

Licensed RIF Retailer Standards

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Preface

This document contains standards for the layout and operation of licensed retailers of RIF (Replica Imitation Firearms) in Ireland, as set out by the IAA. The IAA is the governing body for Airsoft in Ireland since 2007, and has produced this document at the request of the Department of Justice, Equality and Law Reform.

Relevant Parts of Bill

The relevant sections of the Bill are quoted here, and can be found as Section 38 (9C) (8-9) in the Bill.

(8) The Minister, after consultation with the Commissioner, may by regulations specify minimum standards to be complied with in relation to premises in which a dealer in realistic imitation firearms carries on business or proposes to do so.

(9) The minimum standards shall be determined by reference to—

- (a) the security of the premises,
- (b) the location of the premises,
- (c) their safety,
- (d) their standard of construction,
- (e) window displays, and
- (f) types of merchandise,

Existing IAA Retailer Standards

The IAA has maintained a set of retailer standards, which IAA affiliates have adhered to in a manner proven to not adversely affect business for a period of two years. The IAA Retailer regulations are reproduced here.

1. Retailers must operate to all applicable trading standards within the current Irish Legislation.
2. Retailers must not engage in business practice which brings the sport of airsoft into disrepute.
3. Retailers must not knowingly supply, make available any airsoft device which contravenes the current Criminal Justice Act 2006 definition of a firearm (the 1 joule limit).
4. Retailers must not provide service, mechanical alteration or enhancement to an airsoft device which causes said individual device to exceed the limitations imposed by the Criminal Justice Act 2006.
5. Retailers must not supply any device incorporating a pyrotechnic charge as directed by the current legal limitations.
6. Retailers must follow the procedure for chronograph testing of devices where those devices are checked.
7. Retailers must not sell or make available any airsoft device to persons below 16 years of age.
8. Retailers must seek permission of a parent or guardian before making available airsoft devices to persons between 16-18 years.
9. Retailers must confirm a person is aged 18 or above before retailing to them as an individual. Identification must be a legitimate photographic ID to wit: Passport, Drivers License, National Age Card, Immigration Card or other government issued ID incorporating a photograph of the individual and their date of birth. (possibly the use of the IAA Membership card supported by a relevant entry in the IAA database)
10. Retailers must not make available devices to any person they deem to be likely to use an airsoft device for dangerous or illegal purposes which is to include (but is not limited to) intent to use against animals, children or for use in public or as a means of self protection or criminal purpose.
11. Retailers are obliged to ensure that reasonable steps are taken to prevent theft of equipment from storage or retail premises which must include proper lock-up procedures.
12. Retailers are obliged to permit random spot inspections of their premises by both the IAA staff and relevant authorities (likely An Garda Siochana).
13. Retailers must co-operate in every reasonable respect with the relevant authorities (customs & excise, trading standards, Gardai, Department of Justice etc).
14. Retailers must acknowledge that deliberately breaking these guidelines may result in the revocation of affiliation with the IAA.

These guidelines effectively set a standard for trading as a responsible retailer. The Bill seeks to add guidelines for the premises in which business is carried out. When enacted, these new guidelines will be automatically incorporated into the guidelines here via item 1 above.

Standards of Premises

These standards seek to provide a baseline for existing and future RIF retailers, including those who do online sales only. Some examples of the setups of some exiting RIF retailers are:

- An industrial unit on the second floor of an industrial complex in an industrial estate.
- An industrial unit at the rear of an industrial complex off a residential road.
- A secured storage area in a residence (online sales only).
- A storage lock-up within a commercial storage facility with 24/7 surveillance (online sales only)
- An industrial unit with enclosed steel container secured to the floor.
- A retail unit located away from main thoroughfares with blacked-out windows.

This includes walk-in RIF retailers, as well as online retailers who do not have a walk-in presence.

We believe all the above examples are adequately secure from theft and break-in, and do not present an enticement to casual sale.

Security

The premises will have a monitored alarm system with CCTV in place, where the premises are not normally occupied. For example, this would not be necessary if the building or location has 24/7 security personnel, or is a residence. All keyholders shall be fully briefed on the contents of the unit to prevent misunderstandings.

