



Number 13 of 1971

FIREARMS ACT 1971

REVISED

Updated to 31 October 2012

This revised Act is an administrative consolidation of the *Firearms Act 1971*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Ombudsman (Amendment) Act 2012 (38/2012)*, enacted 31 October 2012, and all statutory instruments up to and including *European Communities (Forest Consent and Assessment) (Amendment) Regulations 2012 (S.I. No. 442 of 2012)*, made 2 November 2012, were considered in the preparation of this revision.

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Introduction

This revision presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Firearms Acts 1925 to 2009: this Act is one of a group of Acts included in this collective citation, to be construed together as one [*Criminal Justice (Miscellaneous Provisions) Act 2009* (28/2009), s. 1(2)]. The Acts in the group are:

- *Firearms Act 1925* (17/1925)
- *Firearms Act 1964* (1/1964)
- *Firearms Act 1971* (13/1971)
- *Firearms and Offensive Weapons Act 1990* (12/1990), Part II
- *Firearms (Firearms Certificates for Non-Residents) Act 2000* (20/2000), other than s. 4
- *Criminal Justice Act 2006* (26/2006), Part 5 and sch. 1
- *Criminal Justice Act 2007* (29/2007), Part 6
- *Criminal Justice (Miscellaneous Provisions) Act 2009* (28/2009), Part 4

The *Firearms (Proofing) Act 1968* (20/1968) is excluded from the collective citation from 14.07.2000 by the *Firearms (Firearms Certificates for Non-Residents) Act 2000*, s. 8(2).

The *Firearms (Temporary Provisions) Act 1998* (32/1998) is excluded from the collective citation from 14.07.2000 by the *Firearms (Temporary Provisions) Act Continuance Order 1999* (S.I. No. 189 of 1999), art. 2.

The *European Communities (European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993* (S.I. No. 362 of 1993), as amended, also deal with firearms.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 2000, may be found in the Legislation Directory at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Firearms Acts 1925 to 2009*
- *Criminal Justice Act 2006 (26/2006)*
- *Firearms and Offensive Weapons Act 1990 (12/1990)*

All Acts up to and including *Ombudsman (Amendment) Act 2012 (38/2012)*, enacted 31 October 2012, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Firearms (Temporary Provisions) Act Continuance Order 1999 (S.I. No. 189 of 1999)*
- *European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations (S.I. No. 362 of 1993)*
- *Offences Against the State (Scheduled Offences) Order 1972 (S.I. No. 142 of 1972)*

All statutory instruments up to and including *European Communities (Forest Consent and Assessment) (Amendment) Regulations 2012 (S.I. No. 442 of 2012)*, made 2 November 2012, were considered in the preparation of this revision.



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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Amendment of section 1 of Principal Act.
3. Amendment of section 2 of Principal Act.
4. Application of section 15 of Principal Act.
5. Sale, possession and carriage of parts.
6. Registration of dealers in sporting ammunition.
7. Short title, collective citation, construction and commencement.

ACTS REFERRED TO

Firearms Act, 1925	1925, No. 17
Firearms (Proofing) Act, 1968	1968, No. 20
Firearms Act, 1964	1964, No. 1



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AN ACT TO AMEND AND EXTEND THE FIREARMS ACTS, 1925 TO 1968. [6th July, 1971.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

- C1** Act included in collective citation and construction (1.08.2009) by *Criminal Justice (Miscellaneous Provisions) Act 2009* (28/2009), s. 1(2), S.I. No. 310 of 2009.

Short title and commencement.

1.— ...

(2) The Firearms Acts 1925 to 2007 and *Part 4* may be cited together as the Firearms Acts 1925 to 2009 and shall be construed together as one.

...

