

Firearms Act: dos and don'ts



Evie Green of Knights Solicitors provides advice to NGO members on how to avoid getting on the wrong side of this 1968 Act.

The largest number of the legal helpline calls that we receive from NGO members are requests for assistance in relation to appealing a firearms or shotgun certificate revocation.

Owing to the substantial number of appeals we are asked to deal with, we have compiled what is in effect a check-list of measures to help you to stay on the right side of the Police in its capacity as the Licensing Authority for Firearms Act 1968 issues and avoid the need to appeal a revocation, which can be a protracted, costly and uncertain process. An exhaustive list of what you can and can't or should and shouldn't do would be a lengthy read, but these basic points will keep you on the right track.

Storage and security

What has been made abundantly clear throughout the cases in which we have acted is that careful and secure storage for your guns is imperative and a red line for the Police. A secure and compliant setup should include at least some of the following arrangements:

- Your gun cabinet hidden out of sight in your home or wherever it is located, and securely bolted to the fabric of the building.
- Depending on the number of guns held, you may need an alarm fitted to the gun cabinet, to your home or to the room in which your gun cabinet is kept. A properly fitted alarm system is, in any case, a valuable deterrent against theft.
- Lockable windows and doors that surround or are in the vicinity of the gun cabinet.
- CCTV covering entrances to your home or other building where the guns are kept. The increasingly popular smart video doorbells are an especially good way to monitor anyone nosing around.
- A hidden and inaccessible key safe containing the key to your gun cabinet. This should only be accessible to or known about by you as the licence holder, and more importantly only you as the licence holder should know the PIN to access the keys.
- Security lighting.

If you have had good, high-security measures in place for a considerable time, it is important not to get complacent with their installation and implementation and never miss a stage, whether that be locking your door or activating your CCTV when securing your guns, because you never know when thieves may sneak in; or indeed the Police, as the Licensing Authority, may call.

Ammunition

Although keeping the gun under lock and key should always be at the forefront of your mind, it is crucial that the same level of care and attention is given to rifle ammunition. In a recent revocation case, one of the factors that contributed to the decision was rifle ammunition being left unsecured and unattended in an unlocked vehicle, notwithstanding that the vehicle was on the certificate holder's premises. Rifle ammunition must *always* be stored separately from the firearms themselves when not immediately in use. Usually this is within a separate, locked cabinet not within the gun cabinet unless it is fitted with a proper secure internal compartment for this purpose. As a matter of best

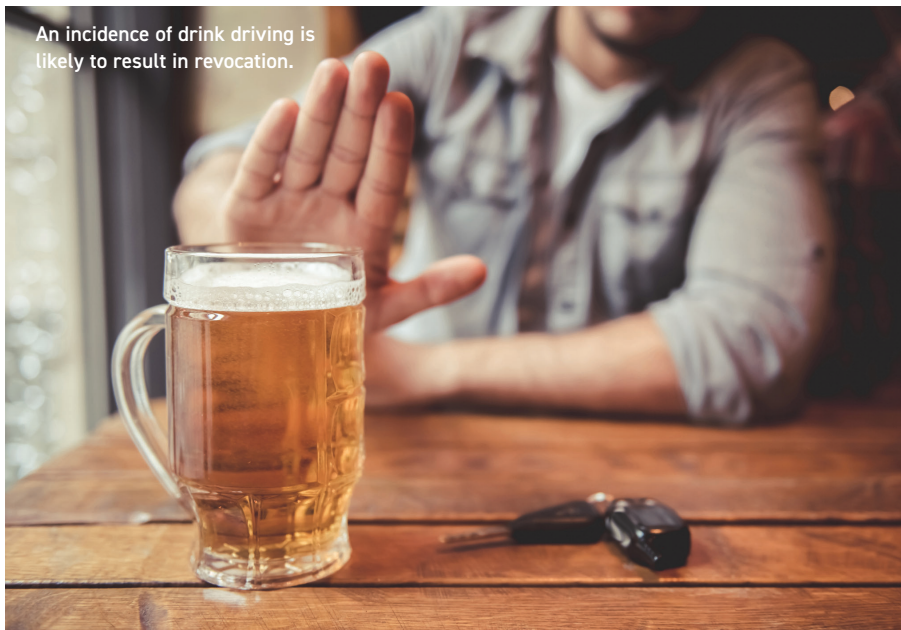
practice, shotgun ammunition ought also to be stored separately and securely and – although this is not compulsory – we can foresee a situation where carelessly kept shotgun ammunition is used as a reason for revocation by Police looking to stop an NGO member from having firearms. Extra precautions should be taken when children are in the house. Remember that it is now also a requirement to keep all air weapons securely stored when not in use to prevent unauthorised access by children and others.

