



The Association of Chief Police Officers and
The British Association for Shooting and Conservation

Guide To The Violent Crime Reduction Act 2006





FOREWORD

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The complexity of the legislation in respect of the lawful use of firearms and ammunition has continued to increase. Ensuring that the use of firearms and ammunition is lawful is the desire of all organisations with an interest in the disciplines of shooting, and for that reason I am very pleased to endorse and recommend this guide to you, on behalf of the Association of Chief Police Officers.

The working group which I have the privilege to chair has benefitted hugely from developing links with many organisations with interests in the lawful use of firearms and ammunition. Among the most prominent of those organisations is the British Association for Shooting and Conservation. Whilst there will almost inevitably be tensions when the police interpret legislation differently from how other organisations might see things, the commitment of all, principally through the ACPO FELWG Practitioners Group, has ensured that a constructive dialogue continues and that many issues are resolved sensibly. In my view relationships across the piece have matured very well, and pragmatic outcomes achieved.

To those ends I take the opportunity to record my thanks to the BASC Firearms Team, led by Bill Harriman, for their immense work in this area. This guide is a joint venture because we have a shared objective - that those who wish to use firearms lawfully can be clear on what the law requires.

And of the future? Well, I look forward to working with BASC, and many others, as we seek to jointly improve what it is that the law requires in the first place. I don't think any of us have underestimated that challenge!

CONTENTS

Preface & Introduction 6

SECTION 30: Minimum sentences for certain firearms offences 7

AIR WEAPONS

SECTION 31: Prohibition on sale or transfer of air weapons except by registered firearms dealers 8

What type of air weapons does the Act cover?

What is a component part of an air weapon?

What is not covered by the Act?

Do I need to become an RFD?

What about supply among cadet forces?

How do I become an RFD?

How much will it cost to register?

What about game and trade fairs?

What grounds can the police give for refusing to register me?

How can I prove to the police that my business is genuine?

What happens if the police refuse to register me?

Where can I read about the official procedure for registration?

Will the police try to make me install lots of security measures?

Will I have to keep a register of sales?

How should dealers' sales and transfers be recorded?

Do sales of component parts and accessories have to be recorded?

What precautions should I take to minimise the chances of selling air guns to under 18's?

What about private sales?

What about antique air weapons?

I am an airgun repairer – I don't sell guns, do I still have to register?

Can RFDs still send air weapons by post?

Do I need to be an RFD to manufacture and sell component parts or accessories?

What if I don't sell components but simply tune or repair them?

SECTION 32: Sales of air weapons by way of trade or business to be face-to-face 18

Can air weapons be sold by mail order?

What about internet based sales?

What about private sales?

SECTION 33: Age limits for purchase etc of air weapons 20

SECTION 34: Firing an air weapon beyond premises 20

SECTION 35: Restriction on sale and purchase of primers 21

REALISTIC IMITATION FIREARMS

SECTION 36: Manufacture, import and sale of realistic imitation firearms

SECTION 38: Meaning of a realistic imitation firearm 22

What is a 'realistic imitation firearm'?

What is an 'imitation firearm'?

What distinguishes an imitation from a realistic imitation firearm?

Are exemptions provided in the regulations?

What if HM Revenue & Customs query my importation?

Am I still allowed to own a realistic imitation firearm bought before the Act?

What about private or secondhand sales?

Can I sell to persons outside the UK?

What other defences are available?

SECTION 37: Specific defences applying to the offence of importing and sale of realistic imitation firearms.	28
---	----

What other defences are available?

SECTION 39: Specification for imitation firearms	30
---	----

SECTION 40: Supplying imitation firearms to minors	31
---	----

SECTION 41: Increase in sentence for possessing an imitation firearm	31
---	----

OTHER WEAPONS

SECTION 43: Sale of Knives	31
-----------------------------------	----

SECTION 44: Sale of Crossbows	32
--------------------------------------	----

What precautions should I take to minimise the chances of selling knives and crossbows to under 18's?

TABLE A : Antique air weapons	33
--------------------------------------	----

GLOSSARY OF TERMS	36
--------------------------	----

PROHIBITED WEAPONS DEFINITIONS	37
---------------------------------------	----

USEFUL CONTACTS	38
------------------------	----

THE VIOLENT CRIME REDUCTION ACT 2006

GUIDANCE

The Association of Chief Police Officers (ACPO)
and
The British Association for Shooting and Conservation (BASC)

Preface

This booklet has been produced to provide a straightforward guide to the Violent Crime Reduction (VCR) Act 2006. It is particularly aimed at police licensing staff, firearms dealers, sporting gun owners and collectors to help them understand this Act, whether in relation to work or sporting activities.

BASC has worked with partner shooting organisations, the Association of Chief Police Officers, the Home Office, HM Revenue & Customs and the Department for Business Enterprise and Regulatory Reform to ensure that the Act is a good, workable piece of legislation which will effectively tackle violent crime and protect the interests of the shooting community.

This guide has been produced following the introduction of the VCR Act in 2006/7 to replace all previous BASC guides, and they should now be disregarded. Specific advice on any aspect of the VCR Act can be obtained from BASC's firearms department on 01244-573010 or by email to firearms@basc.org.uk

Introduction

Part 2 of the VCR Act amends firearms law to tackle the misuse of imitation firearms and air weapons. It also controls the acquisition of primers for metallic ammunition to help prevent criminal misuse, and contains measures relating to knives and other weapons. The Act increases penalties for some offences, for instance having an imitation firearm or knife in a public place without a reasonable excuse, and it creates new offences to tackle gun and knife crime, including using someone to mind a weapon.

This guide aims to provide ready, comprehensible advice to Sections 31 to 40 of the Act and corresponding Regulations made on 6 March and 1 October 2007

SECTION 30: **Minimum sentences for certain firearms offences**

Section 30 is designed to tackle violent crime and is not directly related to the legitimate ownership of sporting firearms in Britain.

