Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 20 *of* 1968

FIREARMS (PROOFING) ACT 1968

REVISED

Updated to 28 May 2019

This Revised Act is an administrative consolidation of the *Firearms (Proofing) Act 1968*. 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 *Greyhound Racing Act 2019* (15/2019), enacted 28 May 2019, and all statutory instruments up to and including *European Communities (Sheep Identification) (Amendment) Regulations 2019* (S.I. No. 243 of 2019), made 28 May 2019, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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FIREARMS (PROOFING) ACT 1968

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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.

ACTS REFERRED TO

Firearms Act, 1964	1964, No. 1
Firearms Act, 1925	1925, No. 17

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FIREARMS (PROOFING) ACT 1968

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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. [3*rd July*, 1968]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Editorial Notes:

E1 Previous affecting provision: application of collectively cited *Firearms Acts 1925 to 1990* extended (9.12.1993) by *European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993* (S.I. No. 362 of 1993), reg. 8; *Firearms (Proofing) Act 1968* (20/1968) subsequently 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).

E2 Previous affecting provision: offences under the *Firearms Acts 1925 to 1971* declared to be scheduled offences for the purposes of Part V of the *Offences Against the State Act 1939* (No. 13 of 1939) (30.05.1972) by *Offences Against the State (Scheduled Offences) Order 1972* (S.I. No. 142 of 1972), art. 2 and appendix, commenced on enactment. *Firearms (Proofing) Act 1968* (20/1968) subsequently 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).

Definitions.

1.—In this Act—

"the Act of 1964" means the Firearms Act, 1964;

F1**[**...**]**

"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;

"the Principal Act" means the Firearms Act, 1925.

Annotations

Amendments:

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

Editorial Notes:

E3 Previous affecting provision: 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 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.

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.

Duties of Institute regarding proofing of firearms.

3.—Upon the provision or procuration 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,

(*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 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

(*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.

Registration by Minister of prescribed marks.

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.

Offences regarding application of marks to firearms.

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

(*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.

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

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

Amendment of section 2 of Principal Act.

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:

"(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.

Annotations

Editorial Notes:

E4 Power pursuant to section exercised (16.04.1969) by *Firearms (Shotguns) (Proofing Methods, Marks and Fees) Regulations 1969* (S.I. No. 65 of 1969).

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.

Annotations

Editorial Notes:

E5 Power pursuant to section exercised (16.04.1969) by *Firearms (Proofing) Act 1968 (Commencement) Order 1969* (S.I. No. 64 of 1969).

2. The 16th day of April, 1969, is hereby appointed as the day on which the Firearms (Proofing) Act, 1968 (No. 20 of 1968), shall come into operation.

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REVISED

Updated to 28 May 2019

About this Revised Act

This Revised Act 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 1990: this Act is one of a group of Acts included in this collective citation, (*Firearms and Offensive Weapons Act 1990* (12/1990), s. 3(1)). The Acts in the group are:

- *Firearms Act 1925* (17/1925)
- *Firearms Act 1964* (1/1964)
- *Firearms (Proofing) Act 1968* (20/1968)
- *Firearms Act 1971* (13/1971)
- *Firearms and Offensive Weapons Act 1990* (12/1990), Part II

Firearms (Proofing) Act 1968 (20/1968) is excluded from the collective citation (*Firearms Acts 1925 to 2009*) from 14 July 2000 by *Firearms (Firearms Certificates for Non-Residents) Act 2000* (20/2000), s. 8(2).

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Firearms (Firearm Certificates for Non-Residents) Act 2000* (20/2000)
- *Firearms (Temporary Provisions) Act 1998* (32/1998)
- *Firearms and Offensive Weapons Act 1990* (12/1990)
- *Firearms Act 1971* (13/1971)

All Acts up to and including *Greyhound Racing Act 2019* (15/2019), enacted 28 May 2019, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993* (S.I. No. 362 of 1993)
- *Offences Against the State (Scheduled Offences) Order 1972* (S.I. No. 142 of 1972)
- *Firearms (Shotguns) (Proofing Methods, Marks and Fees) Regulations 1969* (S.I. No. 65 of 1969)
- *Firearms (Proofing) Act, 1968 (Commencement) Order 1969* (S.I. No. 64 of 1969)

All statutory instruments up to and including *European Communities (Sheep Identification) (Amendment) Regulations 2019* (S.I. No. 243 of 2019), made 28 May 2019, were considered in the preparation of this revision.