ability to comply with the requirements of these Regulations, and
- (c) generally, to the public safety and the preservation of the peace.

(5) Where an application under paragraph (2) is by a body corporate the reference in paragraph (4) -

- (a) to the character of the applicant shall be construed as a reference to the character of the director of the body corporate and to the reputation of the body corporate, and
- (b) to the applicant’s ability shall be construed as a reference to the ability of the director of the body corporate.

(6) In this Regulation, “tax clearance certificate” means a tax clearance certificate issued to the applicant in accordance with section 1095 of the Taxes Consolidation Act 1997 (No. 39 of 1997).

Registration

27. (1) The Minister shall, within a period of 3 months from the date on which an application is made in accordance with Regulation 26 or as soon as practicable thereafter, make a decision -

- (a) to grant the application -
 - (i) and enter in the register of brokers such particulars of the applicant as the Minister considers appropriate, and
 - (ii) give the applicant a certificate of registration,
- or
- (b) subject to Regulation 28, to refuse the application.

(2) Where the Minister makes a decision under paragraph (1)(a) to grant an application, the Minister shall notify the applicant in writing of the decision.

(3) Where the Minister makes a decision under paragraph (1)(b) to refuse an application, the Minister shall notify the applicant in writing of -

- (a) the decision and the reasons for the decision, and
- (b) the entitlement under Regulation 31 to appeal the decision.

(4) If a particular entered in the register of brokers in accordance with this Regulation relating to a person ceases to be correct, the person concerned shall, as soon as may be, so inform the Minister.

(5) The Minister shall, from time to time, review each entry in the register of brokers and, if he or she becomes aware that any particular in the register is incorrect or has ceased to be correct, the Minister shall make such alterations to the register as he or she considers necessary and notify the person concerned in writing of any such alteration.

(6) Registration shall, subject to Regulation 29(4), be valid for a period of 3 years from the date of the registration and, if renewed, for a further period of 3 years from the expiration of that period or, as the case may be, of any subsequent such period for which the registration was renewed.

(7) The Minister may at the request of any person who is registered in the register of brokers remove the name of such person from the register.

(8) The Minister may remove the name of any person from the register of brokers if it appears to the Minister that the person -

- (a) no longer carries on trade or business as a broker,
- (b) cannot any longer be permitted to carry on such business without danger to the public safety or the peace,
- (c) is no longer ordinarily resident in the State,

- (d) in the case of a company, is no longer a member of the class specified in Regulation 26(1)(b),
- (e) in the case of a partnership or other unincorporated association, is no longer a member of the class specified in Regulation 26(1)(c), or
- (f) has been convicted of any offence that in the Minister's opinion renders such person unfit to be on the register.

(9) A certificate purporting to be signed by a person authorised by the Minister in that behalf and to certify that -

- (a) on a specified day or days or during the whole of a specified period a particular person did or did not stand registered in the register of brokers, or
- (b) on a specified day the particular person's name had been removed under Regulation 27(7) or (8) from the register of brokers,

shall, without proof of the signature of the person purporting to sign the certificate or that he or she was so authorised by the Minister, be evidence, unless the contrary is shown, of the matters stated in the certificate.

Notice of proposed decision under Regulation 27(1)(b) to refuse application

28. (1) Where the Minister proposes to make a decision under Regulation 27(1)(b) to refuse an application made in accordance with Regulation 26, he or she shall give the applicant notice of the proposed decision and the reasons for the decision.

(2) A notice given under paragraph (1) shall state that, within such period as is specified in the notice, the applicant may make written representations to the Minister in relation to the proposed decision.

(3) The Minister shall consider written representations (if any) made by the applicant in accordance with paragraph (2) before making a decision to grant or refuse the application concerned.

Renewal of registration

29. (1) A person may apply for renewal of his or her registration under this Regulation.

(2) An application for renewal of a registration may be made within 3 months before the expiration of the period of validity of the registration.

(3) Regulations 26 to 28 apply, with all necessary modifications, to a renewal of registration as it applies to a first registration.

(4) If an application for a renewal of registration under this Regulation is not determined by the Minister before the expiration of the period of validity of the registration -

- (a) the registration remains in force until the date on which the renewal is determined, and

- (b) where paragraph (a) applies and the registration is renewed, the registration concerned shall continue in force for a further period of 3 years commencing from the date on which the renewal is determined.

Maintenance of register kept by brokers

30. (1) A broker shall, throughout the period of registration, enter and retain in a register kept, or caused to be kept, by the broker under this Regulation the following accurate information in relation to relevant transactions by the broker on or after 30 April 2022 -

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

(2) A broker shall within 24 hours of a relevant transaction by him or her enter or cause to be entered in the register kept under this Regulation the information specified in paragraphs (1)(a) and (b).

