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*Number 32 of 1998*

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**FIREARMS (TEMPORARY PROVISIONS) ACT 1998**

**RESTATEMENT**

**Updated to 8 April 2010**

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This restatement of the *Firearms (Temporary Provisions) Act 1998* is certified by the Attorney General under section 2(1) of the *Statute Law (Restatement) Act 2002* (33/2002) to be a statement of the law contained in the *Firearms (Temporary Provisions) Act 1998* as on 8 April 2010.

Dated this [day] day of [month] 2010.

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Paul Gallagher S.C.  
Attorney General

Laid before both Houses of the Oireachtas in accordance with section 8 of the *Statute Law (Restatement) Act 2002* (33/2002) on the [day] day of [month] 2010.





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#### **Introduction**

Statute law restatement, as provided for in the *Statute Law (Restatement) Act 2002*, is an administrative consolidation of an Act. It is made publicly available in printed or electronic form in a single text and is certified by the Attorney General as an up-to-date statement of the Act in question. It does not have the force of law but can be cited in court as prima facie evidence of the relevant law.

The restatement presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first 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*, 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)\*
- *Firearms (Temporary Provisions) Act 1998* (32/1998)\*
- *Firearms (Firearms Certificates for Non-Residents) Act 2000* (20/2000)\*
- *Criminal Justice Act 2006* (26/2006),\* Part 5 and Schedule 1
- *Criminal Justice Act 2007* (29/2007),\* Part 6
- *Criminal Justice (Miscellaneous Provisions) Act 2009* (28/2009), Part 4 (not amended)

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 *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.

\* Restated.

#### **Annotations**

The restatement contains three types of note, one for amendments, one for legislative effects which do not alter the text of the restated Act (non textual amendments) and the third for editorial comments:

- F-notes, or footnotes, explain textual amendments to the legislation as originally passed. Amendments are presented as coloured text with an accompanying F-note number at the start of the amending text, matched by an F-note below the section explaining the origin of the amendment.
- C-notes, or cross-reference notes, are included beneath the title, a part or chapter to describe non-textual amendments or legislative material that affects the restated Act, part or chapter generally. Material that affects a particular section is presented, again as a C-note, after that section.
- E-notes, or editorial notes, indicate editorial comments, and include references to the exercise of power to make subsidiary legislation, and to previous affecting provisions.

Three uncoloured dots ... are used in the annotations to signify material which has been omitted because it is not relevant.

### Format of annotations

This format is best illustrated by explaining a complex example, not taken from this restatement.

**C2** Application of Act extended (26.11.2001) by *Prevention of Corruption (Amendment) Act 2001* (27/2001) ss. 3-6 and 9-10, S.I. No. 519 of 2001 (with the exception of s. 4(2)(c), commenced (4.11.2002) by S.I. No. 477 of 2002), as amended (1.08.2006) by *Criminal Justice Act 2006* (26/2006), s. 191, S.I. No. 390 of 2006.

- The note in bold type (C2) tells the reader what type of provision is being annotated and the number of that particular type of note within the annotations to the Act. In the case of F-notes, a companion note of the same number will be found in the text.
- The next part of the annotation ("extended") states what change or effect is being described by the note. Where a textual amendment has been made, this will typically read "substituted", "inserted", "repealed" or "amended". Other descriptions such as "applied" and "excluded" tell the user why the note has been included in the restatement.
- After this the reader will see a date in the format (26.11.2001), meaning 26 November 2001. This date is the date on which the original alteration was made operative or commenced, not necessarily the date on which it was enacted.
- The date is followed by the title of the Act or statutory instrument which affects or refers to the legislation being restated.
- This is followed by brackets indicating the year and number of that Act or statutory instrument (27/2001).
- After this the section or sections of that Act which have an effect are listed (ss. 3-6 and 9-10).
- After the affecting parts have been listed, the commencement information is included (S.I. No. 519 of 2001). If the Act was commenced on enactment, this is recorded here.
- The annotation concludes with information on whether the affecting Act has itself been amended. In the case above the affecting part of the 2001 Act was amended by the cited Act from 2006. This subsequent amending Act is referred to in a manner consistent with the standard notation.

### **Commencement provisions**

Acts come into effect on signature by the President (the date printed in square brackets after the long title) if they contain no specific commencement provisions. However, many Acts do not come into force on signature by the President but contain commencement provisions which stipulate another date or authorise someone, usually a Minister, to bring them into operation by order. Such orders, known as "commencement orders", are statutory instruments. They usually contain the name of the Act and the word "commencement" in their titles, for example *Firearms and Offensive Weapons Act 1990 (Part II) (Commencement) Order 1990* (S.I. No. 313 of 1990).

Commencement information is very important, as a statutory provision which is not commenced has no effect. Commencement information is shown in two ways in this restatement:

- Section 30 sets out the commencement date of this Act.
- Any commencement information relating to when amendments came into effect is stated in brackets in the annotations, with the relevant statutory instrument referred to after the amending provision (see **Format of annotations** above).

### **Acts which affect or previously affected this restatement**

None.

All Acts up to and including *Finance Act 2010* (5/2010), enacted 3 April 2010, were considered in the preparation of this restatement.

### **Statutory instruments, orders and regulations which affect or previously affected this restatement**

- *Firearms (Temporary Provisions) Act 1998 Continuance Order 1999* (S.I. No. 189 of 1999).

All statutory instruments up to and including *Medical Practitioners Act 2007 (Commencement) Order 2010* (S.I. No. 150 of 2010), made 8 April 2010, were considered in the preparation of this restatement.





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**FIREARMS (TEMPORARY PROVISIONS) ACT  
1998**

**RESTATEMENT**

**Updated to 8 April 2010**

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ARRANGEMENT OF SECTIONS

Section

1. Conditions for granting firearm certificates to persons not ordinarily resident in State.
2. Conditions for granting or renewal of licences under section 29 of Wildlife Act, 1976, to persons ordinarily resident outside State.
3. Non-application to certain proceedings.
4. Short title, construction and duration.

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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
European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations, 1993	S.I. No. 362 of 1993



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**FIREARMS (TEMPORARY PROVISIONS) ACT  
1998**

**RESTATEMENT**

**Updated to 8 April 2010**

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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:

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

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.

(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.

(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,

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.

Short title, construction and duration.

4.—(1) This Act may be cited as the Firearms (Temporary Provisions) Act, 1998.

(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.

**Annotations****Editorial Notes:**

- E1** Power pursuant to section exercised (22.06.1999) by *Firearms (Temporary Provisions) Act 1998 Continuance Order 1999* (S.I. No. 189 of 1999), art. 2.
2. The *Firearms (Temporary Provisions) Act, 1998* (No. 32 of 1998), is hereby continued in operation for a period of 12 months from the 14th day of July, 1999.