Violence and threats

Another point worth noting, and one recently illustrated, is that what is intended as harmless banter can be seriously misinterpreted as threats of violence. In a case that we have recently dealt with, an older gentleman made an unfortunate comment about the use of his firearm, which resulted in the revocation of his certificates and his removal from the register at his GP Surgery. Firearms ownership should be taken seriously at all times as the Police may well not see the humour if you attempt to be jocular about them.



CCTV covering the entrances to your home, or smart doorbells, add a sensible layer of security.



An incidence of drink driving is likely to result in revocation.

Third party involvement

Certificate holders will also be subjected to a higher level of scrutiny by the Police than other members of the public, simply because they own and can operate a deadly piece of equipment. With this in mind, it is best to avoid all unnecessary confrontation with neighbours, friends or family members regardless of the provocation. You are likely to have more at stake than the other party because you are at risk of losing your firearm and/or shotgun certificate. For some NGO members this will be detrimental to their ability to work and earn a living.

On more than one occasion, we have seen certificate holders encounter issues with their neighbours that have placed them high on the Police radar. The Police may come to the conclusion that there is a risk to public safety or the peace and revoke the certificates as a precaution. Always try to remain level-headed in order to hold onto your certificates – whatever the rights and wrongs on a personal, family or neighbourhood level.

Drink and drugs

Any use or unlawful possession of a controlled substance will result in a revocation. Instances of alcohol abuse, drink driving, etc, are likely to have a similar result.

Social media

In the recently updated (November 2022) *Statutory Guidance for Chief Officers of Police on Firearms Licensing*, it is worth noting that social media checks are likely to be carried out on certificate holders. This, of course, is something that has become

increasingly relevant in the last 10 years or so. Checks will be carried out for instances of users “repeatedly expressing views, or sympathising with views, which may suggest that their access to firearms would be inappropriate or unsafe”. Therefore you should always be mindful of what you are posting on social media if you are keen not to lose your right to possess a firearm or shotgun certificate.

This is in its infancy from a Police perspective, but all NGO members need to check and edit their social media profiles as necessary, ensuring that nothing is capable of being misconstrued.

Referees

Other checks that may be carried out by Police Firearms Licensing teams include

speaking to or obtaining information from other agencies or regulatory bodies, members of cultural or sporting bodies and other residents at or adjacent to the address in which your shotguns and/or rifles are kept. Particular attention will always be given to circumstances that give even the slightest indication of domestic abuse, as this is one of the most serious factors that will be taken into consideration when assessing your eligibility for a certificate.

Final dos and don'ts

In summary:

- DO keep your security arrangements up to date.
- DO be mindful of others.
- DO keep a close eye on all your ammunition.
- DON'T get complacent.
- DON'T taunt others.
- DON'T forget to lock your relevant doors at all times.

The best way to ensure safe and compliant practice and to minimise the risk of certificate revocation is to keep in mind the key question: “Am I or is the activity in which I am participating a risk to the safety of the public or the peace?” This is the fundamental issue on which Police and licensing teams will make their decisions.

If you have a question or a problem on which you need advice, remember that the NGO may be able to help in the first instance by contact with its Firearms Licensing Liaison Officer, Alan Barrell, and ultimately through referral to the NGO's Legal Helpline (see box below). ●

KNIGHTS SOLICITORS

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Knights Solicitors is a specialist litigation practice well-known for representing clients with animal and countryside interests on a national level. Knights Solicitors provides the NGO with a legal helpline service (see below).

NGO free legal Helpline

NGO members in need of emergency legal advice relating to gamekeeping and fieldsports can call the helplines below. Up to 30 minutes telephone advice is available free of charge as a benefit of your NGO membership.

For those in the South: Matthew Knight, Richard Atkins, Surini Saparamadu, Evie Green or Georgia Wardle at Knights Solicitors (Tunbridge Wells), 01892 537311.
www.knights-solicitors.co.uk

For those in the North, Scotland and Wales:

Michael Kenyon, Solicitor (Macclesfield), 01625 422275 or 07798 636460. ●