(3) Where the information required by this Regulation to be entered in the register kept under this Regulation in respect of any relevant transaction are not known to the broker it shall be his or her duty, at or before the completion of such transaction, to demand such information from the person with whom the transaction takes place.

(4) Any person of whom a demand under paragraph (3) is made by a broker shall furnish such information as is demanded to the broker concerned and the information furnished shall be accurate.

(5) Every register kept by a broker under this Regulation shall on request be made available for inspection by any member of the Garda Síochána or any officer of customs and excise.

(6) Where a person ceases to carry on trade or business as a broker, the person shall, upon such cessation, forthwith deliver up to the Minister the register referred to in paragraph (1).

(7) In this Regulation, 'relevant transaction by a broker' means -

- (a) the negotiation, or arrangement, of transactions by the broker for the purchase, sale or supply of firearms to which the Directive applies, essential components of such firearms or ammunition to which the Directive applies, or
- (b) the arrangement of the transfer by the broker of firearms to which the Directive applies, essential components of such firearms or ammunition to which the Directive applies within the State, between the State and another Member State, from the State to a state other than a Member State and from a state other than a Member State to the State.

Appeals Procedure

31. (1) Where the Minister makes a decision to refuse an application for registration under Regulation 27(1)(b) or removes a person's name under Regulation 27(8) from the register of brokers, he or she shall notify the person concerned in writing of the decision, the reasons for the decision and the person's entitlement under paragraph (2) to appeal the decision.

(2) Where a person has been notified of a decision referred to in paragraph (1), he or she may appeal the decision.

(3) An appeal shall be brought within 28 days of receipt of notification of the decision concerned and shall set out in writing the grounds for the appeal and shall be accompanied by such supporting documentation as the person deems necessary.

(4) An appeal under this Regulation shall be considered by an appeals officer.

(5) Upon appeal of a decision to refuse an application for registration, an appeals officer may confirm the decision of the Minister or quash the decision of the Minister and direct that the Minister enter in the register of brokers the particulars of the person concerned.

(6) Upon appeal of a decision to remove a person's name from the register of brokers, an appeals officer may confirm the decision of the Minister or quash the decision of the Minister and direct that the person's name be reinstated in the register of brokers.

(7) In this Regulation, "appeals officer" means an officer of the Minister designated in writing to be an appeals officer for the purpose of this Regulation for such period as the Minister may determine.

Provision of information by Commissioner to Minister for purposes of Regulations

32. The Minister may request the Commissioner to provide any information necessary for the performance of the Minister's functions under these Regulations, and the Commissioner shall, notwithstanding anything contained in any other enactment or rule of law, but subject to the Data Protection Regulation and the Data Protection Act 2018 (No. 7 of 2018), comply with that request.

Offences

33. (1) A person who fails to comply with a condition referred to in Regulation 3(4) or contravenes Regulation 5, 6, 7, 8, 9, 10, 12, 13, 14, 16 or 24, 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 Act

34. The Act is amended -

- (a) in section 1(1), by the substitution of the following definition for the definition of “Directive”:
 “ ‘Directive’ means Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021¹ on control of the acquisition and possession of weapons (codification), and includes Articles 12 and 13 of Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (recast)³;”,
- (b) in section 2A(1), by the deletion of “(inserted by Regulation 10(d) of the European Communities (Acquisition and Possession of Weapons And Ammunition) (Amendment) Regulations 2019)”,
- (c) in section 2E(3), by the substitution of “2020” for “2019” in both places where it occurs,
- (d) in section 10, by the insertion of the following subsection after subsection (1):

¹ OJ No. L 115, 6.4.2021, p.1

³ OJ No. L 96, 29.3.2014, p. 1

“(1A) Subsection (1) shall not apply to a person engaged in the State in trade or business as a broker (within the meaning of the European Union (Acquisition and Possession of Weapons and Ammunition) Regulations 2022)) provided that -

- (a) he or she stands registered in the register of brokers (within the meaning of those Regulations), and
- (b) he or she does not have in his or her possession any firearm or ammunition in respect of which he or she is engaged in trade or business as a broker.”,

and

- (e) in section 21(6)(a), by the deletion of “(inserted by Regulation 10(d) of the European Communities (Acquisition and Possession of Weapons And Ammunition) (Amendment) Regulations 2019)”.

Amendment of Wildlife Act 1976

35. The Wildlife Act 1976 (No. 39 of 1976) is amended -

- (a) in section 29(3)(b)(i), by the substitution of “paragraphs (4) and (5) of Regulation 19 of the European Union (Acquisition and Possession of Weapons and Ammunition) Regulations 2022” for “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),” and
- (b) in section 72(2)(d)(iii), by the substitution of “a European Firearms Pass within the meaning of Article 1(3) of Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021¹ on control of the acquisition and possession of weapons (codification)” for “a European Firearms Pass within the meaning of Article 1(4) of Council Directive No. 91/477/EEC of 18 June 1991¹”.

