

The CPSA has got you covered!

Honorary Solicitor *Laura Saunbury* explains the new legal expenses insurance cover for members



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egular readers of this magazine, and my legal columns in particular, will be aware that the CPSA began exploring some time ago the possibility of extending the existing insurance

cover for members to further include legal expenses cover in the event of your shotgun certificate being revoked or not renewed. This was largely at my suggestion. Since I became the CPSA honorary solicitor and shotgun licensing advisor in 2009, I have advised a significant number of members who I considered had been unfairly treated by the police in this regard and had good prospects of a successful appeal in court. However, some members were not able to pursue a perfectly valid and strong appeal purely because they did not have the means to pay the legal costs involved. Until very recently, the only option for members who found themselves in this unfortunate position was to wait a year or two and then try reapplying for their certificate.

I am, therefore, very pleased to confirm that the CPSA has introduced legal expenses insurance, with effect from April 1 2014. It has taken longer than was first hoped to secure an appropriate level of cover which the CPSA Board and I were satisfied gave adequate protection to members, while at the same time providing value for money for the CPSA and its membership. This is a huge additional benefit which is included in your annual membership fee for all full competition members. Indeed, this is likely to indirectly benefit the membership of the CPSA as a whole, even if you are not a full member or if you are but never actually need to have recourse to the insurance cover. Once police firearms licensing departments around the country start to appreciate that

CPSA members have insurance cover for legal expenses, they are likely to proceed with rather more caution before seizing or revoking your certificate. In the past, there have been cases where it has been all too apparent that a factor in the police decision-making process has been their knowledge that the individual simply could not afford to challenge their decision by pursuing an appeal to the Crown Court.

So what exactly are you covered for? If you are a full member, the insurance cover will include your legal expenses not only in relation to revocation of your shotgun certificate or police refusal to renew it, but also if your certificate is seized by or surrendered to the police (and so effectively suspended) while the police conduct a review of your suitability to remain a certificate holder. This means that if, following an incident or other matters of concern coming to the attention of police, they then take an unreasonably long time to reach a decision about whether or not they are going to give your certificate back, you will now be able to obtain the help of a solicitor in recovering your certificate at no cost to yourself.

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In addition to certificate revocation or suspension, the policy will also cover your legal costs if you are facing prosecution for a criminal offence in relation to any action by you, or alleged failure to act, while you are participating in CPSA-regulated activities.

The policy covers your legal expenses for up to £50,000 per claim, which I can assure you will amply cover your defence in any criminal proceedings as mentioned above or even the most complex of firearms licensing appeals. This will also include covering your liability for any order made by the court for you to pay a contribution towards the police's legal costs in the event that your appeal is unsuccessful or you are found guilty of a criminal offence.

Having advised and represented members of a number of other national shooting organisations under similar insurance policies, I would say that the terms of the CPSA policy provide members with a very comprehensive level of cover.

There are some limitations to what is covered by the policy. Clearly, the insurers cannot be expected to fund your legal expenses where the action taken by police has been entirely justified in light of your behaviour and hence there are no reasonable prospects of a successful appeal. The policy will also not cover you if the events which gave rise to your certificate being revoked,

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suspended or not renewed took place before the insurance cover came into force on April 1 2014.

So what should you do if you are a CPSA full member and the police notify you they have decided to revoke or not renew your certificate, or alternatively the police seize or ask you to surrender your guns and certificate pending a review of your suitability? It is vitally important that you inform the CPSA and then their insurance brokers Romero Insurance without delay as soon as you become aware that you may need to make a claim for legal expenses cover. You will not be covered if you fail to notify the insurers

within 60 days of any incident which may give rise to a claim. The policy will also not cover your legal expenses if you instruct a solicitor without first obtaining the approval of the insurance company. The insurers will only agree to fund your legal expenses once a solicitor has provided them with an opinion that your prospects of successfully recovering your certificate are at least 50 per cent. You will normally be referred to me as the CPSA Honorary Solicitor for advice. However, the insurers will allow you to instruct another suitably qualified solicitor of your choice if you wish, although there will be an initial excess to be paid under the policy.

I believe this adds great value to your CPSA membership and should give you considerable peace of mind in knowing that, if the police start to interfere unreasonably in your enjoyment of your sport, you will be in a position to challenge them whatever your financial situation. I shall look forward to being able to assist more members than ever before. This insurance policy is obviously in its very early days, and the Board and I will be interested to hear from members with their experiences of how the legal expenses cover has worked for them in practice and the benefits it has achieved. 🐾

Laura Saunbury