The Criminal Justice Act 2003 introduced a mandatory minimum sentence for anyone convicted of unlawful possession of certain prohibited weapons under Section 5 of the Firearms Act 1968. The intention was that anyone charged with another offence involving one of these weapons (for example, armed trespass) would also be charged with unlawful possession, thereby attracting the minimum sentence of five years. However, following a case in 2005 when an offender escaped the minimum sentence, the Government was asked to apply the minimum sentence specifically to other serious firearms offences in order to simplify the charging process.

Therefore the minimum sentence applies to the following offences under the 1968 Firearms Act;

- Section 16 - possession of firearm with intent to injure;
- Section 16A - possession of firearm with intent to cause fear of violence;
- Section 17 - use of firearm to resist arrest;
- Section 18 - carrying firearm with criminal intent;
- Section 19 - carrying a firearm in a public place;
- Section 20(1) - trespassing in a building with a firearm.

This extension only covers weapons or ammunition which previously came within the minimum sentence provisions, although on a more limited scale. They are defined under section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or section 5(1A)(a) of the 1968 Act.

Definitions of the prohibited categories listed above can be found in the glossary at the end of this document.

AIR WEAPONS:

SECTION 31: Prohibition on sale or transfer of air weapons except by registered firearm dealers

Introduction

Section 31 makes it an offence for anyone to sell or transfer 'low powered' air weapons, their component parts or detachable sound moderators 'by way of trade or business' unless they are registered with the police as a firearms dealer.

Note: 'Transfer' includes letting on hire, giving, lending or parting with possession.

Note: The Act requires dealers to keep a register of air weapon transactions. The Firearms (Amendment) Rules 2007 outline the details to be recorded in dealers' registers – more on this later.

What type of air weapons does the Act cover?

The Firearms Acts 1968 -1997 classify all air weapons as firearms. They are defined as lethal barrelled firearms within the meaning of Section 57 of the 1968 Act. Air weapons powered by CO₂ are also included in this category and are not classed as 'imitation firearms' or 'realistic imitation firearms.' (These terms will be explained later in sections 37 and 38.)

The term 'air weapons' in this Act means those that are not declared 'specially dangerous' i.e. they are low-powered air rifles which have a kinetic (muzzle) energy level not in excess of 12 foot pounds (ft-lb) and air pistols with a kinetic energy not in excess of 6 ft-lb. Where guns exceed these limits they are either Section 1 or 5 firearms. They are controlled by firearm certificates or section 5 authorities issued by the Home Office.

The official position is that guns firing projectiles generating a KE level below one joule are not regarded as firearms. However, it is widely accepted that kinetic energy of more than one joule (0.74 ft-lb) is capable of lethality and most air weapons fall within this category.

Note: The Act also affects component parts and detachable sound moderators for air weapons – see below.

What is a component part of an air weapon?

‘Component parts’ is taken to mean any pressure-bearing part such as the barrel, cylinder or air reservoir/piston and valves from pre-charged pneumatic (PCP)/CO₂ air guns.

Screws, stocks, springs, and other parts that are not pressure bearing are not considered to be component parts for the purpose of this Act.

What is not covered by the Act?

Air guns built prior to 1939 are considered to be ‘antiques’ and not subject to the Act if held as a ‘curiosity’ or ‘ornament’. They may be sold without restriction. A list of air guns considered to be antiques has been compiled by BASC and adopted into Home Office guidance. It can be found in Table A towards the back of this guide.

Although some paintball guns look realistic when compared with a real firearm, those which are either powered by CO₂ or compressed air are not regarded as firearms (as their projectiles are frangible). Dealers in these items need not become RFDs; however, some paintball guns may be regarded as ‘imitation firearms’ or ‘realistic imitation firearms’. (See sections 36 - 38).

The Home Office guidance to the police says; “It should be noted that the majority but by no means all guns powered by carbon dioxide which discharge paint pellets and which are used in adventure games (paintballing) are unlikely to cause serious injury, nor were they designed as ‘weapons’. As such, they should not be considered to be ‘firearms’”. See Section 2.26 of Firearms Law – Guidance to the Police 2002 by the Home Office.

Do I need to become an RFD?

If you sell air weapons, their component parts or sound moderators for air weapons ‘by way of trade or business’ you will need to become an RFD.

What about supply among cadet forces?

The Home Office's view is that Crown exemption applies to cadet corps in respect of Section 31 of the VCR Act (which amends section 3 of the 1968 Firearms Act) and therefore they should be able to avoid the need to register as RFDs in order to sell or transfer air weapons to their members. Where the initial collection of the air weapons is from the manufacturer or RFD, the transfer/purchase must be face-to-face and not through mail order.

Where cadet corps are exempt from firearms controls, the exemption applies only to:

- members of cadet corps, when engaged in connection with drill or target shooting
- instructors of such members, and only where they are acting in those capacities.

How do I become an RFD?

First you will need the application form issued by your local police licensing department. You can write directly to them, normally at police headquarters. Alternatively you can download a form from BASC's website - www.basc.org.uk/content/application_forms or send an A4 SAE with a first class stamp to Firearms Team, BASC, Marford Mill, Rossett, Wrexham LL12 0HL.

Once your application is received, the local firearms enquiry officer (FEO) will visit you to conduct a personal interview about your application. The FEO will also survey your existing security provisions and may recommend additional measures where necessary. In some areas the local crime prevention officer (CPO) may be asked to carry out this task for the licensing department. Details about security are found on page 13 of this guide. It must be remembered that each case will be looked at on its individual merits.

How much will it cost to register?

- RFD Grant = £150 (for three years)
- RFD Renewal = £150 (for three years)
- Transfer of RFD business from one police force area to another = No fee

What if I have another place of business?

If you wish to open new premises or have multiple premises to register, the fee is £150 per premise. In essence you will have to register with the police for the area where each premise is located.

What about game and trade fairs?

