

**IRISH AIRSOFT  
ASSOCIATION**

**... BY AIRSOFTERS, FOR AIRSOFT**

## Irish Airsoft Association

Airsoft, The MPB and You

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# Foreword

## *Introductory Comments*

This document serves as an introduction to the Criminal Justice (Miscellaneous Provisions) Bill 2009, as exists at the date of writing. The Airsoft community has been eagerly awaiting the text of this Bill. Now that it is here, the IAA are happy to attempt to clarify and put in general terms what this Bill means for Airsoft, where there is clarification needed, and how we mean to progress in our conversations with the Department of Justice, Equality and Law Reform, Customs, an Garda Síochána and other government agencies we have been liaising with.

This document serves to inform our membership, as well as the Airsoft community of individuals and businesses, what the Bill means to them in plain language, and how we will progress. We would like to thank all members of the Airsoft community who have made their voices heard on this matter in a constructive and eloquent fashion.

## *Consultation Process*

The IAA wishes to acknowledge the cooperation and help obtained from the Department, specifically those of Crime 4 Unit. From the outset, we have seen nothing but an open and honest wish to consult and move forward with our sport in mind. We are certain that we would not be where we are today were it not for the willingness on their part to listen to our concerns, and move forward with them in mind. These people are friends of Airsoft, and working with them has proven very productive. It is a testament to their commitment that they contacted the IAA by telephone within an hour of the publishing of the Bill to discuss it.

We would also like to acknowledge the hundreds of prominent and anonymous Airsofters alike, who have both given us their time and expertise, and encouraged this process to continue. The IAA consulted with the Department and helped make this legislation happen in a way more conducive to our sport remaining in existence. However, the IAA is bigger than its committee. It is a gathering together of Airsoft players and businesses that have decided that self-governance and working within the structures of the State and local bodies is the way forward for our sport.

The IAA has proceeded in an open and honest manner to date, and will continue to do so. Our meeting processes and decision-making processes are open for scrutiny. We publish detailed notes for all our meetings, are available for any queries, and are answerable to our members.

## *Summary of the Bill*

The Criminal Justice (Miscellaneous Provisions) Bill 2009 is a bill being introduced to amend certain aspects of criminal law, where it's become clear they need to be amended in practice. Most of these laws are to do with Firearms, European arrest warrants, Bail, Theft and Fraud, and touch on a lot of things.

The Bill itself is presented as two documents: The Bill itself and a Memorandum. The Memorandum serves to provide a slightly simpler explanation of the intent of the Bill itself, while not being legally binding (i.e. if the wording of the Bill disagrees with the intent as stated in the memorandum, the Bill 'wins').

As regards Airsoft, the Bill has sections pertaining to having in public a replica imitation firearm (or 'RIF', a legal term for replicas such as Airsoft devices). It also defines restrictions on import and sale of RIFs, provisions for the running of Airsoft Venues, defines some offences related to improper practices in business and personal use, and allows the Minister to ban sale and import, or require colorization ('two-tone' or clear plastic) if the Minister feels the other provisions aren't working.

These sections are numbered 9(A) to 9(H), and will be inserted into the Firearms and Offensive Weapons Act 1990 by this Bill.

# The Bill

One thing that should be remembered is that this Bill is not law yet. It may be amended, clarified or have parts added or removed before it is law. The IAA will be working closely with the Department on recommendations and guidelines.

This section will describe some of the major points as described and enquired about by our membership. We'll move on to things we need clarified in the next section.

## *Major Points*

### Personal Ownership

The Bill in its current form does not place restrictions on personal ownership of RIFs. It places a restriction on the age of someone who may buy them to 16 or over. There is no requirement to inform a local superintendant, or make yourself known to any agency.

### Brandishing/Possession in Public

Section 9(A) makes it an offence to be in possession of an Airsoft device in public without good reason. This would include having one about your person or in your car just for the sake of having it there, rather than because you are bringing it to a venue to use, or bringing it for repair.

The term "reasonable excuse" means the onus is on you to prove you have it in your possession legitimately. Being able to prove you are a skirmisher by having an IAA card is a good way of doing this, but there are many ways you can also do this (such as having the contact details of the Venue or Retailer you're visiting to hand, or any other means).

### Permission for use at a Venue

Section 9(B) makes it a requirement for an Airsoft venue to have permission from the local Garda Superintendant to operate and have RIFs in use. This permission would have to be given on an annual basis, and the Superintendent may impose conditions on this permission, which he may withdraw at any time.

## Restrictions on Import, Repair and Sale and Retailer Certification

Sections 9(C-D) say that you will need to be certified in order to import, sell, repair or test Airsoft devices. It sets out some headings for the type of premises required in order to operate, but is non-specific about the actual requirements. The Department has asked the IAA to come up with these requirements, and we anticipate that the requirements will be something similar to our current requirements for affiliated retailers.

It also sets out additional requirements for who may obtain a certificate to be an Airsoft retailer (i.e. you may not have a previous firearms-related offence, be out on bail, be under 21 years of age or be of unsound mind), and says that a certification may be revoked by the retailer themselves or the minister.

This part also restricts sale of Airsoft devices to over 16s.

