

My Firearms After I Die

In your will, you can choose someone to inherit your licensed firearms or shotguns after you die.

If you don't choose someone, the firearms become part of your estate (everything you own). You would have chosen executors to manage your estate as part of your will. Any firearms would then become their responsibility to manage in a lawful way.

Consider making it as easy as possible for the person who will inherit your firearms. Put helpful information in an envelope which they can open after your death.

You should:

- list the firearms and ammunition you own
- include copies of your certificate(s)
- write down where to find your original certificate(s)
- provide details about how to contact the firearms department

The police may provide the person with a temporary permit. It allows that person to possess (but not use) your firearms. A permit usually lasts up to three months. They can use this time to decide what to do with them.

If the person has their own firearm certificate, they will not need a temporary permit. But they need enough room on their certificate to take ownership of your firearms. To do that, they may need to vary their certificate.

Managing Firearms After Owner's Death

After a death, someone may have left you firearms to manage.

You may be:

- nominated in their will
- an executor of their estate

You have a legal responsibility to manage any weapons in a safe way.

First, you must contact the firearms licensing team and:

- give notice about the owner's death
- list the guns you have inherited

The firearms licensing team will give you advice and options based on your circumstances.

In some cases, they may provide you with a temporary permit. This gives you the legal right to possess (not use) the firearms for up to three months, usually. It allows you time to decide what to do with the firearms. Whether that's selling or disposing of them or finding a legal way to own and use them.

Contact the firearms licensing team.

Selling or disposing of firearms

Read about [selling or disposing of firearms](#).

Keeping firearms

If you have a temporary permit, you can possess (not use) the firearms for up to three months, usually.

To own and use guns, you must [apply for a firearm or shotgun certificate](#).

Things You Can Do To Help The Executor Or Next Of Kin

Mark a large envelope to the effect that it should only be opened after your death. Put the following things inside it:

Instructions to write to the Firearms Licensing Department informing them of your death and requesting a Temporary Permit under Section 7 of the Firearms Act 1968. (This authorises your personal representatives to be in lawful possession of your guns until they decide what to do with them. A Section 7 is issued free of charge and for a limited term. Three months is an appropriate period to ask for).

Contact details for the Firearms Licensing Department.

What guns you own, especially important if you have loaned one to another certificate holder.

A note of what the guns are worth, including any receipts for what you paid for them. This will help prevent your family from being ripped off.

Up-to-date copies of your firearm and shotgun certificates and where the originals are likely to be found.

What your wishes are for the disposal of your guns if you have not included them in your will. If they are in your will, any informal instructions to your executors.

The details of any willing friend who would be prepared to look after your guns until a decision is made for their disposal. He/she will need to be the holder of the Temporary Permit. Guns may also be deposited at a Registered Firearms Dealer or licensed auctioneer for sale if that is your wish.

Cabinet keys

This is a tricky area. It is an offence to disclose the whereabouts of your keys to a person not authorised to possess your guns. However, your executors will need to have access to your cabinet after you have died to dispose of your property on behalf of your estate.

You will need to strike a balance between guarding your keys during your lifetime and being found after a detailed search by your executors when you have died. Avoid choosing a complicated hiding place, otherwise your executors will never find them and you will probably forget where you put them. Equally don't leave your keys on top of the cabinet as this would just make them a present to burglars.

Hints For Executors

Firearms licensing managers will generally bend over backwards to help the personal representatives of a deceased certificate holder. They have an interest in the matter to satisfy themselves that the guns are being stored safely until they are sold or transferred etc.

The police should not need to ask for the guns to be removed from their place of storage unless there is demonstrable risk to their security. In practice, the police should not request removal where the physical security arrangements remain unchanged and keys have been found.

However, any suitability concerns (e.g. impaired responsibility or criminal history) about the next of kin or executor may warrant the guns being moved to a dealer or other representative.

There is no need to return the firearm and/or shotgun certificates. Some people like to keep them as a memento of the deceased.

Permits Authorising Temporary Possession

Section 7 of the Firearms Act 1968 enables a chief officer of police to issue a permit to a person authorising them to possess a firearm or ammunition to which Section 1 of the Act applies, or a shotgun, in any special case where it may not be necessary or desirable to issue a certificate.

Home Office guidance to the police states that a permit should, in normal circumstances, be issued to authorise a relative or executor of a deceased person to have temporary possession of firearms or ammunition forming part of the deceased person's property.

Before the police issue a permit, they will wish to be satisfied that the security measures remain satisfactory. The permit will be valid for a preliminary fixed period (usually three months) and should allow sufficient time to facilitate the legal transfer, disposal or permanent retention of the property.

If matters are not finalised within the time initially allowed, the police can issue a further permit. This will also allow possession whilst family members apply for a shotgun certificate for example.

Section 7 Police Permit¹

Section 7 of the Firearms Act 1968 allows chief officers to issue a permit to allow for the lawful possession of a firearm and ammunition in accordance with the terms that are set out in the permit. The police may use this provision to allow for the continued possession of firearms and ammunition where a certificate is about to expire and an application for renewal has been made. This could apply where the application was made less than 8 weeks in advance of expiry, and the applicant therefore fails to benefit from the automatic 8 week extension referred to above. Or it could apply where that 8 week extension is about to expire and the police are still unable to decide the application.