In addition to a full RFD certificate, the Firearms Acts 1968-1997 provide the following two types of additional place of business certificates. These cover game fairs, trade fairs or exhibitions, agricultural shows or events of a similar character:

- Additional place of business certificate where the RFD is registered in another force area = £12
- Additional place of business certificate where the RFD is registered in the same force area) = No fee

Additional certificates may be restricted to the duration of an event or to save costs and administration, issued for three years, for example, where a regular annual event takes place at the same site e.g. the Midland Game Fair.

What grounds can the police give for refusing to register me?

- That you are a 'prohibited person,' for instance someone who has been sentenced to a long spell in prison (see Section 21 of the Firearms Act 1968).
- Unsuitability; i.e. you cannot be permitted to carry on a business as a dealer in firearms without danger to the public safety or the peace. This includes having a serious criminal record including, for instance, convictions for violence, gross dishonesty or disregard for public safety, or routinely associating with known criminals.
- Unsuitability also covers intemperate habits such as alcohol or drug abuse and anti-social behaviour. It encompasses people of unsound mind, including those who show signs of depression, have suicidal tendencies, emotional instability or unpredictable behaviour.

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- That you cannot demonstrate experience of firearms and knowledge of laws and other regulations which govern the sale and possession of firearms; as a result the police may decide that you might constitute a danger to the public safety or to the peace.
 - If you will not be engaged in trade or business to a ‘substantial extent,’ in other words you are not really in business.

So how can I prove to the police that my business is genuine?

The law requires the police to be satisfied that you will engage in trade or business to ‘a substantial extent.’ Evidence of this can be in the form of one or more of the following:

- Although not required by law, a business plan for a new venture may help your application along with a business bank account and proper stationery. (Do not include any commercially sensitive information.)
- An account with a wholesale supplier of air guns, pellets and accessories.
- An established business - volume of sales, adverts in the press, audited accounts etc.

‘Substantial extent’ does not mean that you have to sell lots of air guns. It simply means that your business is genuine and that it is not just run as a hobby or pastime, i.e. that it has substance.

You do not have to satisfy the substantial trading test if you sell air guns as an essential part of another business, for instance as part of a sports shop or fishing tackle shop. If the sale of air guns is part of another business activity and provides a significant part of your income, this will count as evidence that it is an essential part of your business.

What happens if the police refuse to register me?

You can request an alternative dispute resolution (ADR) meeting with the police to see if the matter can be resolved. If the police still refuse after the ADR meeting, you can appeal to the Crown Court. To do this, you need to write to the police and to your nearest Crown Court. Go to www.hmcourts-service.gov.uk or look in the phone book.

Before deciding to appeal to the Crown Court you should take advice from a lawyer or from a shooting or trade association if you are a member of one.

Where can I read about the official procedure for registration?

In Chapter 16 of the Home Office document Firearms Law: Guidance to the Police 2002. ISBN 0-11-341273.

Go to: www.basc.org.uk/media/ho_guidance.pdf

The Guidance is available for £9.95 as a paperback book from the Stationery Office, PO Box 29 Norwich, NR3 1GN. Telephone: 0870 600 5522.

Will the police try to make me install lots of security measures?

Security provisions will differ depending upon the individual circumstances of the dealership; whether it uses home or shop premises, or if it is located in a high crime area. Where someone who only sells air guns is concerned, it has been agreed with ACPO and ACPO Scotland that the security requirements for dealers trading only in air guns should usually be 'reasonable precautions' or equivalent to level 1 of the Home Office Firearm Security Handbook 2005. This is most likely to be security cords or a padlock and chain. Each case will be decided on its merits.

Specific details of security measures can be found in Firearms Law: Guidance to the Police 2002 and The Firearms Security Handbook 2005 Available at - www.basc.org.uk/content/certificate_application_f

It must be remembered that the guidance should be applied with full regard to the individual circumstances. It is not a statement of the law but aims to provide general guidelines for the security of firearms. This advice must always be tempered with common sense.

Will I have to keep a register of sales?

The law requires RFDs to keep a register, and examples of the details to be recorded are:

- the type of firearm (rifle, pistol, shotgun etc.)
- the maker's name and serial number, if any
- the calibre
- name and address of the person whom the dealer bought the firearm from, or sold the firearm to

For air gun dealers there is a slight difference; The Firearms (Amendment) Rules 2007 outline the exact details to be recorded – see below.

How should dealer sales and transfers be conducted?

Current advice recommends that a dealer's register should be a bound register, preferably with numbered pages and facing pages with purchases on the left and sales on the right hand side. The Firearms (Amendment) Rules 2007 prescribe the format for recording air gun sales and are described below:

For air gun transfers a dealer must record:

- the class of air weapon (air rifle, air gun or air pistol)
- the make, type or distinctive name of the air weapon
- the calibre
- identification number or other distinguishing mark, if present
- the makers name, if known
- The name and address of the person who purchased the airgun, or to whom it was transferred

Dealers must also record incoming air weapons in the same manner when they come from members of the public. Where dealers sell to dealers different rules apply, and the following must be recorded:

Incoming air weapons (dealer to dealer)

- The quantities and description of air weapons purchased or acquired
- The names and addresses of the sellers or transferors
- The dates of the several transactions.

Outgoing air weapons (dealer to dealer)

- The quantities and description of air weapons sold or transferred
- The names and addresses of the purchasers or transferees
- The dates of the several transactions.

Do sales of component parts and accessories have to be recorded?

Component parts of air weapons are caught by this section and their sale will have to be recorded by RFDs in the same way as the air weapons themselves – ‘component parts’ mean pressure bearing parts such as the barrel, cylinder or air reservoir/piston. Screws, stocks, springs, and other parts that are not pressure bearing are not component parts.

The Home Office has advised that the only ‘accessories’ covered by the Firearms (Amendment) Rules 2007 are detachable sound moderators (silencers). This means that they will have to be recorded in the dealer’s register in the same manner as air weapons and it will be an offence to sell a detachable sound moderator for an air weapon by way of trade or business unless you are a registered firearms dealer.

