



## **Good Practice Guide for Registered Firearms Dealers**

Registered Firearms Dealers are expected to maintain the highest standards with the requirements of the Firearms Acts.

In order to assist you in the satisfactory operation of your firearms dealership you must be aware of the following.

### **Security**

It is of the utmost importance that firearms and ammunition dealt with in the course of your business are stored securely to prevent unauthorised access. Advice on security is set out in the Home Office Security Handbook 2005 which is available online [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117636/firearms-security-handbook.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117636/firearms-security-handbook.pdf)

Should you wish to make significant changes to the security arrangements previously inspected by the police you should in the first instance liaise with your Firearms Licensing Department.

### **Certificate of Registration as a Firearms Dealer**

Please ensure you carefully read and understand the conditions entered on your certificate of registration as a Firearms Dealer. If you are in any doubt please refer your enquiry to the Firearms Licensing Department who issued the certificate.

### **The administration of Firearm and Shotgun Certificates**

It is essential that as a Firearms Dealer you understand the obligations placed upon you when transferring firearms (including shotguns) and ammunition to firearm or shotgun certificate holders.

You must comply with the instructions on a firearm or shot gun certificate in respect of making a transaction entry and notifying a relevant transaction to the relevant Police Force.

In respect of a firearm certificate it is very important that you are aware that there must be an unused authority present on a firearm certificate authorising the type of firearm, Section 1 component part or accessory before the transfer

is completed. Equally the correct calibre and quantity of ammunition to be transferred is authorised by the buyer's firearm certificate.

Note: Accessory in relation to firearm certificates means detachable sound moderators and flash hiders.

Section 33 (1) (b) Firearms (Amendment) Act 1997 does allow for a **shotgun** to be sold, let on hire or given, or lent to a **shotgun certificate holder** for a period **of not more than 72 hours** without the need to give notice of the transfer taking place.

**In such circumstances the Firearms Dealer must make an entry in their register of the shotgun being transferred and who to and also record in their register the details of the shot gun being returned.**

It is illegal to complete a sale (accept full payment) for a firearm, Section 1 component part or accessory or shot gun to a person who cannot produce a firearm or shot gun certificate authorising them to acquire the firearm etc. You may only take a deposit on a purchase prior to sight of the relevant certificate giving authority to purchase the firearm.

Firearms Dealers who are limited to the sale of air weapons, their component parts and accessories must ensure they only sell to persons who are at least 18 years old.

Note: sound moderators for air weapons must also be recorded in the dealers register.

### **Keeping of Records of Transactions**

Section 40 (Schedule 4) of the Firearms Act 1968 (as amended) requires a Firearms Dealer to keep records of transactions involving firearms, component parts and ammunition (this includes air weapons). All firearms and ammunition (excluding Section 2 shot gun ammunition and air gun pellets) dealt with in the course of your business must be recorded in your register. Records of transactions must be kept for five years.

Your records may be maintained either by a paper register or electronically as long as they record the information required by Schedule 4 of the 1968 Act.

*Section 40 (1) requires every person who by way of trade or business, manufactures, sells or transfers firearms, shotguns or ammunition to which section 1 of the Act applies, to keep a register of transactions and to enter therein the particulars specified in schedule 4 of the Act*

**Section 40 (1) Schedule 4: Details to be entered by registered firearms dealers in register of transactions:**

- ***The quantities and description of firearms and ammunition manufactured and the dates thereof.***
- ***The quantities and description of firearms and ammunition purchased or acquired with the names and addresses of the sellers or transferors and the dates of the transactions.***
- ***The quantities and description of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose; with the names and addresses of the transferors and the dates of the transactions.***
- ***The quantities and description of firearms and ammunition sold or transferred with the names and addresses of the purchasers or transferees and, (except in cases where the purchaser or transferee is a registered firearms dealer) the areas in which the firearms were issued, and the dates of the transactions.***
- ***The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or other such date in each year as may be specified in the register.***

***Section 40 (3) requires that every entry required by subsection (1) of this section to be made in the register, shall be made within 24 hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom that subsection applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to give details sufficient for identification and shall immediately enter the said details in the register.***

In order to comply with Section 40(3), in the majority of situations which require the production of a certificate, it should be straight forward for the details of the person to be recorded from their certificate.

In the case of sales of air weapons where no certificate is required photographic ID is the best method to confirm their identity sufficient for recording their details in the register of transactions. Ideally this should include full name, date of birth, place of birth and home address. However, it is acknowledged that it is not always possible for a prospective purchaser to produce photographic ID and in these circumstances it is up to the Firearms Dealer to satisfy themselves of the identity and age of the customer.

Where firearms are surrendered to you by non-certificate holders, as well as recording the details of the firearms and ammunition surrendered in your register it is strongly advisable to notify your local police of the details of the surrendered firearm or ammunition. You should inform the police of the circumstances which led to the firearm or ammunition being left with you.