Section 9(F) gives the Gardai the power to enter the premises of an Airsoft retailer and inspect their stock. This is also a requirement of IAA affiliation, but it will become an offence to impede the Gardai from doing this.

## Ministerial Powers

Sections 9(G) and 9(H) give the minister the power to either ban import and sale of Airsoft devices, or force them to be 'two-tone' or transparent. This would happen if the minister felt that the rest of these changes were not enough to make sure Airsoft devices were not being abused, or were a danger to the public.

Any such decision would have to be done after consultation with the Garda Commissioner. It would also have to go before the Oireachtas, and may be annulled within 21 days if the Oireachtas votes against it.

## *Clarifications needed*

A number of issues and clarifications have come up in the short time since the Bill has been released. This is by no means an exhaustive list, but identifies the major points that we have been asked about, and will be seeking clarification from the Department regarding.

### Possession in Public

This section is in line with the IAA stance on possession in public, and even contains a similar wording to our proposal submitted to the department. We'll be seeking clarification on enforcement, but we are satisfied that this section will not prove a great inconvenience to legitimate skirmishers and collectors.

### Personal Imports

The issue of personal imports, as the IAA understands it, was a *fait accompli* from the start, even without this Bill. EU directives with respect to the movement of firearms will soon come into effect, restricting the use of the postal system for the transport of Firearms or parts thereof, which would make the job of customs completely unworkable in distinguishing real from replica. Our talks with the Department have always been with the undercurrent that this is going to happen, and there is no budging on it. We realise that this will cause great inconvenience to collectors and enthusiasts, and will continue to make representations in this regard. There may be a workaround or compromise we can come to.

### Personal Sales

Section 9(D) Paragraph 1 would appear to restrict the private sale of Airsoft devices. There is some debate on this matter. It would not make sense to restrict the private sale of an item that may be bought without license or identification in a shop. It is our impression that most retailers would not be interested in second-hand sales. If private sale is not allowed, many Airsoft devices may end up in the wrong hands, in landfill sites to be found, or worse still on a 'black market' for Airsoft devices.

The difficulty of policing private sales has also been pointed out. The IAA will be seeking clarification on this matter directly, and strongly recommending that private sales be allowed.

### Oversight for Venue Permission

Under section 9(B), a Superintendent's word on permission for an Airsoft venue is final, with no oversight. The IAA have dealt with instances in the past where Superintendants have attempted to shut down Airsoft venues with no good reason or cause, and would like there to be some oversight into the decisions made here. Existing venues may be closed down by this section, and the barrier to entry for new venues may be very high or even impossible in large sections of the country, due to misinformation, or lack of information.

The IAA will be querying this section, and also seeking a meeting with the Garda commissioner, as well as looking into an informational campaign for local Superintendants across the country.

## Retailer Certification

This came up at our previous meeting with the Department, where they asked us to devise the guidelines for retailers. These guidelines will basically set out minimum requirements for retailers. The guidelines will be along the lines of those required for IAA affiliation, with some other regarding security, location and window displays. It is hoped that no existing affiliates or non-affiliated shops we know of should be affected greatly. This will almost certainly affect "Gadget shops" and public market stalls where Airsoft devices are now sold. We will be making a submission with regard to these requirements soon, and urgently invite submissions from affiliates.

## Ministerial Powers

Under 9(G,H), the Minister has the power to ban sales and imports, or require two-tone or clear plastic replicas. This has to be done after consultation with the Garda Commissioner, and is subject to review. While this may look like a scary section, consultation is required with the Commissioner and subsequent Dáil appeal is available to annul the decision. In anticipation of such a section being included in the bill the committee has drafted an alternative section based on standard Irish legislation with respect to oversight of ministerial powers and oversight of such that we will be strongly lobbying to have inserted.



# Closing Statement

## *Airsoft Today*

In a previous meeting with Charles Flanagan, Fine Gael Spokesperson on Justice, Equality and Law Reform and member of the Dáil Justice committee, we reached a turning point in our dealings with the Department. At that time, after our consultation, he told us "Airsoft Is Here To Stay". With the publication of this Bill, Airsoft is no longer a legal anomaly. It will have a solid footing in the laws of the state. It will be regulated in accordance with guidelines devised by the community through the IAA. We have come a long way, but our journey is by no means over.

## *A Call to Action*

Airsoft as a sport does not belong to anyone. It has been the objective of the IAA to retain this situation, while putting the sport into a state where it is recognized, regulated and safe for all to play. It is the responsibility of the players and businesses to distinguish themselves in their honor and in their integrity, and we have done this so far.

Our success so far has been due to the belief that so many players and businesses have had in the power of self-governance. It is only through acting together with one voice in a clear and unfettered manner that we can hope to progress. If the Minister ever seeks to use their ability to ban or restrict our sport, we need to be able to defend ourselves as upstanding citizens going about our hobby as part of our everyday lives.

If you are reading this document, then it is your responsibility to make sure Airsoft is here in five, ten, and fifty years for our children to play. These are important and critical times, and distinguishing ourselves as law-abiding, honorable and upstanding, both on and off the field will be critical in the coming months and years.

We have every confidence that this will happen. Thank you.