Selling ammunition for air weapons is not restricted to RFDs, however ammunition for air weapons may only be sold to those aged 18 years or over.

What precautions can I take to minimise the chances of selling air guns to under 18s?

If you have any doubt about a young customer’s age, always ask to see photo ID such as a driving licence or one of the many local ID schemes used by shops who sell alcoholic drink. Many proof-of-age cards are government approved under the Proof of Age Standards Scheme (PASS) and include cards such as Validate, CitizenCard, Connexions,

Young Scot and many others issued by local authorities. Each proof of age card carries a PASS approved hologram. For more details see www.homeoffice.gov.uk.

If in doubt don't sell an air gun, or ammunition for an air gun, and ask the young person to come back with proof of age or with an adult.

Although it is illegal to sell an air gun or its ammunition to under 18s, there is a defence if you can prove that you believed the young person was over 18 or that you had reasonable grounds for believing so.

What about private sales?

Private sales are unaffected and air guns sold privately may still be sent by post, (more on this later). Collectors and private individuals who buy a 'job lot' of air guns, of which some are repaired and refurbished as part of a hobby, may then sell them on, even in a large batch. The test for an offence is whether the person is selling 'by way of trade or business'. This could be construed as specifically advertising as an air gun retailer or attaching such air gun sales to an existing business, even though the primary trade is not air gun related. In borderline cases, only a court could provide a final decision as to whether a sale was by way of trade or business.

What about antique air weapons?

Antique air guns, made prior to 1939, may be sold by anybody to anybody without the seller needing to be a registered dealer providing they are bought and sold as 'curiosities' or 'ornaments'. Guidance on antique air guns has been adopted from BASC and published by the Home Office; a list of air guns is given on page 33.

I am an airgun repairer – I don't sell guns, do I still have to register?

An RFD certificate is not needed unless you intend to sell 'by way of trade or business', an airgun, a component part of an airgun or a sound moderator.

The vast majority of repairers simply provide a repair service where they repair air guns that already belong to someone. Faulty parts are replaced and the complete repaired air weapon may be given to or returned by post to the owner without restriction.

Can RFDs still send air weapons by post?

Not if it is a sale of an air weapon, or component part, or detachable sound moderator. Repaired air weapons and components already owned by the customer may be freely sent by mail.

Do I need to be an RFD to manufacture and sell component parts or accessories?

An RFD certificate is needed where a component part for an air gun or detachable sound moderator is sold 'by way of trade or business' to any customer, regardless of whether the customer is a member of the public or in the gun trade. This includes sales made by manufacturers to the public and to the trade.

The transfer of the component must also take place face-to-face and be recorded by the dealer in the prescribed manner detailed within the Firearms (Amendment) Rules 2007; however once a component part is sold to a member of the public, they may sell it privately without need to be registered as a dealer. It should be noted that age restrictions (18 years or older) still apply in these circumstances.

A manufacturer of general air gun parts (non pressure bearing) such as springs, washers, screws, sights, stocks etc does not need to become an RFD.

The Firearms Rules also cover detachable sound moderators if sold 'by way of trade or business.' These must also be sold face-to-face by RFDs. Manufacturers of detachable sound moderators will also need to register as RFDs when supplying the gun trade, or members of the public, 'by way of trade or business'.

But what if I don't sell components but simply tune or repair them?

'By way of trade or business,' it is not an offence to receive a component part such as the valve from an airgun owner to tune as they already own it and you are not selling the component. If you are asked to tune a valve to section one status (greater than 6 ft lbs muzzle energy for a pistol or 12 ft lbs for a rifle) it is then subject to certification and its possession would need a firearm certificate or RFD certificate.

Additionally, you may freely sell unfinished component parts for air weapons, such as barrel blanks, 'by way of trade or business' without being an RFD. You may even receive the barrel blank back for finishing following its sale and then hand it back to the owner, or even fit it for them (you are not selling; it is already owned by the customer).

SECTION 32:

Sales of air weapons by way of trade or business to be face-to-face

This section applies where a person sells an air weapon 'by way of trade or business' to an individual in Great Britain who is not registered as a firearms dealer.

When sales and transfers are made, the RFD, or representative of an RFD, and the buyer must both be present at the time of transfer.

A 'representative' is a reference to -

- (a) A person employed by the seller in his business as a registered firearms dealer
- (b) A registered firearms dealer who has been authorised by the seller to act on his behalf in relation to the sale
- (c) A person who is employed by a person falling within paragraph (b) in his business as a registered firearms dealer

Note: 'transfer' includes hiring, giving, lending or parting with possession and 'representative' is commonly referred to as a 'servant' in the Firearms Acts.

Can air weapons be sold by mail order?

No. All sales or transfers will have to be on a face-to-face basis with the buyer or his representative. RFDs may sell air guns to people at a distance, but only through another RFD who will then ensure the air gun is transferred face-to-face. A face-to-face sale may also be conducted by a servant of the RFD who completes the transfer away from the business premises i.e. by delivering the air weapon to the customer. The transfer must still be recorded in the dealers register.

Simple advertising of firearms and air weapons is allowed on the internet. To avoid problems with police or e-transaction companies it is good practice to ensure that your website is clear about mail order being illegal and that web pages do not allow items to be ordered or placed into an e-shopping basket. This means that the webpage is separate from the mail sales area of your website and is simply a page of air gun product advertisements, with descriptions and price details only.

What about internet based sales?

Advertising air weapons on the internet and collecting payment by e-commerce websites is permitted, but the final transfer of the gun must be completed face-to-face and not by mail order.

What about private sales?

Private sales do not have to be face-to-face, but remember that only persons aged 18 years or over may purchase air weapons, component parts, detachable sound moderators and ammunition for air weapons.

If you sell air weapons or their ammunition to people under 18 years old, both the seller and young person would commit an offence (more about this in the next section). Private sales may take place by post, but you must verify the age of the person to whom you are selling. If the air weapon is received through the post by someone under 18 years of age regardless of whether it is intended to reach an older person, both parties commit an offence. Selling ammunition for air weapons is not restricted to RFD's but it must only be sold to persons aged 18 years or older.

