

Firearms Licensing: Bereavement of Certificate Holders (Advice for Families)



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Introduction

When a loved one passes away, it may be hard to keep up with all the different things that have to be arranged and managed. We understand that you may not be familiar with the law in respect of firearms, shotguns, and ammunition, and this guidance will help explain the considerations and options you will have if guns form part of the estate of a certificate holder who has recently passed away.

Across the United Kingdom we have strict laws to control the possession and acquisition of a firearms, shotguns, and ammunition. To comply with the law, individuals need to obtain a certificate from the licensing authority, which is the police force in which you reside.

You should consider if the person who has passed away has left any information for you concerning what is to be done with the guns, or if they themselves, have put arrangements in place.

Please be assured that the police do not wish to add any additional burden to you at a difficult time, however, there is a duty on the police to ensure that there is no danger to you or anyone else in respect of the guns that are left.

Initial Actions

Help is only a phone call away and the police will assist you in dealing with, and taking care of, any guns that have been left in the estate of a loved one.

We would ask that as a matter of urgency, you contact your local firearms licensing department to inform them of the death. They can provide immediate support and guidance to you.

It is important to remember the fact that, a gun may be lawfully inherited, but, it is only when there is appropriate certification in place can they be lawfully possessed. It may be the case that in the short-term, guns are required to be removed to ensure compliance with the law. If that is the case, local officers may assist you in removing the guns into police care or to a Registered Firearms Dealer of your choice, should it be practical to do so. The guns and ammunition will at all times



remain part of the estate and the longer-term decision around them will remain with the executor of that estate until the will directs what is to be done with them.

If you become aware that any of the deceased person's firearms are not legally held on a certificate, you are required to surrender them to police as soon as possible. These weapons may not be safe and they should not be touched.

Longer Term Options

The executor does not have title to the guns so can make no long term decisions in respect of the guns unless directed to within the deceased's will. Prior to the outcome of the will being disclosed or inheritor of the guns identified, the executor is primarily tasked with ensuring that the guns are held safely and legally, and this takes precedence in the first instance. Once the guns are held safe and secure legally, the executor of the deceased's estate will be able to deal with them in accordance with the deceased's wishes as per the will. Where the guns and ammunition are certificated, initial options available to the executor of the will include:

- Arranging for them to be placed with a Registered Firearms Dealer or Auction House for storage and/or sale;
- Storing the items with another certificate holder until the inheritor is identified and is able to decide what is to happen with them. The guns would require to be transferred to the other person's certificate in the short term. This would depend on them having enough storage and, in the case of guns that had been held on a Firearms Certificate, the authority to acquire that particular type of weapon;
- Contact Police to take the guns and relevant ammunition (though they will remain the property of the deceased's estate)
- Apply for a temporary permit to possess the guns yourself.



Where the guns are to be inherited as per the decision of the deceased in the will, the inheritor will have more options available in respect of the guns than the executor. Again, ensuring they are held legally, safe and secure is the priority. Options that will be available are:

- Arranging for them to be placed with a Registered Firearms Dealer or Auction House for storage and/or sale;
- Storing the items with another certificate holder. The guns would require to be transferred to the other person's certificate until the inheritor makes a decision on their future. This would depend on them having enough storage and, in the case of guns that had been held on a Firearms Certificate, the authority to acquire that particular type of weapon;
- Contact Police to take the guns and relevant ammunition.
- Apply for a temporary permit to possess the guns yourself.
- Selling the items to an individual who has the authority to possess them;
- Gifting the guns to a member of the family or a friend who can legally possess them;
- Gifting the guns to a member of the family or a friend who CANNOT legally possess them (though this person will require to have them stored legally until such times they can legally possess them);
- Gifting the guns and ammunition to a shooting club or museum that can legally possess them;
- Having the guns deactivated by a gunsmith. This would render them safe and remove them from all legislation relating to firearms. They would still retain the original appearance but the weapon would be incapable of discharging a missile;
- Having the guns destroyed;

Many of the options above will require you to make arrangements with other people to take the guns into their possession, or for someone to transport them on your behalf. Another option would be for you, or another person to apply to the police to have a permit to take responsibility for the guns for a short period. In this way, there would require to be an application for a temporary permit made.



Where guns and ammunition are not held on a certificate, police should be contacted without delay in order they can take possession of them. They remain the property of the deceased's estate.

Applying for a Temporary Permit

A temporary permit is issued under Section 7 of the Firearms Act 1968. This is provided by the Police to authorise the temporary possession by a relative or the executor of a deceased person, or the receiver of firearms or ammunition forming part of the property of the deceased person. A permit may not be issued to authorise the purchase or acquisition of firearms or ammunition.

Police will require to undertake checks to ensure that the permit can be issued to an individual to allow them to possess guns and ammunition safely. There is no cost for a permit issued in this way and they will normally last for two to three months.

Though a Section 7 permit does allow lawful possession, it is not a good idea to leave guns, even in a cabinet, within an unoccupied house, for any longer than is necessary. It is advisable that an attempt is made to store them elsewhere, either with a Registered Firearms Dealer or with a friend who has a certificate that will legally allow them to possess them on your behalf. Your local firearms licensing office can give you support and advice as required to ensure that the guns remain safe and secure at all time.

Further information on applying for a permit or certificate is available from the [Devon and Cornwall Police – Firearms Licensing Department](#)

Security of Guns and Ammunition

The law makes it solely the responsibility of a certificate holder for the security of the guns and ammunition they possess. This however creates a problem upon their death as they may have used a locked cabinet or digital safe to secure the guns and ammunition. There may be a key, but it is hidden; or a digital safe, but the number is not known. There may be a requirement to use a locksmith to gain access to the guns and ammunition. Please be aware that as soon as you gain



access to them, the requirement to hold them legally lies with you and you have little time to make a decision on what to do next other than contact the police, who will take possession of them, or arrange to transport them to a Registered Firearms Dealer, if it is practicable to do so. Whatever happens, until they are sold or destroyed, they will remain part of the estate.

Antique Firearms

Antique firearms are exempt from the need to be held on a certificate and can be lawfully possessed and displayed as an ornament. However, the law around antique firearms can be difficult to understand. There may be individuals who currently hold what they believe to be antiques, but due to a changes in the law, they now have items that are classed as firearms and should be held on a certificate.

It is recommended that you contact a registered firearms dealer, an antique dealer or the police in the first instance, and seek their advice on what you have in your possession, and what, if any, restrictions are in place for you to continue to possess it without the need for a permit of certificate.

Military Collections

The hobby of collecting military equipment has become increasingly popular, with a number of events held across the United Kingdom where items can be exchanged or bought. Although most of these items can be held without issue or need for certification, these can still be potentially dangerous or legally prohibited from being possessed in public. Examples of such items include knives, swords, deactivated and antique firearms, deactivated grenades and other explosive devices.

Please take care with these items and seek the advice of those that are better equipped to make decisions on their continued possession or their disposal. Whilst highly collectible and legal to possess, possessing them in a public place could cause alarm to others and lead to offences being committed.



If unsure, please contact your local Firearms Licensing Office who will be able to provide support to you.