



## ***FIREARM & SHOTGUN CERTIFICATES CHANGING YOUR ADDRESS***

When granted, a firearm or shotgun certificate is valid throughout England, Wales and Scotland, (but not in Northern Ireland) and they are granted for five years. Northern Ireland firearm certificates are however valid in the rest of the UK.

A certificate remains valid for those five years unless it is revoked for a reason prescribed in the Firearms Act. The revocation procedure requires formal notices to be served and there is a right of appeal. The fact that a person is granted a certificate in police area "A" and then moves to area "B" does not affect the validity of the certificate, which continues to be valid until its expiry or until it is revoked.

### **Why do I have to notify change of address?**

The requirement to notify a change of address arises from the Firearms Rules 1998 which legally places the following condition on a shotgun or firearm certificate. The condition says; *"The holder of this certificate must, without undue delay, inform the chief officer of police by whom the certificate was granted of any change in his permanent address."* Failure to adhere to a condition is likely to result in prosecution and revocation of your certificate.

To comply with the condition above, notification to the police force who granted your certificate "without undue delay" is all that is necessary. Notifications may be made in writing, by email or by fax. A copy of that letter attached to a copy of your certificate bearing the old address is evidence that notice has been given, but for added insurance it might be well to send the letter by recorded delivery and keep the proof of posting slip or equally a copy of the sent email or fax confirmation.

### **Do I have to send in my existing certificate?**

There is no requirement to send in your certificate for the change of address to be recorded. The police have no authority to demand that the certificate be handed in and no authority to do anything other than except note the change of address. Also, there is no need to notify the police in the area to which the certificate holder is moving and certainly no need for the police to make fresh inquiries into a person's right to retain his certificate or firearms. However it is likely some forces will visit certificate holders upon moving into there are and some will bring a new certificate to exchange on their visit.

Some police seek to cancel the existing certificate and issue a new one, either in the same terms or with alterations. A Home Office report published in 1991 makes it clear that such action is unlawful; however most police forces today will simply wish to take your certificate in order to re-issue a fresh one showing the new constabulary's insignia and your new address. This is sometimes beneficial to avoid confusion if stopped by police however; should you wish to keep your certificate unaltered or to be able to purchase ammunition that is your choice. If you choose to obtain a new updated certificate the police should furnish you with a fresh amended certificate before requesting your old one to be returned.

### **What about security?**

The problem of the security requirement is difficult to set out clearly. The police have no right in law to inspect security or specify what is required. Conditions 4(a) & 4(b) on your certificate makes the certificate holder responsible and not the police. In the few cases which have reached the courts, judges have given some support to the concept that the police must be satisfied that there is no danger to public safety. As a

matter of practice, it is usual to allow police to inspect the new security arrangements, which should be based on the standards set for the old address. Those who refuse to allow the police to inspect their storage provisions will experience difficulties, and in extreme cases may have the certificate revoked on grounds of “public safety” unless they have some other valid evidence about the adequacy of their storage. This situation is unsatisfactory, but the shooter will have difficulty in avoiding it.

A further complication relates only to firearm certificates. The 1997 Act gave chief constables the right to partially revoke a firearm certificate. This entitles them to remove some firearms from a certificate while leaving others in place, assuming the good reason given for possession of that firearm no longer exists. For example, if a rifle owner, whose sole reason for possessing a rifle is for target shooting in Cornwall, moves to John O’Groats, he may have to establish his good reason for possessing that specific firearm in the light of his new situation i.e. join a new club. Failure to join a new club would mean no good reason exists for that firearm and a partial revocation would be used if the owner didn’t take steps to deal with the situation. The shotgun certificate holder does not face that problem as the good reason requirement does not apply.

### **Checklist**

- Before moving house, make sure the security of the new house is at least equal to that of the old. If questions arise about your “good reason” for possessing Section 1 firearms, sort them out before you move.
- After you have moved, inform the chief constable who issued the certificate of your new address.
- Use recorded delivery and keep a copy.
- Ask for an acknowledgement, but do not send in your Certificate.
- Be prepared to allow an inspection of security at the new house.
- Do not hand your certificate to the new police force unless you wish to do so – they have no right to demand it.
- Please feel free to refer police staff to this article or BASC’s firearms department we can help both police and members find common ground to work from.

Police licensing contact details are available here: <http://basc.org.uk/firearms/certificate-forms-and-fees/>