Amendment of Firearms (Firearm Certificates for Non-Residents) Act 2000

36. Section 2(8)(a) of the Firearms (Firearm Certificates for Non-Residents) Act 2000 is amended by the substitution of “paragraphs (4) and (5) of Regulation 19 of the European Union (Acquisition and Possession of Weapons and Ammunition) Regulations 2022” for “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),”.

¹ OJ No. L 115, 6.4.2021, p.1

Amendment of European Union (Making Available on the Market and Supervision of Explosives for Civil Uses) Regulations 2016

37. Regulation 3(2)(c) of the European Union (Making Available on the Market and Supervision of Explosives for Civil Uses) Regulations 2016 (S.I. No. 423 of 2016) is amended by the substitution of “the European Union (Acquisition and Possession of Weapons and Ammunition) Regulations 2022” for “the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993 (S.I. No. 362 of 1993)”.

Amendment of European Union (Designation of Verifying Entities for Deactivation of Firearms) Regulations 2020

38. Regulation 3 of the European Union (Designation of Verifying Entities for Deactivation of Firearms) Regulations 2020 (S.I. No. 283 of 2020) is amended by the substitution of “in category A, B or C of Part II of Annex I to Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021¹ on control of the acquisition and possession of weapons (codification)” for “in category A, B or C of Part II of Annex I to Council Directive 91/477/EEC of 18 June 1991, as amended by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 and Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017”.

Transitional provisions

39. (1) A licence or a continuing licence, as the case may be, issued by the Minister under Regulation 6 of the Regulations of 1993 which immediately before these Regulations come into operation, remains valid, shall, for the remaining period of its validity, be deemed to be a licence or a continuing licence, as the case may be, issued under Regulation 18 and these Regulations shall apply.

(2) Where, before the date on which these Regulations come into operation, a person made an application for a licence or a continuing licence, as the case may be, under the Regulations of 1993 and, by that date, the application had not been determined by the Minister, that application shall be deemed to be an application under these Regulations and these Regulations shall apply.

(3) Where, immediately before these Regulations come into operation, the date of the transfer of a firearm has not passed and the registered dealer has in accordance with Regulation 6(3A) of the Regulations of 1993 communicated to the Minister the particulars specified in paragraphs (a) to (f) of that Regulation in relation to the transfer, the requirement of Regulation 18(4) shall be deemed to be satisfied.

(4) A European Firearms Pass issued under Regulation 9 of the Regulations of 1993 which immediately before these Regulations come into operation, remains valid, shall, for the remaining period of its validity, be deemed to be a

¹ OJ No. L 115, 6.4.2021, p.1

European Firearms Pass issued under Regulation 21 and these Regulations shall apply.

(5) Where, before the date on which these Regulations come into operation, a person made an application for a European Firearms Pass under the Regulations of 1993 and, by that date, the application had not been determined by the Minister, that application shall be deemed to be an application under these Regulations and these Regulations shall apply.

(6) Where, before the date on which these Regulations come into operation, a person made an application under Regulation 10(1) of the Regulations of 1993 for the renewal of a European Firearms Pass and, by that date, the application had not been determined by the Superintendent of the Garda Síochána for the district in which he or she resides, that application shall be deemed to be an application under Regulation 22(1) and these Regulations shall apply.

(7) Where, before the date on which these Regulations come into operation, a person made an application under Regulation 10(2) of the Regulations of 1993 for the renewal of a European Firearms Pass and, by that date, the application had not been determined by the Superintendent of the Garda Síochána for the district in which he or she resides, that application shall be deemed to be an application under Regulation 22(2) and these Regulations shall apply.

(8) If -

- (a) before the date on which these Regulations come into operation, a Superintendent for a district makes a requirement under Regulation 10(4) of the Regulations of 1993 by notice in writing, and
- (b) the date on which these Regulations come into operation occurs within the period of 21 days referred to in that Regulation 10(4),

then the requirement made under Regulation 10(4) of the Regulations of 1993 shall be deemed to be a requirement made under Regulation 22(4) and these Regulations shall apply.

(9) Where, before the date on which these Regulations come into operation, a person made an application under Regulation 11(1)(c) of the Regulations of 1993 to have particulars of another firearm added to a European Firearms Pass and, by that date, the application had not been determined by the Superintendent of the Garda Síochána for the district in which he or she resides, that application shall be deemed to be an application under Regulation 23(1)(c) and these Regulations shall apply.

(10) If -

- (a) before the date on which these Regulations come into operation, a Superintendent for a district makes a requirement under Regulation 11(2) of the Regulations of 1993 by notice in writing, and
- (b) the date on which these Regulations come into operation occurs within the period of 21 days referred to in that Regulation 11(2),

then the requirement made under Regulation 11(2) of the Regulations of 1993 shall be deemed to be a requirement made under Regulation 23(2) and these Regulations shall apply.

