

# SHOULD I COMPLY IF THE POLICE ASK ME TO SURRENDER MY GUNS?

Essential advice from Honorary solicitor **Laura Saunbury** on what to do if the Police turn up at your door and ask you to hand over your guns and certificate.

In the wake of the tragic Plymouth shootings in August 2021 there has been a significant increase in what the police term 'suitability reviews', i.e. where they seize your certificate and guns, pending a review and formal decision as to whether you can safely remain a certificate holder or should have your certificate revoked. So read on, as this is more common than you may think.

In these situations, the police will often turn up unannounced and catch you off guard, giving you the impression you have no option but to let the officers in to remove your guns, and without really explaining why this action is necessary. It's vital therefore to know your rights and have your wits about you.

The first thing to note is that the police have no legal power to enter your home without a search warrant. If they do not produce one, you have the right to refuse them entry if you choose. Once you have allowed the officers in, it will be very difficult to persuade them to leave without your guns and certificate, so try to get as much information from them as you can on the doorstep before deciding if you are going to let them in. Be polite but firm with the officers. Ask them who they were sent by, to explain why they need to remove your guns, and what their authority is to enter your home.

The police may try to gain entry by assuring you that if you co-operate it will all get resolved much more quickly and that you should have your guns and certificate back in a few weeks. Be very wary of accepting such assurances as this is rarely the case.

In reality, because these reviews are now being conducted in both greater depth and numbers, they are taking longer and longer to complete. There is no time limit in which the police are obliged to conclude these reviews, and periods in excess of six or even 12 months are now not uncommon. During that time you will have no legal avenue to challenge the police removal of your

guns or certificate, and may struggle to get updates from the police on the progress of their review. You will only have a right of appeal if and when the police eventually serve you with formal notice that they have revoked your certificate or refused to renew it.

If the police do ultimately revoke your certificate, what you said and did when the police turned up and asked you to surrender your guns will often form part of their case if you appeal the revocation, and you may not agree with their record of your conversation with the officers. So make your own recording of it using your mobile phone. It's perfectly legal for you to record the police on your doorstep or inside your home. As soon as it becomes clear the police have come to speak to you about removing your guns, inform them you are going to video the discussion for everyone's benefit so that there is an accurate record, and because you may need it to take legal advice at a later date.

Do not be phased by warnings that your lack of cooperation may count against you and that if you decline the officers' entry they will come back with a search warrant and revocation letter. Politely point out that you are simply protecting your legal rights and following CPSA advice to seek a clear explanation of the reasons for their request to surrender your guns. If they attempt to intimidate you by threatening that you are risking revocation of your certificate by not cooperating, respond that if the police have good reason to believe your possession of shotguns presents a danger to public safety, then the police should revoke, and so enable you to exercise your right of appeal.



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If removal of your guns seems inevitable, consider arranging for a firearms dealer or another certificate holder to come and collect them whilst the police are present, or while they go away to get a search warrant and/or revocation letter. This will avoid the risk of them being damaged in police transit and storage. You may have to pay a dealer storage charges for an extended period but you may think it's worth it to protect your guns, especially if they are valuable.

