



CANADIAN FIREARMS PROGRAM

INHERITED FIREARMS

Information for Executors

While the *Firearms Act* sets out how firearms may be transferred and who may possess them, provincial estate laws determine the role of the executor. In Quebec, the Executor of an Estate is referred to as the Liquidator of the Succession.

While estate law may vary from province to province, an executor generally has the same rights the deceased had to possess firearms, while the estate is being settled. Even if an individual is not personally licensed to possess firearms, they can possess a firearm left in an estate for a reasonable amount of time while the estate is being settled.

An individual who is under a court-ordered prohibition from possessing firearms cannot take possession of firearms left in an estate. They can, however, act as executor and facilitate the transfer of the firearm(s) to someone who may lawfully acquire them.

If the deceased owner did not have

- a. a firearms possession licence AND
- b. a registration certificate for their restricted or prohibited firearm,

they were in illegal possession of the firearm. This puts the executor at risk of penalties for possessing the firearm unless they act quickly to comply with the law.

To act as the executor and obtain information on the estate firearms, the executor is required to provide the following documentation to the RCMP Canadian Firearms Program (CFP):

- form RCMP 6016 *Declaration of Authority to Act on Behalf of an Estate* and
- confirmation that the registered owner is deceased:
 - the death certificate, or
 - letters of probate, or
 - a document (on letterhead) from a police department or coroner

Transporting and Storing Firearms

All firearms must be unloaded and transported or stored in a safe and secure manner to deter loss, theft and accidents, as set out in the *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations*.

There are two options for shipping any class of registered firearm:

- using Canada Post's most secure method which requires a signature upon delivery, or



- via a licensed carrier to a location inside or outside Canada. This is the only option for shipping prohibited firearms other than prohibited handguns.

More information can be obtained from the CFP website or by contacting a Chief Firearms Officer (CFO). Contact information for CFOs is available on the CFP website: www.rcmp-grc.gc.ca/cfp.

Transferring Ownership of a Registered Firearm

When a firearm is transferred to a new owner, a specific process must be followed:

- the executor/transferor must ensure the new owner is eligible to acquire and possess the firearm, and
- for registered restricted or prohibited firearms, the transfer is initiated by calling the CFP at 1-800-731-4000. The entire transfer process can be completed over the phone or by requesting a paper application (form RCMP 5492).

Note: Both the executor and the new owner must participate in the transfer process. The firearms licence number of the deceased owner and the new eligible owner must be provided. The registration certificate number and firearm information (make, model, action, type, caliber, shots, barrel length and serial number) for each firearm must also be provided.

Prohibited Firearms

- Prohibited firearms can be transferred to an individual who has a Possession and Acquisition Licence (PAL) which includes the appropriate prohibited licence privilege.
- If the deceased individual had prohibited privileges on his or her licence, prohibited firearms in the estate can be transferred to certain family members even if they do not have grandfathered privileges, providing:
 - the prohibited firearm is a grandfathered handgun described in subsection 12(6.1) of the *Firearms Act*, with a barrel equal to or less than 105 mm in length or designed or adapted to discharge .25 or .32 caliber cartridges; and
 - the prohibited handgun was manufactured before 1946; and
 - the individual is the spouse, common-law partner, brother, sister, child or grandchild of the deceased registered owner; and
 - the handgun is used for a permitted purpose such as target shooting or as part of a collection.

Firearm Verification

Verification of firearm information such as make, model, action, type, caliber, shots, barrel length and serial number may be required to transfer or register an inherited firearm. Call the CFP for assistance in verifying a firearm.

Ineligible Heirs or Unwanted Firearms

If there is no eligible heir, or if the heir does not want an inherited firearm, the estate may choose one of the following options:

- sell or give the firearm to any individual, museum or business with a licence to acquire that particular type of firearm through the official transfer process; or
- export it to a country that allows it. The Department of Foreign Affairs and International Trade (1-800-267-8376) can provide information on export permit requirements. For restricted or prohibited firearms, an Authorization to Transport (ATT) is required and can be obtained from the provincial or territorial CFO; or
- have the firearm permanently deactivated by a gunsmith so it no longer meets the definition of a firearm and is therefore exempted from the requirements of the *Firearms Act*; or
- surrender the firearm to a police officer or a firearms officer for disposal. These authorities must be contacted beforehand.

Other Requirements

If the deceased owner had a firearms licence, it should be returned, along with a copy of their death certificate, to the following address:

Royal Canadian Mounted Police
Canadian Firearms Program
PO Box 1200
Miramichi, New Brunswick E1N 5Z3

Licence Requirements

To legally acquire a firearm by any means, including through inheritance, the recipient is required to hold a Possession and Acquisition Licence (PAL). A Possession Only Licence is not sufficient and would have to be upgraded to a PAL. Form RCMP 5592 is required to apply for a PAL or to upgrade licence privileges for different firearm classes. A PAL is valid only for the class or classes of firearms listed on it.

INFORMATION

More information is available on the CFP website at www.rcmp-grc.gc.ca/cfp. The CFP can be contacted by one of the following methods:

Telephone: 1-800-731-4000 (toll-free)

E-mail: cfp-pcaf@rcmp-grc.gc.ca

This fact sheet is intended to provide general information only. For legal references, please refer to the *Criminal Code* and the *Firearms Act* and their corresponding regulations. Provincial, territorial and municipal laws, regulations and policies may also apply.

La présente fiche de renseignements est également disponible en français.