

Declan Keogh

From: firearms INBOX <firearms_inbox@justice.ie>
Sent: Wednesday 16 August 2017 16:11
To: development@nasrpc.ie
Subject: FCP follow up

Dear Declan,

Thank you for your submission at the last FCP on the substitution of restricted short firearms.

The position is that a restricted short firearm cannot be substituted under section 11 of the Firearms Act 1964, given the ban under section 3D of the Firearms Act 1925, as amended. Substitution applications are made on the FCA1 form, with no guarantee that the application shall be granted. Each application is considered on its merits, and if granted by the issuing person, a new firearm certificate is generated with a new certificate number attached to the new certificate. So the existing certificate is not merely amended, rather a completely new certificate is generated and issued if the application is successful. Accordingly, the ban under section 3D of the Firearms Act 1925 applies to an application for a substitution for a restricted short firearm.

Section 3D of the Firearms Act 1925, as amended provides, inter alia:

3D.— (1) As and from the date of commencement of this section, no application for a firearm certificate in respect of a short firearm shall be considered by an issuing person other than for—

(a) a device capable of discharging blank ammunition and to be used as a starting gun or blank firing gun;

(b) a short firearm of a type specified at paragraph 4(2)(e) of the Fire-arms (Restricted Firearms and Ammunition) Order 2008 (S.I. No. 21 of 2008) and designed for use as so specified;

(c) a short firearm for which the applicant for the firearm certificate held a firearm certificate on or before 19 November 2008.

(2) Any firearm certificate in respect of a short firearm, other than one to which paragraphs (a) to (c) of subsection (1) relates, granted between 19 November 2008 and the date of commencement of this section and in force shall stand revoked.

Therefore "no application for a firearm certificate in respect of a short firearm shall be considered by an issuing person" applies to a substitution application for a restricted short firearm.

This email will be further communicated to all members of the FCP.

Yours sincerely

Brendan O'Loughlin
Firearms, Explosives and Private Security Policy Division
Department of Justice & Equality

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Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le [mailminder\[at\]justice.ie](mailto:mailminder[at]justice.ie) chomh maith.

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