Although it is illegal to sell an air gun or its ammunition to under 18s, there is a defence if you can prove that you believed the young person was over 18 or that you had reasonable grounds for believing so.

SECTION 33: **Age limits for purchase etc of air weapons**

This section makes it an offence for persons under the age of 18 to purchase or hire an air weapon, or ammunition for an air weapon. It is also an offence to sell, let on hire, or make a gift of any air weapon or ammunition to a person under 18.

For more information see BASC's Air Rifle Code of Practice available at www.basc.org.uk or from the firearms department on 01244-573010 or email: firearms@basc.org.uk

SECTION 34: **Firing an air weapon beyond premises**

It is now an offence to fire a missile from an air weapon, deliberately or accidentally, over adjoining land unless the owner of that land has given his permission to do so.

It is a defence for the user to show that the occupier had consented to shooting, whether specifically or by way of general consent, over the premises the pellet was fired into or across.

The Anti-Social Behaviour Act 2003 already creates an offence of firing a pellet beyond premises by any young person under 18. Where a young person under the age of 14 (who must be supervised at all times by an adult aged 21 years or over) fires a pellet beyond the boundary of their property, both the young person and supervising adult commit an offence. Section 34 of the Violent Crime Reduction Act now makes it an offence for anybody to fire a pellet beyond the boundary of premises irrespective of age.

SECTION 35: Restriction on sale and purchase of primers

In the past there have been concerns about criminals obtaining ammunition components. Section 35 attempts to address this problem by introducing controls on the sale and purchase of cap-type primers, including empty cartridge cases incorporating such primers, designed for use in ammunition.

This section makes it an offence for anybody to sell to anybody primers for use in metallic ammunition (rifle or pistol cartridges) unless the purchaser:

- Is a registered dealer
- Sells by way of trade or business either primers or empty cartridge cases incorporating primers
- Produces a certificate authorising him to possess a firearm of a relevant kind (i.e. a firearm other than a shotgun, an air weapon or a firearm chambered for rim-fire ammunition) or ammunition for such a firearm
- Is a duly authorised Crown servant
- Shows he is entitled under an enactment to possess a firearm or ammunition of a relevant kind without a certificate
- Shows he has authority to purchase primers on behalf of another certificate holder
- Is authorised by regulations to purchase primers. This is a contingency provision and to date no regulations have been made.

Note: This Section also makes it an offence to buy, or attempt to buy, primers unless the purchaser meets the criteria above.

The maximum penalty for an offence under this section is six months imprisonment or a £5,000 fine, or both.

Primers do not have to be listed on firearm certificates, nor sales recorded by dealers, though a certificate of a relevant type (firearm or shotgun certificate) must be produced in order for the retailer to make a sale.

The definitions in this section do not apply to blank ammunition, shotgun primers and capped cases containing a shotgun primer or to percussion caps for muzzle-loading firearms.

Primers may be given away as the law only relates to sale; however BASC recommends that only those with a genuine use should be given primers.

REALISTIC IMITATION FIREARMS:

SECTION 36: Manufacture, import and sale of realistic imitation firearms

and

SECTION 38: Meaning of a realistic imitation firearm

Section 36 makes it an offence to;

- i. Manufacture a realistic imitation firearm
- ii. Modify an imitation firearm so that it becomes a realistic imitation firearm
- iii. Sell a realistic imitation firearm
- iv. To bring a realistic imitation firearm into Great Britain or cause one to be brought into Great Britain

Any realistic imitation firearm brought into Great Britain shall be liable to forfeiture under the Customs and Excise Acts.

What is an ‘imitation firearm’?

The term “imitation firearm” is defined in Section 57(4) of the Firearms Act 1968 as meaning ‘anything which has the appearance of being a firearm (other than such a weapon as is mentioned in 5(1)(b) of this Act), whether or not it is capable of discharging any shot, bullet or other missile.’

What is a ‘realistic imitation firearm’?

Section 38 says a ‘realistic imitation firearm’ means an imitation firearm which has an ‘appearance that is so realistic as to make it indistinguishable from a real firearm’ by someone who is not an expert; without close examination; or as a result of an attempt to load or fire it.

Section 38 of this Act defines a “real” firearm as being of a “modern” design. In turn it goes on to say that a “modern” design would not include something which has the appearance of a design and mechanism dating from before 1870. What this means in practice is that if the item has the appearance of a firearm then it is an ‘imitation firearm’ (Section 57(4) of the Firearms Act 1968). The VCR Act now adds to this, so that if it also has the appearance of a design and mechanism dating from after 1870 then it is now a ‘realistic imitation firearm’. However the VCR Regulations include references to ‘principal colour’ and ‘overall size’ that if complied with, revert what would potentially have been a ‘realistic imitation firearm’ back to being an ‘imitation firearm’ as its colour or shape would be unrealistic for a real firearm. The details of this are set out below, as are the defences to offences under the Act in relation to realistic imitation firearms.

What distinguishes an imitation from a realistic imitation firearm?

An 'imitation firearm' is regarded to be unrealistic if it is made of transparent material or has a principal colour of:

- bright red
- bright orange
- bright yellow
- bright green
- bright pink
- bright purple
- bright blue

Note: 'Principal colour' means that the bright colour has to be foremost regardless of how many colours the imitation has. So, for instance, if the imitation has two colours, the bright colour must cover at least 51% of the gun in order to conform to the regulations - like the items below;



The regulations also prescribe dimensions that distinguish between 'imitation' and 'realistic imitation firearms'. Imitation firearms are not deemed to be realistic if they measure less than 38mm in height and 70mm in length (regardless of colour); they are simply imitations and may be sold freely to persons aged 18 or over.

Note: It is an offence to modify an imitation firearm so that it becomes a realistic imitation firearm, i.e. to remove the colouring or enhance its appearance in any way to resemble a real firearm.