Where a person wishes to surrender a prohibited firearm, to a Firearms Dealer who is not authorised to possess such items, it is recommended that you take possession of the prohibited firearm. You should make an entry in your register of the details of the firearm and how it came to be in your possession. **You must notify the Police immediately to make arrangements for the firearm to be collected from you.**

**Firearms Dealers should be aware that although there are exemptions for firearm and shotgun certificate holders which allow them to possess various prohibited firearms such as walking stick guns, short firearms (shot pistols & handguns) and Self Contained Gas Cartridge firearms, the exemptions do not extend to Firearms Dealers who need to be separately authorised by the Home Office to take possession of these prohibited firearms (Section 5 Authority).**

**It is essential that your register has a clear audit trail for all firearms and ammunition recorded in it.**

**If you use ammunition from your stock to test fire firearms in the course of your business, its expenditure must be recorded in your register.**

## **Young Persons**

The possession of firearms by young people is complicated; therefore for ease of reference Chapter 7 & Appendix 4 of the Home Office Guidance on Firearms Licensing Law provides full guidance.

<https://www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012>

A firearm certificate may only be granted to a person aged 14 years or older. A shotgun certificate can be granted to persons of any age. It is important to pay attention to the date of birth shown on the certificate prior to making any transfer.

A person under eighteen is prohibited by section 22 of the 1968 Firearms Act (as amended by the Violent Crime Reduction Act 2006 and the Firearms (Amendment) Regulations 2010 (SI 2010/1759)) from **purchasing or hiring** any firearm or ammunition defined by section 57. Section 24A(1) of the 1968 Act also prohibits the purchase of imitation firearms by those under the age of eighteen.

This includes:

- I. air weapons and ammunition for air weapons;
- II. imitation firearms, realistic imitation firearms and deactivated firearms;
- III. readily convertible replicas (as defined by section 1 of the Firearms Act 1982);

- IV. smooth-bore guns;
- V. shotgun cartridges;
- VI. blank ammunition.

Section 24 makes it an offence for a person (including dealers) to sell or to let on hire firearms and ammunition to those under the age of eighteen. Section 24A(2) makes it an offence to sell imitation firearms to a person under the age of eighteen.

Young persons (under 18's) may however acquire, other than by purchase or hire, air weapons (and air weapon ammunition), shotguns or shotgun cartridges to which section 2 applies, and firearms or ammunition to which section 1 of the 1968 Act applies according to the provisions laid out in this guide. An example of acquisition would be using a firearm under the supervision of a parent or guardian (provided they are of the correct age) or a firearm certificate holder aged 14 to 17 acquiring rifle ammunition from a parent or other adult certificate holder as a gift. For shotguns and cartridges young people may only be gifted them from the age of 15.

### **Trading from Additional Premises**

If you wish to trade from an additional place of business including temporary attendance at game fairs or exhibitions you must apply to the Chief Officer of Police in whose jurisdiction you propose to trade to be registered as a Firearms Dealer for this purpose. If in doubt, refer to Chapter 16 of the Home Office Guidance on Firearms Licensing Law or make contact with the Firearms Licensing Department for the jurisdiction in which you propose to trade.

If you wish to trade from an additional place of business in the jurisdiction which you are already registered you need to make application to your local Firearms Licensing using firearms form 116A.

### **Carriers**

It is also very important that due diligence is taken when making arrangements for the transportation of firearms.

If you intend to transport firearms and ammunition yourself it is very important that reasonable precautions are taken to ensure there is no unauthorised access to the firearms & ammunition. Please consult the Home Office Security Handbook 2005.

By virtue of Section 9 of Firearms Act 1968, as amended Carriers are exempt from the need to hold a firearm/shotgun certificate and can possess Section 1 & 2 firearms and ammunition in the course of their business. However, Section 14 of the Firearms (Amendment) Act 1988 obligates the carrier to take reasonable precautions to ensure the security of all firearms or ammunition.

