BASC
The British Association for Shooting & Conservation

FIREARMS TRANSFERS

Obligations to conduct and notify transactions are all contained in the 1997 Firearms (Amendment) Act, Section 32 and 33.

Note:

a) The legislation quoted in this fact sheet only covers the following categories of firearm;

   i. A firearm to which Section 1 of the 1968 Act applies (including prohibited weapons where relevant to the transfer), *or*

   ii. A shotgun to which Section 2 of the 1968 Act applies.

b) *'transferor'* means persons transferring the gun away. In relation to Section 32 these are transferors who *'sell, lets on hire, lends or gifts'* a firearm (to which Section 1 of the 1968 Act applies) or a Shotgun (to which Section 2 applies) to a *"transferee".*

c) *'transferee'* means the recipient i.e. firearm and shotgun certificate holders in this fact sheet. For transfers involving visitors permits see here: http://basc.org.uk/firearms/visiting-the-uk-to-shoot/

Transfers involving firearm and shotgun certificates

1. Section 32(2)(c) requires transfers (sale, hire, loan or gift) to be 'face to face';

2. Transfers beyond the remit of Section 32 (sale, hire, loan or gift) are not required to be 'face to face' i.e. where a firearm or shotgun is being returned to a certificate holder after repair, temporary storage with a dealer or proof (valid certificate, and only to address on the certificate). Notifications to police are not required for these types of transfer.

3. Section 32 ('face to face' transfer) does not apply to transfers between firearms dealers.

4. Section 32(2)(b) requires the transferor of a firearm or shotgun (including dealers) to comply with the instructions to transferors contained in the certificate. The Firearms Rules 1998 set these instructions as follows:

   a) Rule 3(6) and Part II (Schedule 1) requires anyone transferring a firearm to a firearm certificate holder to complete the relevant table with the details of the firearm etc and notify the transaction within 7 days* to the licensing department who issued the transferee's certificate.

   b) Rule 5(6) and Part II (Schedule 1) makes the same provision for shotgun certificates.

5. Section 33 provides the power behind the certificate instructions contained in The Firearms Rules. It requires any party to a transfer (sale, hire, loan or gift) who is the holder of a firearm or shot gun certificate or, as the case may be, a visitor's firearm or shot gun permit to notify it to the licensing department within 7 days***.** This means the transferee certificate holder must notify the police of the firearm or shotgun received through purchase, hire, loan or gift.

   Section 33 requires the notification to contain a description of the firearm in question (giving its identification number if any); and state the nature of the transaction (sold, hired, lent or given) and the name and address of the other party. If you wish to include certificate number, expiry date and issuing authority or dealers certificate number you may do so but this is not mandatory.

   If you 'sell' to a dealer, you only need to notify* your own licensing department.

6. Sections 32 & 33 do not apply to lending a shotgun for a period up to 72 hours.

7. A dealer who buys either a firearm or shotgun from a certificate holder (or another dealer) need not notify the police of anything, simply entering the transaction in his dealers register.

8. Possession of prohibited weapons require the Secretary of States express authority to possess them. Once an authority is issued for a prohibited weapon e.g. a pistol for the Commonwealth games the police must also issue a firearm certificate to accompany it. The certificate records the purchase of the firearm and its ammunition. Some prohibited weapons are exempt from the Secretary of States permission such as those issued under seven specific exemptions given in the 1997 Act e.g. dart guns for the treatment of animals and slaughtering instruments.

   Transfer protocols are identical for prohibited weapons held on a firearm certificate. Dealer to dealer transfers involving prohibited weapons may only be made according to the terms of their authority documents. Unless the dealer is specifically authorised to transport his own weapons; in most cases a specific prohibited weapons "carrier" must be employed. Further specific advice can be obtained by BASC members through the contact below.

* Notifications must be within 7 days by recorded delivery or by permitted electronic means i.e. an email to the designated address published by each police licensing department for that purpose.

For transfer protocols relevant to Air Weapons (air rifle, air pistol or air gun) please see our guide to the 2006 Violent Crime Reduction Act - http://basc.org.uk/firearms/violent-crime-reduction-act/

Transfer of shotguns to friends or associates of the owner after repair/storage by a dealer.

There is nothing in the firearms act that prohibits a dealer transferring (parting with possession) of a shotgun to the representative of its owner under the 72 hour rule. For instance after its repair or storage with a dealer. This may only take place where here the owner of the shotgun has a current valid certificate and the gun is shown on that certificate. The owner may instruct the dealer to hand over his gun to a friend or associate (who must be a certificate holder) in order to act as a Bailee in getting it back to the owner.

Note: A "Bailee" means *"One to whom Personal Property is entrusted for a particular purpose by another, according to the terms of an express or implied agreement."*

Section 32 of the 1997 Act only covers firearms that are *"sold, let on hire, given or lent"* for a period in excess of 72 hours. The definition of "transfer" in the firearms Act also includes the words *"parting with possession".* As the gun is already held by virtue of the owner's current and valid certificate, the dealer is simply *"parting with its possession"* to an authorised person on instruction of the owner. The dealer is not selling it or gifting it because the dealer does not have the owner's authority to pass title to the property. The same applies to loan and hire it as it is not the dealer's property. A dealer is simply the middle man acting on the owners instructions.

In practice dealers need to be cautious and seek to obtain confirmation from the owner, especially where unannounced callers attend to collect a gun. Whilst they may present a real certificate to you, it does not mean that the owner's property may be handed over, always check with the owner and if in doubt ask for it in writing. You may wish to remind the owner that you hold no responsibility for any damage whereby a third party will have had possession of the gun.

As for dealers registers an entry is require in the register as to who received the gun but nothing need be entered onto the certificate.

Note: The loan of a shotgun held in the dealers stock cannot be lent for 72 hours to a shotgun certificate holder for the purposes of review prior to purchase.

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