Are exemptions provided in the regulations?

The Regulations provide a defence to allow exhibitors at arms fairs to import, purchase, manufacture and use realistic imitation firearms to advertise products rather than bring real firearms to the event.

A specific defence is also provided for airsoft skirmishing and historical re-enactment. The defence rests upon third party liability insurance where two or more people are involved, i.e. those who hold insurance through a re-enactment society or association. This will allow 'realistic imitation firearms' to be imported, manufactured and sold to bona-fide skirmishers or re-enactors.

The UK Airsoft Retailers Association (UKARA) has devised a registration scheme and database for airsoft gaming sites and their site members. Each member is issued with a registration form which is signed and stamped.

As the responsibility lies with the dealer/seller to establish the right of the purchaser to buy, airsoft dealers may also become UKARA trade members in order to gain access to their database to verify each buyer. Dealers who aren't members of UKARA can still use the database, but will have to pay a fee.

Dealers without access to the UKARA database may choose to verify the buyer's identity with the buyer's parent gaming site secretary or by asking the prospective buyer to provide evidence of membership together with their valid third party liability insurance. The same requirement to see proof of membership and insurance applies to re-enactment societies. It is up to dealers to satisfy themselves that the buyer is genuine and falls within the scope of the exemption.

What if HM Revenue & Customs query my importation?

Where 'realistic imitation firearms' are concerned, you will have to prove that your import is for a valid reason within the exemptions provided. For example; if you ask your local dealer to obtain one for you, you will have to show that you are a bona fide airsoft skirmisher with the appropriate insurance attached to that activity, usually by providing evidence of membership of an airsoft gaming site - most of which will be affiliated to the UKARA who operate the scheme detailed above.

A copy of your current membership card for a gaming site should normally suffice. But to be sure, UKARA issues each skirmisher with a registration form, with signatures and stamps from the gaming sites, and recommends this as the best evidence to submit to Customs.

If you bring a 'realistic imitation' into Britain as a personal import, you will need to declare it to HM Customs at the red channel. You will then be required to demonstrate that the importation was in connection with a permitted activity described by the Act and Regulations i.e. you belong to a bona fide airsoft skirmishing site or re-enactment group, where two or more people are engaged and public liability insurance is held. In these circumstances the UKARA or club membership details should be presented along with proof of insurance. The HM Customs controls equally apply to imitations that have been taken out of the UK, to a re-enactment event for example, and are being re-imported.

For 'imitation firearms', you should be allowed to pass through Customs without problem as simple imitations may be imported freely provided their size or colour is compliant with the VCR Act 2006 (Realistic Imitation Firearms) Regulations 2007.

Where a realistic imitation firearm is seized while in transit through the UK postal system, or coming into a British port from abroad, efforts will be made to find the person for whom it is destined and questions will be asked. For airsoft players this is when your airsoft stamped registration form or membership card and insurance must be provided. A letter on headed paper from the gaming site stating that you are a current member can be forged and may not be accepted by HM Customs.

Other groups, such as re-enactors, will need to show that they are full members of a re-enactment society with the appropriate third party liability insurance. A copy of a membership card and insurance certificate are ways of providing evidence, though contact details of the club secretary may need to be given in order to verify your membership status.

Caution should be observed when buying new imitations from abroad. If in doubt do not import: it is not just the lack of conformity to regulations that can get you into trouble. Some blank firing guns are designed to fire CS/tear gas or are readily convertible into real firearms; both types of guns are prohibited in the UK.

Am I still allowed to own a realistic imitation firearm bought before the Act?

Continued possession of ‘realistic imitation firearms’ bought prior to the Act is permitted even if you are not a re-enactor or involved in airsoft skirmishing. The offence of having an imitation firearm in a public place without a ‘reasonable excuse’ still applies to all imitation firearms.

It is however prohibited to sell a ‘realistic imitation’ unless the purchaser benefits from one of the defences provided in the legislation (as explained on pages 25, 28 & 29) or the ‘realistic imitation’ is altered to become a simple ‘imitation firearm’ that conforms to the regulations.

What about private or secondhand sales?

1) ‘Realistic imitation firearms’

Sales of ‘realistic imitations’ may only take place if the purchaser benefits from one of the defences. The responsibility lies with the seller to establish the right of the purchaser to buy.

2) “Imitation firearms”

Where ‘imitation firearms’ conform to the Regulations i.e. they are not realistic imitation firearms as defined by the VCR Act, private sales may be made freely anywhere within Great Britain subject to the purchaser being aged 18 or over.

Can I sell to persons outside the UK?

1) “Realistic imitation firearms”

It should be noted that the restrictions apply to all sales of ‘realistic imitation firearms’ originating in England, Scotland, Wales and Northern Ireland. Different laws apply to sales made on the Isle of Man and the Channel Islands. Sellers must still establish the right of the purchaser to buy regardless of which country they reside in.

When selling legitimately to persons abroad, it is important that the seller and purchaser check that local laws allow the item to be sent to the destined country. Export licenses are not required for realistic imitation firearms

2) “Imitation firearms”

Where an imitation firearm conforms to the Regulations and ceases to be realistic, sales may be made freely anywhere within UK territory and beyond without having to establish the right to buy.

It is important to check that local laws allow the item to be sent to the destined country. Export licenses are not required to export imitation firearms.

SECTION 37: Specific defences applying to the offence of importing and sale of realistic imitation firearms

Two specific defences are provided within the Act. Firstly it shall be a defence for a person charged with an offence to show that the ‘importation’ and ‘sale’ was for the purpose only of making the imitation firearm available for one or more of the purposes specified below:

- (a) The purposes of a museum or gallery;
- (b) The purposes of theatrical performances and of rehearsals for such performances;
- (c) The production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48) - see section 5B of that Act);
- (d) The production of television programmes (within the meaning of the Communications Act 2003 (c. 21) - see section 405(1) of that Act);
- (e) The organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this section by regulations made by the Secretary of State;

-
- (f) The purposes of functions that a person has in his capacity as a person in the service of Her Majesty.