Location

Airsoft retailers shall not be located in dedicated shopping centres. If a retailer is based in a street location or on a public thoroughfare, no RIF should be on public display, or in a position where it could be seen from outside the premises. The intention is for the buyer to be aware of the location and nature of the retailer in advance, and to discourage casual sale of RIF.

Safety

RIF shall not be discharged, or left in a state where they may be discharged, in the showroom area of the retailer premises. If the retailer wishes to allow customers to test-fire RIF, it shall be done in a separate area using suitable safety equipment.

Standard of Construction

Airsoft retail stores shall be located in a permanent fixed location. This includes residences, industrial units, retail units, storage facilities or other similar locations. Retail stores should not be located at non-permanent locations such as market stalls or similar.

Construction of premises shall be to all EU standards for premises. Adequate security measures shall be used to prevent breakin or theft.

In an instance where the premises is not secured by permanent means or construction, the area where RIF are stored will be of a standard of construction as to prevent theft without the use of specialised tools. For example, a locked steel cage or container within a premises may be used to store actual RIF, with other stock stored elsewhere.

Window Displays

Where a retailer premises is publically visible, there shall be no exterior display of any RIF, or any representation or mention thereof in any promotional material or signage. Specifically, words such as "gun", "airgun", "rifle", "weapon" and "pistol" shall not be visible. Ideally, the only visible indication of the premises shall be the business name, or an abbreviation thereof or recognisable logo thereof which meets the guidelines above.

Types of Merchandise

RIF Retailers shall only make available for sale RIF and equipment and parts related to same in any given premises. This includes:

- RIF
- Accessories, ammunition, gas and parts for RIF.
- Military or Tactical Clothing, equipment, accessories and publications.

Where non-licensed business is carried on in any premises to which an ARS (Airsoft retail store) is attached, the holder of the licence shall ensure that either—

(a)

(i) the exposure for sale and the sale of RIF is exclusively confined to a part of the licensed premises—

(I) which is structurally separate from the remainder of the premises by means of a wall or similar barrier,

(II) to which access from the remainder of the premises by members of the public may only be obtained by means of a door, gate or turnstile or similar means of access,

(III) which members of the public do not have to pass through in order to obtain access to the remainder of the premises, and

(IV) in which none of the non-licensed business is carried on except the exposure for sale and the sale of any non related material which is also, and at the same times, exposed for sale and sold in the remainder of the premises,

And

(ii) the only place within the premises at which members of the public may pay for RIF is at a counter or point of sale situated within the part referred to in subparagraph (i),

(1B) Subsection (1A) shall not apply in relation to—

(a) any premises where the only non-licensed business carried on is the exposure for sale and the sale of—

(i) Military/Tactical Clothing and accessories.

(ii) Militaria and Military collectibles.

(iii) Publications related to Airsoft or Militaria.

(iv) Tools suitable for modification of RIF or accessories.

(v) such other commodities (if any) as may be prescribed in regulations made under subsection (1C) for the purpose of this subparagraph.

(1C) Subject to subsection (1D), the Minister may make regulations to prescribe commodities for the purposes of subparagraph (v) of paragraph (b) of subsection (1B).

(1D) The Minister shall not prescribe a commodity under regulations made under subsection unless the Minister is satisfied that the commodity is not ancillary to, and connected with, the sport of Airsoft, of the collecting of RIF equipment.

(1E) Every regulation made under subsection (1C) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling it is passed by either House within the next subsequent 21 days on which that House has sat after the regulation is laid before it, it shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

Conclusions

It is the overwhelming opinion of the Airsoft community that additional regulation of RIF sale is necessary, and we welcome the ability we have been given to participate in the legislative process.

Our overall aim is to eliminate casual sale of RIF such as those sold in "Gadget shops", "Market Stalls" and in other premises where the primary motivation is profit at the expense of the safe use of RIF for its intended purpose in the sport of Airsoft and in collecting.