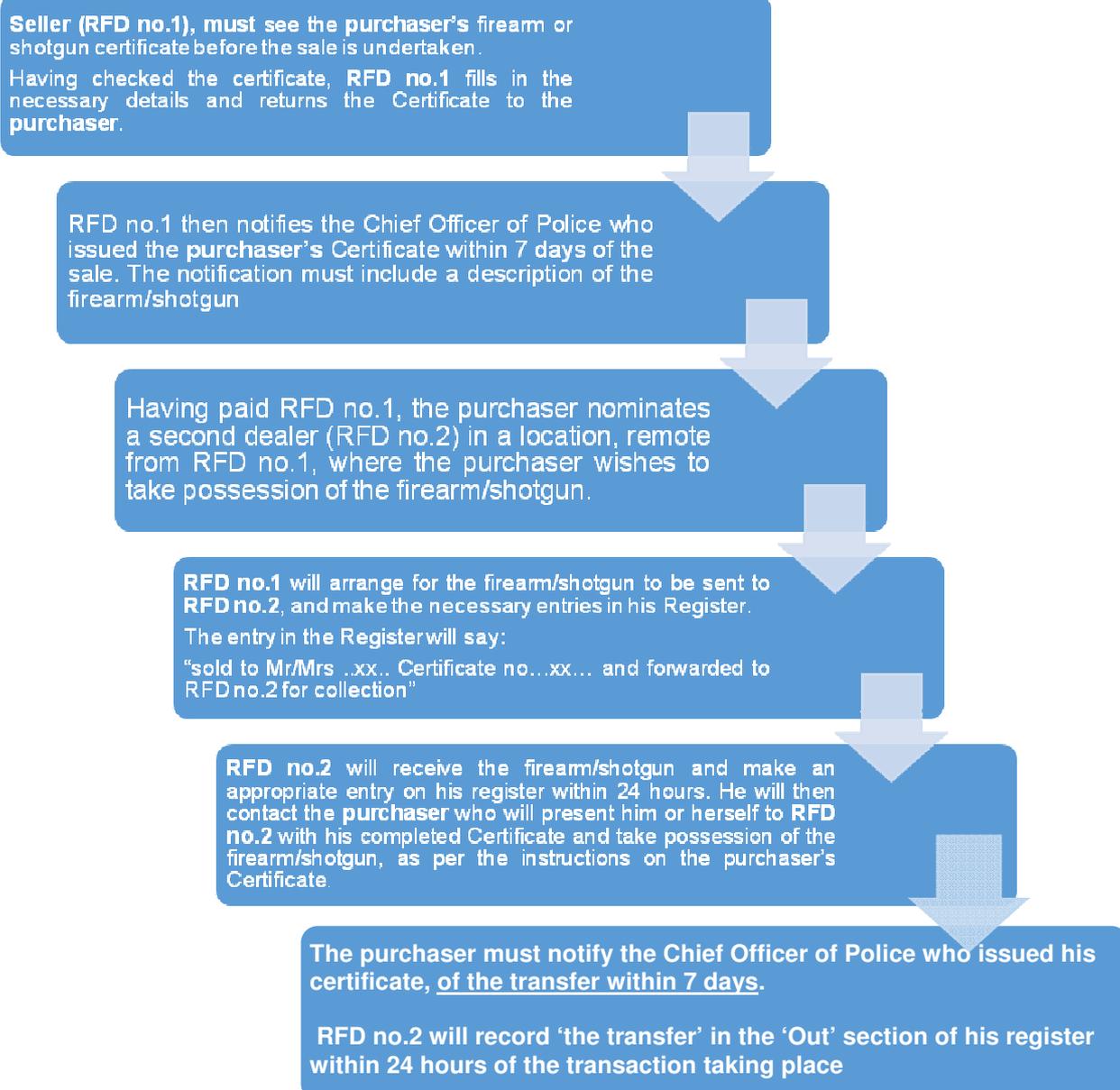
The transportation of prohibited firearms and ammunition can only be undertaken by Carriers who have been specifically authorised by the Home Office. (Section 5 Transport Authority Holders)

Please note although Firearms Dealers are permitted to possess expanding ammunition (which is prohibited) in the course of their business this exemption does not extend to Carriers. Therefore you need to ensure expanding ammunition is only transported by a carrier authorised by the Home Office to possess prohibited ammunition in the course of their business.

### “Remote Sales”

“Remote” sales are those sales made when a Registered Firearms Dealer (RFD) sells a firearm or shotgun to a purchaser who is not present at the moment of sale and wants the newly acquired firearm or shot gun sent to another RFD for collection.

The procedure for such a “remote” sale is as follows:



## **Servants**

As an RFD you may wish to employ or make use of servants to assist in the running of your business and it is important that due diligence is exercised so as to ensure that public safety is not compromised.

In order to fully satisfy yourself that there are no grounds for concern in respect of prospective employees or servants, it is recommended that you notify your local Police of the details (full name, date of birth, place of birth & home address) of any person you wish to act a servant by virtue of Section 8 of the Firearms Act, 1968 as amended.

When transporting firearms and ammunition on behalf of the dealership the servant should at all times carry a copy of their letter of authority together with a copy of the dealer's certificate of registration.

## **Explosives Regulations**

If you wish to store and sell black powder you will need to make application to the Police Force where the black powder is to be stored for the grant of an "acquire & keep" explosives certificate. Advice should be sought from your local explosives liaison officer.

Do you sell smokeless powder, shotgun cartridges or Sec1 ammunition? If so you may need to register your store with the police (apply for a Storage Licence under the Explosives Regulations). For further advice speak to your local explosives liaison officer.

**As of the 2nd May 2017 the Policing & Crime Act 2017 came into effect, with the exception of the following sections:**

**126 which deals with Antique Firearms. (A consultation exercise will take place before this becomes law)**

**131 Limited extension of firearm certificates.**

**132 Applications under the Firearms Acts: Fees.**

**Please see the attached link to Home Office Circular 006/2007 detailing the firearms provisions that commenced on 2 May 2017:**

**<https://www.gov.uk/government/publications/circular-0062017-firearms-controls>**

**IF YOU HAVE ANY DOUBTS YOU CAN SEEK CLARIFICATION FROM YOUR LOCAL FIREARMS LICENSING DEPARTMENT OR RELEVANT REPRESENTATIVE ORGANISATION SUCH AS:  
THE GUN TRADE ASSOCIATION OR THE BRITISH ASSOCIATION FOR SHOOTING AND CONSERVATION**