Acts included or previously included in the collective citation and construction:

- *Criminal Justice (Miscellaneous Provisions) Act 2009* (28/2009), Part 4, (1.08.2009) by s. 1(2), S.I. No. 310 of 2009.
- *Criminal Justice Act 2007* (29/2007), Part 6, (18.05.2007) by s. 1(5), S.I. No. 236 of 2007.
- *Criminal Justice Act 2006* (26/2006), Part 5 and sch. 1, (1.08.2006) by s. 1(4), S.I. No. 390 of 2006.
- *Firearms (Firearms Certificates for Non-Residents) Act 2000* (20/2000), other than s. 4, (14.07.2000) by s. 8(2), commenced as per s. 8(3).
- *Firearms (Temporary Provisions) Act 1998* (32/1998), other than s. 2, (13.07.1998) by s. 4(2), commenced on enactment. Duration of Act extended (22.06.1999) by *Firearms (Temporary Provisions) Act Continuance Order 1999* (S.I. No. 189 of 1999), art. 2 and expired on 14.07.2000.
- *Firearms and Offensive Weapons Act 1990* (12/1990), Part II, (1.01.1991) by s. 3, S.I. No. 313 of 1990.
- *Firearms Act 1971* (13/1971) (20.07.1971) by s. 7, commenced as per s. 7(4).
- *Firearms (Proofing) Act 1968* (20/1968) (16.04.1969) by s. 14(2), S.I. No. 64 of 1969; excluded from the collective construction (1.01.1991) by *Firearms and Offensive Weapons Act 1990* (12/1990), s. 3(2), S.I. No. 313 of 1990 and excluded from the collective citation (14.07.2000)

by *Firearms (Firearm Certificates for Non-Residents) Act 2000* (20/2000), s. 8(2), commenced as per s. 8(3).

- *Firearms Act 1964* (1/1964) (28.01.1964) by s. 29(2), commenced on enactment.
- *Firearms Act 1925* (17/1925) (28.01.1964) by *Firearms Act 1964* (1/1964), s. 29(2), commenced on enactment.

- C2** Application of collectively cited *Firearms Acts* extended (9.12.1993) by *European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993* (S.I. No. 362 of 1993), regs. 8 and 13(1).

Provisions of Firearms Acts and other Statutes.

8. 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.

...

Offences.

13. (1) A person who contravenes any provision of these Regulations shall, without prejudice to any liability under the Firearms Acts, be guilty of an offence under these Regulations.

...

- C3** Application of Act extended (30.05.1972) by *Offences Against the State (Scheduled Offences) Order 1972*, (S.I. No. 142 of 1972), art. 2 and appendix.

2. It is hereby declared that the offences specified in the Appendix hereto shall be scheduled offences for the purposes of Part V of the Offences against the State Act, 1939 (No. 13 of 1939).

APPENDIX

...

3. Offences under the Firearms Acts, 1925 to 1971.

...

Editorial Notes:

- E1** Previous affecting provisions: definition of firearm extended (1.01.1991) by *Firearms and Offensive Weapons Act 1990* (12/1990), s. 4(1), S.I. No. 313 of 1990; superseded (1.08.2006) by new definition of firearm in *Firearms Act 1925* (17/1925), s. 1, as inserted (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 26, S.I. No. 390 of 2006.

Definitions.

1.—In this Act—

“the Minister” means the Minister for Justice;

“the Principal Act” means the Firearms Act, 1925.

Amendment of section 1 of Principal Act.

2.—F1[...]

Annotations

Amendments:

- F1** Repealed (1.01.1991) by *Firearms and Offensive Weapons Act 1990* (12/1990), s. 4(2)(b), (S.I. No. 313 of 1990).

Amendment of section 2 of Principal Act.

3.—Section 2 of the Principal Act is hereby amended—

(a) by the substitution in subsection (2) of “under this section” for “under this Act and shall be punishable accordingly”,

(b) by the insertion after subsection (2) of the following subsections:

“(2A) Where a person is guilty of an offence under this section he shall be liable—

(a) in a case where the offence relates to a sporting firearm or to any firearm in respect of which the defendant held a firearm certificate (if the firearm certificate most recently held by him was not revoked) or to any ammunition for, or component part of, either a sporting firearm or such other firearm—on summary conviction, in the case of a first offence, to a fine not exceeding £50 and, in the case of any subsequent offence, to a fine not exceeding £50 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment,

(b) in any other case—on summary conviction, to a fine not exceeding £200 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment, or, on conviction on indictment, to a fine not exceeding £500 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2B) (a) In subsection (2A) of this section ‘sporting firearm’ means a firearm (other than a firearm of a kind declared by an order under this subsection for the time being in force to be especially dangerous) which is a shotgun having a barrel of not less than 24 inches in length or an unrifled airgun or a rifled firearm of a calibre not exceeding .22 inches.