It is also a defence for a person charged with an offence of importing a realistic imitation firearm to show that the conduct:

- (a) Was in the course of carrying on any trade or business; and
- (b) Was for the purpose of making the imitation firearm in question available to be modified in a way which would result in its ceasing to be a realistic imitation firearm.

Definitions of 'historical re-enactment' and 'museum or gallery' are also provided in the Act.

What other defences are available?

As described earlier in this guide, the Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 outlines some specific defences for the sale, manufacture and importation of 'realistic imitation firearms'.

Additionally, Section 37 allows businesses to import unaltered realistic imitations for sale to those who benefit from the defences or to make them imitation firearms conforming to the regulations i.e. by colouring them, prior to sale.

Sellers of imitation firearms will wish to bear in mind that Section 40 of the Act also makes it an offence to supply an imitation firearm to persons under the age of 18 years.

Importations of realistic imitation firearms for permitted purposes do not need an import licence. HM Customs and the Department for Business, Enterprise and Regulatory Reform (formerly the DTI) have produced guidance for their staff who are aware of the different requirements of people who may need to acquire or import realistic imitations and we are assured that each import will be looked at on its individual merits if queries arise.

SECTION 39: Specification for imitation firearms

A person is guilty of an offence if –

- (a) he manufactures an imitation firearm which does not conform to the specifications required of it by regulations under this section;
- (b) he modifies an imitation firearm so that it ceases to conform to the specifications so required of it;
- (c) he modifies a firearm to create an imitation firearm that does not conform to the specifications so required of it; or
- (d) he brings an imitation firearm which does not conform to the specifications so required of it into Great Britain or causes such an imitation firearm to be brought into Great Britain.

Any imitation firearm brought into Great Britain which does not conform to the specifications shall be liable to forfeiture under the Customs and Excise Acts.

NOTE: In due course the Home Office will publish the Violent Crime Reduction Act 2006 (Specifications for Imitation Firearms) Regulations 2007. The regulations will also provide specifications to which blank-firing guns will have to conform.

It will be an offence to import, manufacture or sell a blank-firing ‘imitation’ or ‘realistic imitation firearm’ that does not conform to the specifications; equally this section makes it an offence to alter or modify an imitation firearm so it ceases to conform to the specifications.

The specifications will require the design of blank-firing imitations to incorporate certain inclusions within the gun to prevent them being converted to fire live ammunition. Importers and manufacturers will have to satisfy themselves that blank-firing imitations conform to the regulations, though it is likely that the Proof authorities will offer a testing system for importers and manufacturers to submit items for testing. This publication will be updated once the regulations are published and any testing facility is available.

SECTION 40: Supplying imitation firearms to minors

It is now an offence for a person under the age of 18 to purchase an imitation firearm.

It is also an offence to sell an imitation firearm to a person under the age of 18. It is a defence to show that the person charged with the offence –

- (a) believed the other person to be aged 18 or over; and (b) had reasonable ground for that belief.

NOTE: See Section 43 (Sale of Knives) for more information about how to guard against selling imitation firearms to minors.

SECTION 41: Increase of maximum sentence for possessing an imitation firearm

For the possession of an imitation firearm in a public place without a reasonable excuse the penalty has been raised to 12 months imprisonment or a fine or both and in any other case, seven years or a fine, or both.

OTHER WEAPONS:

SECTION 43: Sale of knives

Section 43 increases the age for purchasing knives from 16 to 18 and makes it an offence to sell a knife to a person aged less than 18 years. BASC has published a fact sheet Knives & the Law which is available from BASC's firearms department.

SECTION 44: Sale of crossbows

Section 44 raises from 17 to 18 the age at which a person may be sold or leased a crossbow and at which a person may buy, hire or possess a crossbow. BASC has published a fact sheet about Crossbows which is available from BASC's firearms department.

What precautions can I take to minimise the chances of selling knives or crossbows to under 18s?

If you have any doubt about a young customer's age, always ask to see photo ID such as a driving licence or one of the many local ID schemes used by shops who sell alcoholic drink. Many proof of age cards are government approved under the Proof of Age Standards Scheme (PASS) and include many cards such as Validate, CitizenCard, Connexions, Young Scot and many others issued by local authorities. Each proof of age card carries a PASS approved hologram. For more details see www.homeoffice.gov.uk. If in doubt don't sell a knife, bladed instrument or imitation firearm and ask the young person to come back with proof of age or with an adult.

Although it is illegal to sell a knife, bladed or sharply pointed instrument or imitation firearm to under 18s, there is a defence if you can prove that you believed the young person was over 18 or that you had reasonable grounds for believing so.

TABLE A

ANTIQUÉ AIR WEAPONS

Air rifles & air guns

Bonehill Britannia	Haenel Model IV
Britannia "Anglo Sureshot Mk 1"	Haenel Model VIII
Improved Britannia	Haenel Model X, XV and XX
BSA L Model	Haenel Model 45
BSA H Model	Hot Shot
BSA Lincoln Model	Lane's Musketeer
BSA Improved Model B	Langenhahn "Favorit 1"
BSA Improved Model D	Langenhahn "Millita" Models
BSA Military Pattern	Markham (all models)
BSA "A" Series	Marco
BSA Standard Model (T Prefix and Club Specials)	Midland Gun Co Demon "Break Action"
BSA "Break Action"	Midland Gun Co "Perfecta"
Crank operated gallery rifles/guns (all types).	Pfeil (all models)
Daisy M 1901	Precision air rifle (Oscar Will)
Daisy B-1000	Quackenbush (all models)
Daisy Model C	Remington Model 26
Daisy Model H	Roland Model 1927 (marketed under various names)
Daisy Number 12	Speedy air rifle
Daisy Model 29	Tell air rifles (Oscar Will)
Daisy Model 40	Webley Mark 1
Diana Model 16	Webley Mark 2 Service air rifle
Diana Model 20	
Diana Model 25	
Diana "Break Action"	
Diana Model 48	
"Gem" all types	
Giffard compressed CO2 all types.	
Greener "Break Action"	
Haenel Model I D R P	
Haenel Model II	
Haenel Model III	

