



## THE AIRGUN TRADE

### AND

## THE VIOLENT CRIME REDUCTION ACT 2006



### General

- The Violent Crime Reduction Act 2006 has recently become law but will take effect only after Commencement Orders have been tabled in Parliament. It seems that the first part to take effect will be that which raises from 17 to 18 years the age at which a person may buy or be sold an air weapon or ammunition for an air weapon.
- Implementation of the part relating to trade in air weapons will be delayed until Rules have been made and practical arrangements are finalised. Until then, some of the detail will remain uncertain.
- This briefing note is concerned only with low-powered air weapons which generate a muzzle energy in excess of one joule (0.7375 foot pounds) but not exceeding 8.13 joules (6 foot pounds) for an air pistol or 16.27 joules (12 foot pounds in any other case). Soft-air guns are not considered, nor are 'high powered' air weapons that are above the set limit.
- Component parts of those air weapons – that is such pressure bearing parts as the barrel, cylinder or air reservoir and piston, (but not screws, springs, stocks and other parts that are not pressure bearing) must be regarded as if they were air weapons in their own right.

### Registration as a Firearms Dealer

- **From the date on which the Rules take effect**, only registered firearms dealers (RFDs) will be permitted to *sell or transfer* air weapons *by way of trade or business*. 'Transfer' includes letting on hire, giving, lending or parting with possession.
- Air weapons repairers will not be required to be RFDs but the complexity of the law about transfers of air weapons to individuals linked with the fact that most repairers sell at least a small number of air weapons means that most would be wise to become RFDs.
- Selling air weapon ammunition will not be restricted to RFDs.
- Existing registered firearms dealers will continue to sell air weapons with no change to their business other than a need to keep records of airgun sales and a requirement for face-to-face transactions where airguns are sold.
- Existing 'air-weapons-only' dealers who are not currently RFDs will be able to apply for registration to sell all types of firearms if they can show that they are likely to trade to a substantial extent in such firearms.

### Air-weapons-only Dealers

- Those who intend to deal only in airguns and who are not currently RFDs will be required to register with their local police but their registration certificate will bear a condition limiting their trade to airguns only.
- The necessary form is obtained from the police firearms department and is simple to complete. Police enquiry officers will visit the applicant and check on his suitability (or the suitability of the officers of a limited company). They will also check on the suitability and security of the premises. It is anticipated that the procedures for those restricted to selling only air weapons will be less onerous than those that apply to RFDs.

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- It is anticipated that the general structural integrity of shop premises will be sufficient for this purpose. Firearms enquiry officers will discuss general security as it should be applied to individual cases, but will have received guidance about the levels to be applied. It is also expected that when the premises are open for business, any air weapons will be kept out of the reach of customers, possibly secured by steel cords through trigger guards, except when being handled. When shops are closed, it may be necessary to have the weapons locked away. More detailed guidance will be available before the new Rules are put into effect, but it is not anticipated that the responsible air weapons dealer will be seriously inconvenienced.
- There will be a fee of £150.00 for registration which is valid for three years. A further £150.00 will be payable for renewals.
- A refusal to register a person as a firearms dealer (RFD), can, if necessary, be challenged by way of appeal to the Crown Court.

### **Register of Transactions**

- Where an existing RFD or a newly registered airguns-only RFD sells airguns he will be required to maintain a register of transactions. Details of the information to be kept will be spelled out in Rules, but it is anticipated that this will be a much simpler form of register than that currently maintained by RFDs and will require information about purchases in bulk from suppliers together with details of individual sales showing the name and address of the purchaser. Existing law requires that if the buyer is not known to the seller, the buyer must be required to furnish to the seller ‘particulars sufficient for identification’.
- Records of sales of air weapon ammunition are not required.
- There is no requirement to notify the police of sales of air weapons.
- Police and customs officers authorised in writing have a right to enter the premises to check the stock and the register.

### **Sales in Person**

- A further restriction will require that all sales be ‘in person’. This will apply where a person *sells* an air weapon *by way of trade or business* to another person in Great Britain who is not registered as a firearms dealer. It does not apply to ‘transfers’ so that airguns that have been repaired need not be returned in person, but can be sent by carrier. The restriction does not apply to sales that are completed outside Great Britain, for example where air weapons are sold by a person in another country by mail order or via the internet and then posted to someone in Great Britain.
- Where this Section applies, the buyer and the seller or his representative (the seller’s servant, another RFD or his servant) must be present in person so that the final transfer of possession is ‘face-to-face’.
- Whilst these changes will impose additional burdens on all in the airgun trade, extensive negotiations undertaken by the Gun Trade Association (GTA), and the Shooting Sports Trust (SST), have ameliorated the effect of these burdens and the GTA stands ready to advise and represent its members in those cases where implementation of the new system creates difficulties.

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