(b) The Minister may by order declare a firearm of a kind specified in the order to be especially dangerous and may by order amend or revoke an order under this subsection.”

(c) by the insertion after subsection (4) (i) (inserted by the Firearms (Proofing) Act, 1968) of the following:

“(j) the possession or carriage of a component part of a firearm by a person who stands authorised in that behalf under this section.”

and

(d) by the insertion in subsection (5) (a) (inserted by the Firearms Act, 1964) after “this section” of “, or of any component parts of a firearm,”.

Annotations

Editorial Notes:

- E2** The inserted subss. (2A) and (2B) above were subsequently substituted and deleted respectively in the *Firearms Act 1925* (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 27(a) and (b), S.I. No. 390 of 2006.

Application of section 15 of Principal Act.

4.—For the removal of doubt it is hereby declared that in section 15 of the Principal Act references to life and property include references to life and property outside the area of application of the laws enacted by the Oireachtas.

Sale, possession and carriage of parts.

5.—(1) Nothing in section 10 of the Principal Act shall make it unlawful for a person to sell a part of a firearm, being a replacement, spare or extra part for use solely as

part of such firearm, to a person (in this section referred to as the purchaser) who is the holder of a firearm certificate in respect of such firearm or who is entitled by virtue of the Firearms Acts, 1925 to 1971, to have possession of such firearm without having a firearm certificate therefor and no separate authorisation shall be required for the possession and carriage of such part by the purchaser.

(2) In this section "sell" has the meaning assigned to it by section 10 of the Principal Act.

Registration of dealers in sporting ammunition.

6.—(1) Section 9 of the Principal Act is hereby amended by the insertion after subsection (7) of the following subsections:

"(8) Registration (including registration in pursuance of a renewal of a previous registration) of a person in the register of firearms dealers may, at the discretion of the Minister, be made subject to the condition that the person shall not deal in firearms or deal in ammunition otherwise than by the sale and purchase of ammunition for shotguns, for unrifled airguns and for rifled firearms of a calibre not exceeding .22 inches, and a person whose registration in the register of firearms dealers is made subject to the condition aforesaid and who fails to comply with it shall, notwithstanding anything contained in section 10 (1) of this Act, be guilty of an offence under this Act.

(9) In any proceedings a certificate under the seal of the Minister stating that the registration of a person in the register of firearms dealers was subject, on a specified day or during a specified period, to the condition referred to in subsection (8) of this section shall be evidence of that fact unless the contrary is proved."

(2) Section 10 of the Principal Act is hereby amended by the insertion after subsection (6) of the following subsection:

"(7) The references in subsections (2) and (3) of this section to a registered firearms dealer shall, in relation to a sale of any firearm or ammunition, be construed as references to a registered firearms dealer for whom it is lawful to purchase that firearm or ammunition by way of trade or business."

(3) Section 11 of the Principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

"(2A) If and when the Minister is satisfied that any person who is registered in the register of firearms dealers and whose registration is subject to the condition referred to in section 9 (8) of this Act has failed to comply with the condition, the Minister may remove the name of such person from the register aforesaid."

Short title, collective citation, construction and commencement.

7.—(1) This Act may be cited as the Firearms Act, 1971.

(2) The Firearms Acts, 1925 to 1968, and this Act may be cited together as the Firearms Acts, 1925 to 1971.

(3) The Principal Act and this Act shall be construed together as one Act.

(4) This Act shall come into operation on the fourteenth day after the date of its passing.