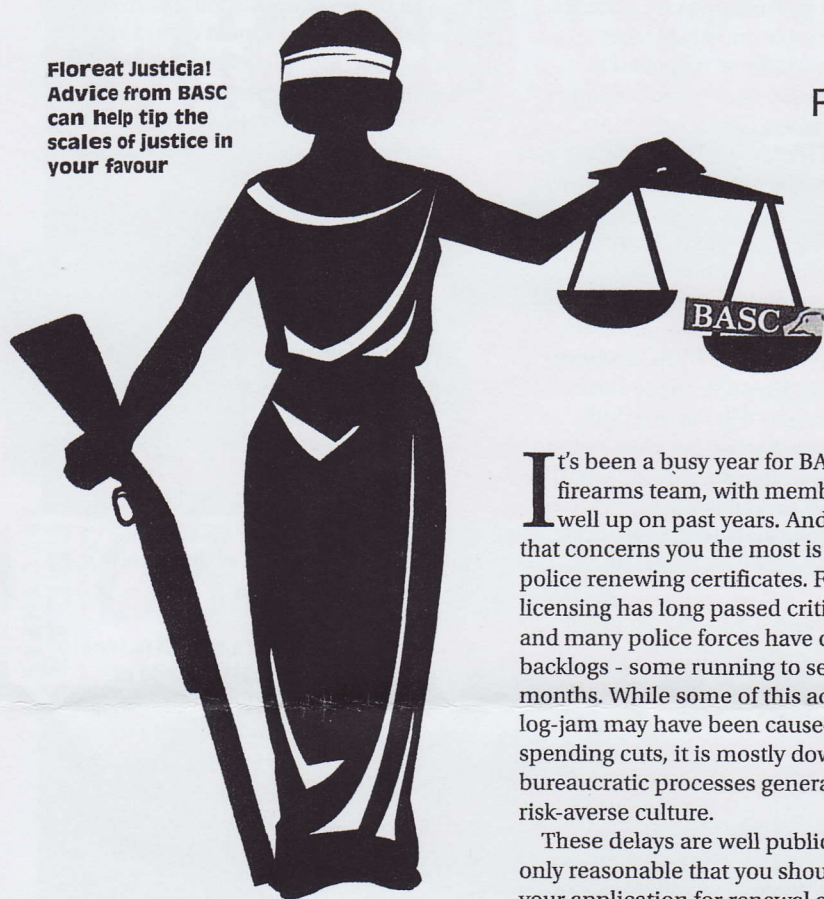


FIREARMS LICENSING

— don't get caught out

Floreat Justitia!
Advice from BASC
can help tip the
scales of justice in
your favour



**Make sure you get your
renewal application
prepared well in advance
of the expiry date**

It's been a busy year for BASC's firearms team, with member enquiries well up on past years. And the issue that concerns you the most is the delay in police renewing certificates. Firearms licensing has long passed critical mass and many police forces have considerable backlogs - some running to several months. While some of this administrative log-jam may have been caused by spending cuts, it is mostly down to bureaucratic processes generated by a risk-averse culture.

These delays are well publicised, so it is only reasonable that you should submit your application for renewal as soon as possible. People who leave applications until the last minute are simply

Renewing certificates is one of the biggest headaches facing gun owners. **BILL HARRIMAN** explains what to do if your renewal is delayed and how to stay on the right side of the law if your ticket expires.

asking for trouble and BASC will not carry a brief for them. Early submission gives the police a fighting chance to turn it around within time. It also gives you the moral high ground if they don't. If you know that you are due to renew in the next few months, start the process early. Download the forms from the net, complete them, sort out your counter-signatory/referees, add photos and cheque and get ready to submit them as soon as the police make contact. Always post by recorded delivery; the tracking number on the receipt will enable you to see online when it reaches the police.