¹ [Section 7 Certificate](#)

The police must be satisfied that the issue of a section 7 police permit does not give rise to any public safety risk, which can normally only be determined after full consideration has been given to the application and relevant enquiries made. For this reason, section 7 permits issued to provide more time to consider an application for renewal should only be issued on an exceptional basis and where this course of action is considered to be unavoidable. These permits should not be used routinely to benefit applicants who do not apply for the timely renewal of their certificates, or who are otherwise uncooperative with the police while consideration is being given to their application. Chief officers should also avoid routinely using temporary permits as a means of managing licensing caseloads within their force.

Account should be taken of any reasons given by the applicant to explain a late application that would justify the issue of a temporary section 7 permit, and the police should consider each case on its individual merits. Where required, temporary permits should be supplied with an end date no longer than is reasonable to cover the expected period of processing and should not be issued if no renewal application has been received.

Chief Officers should ensure that their firearms licensing departments are sufficiently resourced to enable effective processing of applications, to avoid the need to rely routinely on the use of section 7 permits. Where police forces have made significant use of section 7 permits to help manage certificate renewal backlogs and have large numbers of people subject to these permits, effort should be made to reduce the number of firearms holders to whom this relates. There will be a six month period starting from the day of this version of the Statutory Guidance coming into force in which police forces that have significant numbers of firearms holders on section 7 permits will be expected to adapt their internal processes so by the end of that period they will have significantly reduced the numbers on section 7 permits and will minimise the future use of temporary permits.

Certificate holders must not be asked to rely on an expired certificate or registration. It is unlawful for them to do so.

Transfer to a Registered Firearms Dealer (RFD)

There is no specific need to store the guns with a dealer. If you are happy to store the guns in the deceased person's cabinet or perhaps with a fellow shooting friend of the deceased then do so. However, unoccupied houses should be avoided.

RFDs can arrange for the collection and secure transportation of any firearms and ammunition and can be instructed to store, sell, transfer, destroy or de-activate items as appropriate. RFDs will usually charge for the provision of this service and you should be clear about the terms and agree a price before committing to employ them.

If you decide to use a dealer to sell the guns, make sure you have a proper receipt for them. Obtain a receipt that states the gun is owned by somebody other than the dealer, that it is held for sale or return and the value and arrangement agreed. This will avoid problems should a dealer go bust and clients' guns have been seized by creditors, leading to all kinds of difficulties.

Including the minimum price you will accept (cash in hand) and what the dealer's commission or fee for selling is to be. Limit the time period for sale or they may hang

about the dealer's premises for ever. The receipt should explicitly state that the guns remain your property until the dealer pays the agreed sum in full for them.

Auction

Perhaps the best way to dispose of guns is through one of the specialist auction houses as the market will decide what the guns are worth.

Be very hard with the auctioneers when it comes to deciding on their commission rate. Be prepared to haggle and shop around, there will always be another auctioneer ready to sell them for a lower rate.

Make sure the receipt lists all charges otherwise you may find some unwelcome additions for photography, insurance etc. Read the small print and make the auctioneer explain anything of which you are unsure.

Most importantly, agree when after the sale the auctioneer is to pay you. Don't put up with any back-sliding.

Private Sales

If you decide on private sale you will have to allow potential buyers to examine the guns. This might leave you vulnerable to theft or assault. Vet all prospective buyers thoroughly and make sure they have the correct documentation.

Transfer To Firearm Certificate And Shotgun Certificate Holders

A deceased person's instructions and Will may or may not allow certificate holders to possess the guns on a temporary basis. While it is possible for the guns to be signed onto a personal certificate and notification given to the police, it is BASC's view that any temporary holding should be in conjunction with a police temporary permit. This is to avoid conflict around the title of the firearms (ownership rights).

It is advised that only when the decision is made to transfer a gun to its new owner that the gun should be entered onto their personal shotgun certificate. The police should not seek the certificate approach to avoid issuing a temporary permit.

Section 1 Firearms

If the firearms were previously held by the deceased by virtue of a firearm certificate, then they can be transferred to another firearm certificate holder, but only if the person has open authorities on the certificate for the particular calibres and types to be transferred. If they do not, then a Temporary Permit will have to be obtained or the firearms transferred to a Registered Firearms Dealer.

Note: If you transfer firearms to the holder of a firearm certificate, you should complete table 1 of their certificate. Notification of the transfer should be sent to the police by the certificate holder within seven days.

Section 2 Shotguns

If the guns were previously held by the deceased by virtue of a shotgun certificate, then they can be transferred to the holder of a valid shotgun certificate. No prior authorities are required on a shotgun certificate.

Note: If you transfer shotguns to the holder of a shotgun certificate, you should complete Table 2 of their certificate. Notification of the transfer should be sent to the police by the certificate holder within seven days.

Unlicensed Firearms

You should act immediately whenever an unlicensed firearm is discovered. It is essential to seek the advice and guidance of either a Registered Firearms Dealer or alternatively the police.

The first thing that needs to be established is what type of firearm has been discovered and what are the licensing requirements.

If it is that they are found to be Section 1 firearms or Section 2 shotguns, then the advice relating to previously licensed firearms and shotguns applies.

If the firearms are antiques, de-activated, or air weapons deemed not especially dangerous, then you will be able to retain them without any form of certification. If, however, they are found to be prohibited firearms they will have to be transferred to a Registered Firearms Dealer suitably authorised by the Home Office to deal in such items or surrendered to the police. You will still retain title over the firearms but will not be able to re-take physical possession of them. They do not have to be destroyed and you will be able to dispose of them via appropriate means once any police enquiries deemed necessary are complete.