(11) If -

- (a) before the date on which these Regulations come into operation, a Superintendent for a district makes a requirement under Regulation 11(3)(b) of the Regulations of 1993 by notice in writing, and
- (b) the date on which these Regulations come into operation occurs within the period of 21 days referred to in that Regulation,

then the requirement made under Regulation 11(3)(b) of the Regulations of 1993 shall be deemed to be a requirement made under Regulation 23(3)(b) and these Regulations shall apply.

Revocation

40. The following are revoked:

- (a) the Regulations of 1993;
- (b) the European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2002 (S.I. No. 49 of 2002);
- (c) the European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2010 (S.I. No. 493 of 2010);
- (d) the European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2019 (S.I. No. 420 of 2019) other than Regulation 10 thereof;
- (e) the European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2021 (S.I. No 283 of 2021).

Schedule 1

Regulation 21

EUROPEAN FIREARMS PASS

1. DETAILS OF THE HOLDER:

1.1 Surname and first name(s):

1.2 Date and place of birth:

1.3 Nationality:

PHOTO

1.4 Address:

1.5 Holder's Signature:

2. DETAILS OF THE PASS:

2.1 Pass Number: Date issued:

2.2 Valid until:

2.3 Authority's Stamp and Signature:

2.4 Validity extended until:

2.5 Authority's stamp, signature and date:

3. PARTICULARS OF FIREARMS:

Type or Class Make and Model Calibre or Gauge Serial or Identification No.

3.1

3.2

3.3

5. AUTHORISATIONS OF MEMBER STATES VISITED:

<u>Firearm</u>	<u>Validity of authorisation</u>	<u>Authority's stamp and date</u>
----------------	----------------------------------	-----------------------------------

3.

3.

3.

3.

3.

3.

3.

3.

3.

3.

6. INFORMATION ON TRAVELLING WITHIN THE COMMUNITY:

—The right to travel to another Member State with one or more of the firearms in Categories B, or C entered on this pass is subject to one or more corresponding prior authorisations from the Member State visited. The authorisation or authorisations may be recorded in section 5 of this pass.

—Prior authorisation is not normally necessary for travel with a firearm in Category C with a view to engaging in hunting or with a firearm in Categories B or C with a view to engaging in target shooting, provided the traveller has the firearms pass on him or her and can substantiate the reasons for his journey.

However, according to the information furnished pursuant to paragraph 3 of Article 11 of the Directive by Member States which prohibit or make subject to authorisation the acquisition and possession within their territory of a firearm in Categories B or C:

6.1 A Journey to With Firearm(s) No(s) Is Prohibited

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Northern Ireland

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Poland

Portugal

Romania

Slovakia

Slovenia

Spain

Sweden

Iceland

Norway

Switzerland

Liechtenstein

6.2 A Journey to With Firearm(s) No(s) Is Subject to Authorisation

Austria

Belgium

Bulgaria

Croatia

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Northern Ireland

Poland

Portugal

Romania

Slovakia

Slovenia

Spain

Sweden

Iceland

Norway

Switzerland

Liechtenstein

Schedule 2

Regulation 5

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

Schedule 3

Regulations 6, 7, 8 and 9

Part 1

1. Subject to paragraph 2, where a firearm to which the Directive applies or an essential component is manufactured in the State, the unique marking shall comprise a human readable identification consisting of:

- (a) the name of the manufacturer or brand;
- (b) the name of the State;
- (c) the PULSE identification number of the manufacturer;
- (d) the unique serial number of the essential component;
- (e) the year of manufacture (if not part of the serial number); and
- (f) the name of the model (where feasible).

Example:

Alfa Firearms Limited

IRELAND 9999 001/2018 ["Precision"]

2. Where an essential component is manufactured in the State, and is too small to be marked in compliance with paragraph 1, it shall be marked at least with a serial number or an alphanumeric or digital code.

Part 2

1. Subject to paragraph 2, where the State is the place of import into the Union of a firearm to which the Directive applies or an essential component, the unique marking shall comprise a human readable identification consisting of:

- (a) the name of the manufacturer or brand;
- (b) the name of the country or place of manufacture;
- (c) the unique serial number of the essential component;
- (d) the year of manufacture (if not part of the serial number).
- (e) the name of the model (where feasible).

Example:

Alfa Firearms Limited

NAME OF COUNTRY/PLACE OF MANUFACTURE 001/2018 [“Precision”]

2. Where the State is the place of import into the Union of an essential component, and the essential component is too small to be marked in compliance with paragraph 1, it shall be marked at least with a serial number or an alphanumeric or digital code.



GIVEN under my Official Seal,
27 April, 2022.

HELEN MCENTEE,
Minister for Justice.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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