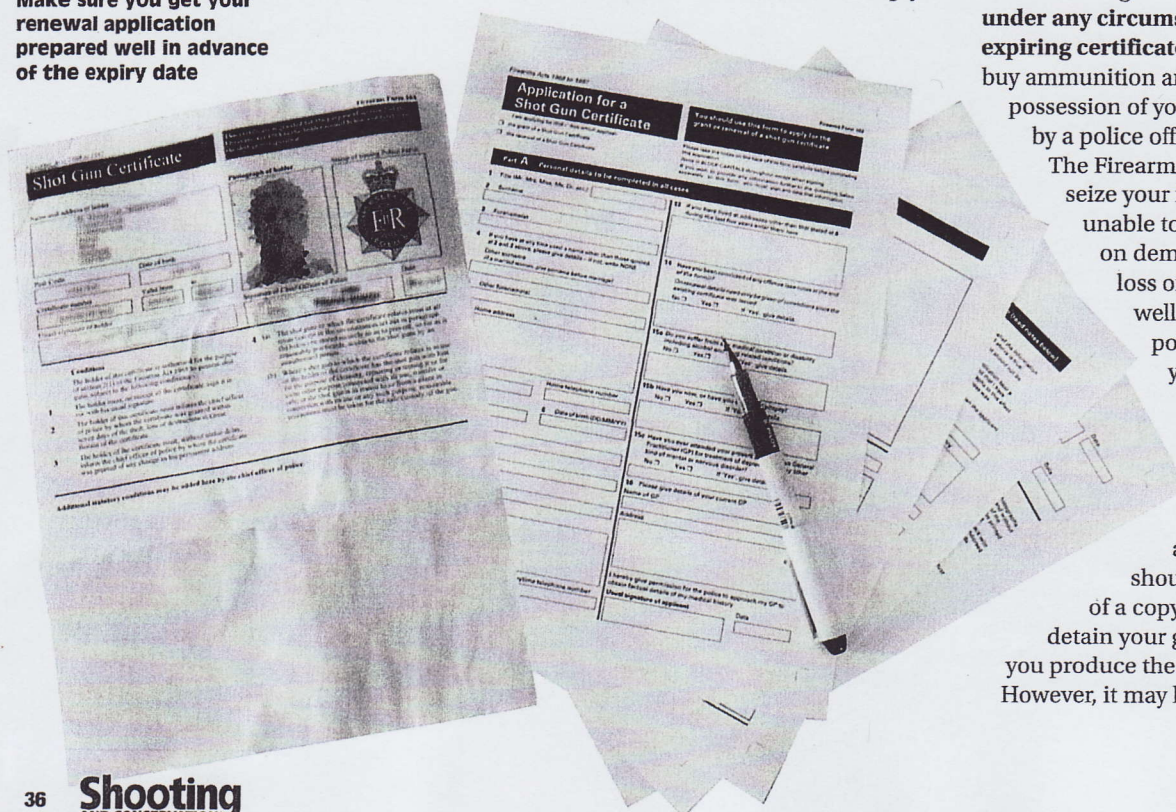
Keep your certificates

When sending renewal forms back **do not under any circumstances return your expiring certificates.** You need them to a) buy ammunition and b) to prove lawful possession of your guns if challenged by a police officer while using them.

The Firearms Act allows police to seize your firearms if you are unable to produce a certificate on demand. This could mean loss of a day's shooting as well as a trip to the local police station to collect your guns later. (NOTE:

It's always advisable to carry original certificates with you when out shooting. Although a sensible officer

should accept the evidence of a copy, the right to seize and detain your guns remains unless you produce the original.) However, it may help the licensing



department to process renewals or variations if you provide photocopies of existing certificates. Add a note with your application saying that you are retaining the originals until the new ones are issued.

There is no reason why you should not keep old certificates, with the corner having been clipped off in the same way that passports are cancelled. I've got mine stretching back for 20 years.

When sending renewal forms back do not under any circumstances return your expiring certificates