Air pistols

Accles & Shelvoke "Warrior"	
Anson "Firefly"	
Bedford and Walker "Eureka"	
Britannia	
Daisy "Targeteer" (fixed rear sight = pre-1940)	
Diana Model 1	
EmGe "Zenit"	
Haenel 26	
Haenel 28	
Haenel 28 Repeater	
Hubertus (as sold by Midland Gun Co)	
Iver Johnson "Champion"	
Lincoln Jefferies "The Lincoln"	
Pope Bros "Rifle"	
Quackenbush	
Siptonon	
Snow & Cowe "Kalamazoo"	
Tell II	
Tell III	
Titan (Frank Clarke, Birmingham?)	
Westley Richards "Highest Possible"	
Webley Mark 1 (straight butt with wooden grips)	1924 – 1935 *
Webley Mark 1 (raked butt with plastic grips, No knurled section on barrel)	1924 – 1935 *
Webley "Junior" (wooden or pressed steel grips; post war have rounded butt)	1929 – 1938 *
Webley Mark II Target	1925 – 1930 *
Webley "Senior" (Straight butt wooden grips)	1930 – 1935 *
Webley "Senior" (Slant butt plastic grips. Highest known serial no17578)	1930 – 1935 *

* **Webley date source:** Webley Air Pistols – 'Their History and Development' by Gordon Bruce; Robert Hale Publishing 2008. ISBN: 978-0-7090-6619-4

NOTE: There is a significant class of air pistols with push-in spring loaded barrels which are generically referred to as “Gat” or “Gat type”.

Those which predate 1939 are: -

Briton, Briton De-Luxe and Super Briton

Dolla

Dolla (William Tell)

Diana Model 2

Limit

Those post-dating 1939 are:-

The Gat made by T J Harrington of Walton Surrey

Original Model 2

GLOSSARY OF TERMS

Airsoft	A team sport similar to paintballing using airsoft guns that fire plastic BB projectiles
ACPO	Association of Chief Police Officers
Dept for BERR	Department for Business, Enterprise & Regulatory Reform
ft-lb	A measurement of kinetic energy in foot-pounds when measured from the muzzle.
HMRC	Her Majesty's Revenue & Customs
HO	Home Office
KE	Kinetic energy
Paintball	A thin-skinned, frangible ball containing paint used in paintball guns
Paintballing	A team sport using paintball guns firing a frangible plastic ball containing paint
RFD	Registered firearms dealer
Skirmishing	Another term use for airsoft team games

PROHIBITED WEAPONS DEFINITIONS

- 5(1)(a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger
- 5(1)(ab) any self-loading or pump-action rifled gun other than one which is chambered for .22 rimfire cartridges
- 5(1)(aba) any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall, other than an air weapon, a muzzleloading gun or a firearm designed as signalling apparatus
- 5(1)(ac) any self-loading or pump-action smoothbore gun which is not an air weapon or chambered for .22 rimfire cartridges and either has a barrel less than 24 inches in length or (excluding any detachable, folding, retractable or other moveable butt-stock) is less than 40 inches in length overall
- 5(1)(ad) any smooth-bore revolver gun other than one which is chambered for 9mm rimfire cartridges or a muzzle-loading revolver gun
- 5(1)(ae) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line throwing or pyrotechnic purposes or as signalling apparatus
- 5(1)(af) any air rifle, air gun or air pistol which uses, or is designed or adapted for use with, a self-contained gas cartridge system
- 5(1)(c) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing
- 5(1A)(a) any firearm which is disguised as another object

USEFUL CONTACTS

United Kingdom Airsoft Retailers Association (UKARA) - www.ukara.org.uk

United Kingdom Airsoft Sites Governing Body (UKASGB) - www.ukasgb.org.uk

HM Revenue & Customs (HMRC) National Advice Service Helpline - 0845-010-9000

Dept for BERR's Export Control organisation (ECO) - 0207-215-4594
eco.help@berr.gsi.gov.uk

Police service contacts (Click on map) - www.police.uk/forces.htm

Gun Trade Association - www.gtald.co.uk

National Association of Re-enactors (NaRES) - www.nares.org.uk

The British Fast Draw Association - www.bfda.co.uk

British Western Shooters Association - www.bwss.org.uk

UK Action Shooting Association - www.ukasa.org

The British Shooting Sports Council (BSSC) - www.bssc.org.uk

Re-enactorguard Insurance Services - www.re-enactorguard.co.uk

Mellerup's general insurance Ltd - www.mellerups.co.uk

For information about toy firearms contact any of the following bodies. A copy of their joint "Code of Practice for Toy Firearms" for manufacturers is available here - www.equitoy.com/if.pdf or on request.

British Toy & Hobby Association - 0207-701-7271 admin@btha.co.uk

EQUITOY - 01580-2408191 info@equitoy.com

Toy Retailers Association - 08707-537437 enquiries@toyretailersassociation.co.uk

NOTES

BASC is a representative body for sporting shooting

The BASC ideal is...

That all who shoot in Great Britain conduct themselves according to the law and to the highest standards and safety, sportsmanship and courtesy, with full respect for their quarry and a practical interest in wildlife conservation and the countryside.

Never guess what the law allows. If in doubt, contact BASC or your local police firearms licensing department.

ACPO & BASC wishes to thank the UK Airsoft Retailers Association (UKARA), CCI Ammunition and John Rothery Wholesale Ltd for supplying artwork.



For information on any of the issues covered in this guide, or any other aspect of firearms law or shooting sports contact:

The Firearms Department
The British Association for
Shooting and Conservation
Marford Mill
Rossett
Wrexham
LL12 0HL

Phone: 01244-573010
Email: firearms@basc.org.uk
Website: www.basc.org.uk

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