



BILLE NA hARM TINE (PROMHADH), 1968
FIREARMS (PROOFING) BILL, 1968

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Provision by the Institute of facilities for proofing firearms.
3. Duties of Institute regarding proofing of firearms.
4. Prohibition on export, sale, letting or use of unmarked firearms, and recognition of foreign proof marks.
5. Registration by Minister of prescribed marks.
6. Offences regarding application of marks to firearms.
7. Section 10 (1) of Principal Act not to apply to Institute.
8. Amendment of section 2 of Principal Act.
9. Amendment of section 21 (2) of Principal Act.
10. Penalties.
11. Prosecution of offences.
12. General provisions regarding orders or regulations.
13. Expenses of Minister.
14. Short title, collective citation and commencement.



BILLE NA nARM TINE (PROMHADH), 1968
FIREARMS (PROOFING) BILL, 1968

BILL

entitled

AN ACT TO PROVIDE FOR THE PROOFING BY THE INSTITUTE FOR INDUSTRIAL RESEARCH AND STANDARDS OF CERTAIN FIREARMS, TO AMEND AND EXTEND THE FIREARMS ACTS, 1925 AND 1964, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 5 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

1964, No. 1.

“the Act of 1964” means the Firearms Act, 1964;

“firearm” has the meaning assigned to it by section 1 (1) of the Principal Act, as extended by section 2 (1) of the Act of 1964; 15

“the Institute” means the Institute for Industrial Research and Standards;

“the Minister” means the Minister for Industry and Commerce;

“prescribed” means prescribed by regulations made by the Minister under this Act; 20

1925, No. 17.

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

Provision by the Institute of facilities for proofing firearms.

2.—As soon as may be after the commencement of this Act, the Institute shall provide or procure under its control such facilities as shall be approved by the Minister for the proofing of firearms for the purposes of this Act. 25

Duties of Institute regarding proofing of firearms.

3.—Upon the provision or procurement by it of the facilities referred to in section 2, the Institute shall—

(a) in accordance with such methods as shall be prescribed, proof all firearms presented to it for that purpose under this Act, 30

(b) apply to all firearms proofed by it under this Act (if found of proof) such mark or marks as shall be prescribed,

(c) charge to a person presenting to it firearms for proofing under this Act such fees as shall be prescribed.

Prohibition on export, sale, letting or use of unmarked firearms, and recognition of foreign proof marks.

4.—(1) The Minister may by order prohibit the export, sale, letting 35 under a hire-purchase agreement or on hire, or the use of any firearms, or any specified class of firearms, unless there has been applied to such firearms either—

(a) a mark prescribed under this Act for application to firearms, or 40

(b) a mark required or authorised under the law of another State to be applied to such firearms, being a mark recognised for the purposes of this section by the Minister.

(2) The Minister may in an order under this section make such exceptions to any prohibition in the order in such circumstances as he thinks fit.

(3) The Minister may by order revoke or amend an order under this section.

(4) A person who contravenes an order under this section shall be guilty of an offence.

(5) Where the Minister recognises for the purposes of this section a mark required or authorised by the law of another State to be applied to firearms, he shall give such notice of such recognition, in "Iris Oifigiúil" and at least one newspaper circulating in the State, as he may think fit, and shall enter in a book (which shall be known, and is in this Act referred to, as the register of foreign proof marks) kept by the Minister for that purpose a copy of every such mark so recognised, and the register of foreign proof marks shall be open for inspection by any person at such times as the Minister may appoint.

(6) The Minister may, if he thinks fit, limit the application of any order under this section to firearms intended for sale in any country or countries (including, in either case, the State) specified in the order.

5.—The Minister may procure the registration in any register maintained in any place outside the State of a mark prescribed under this Act and may procure himself to be entered in that register as the proprietor of that mark.

Registration by
Minister of
prescribed marks.

6.—(1) A person other than the Institute shall not—

Offences regarding
application of
marks to firearms.

(a) apply to any firearms a mark prescribed under this Act for application to firearms or a mark so nearly resembling such a mark as to be calculated to deceive,

(b) sell, expose for sale or have in his possession for sale or for any purpose of trade or manufacture, any firearms to which any mark, so nearly resembling a mark prescribed under this Act for application to firearms as to be calculated to deceive, has been applied,

(c) make or have in his possession any die, block, machine or other instrument for the purpose of applying to firearms either a mark prescribed under this Act for application to firearms or a mark so nearly resembling such a mark as to be calculated to deceive.

(2) A person who contravenes this section shall be guilty of an offence.

7.—Section 10 (1) of the Principal Act shall not apply to the Institute.

Section 10 (1)
of Principal Act
not to apply to
Institute.

8.—Section 2 of the Principal Act is hereby amended by the insertion after subsection (4) (h) (inserted by section 15 of the Act of 1964) of the following:

Amendment of
section 2 of
Principal Act.

"(i) the possession, use, or carriage of a firearm or ammunition in the course of his duties by an officer of the Institute for Industrial Research and Standards charged with the operation of facilities for proofing firearms provided or procured by that Institute under the *Firearms (Proofing) Act, 1968*."

Amendment of
Section 21(2)
of Principal
Act.

9.—Section 21 (2) of the Principal Act is hereby amended by the insertion after “this Act” of the following: “, and may seize any firearms found in any such place to which a mark, being a mark mentioned in section 4 (1) (a) or 4 (1) (b) of the *Firearms (Proofing) Act, 1968*, has not been applied and in relation to which he reasonably believes or suspects that a breach of an order under the said section 4 has occurred”.

Penalties.

10.—(1) A person found guilty of an offence under this Act for which no express penalty has been provided shall be liable on summary conviction to a fine not exceeding one hundred pounds or to a term of imprisonment not exceeding six months, or, at the discretion of the court, to both such fine and such imprisonment.

(2) Where a person has been convicted of an offence under this Act and the contravention in respect of which he has been so convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding twenty pounds for each day on which the contravention is so continued.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of the offence.

Prosecution of
offences.

11.—An offence under this Act may be prosecuted by the Minister.

General provisions
regarding orders
or regulations.

12.—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.

(2) Every order or regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next twenty-one days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses of
Minister.

13.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title,
collective citation
and
commencement.

14.—(1) This Act may be cited as the *Firearms (Proofing) Act, 1968*.

(2) The *Firearms Acts, 1925 and 1964*, and this Act may be cited together as the *Firearms Acts, 1925 to 1968*.

(3) This Act shall come into operation on such day as the Minister by order appoints for that purpose.

BILLE

dá ngairtear

Acht do dhéanamh socrú chun airm tine áirithe a phromhadh ag an Institiúid Taighde Tionscail agus Caighdeán, do leasú agus do leathnú Achtanna na nArm Tine, 1925 agus 1964, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

An tAire Tionscail agus Tráchtála a thug isteach

Rite ag Dáil Éireann, 20 Meitheamh, 1968

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuaire, Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

Cló-bhuailte ag CAHILL & Co., LTD.

[*Luach: Naoi bPingin Glan*]

BILL

entitled

An Act to provide for the proofing by the Institute for Industrial Research and Standards of certain firearms, to amend and extend the Firearms Acts, 1925 and 1964, and to provide for other matters connected with the matters aforesaid.

Introduced by the Minister for Industry and Commerce

Passed by Dáil Éireann, 20th June, 1968

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly from the Government Publications Sale Office, G.P.O. Arcade, Dublin.

Printed by CAHILL & Co., LTD.

[*Price: Ninepence Net*]