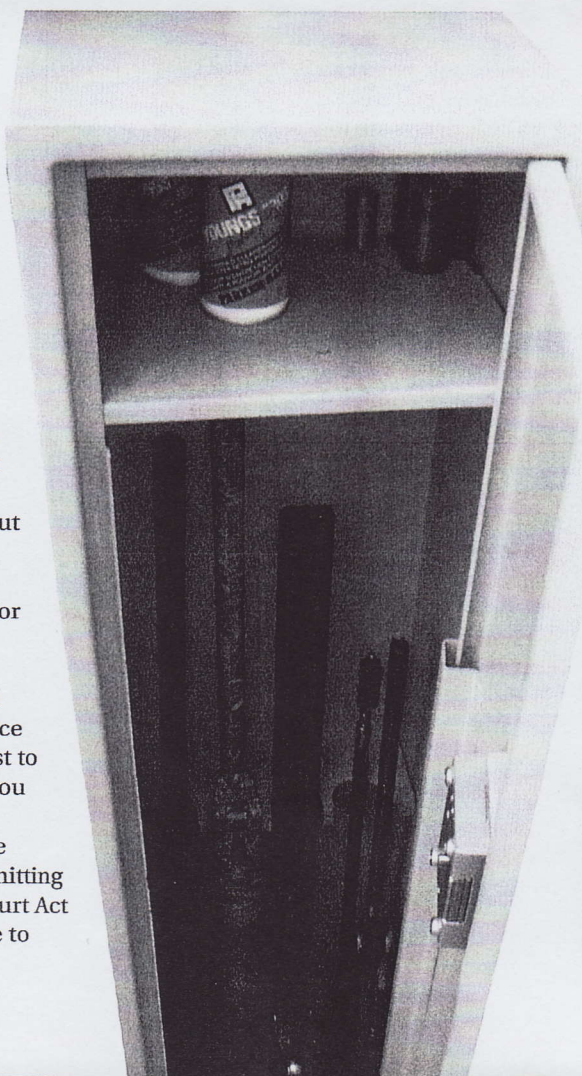
Some licensing departments may demand that you return the expiring certificates with your application and say that the law requires you to do so. It does not. The Firearms Rules 1998 do not impose any requirement to return your expiring firearm certificate. In the case of shotguns the rules say that renewal applications should be accompanied by the expiring certificate "if it is available". Clearly, the need to buy ammunition and to show lawful possession means that the expiring certificate is "not available". You may be told that the certificate is the chief constable's property. That's not true either. If you feel that you are being bullied or pressured into giving up your certificate, call BASC's firearms team on 01244 573010.

Many members tell us that when they contact the police to ask about their certificates they are told; "It's OK for you to keep your guns without a valid certificate because we have your renewal application." That is complete bunkum. It is an offence for anyone to be in possession of any firearm without the appropriate authority. This is what's known as a "strict liability" offence and the police cannot switch the law on and off just to suit themselves. Anyone who tells you that it's legal to possess firearms or shotguns after their certificates have expired is lying. They are also committing a crime because the Magistrates Court Act 1980 makes it an offence for anyone to

"aid, abet, counsel or procure" an indictable offence. Some licensing departments tell people that it's legal for them to carrying on shooting without a valid certificate providing they don't leave that police force area. Others say that it's OK if your guns remain locked in your cabinet. Neither is correct; unless you have a valid certificate, you are breaking the law simply by possessing a gun and the police are encouraging you to do so.

There is a simple remedy for this unhappy state of affairs. It's called a Temporary Permit, issued under Section 7 of the Firearms Act 1968. There is no reason why it should not be granted in the event of an administrative delay caused by police inefficiency. In fact the HM Inspectorate of Constabulary 1992 Report recommended that Section 7 permits be granted in cases of delay that were not the applicant's fault. Things have not really changed in 20 years and HMIC's advice still holds good. However, some firearms licensing managers will die in a ditch rather than issue Section 7s. They put up all kinds of thin excuses ranging from "It's not our policy" to "It takes longer to issue a Section 7 than to renew the certificate". While the police have discretion in

You must store your guns in a secure cabinet - but doing so does not mean you can legally keep them if the certificates have expired



whether or not to issue a temporary permit, they court danger if they refuse one unreasonably. Issuing a Section 7 is a simple remedy to prevent someone breaking the law. If it is refused, then on the face of it, that is an unreasonable decision.

What you need to do

BASC's advice is that if your certificate is delayed by the police's administrative processes, then you should always request a temporary permit, preferably in writing. These are the things you need to do:

- Supply the date you submitted your renewal application and the date your certificate(s) expired.
- Request the immediate renewal of the certificates or the issue of a Section 7 permit to prevent you being in jeopardy from not holding a valid certificate.
- Advise that if a Section 7 permit is not issued you will be obliged to make a formal complaint.
- Request details of the complaints procedure.
- Advise that you will hold the chief officer liable for any expenses incurred as a result of the administrative delay.

Any complaint against a refusal to issue a Section 7 permit should be made in writing to your police force's professional standards department. You can find the details on the force's website. BASC can't make the complaint for you but we will advise you how to do it. Don't be frightened about making a complaint. You have paid for a service and you are entitled to receive it in an efficient and timely manner. Nobody will victimise you for making it. Rather, you will be treated with kid gloves ever after.

I have a good deal of sympathy with those hard-working people in firearms licensing departments who are struggling with a problem not of their making. The blame lies firmly with senior management which has not put proper resources in place and which continues to sustain needlessly bureaucratic processes. However, police failure is not your problem. You need your certificate(s) to stay legal and you should not be deterred from pressing the police hard to make them carry out their statutory duties in a proper and timely manner.



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