

The aims of the NFA are

- ☞ To promote, support and protect all safe firearms activities
- ☞ To promote, support and protect all educational fire-arms activities
- ☞ To promote natural justice for all firearms activities.

Are you an NFA Member?



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“Your husband is  
dead....now, give  
us his guns.”

These are the words one Alberta woman heard from the RCMP when they arrived at her door to inform her that her husband had died.

Was it legal?

No!

Only by knowing and understanding the law can you protect your rights.

If you have questions about firearms law...

The National Firearms Association is your source for answers!  
Call us!

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# A Primer on Inheritance and Firearms

**This information  
should be stapled  
to your will**

# This is the Law on Inheritance

“By Operation of Law” means transfer from deceased to executor.

## **UNDER BILL C-68:**

Firearms Act section [FAs.]112(1) says; “every person who possesses [any unrestricted firearm] without being the holder of a registration certificate [covering it is guilty]...”

**But** — FA s. 112(2)(b) says, “(2) Subsection (1) **does not apply** to (b) a person who comes into possession of [any] firearm **By operation of law...**”

C-68’s CC s. 91(1) says, “...every person...who possesses [any] firearm [is guilty] unless the person is the holder of (a) a licence [covering it]...**and**

(b) a registration certificate [covering it]...”

And CC s. 91(2) says, “...every person...who possesses a prohibited weapon, a restricted weapon, a prohibited device, or any prohibited ammunition [is guilty] unless the person is the holder of a licence [covering it]...”

**But** — CC s. 91(4)(b) says, “Subsections (1) and (2) do NOT apply to (b) a person who comes into possession of [any] firearm **by operation of law...**”

CC s. 92(1) and 92(4)(b) say much the same thing.

**The law set forth in C-68 is crystal clear.** Any firearm that passes into the hands of an executor is legal, and possession by that executor is legal. All firearms — legally or illegally held by the deceased — become [if necessary, and temporarily] legal when they pass into the hands of the executor at the moment of death. **Police seizures of any firearm as a result of the death of its owner are illegal.**

**This sounds complicated — and it is. If you have questions please contact the N.F.A.**

## **Special notes for the executor:**

If the executor finds that the estate includes a firearm which was illegally possessed by the deceased, the executor should know that the firearm **does not have to be surrendered or even reported to the police.** The executor may sell it to a museum or other person authorized to have it (e.g., a moving picture props supplier). The executor may take the firearm to a gunsmith and have it deactivated to non-firearm status, and then pass it on to the heir, or another, in that status. Or the executor may explore the possibilities of legalizing its possession by the heir or some other person.

CC s. 93(1) (possession at a place other than that indicated on the authorization, licence or registration certificate) does not apply to the executor, because he is not the “holder of an authorization or licence” relevant to the firearm. Therefore, the executor may apparently transport any estate firearm without an Authorization to Transport.

The executor should note that possession of a “prohibited firearm” by the executor is authorized by CC s. 91(4)(b) and 92(4)(b), and that apparently no Authorization to Transport is available to him for transporting such a firearm — which may explain why CC s. 93(1) does not apply to an executor. FA s. 17 to 20 apparently does not apply to an executor.