

Worlds Collide

Replica and imitation firearms

PI0204



Resource Description

An information sheet explaining how the law relates to air weapons and BB guns especially. It outlines the Violent Crime Reduction Act 2006. This resource can be used in conjunction with PA0418.

National Curriculum

Key Stage 3/Year 7/PSHE 2g,3j.

Key Stage 3/Year 8/PSHE 2g,3j.

Key Stage 3/Year 9/PSHE 2g,3j.

Key Stage 4/Year 10/PSHE 1d,2b,3c.

Key Stage 4/Year 11/PSHE 1d,2b,3c.

QCA

Key Stage 3/Citizenship/Unit 2 – Crime

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BB Guns

The law applied to BB guns will vary according to the specification of the gun.

Some BB guns can be classified as firearms. The Firearms Act 1968 defines a firearm as:

"a lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged"

Some BB guns with higher power ratings do have the ability to kill. If the BB gun in question is classed as a firearm, there are several offences in the 1968 Act that relate to it. They are:

- purchase or hire of a firearm by a person under the age of seventeen;
- possession of firearm with intent to injure;
- possession with intent to cause fear of violence;
- use of a firearm to resist or prevent arrest;
- possession of a firearm at time of arrest;
- carrying a firearm with criminal intent;
- carrying a firearm in a public place;
- trespass with a firearm;
- possession of a firearm by a convicted person;
- On 6 April 2007 a new offence of using someone to look after, hide or transport a weapon (including firearms but excluding air weapons) with the intention of making it available or using it illegally came into force. This is part of the Violent Crime Reduction Act 2006.

Your BB gun might not qualify as a firearm but may be an air weapon which is defined as: "an air rifle, air gun or air pistol not of a type declared....to be specifically dangerous"

If your BB gun is an air weapon it relates to the following offences from the 1968 Act:

- carrying a loaded air weapon in a public place;
- having an air weapon under 14 years old;
- having an air weapon in a public place under 17 years old;
- giving an air weapon to a person under 14 years old.

Certain firearms need to be certified (according to the Firearms Act 1968). If your BB gun meets the definition of an air weapon, then it may be exempt.

However, the strength of the air weapon could mean it needs to be certified.

Any air pistol that has a power rating of 6ft lb, and any other air weapon that has a power rating of 12ft lb, is classed as an air weapon of a type declared to be specifically dangerous. It is possible for a BB gun to meet these requirements and then a certificate would be needed for the BB gun and the following offences may apply:

- possessing, purchasing or acquiring a firearm without relevant certificate;
- failure to comply with conditions of firearm certificate;
- manufacturing, selling, transferring, repairing or testing of firearm without being a registered firearms dealer.

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If your BB gun uses a self-contained gas cartridge to propel the ball bearing then it is also a prohibited weapon under the Firearms Act 1968. This can lead to offences of possession, purchasing or acquisition of a prohibited weapon as part of the Act. However, it is rare for a BB gun to qualify as a prohibited weapon.

Imitation Firearms

A 'replica gun' would in most circumstances qualify as an imitation firearm as part of the 1968 Act: "Imitation firearm means any thing which has the appearance of being a firearm whether or not it is capable of discharging any shot, bullet or other missile"

An imitation firearm is subject to a number of offences from the 1968 Act:

- conversion into a firearm;
- possession with intent to cause fear of violence;
- using an imitation firearm to resist or prevent arrest;
- possessing an imitation firearm at the time of arrest;
- carrying an imitation firearm with criminal intent;
- carrying an imitation firearm in a public place;
- trespassing with an imitation firearm.

BB guns that are not defined as firearms or air weapons can be treated as imitation firearms if they meet the definition.

Violent Crime Reduction Act 2006

New offences have been added to the Violent Crime Reduction Act 2006 and the Firearms Act 1968, none of which have been enacted at the time of going to print (June 2007) but were expected to become law imminently. They are as follows:

- An offence of selling air weapons without being a registered firearms dealer under the Firearms Act 1968;
- The offence of purchase or hire of an air weapon by a person under the age of eighteen (this is an expansion of the 1968 Act);
- The offence of firing an air weapon beyond premises, now part of the 1968 Act;
- The new offence of manufacturing, selling and importing a realistic imitation firearm, part of the Violent Crime Reduction Act 2006;
- The offence for a person under the age of 18 to purchase an imitation firearm, and the offence of selling an imitation firearm to a person under the age of eighteen, a new part of the 1968 Act.

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Summary of what the Violent Crime Reduction provisions will do when the Act comes into force:

The Violent Crime Reduction Act 2006 introduces the term 'a realistic imitation firearm'. It defines this as 'an imitation firearm whose appearance is so realistic as to make it indistinguishable, for all practical purposes, from a firearm of an existing make or model...' This means that if you can only tell it is a replica firearm by examining it closely, attempting to load or fire it or asking an expert then it is a realistic imitation firearm.

So, anything that looks like a real firearm will no longer be legally sold, imported or manufactured. It does not matter whether the gun fires a pellet, a capsule of paint, a ball bearing or nothing at all. If a court finds that a BB gun or air pistol looks like a realistic firearm then it may not be manufactured, bought or sold.

There will, of course, still be look-alikes in cupboards and under beds all around the country, but in due course they will gradually disappear.

The aim and benefit of this new legislation is to stop children and young people treating guns as toys, learning about the power the gun gives them and graduating to more dangerous weapons.

Gill Marshall-Andrews (Chair of the Gun Control Network) says: 'No-one needs a realistic imitation gun - except perhaps a re-enactment society. Paintball and airsoft guns do not have to look like the real thing. A green plastic BB gun would not be affected by the proposed legislation. If it's not lethal and doesn't look like a real firearm then there's no problem.'