



THE VIOLENT CRIME REDUCTION ACT 2006



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The Gun Trade Association Limited
P.O. Box 43
Tewkesbury
Gloucestershire
GL20 5ZE
01684 291868
www.guntradeassociation.co.uk

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Guidance to:

Air Weapons,
Primers,
Realistic Imitation
Firearms
& Imitation Firearms



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NOTES

- 35.2. The Home Office will publish specifications for imitation firearms. We anticipate that those most likely to be affected will be those which fire blanks (blank firers), and the specifications will most probably include restrictions in the barrel (and/or the cylinder). Until the specifications have been agreed it is not possible to determine what effect this will have on those imitation firearms and realistic imitation firearms that can fire blanks.
- 35.3. The objective of the specifications is to prevent the conversion of such items into lethal barrelled firearms.
- 35.4. Whatever they transpire to be, these specifications will be able to be verified through a testing procedure which will be conducted by the Proof Authorities. The importer/seller of the blank firer will be required to satisfy themselves that the imitation firearm meets the specification laid down.

As with other UK Legislation The VCR Act only applies to the UK and should you wish to export any of the items dealt with in the Act, you must abide by current rules and regulations.

VIOLENT CRIME REDUCTION ACT 2006

GUIDANCE

The Association of Chief Police Officers (ACPO) & The Gun Trade Association (GTA)

1. The purpose of Part 2 of The Violent Crime Reduction Act 2006 (VCR), is to enhance public safety through restrictions on the acquisition, sale and use of air weapons, realistic imitation firearms and imitation firearms. The age at which these items may be purchased, sold and used is also affected, as is the sale and purchase of certain primers.
 - 1.1. This Guidance will deal with **Sections 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40** of the Act and offers straight forward explanation of each Section in order to assist in the day-to-day running of those businesses involved in the purchase, sale or transfer of the various items.
 - 1.2. The Act received Royal Assent in November 2006 and Regulations (which deal with detail, and explanations), came into force on April 6th and October 1st 2007.

Air weapons: Section 31

What air weapons does the Act deal with?

2. In respect of air weapons the Act only addresses the sale (both retail and wholesale), transfer, acquisition and use of those air weapons which are not declared 'specially dangerous', i.e. those air rifles which have a muzzle energy not in excess of 12 ft. lbs. and those air pistols with a muzzle energy not in excess of 6 ft. lbs. These are generally referred to as '**low-powered air weapons**' and CO2 powered air rifles, air pistols and airguns are included in this category.
- 2.1. The Firearms Acts 1968-1997 classify all air weapons as firearms as they are, in Section 57 of the 1968 Act, defined as 'lethal barrelled weapons'. Since CO2 air weapons are also defined as firearms they cannot be either realistic imitation firearms or imitation firearms as well.
- 2.2. It is generally accepted that a muzzle energy in excess of one joule (.74 ft.lbs), is considered to be lethal. Air weapons having a muzzle energy in excess of 12 ft. lbs for an air rifle and 6 ft. lbs. for an air pistol are classified as Section 1 or 5 firearms and are controlled through certification or authorisation. (See below in respect of Paintball and Airsoft guns).

What does the Act not change?

3. The Act does not deal with those 'low-powered air weapons' which are already legally possessed, neither does it affect the private purchase, sale or transfer of low-powered air weapons between those private individuals aged 18 or over.

How does the Act affect the sale of air weapons?

4. The Act makes changes to the way in which those 'low-powered' air weapons are acquired, sold and transferred by way of 'trade or business'.
 - 4.1. The two Sections which apply to the sale of air weapons are 31 and 32. **Section 31** requires anyone who sells air weapons 'by way of trade or business' to be a Registered Firearms Dealer (RFD). **Section 32** limits the sale of air weapons to a 'face to face' transaction. Both these Sections came into force on October 1st 2007.

'Realistic Imitation Firearms' & Imitation Firearms Sections 36, 37, 38, 39 & 40: Cont.

- 33.4. Please note that airsoft items are not firearms within the meaning of the 1968 Act because either their ammunition is designed not to cause lethal injury, or their muzzle energy is less than 1 joule, which is currently taken to be the threshold at which a projectile of non frangible design can be lethal.
- 33.5. Importers of items intended for supply to those who meet the criteria of the exemptions, must be able to provide sufficient proof to HM Revenue and Customs to allow for free passage of the items through Customs.
- 33.6. The Act allows for a defence for those persons who import realistic imitation firearms in the course of their trade or business providing that either (i) they, before any sales, modify the realistic imitation firearm so that it becomes an imitation firearm, or (ii) are importing it for an exempted purpose.

Does the Act apply to those realistic imitations and imitations already possessed?

34. The Act does not affect possession of existing realistic imitation firearms and imitation firearms, but does prohibit the sale of existing realistic imitation firearms, or the modification of existing imitation firearms so that they would become realistic imitations.

How does the Act address those imitation firearms that can fire blanks?

35. Whether or not an imitation firearm or a realistic imitation firearm can fire blanks is not relevant to deciding which of those two categories it is in.
 - 35.1. In due course, it will be an offence to import or manufacture an imitation firearm which does not conform to specifications which will be set out by the Authorities in future Regulations.

At what age is a person allowed to buy or sell an imitation firearm?

31. It is an offence for a person under the age of 18 to purchase an imitation firearm and it is an offence to sell an imitation firearm to a person under the age of 18.

Are de-activated firearms included in the Act?

32. A de-activated firearm is specifically not a realistic imitation firearm (but it is an imitation firearm and the age restrictions for purchase and sale apply).
- 32.1. An antique imitation firearm is not a realistic imitation firearm.
- 32.2. An item that has the appearance of being a firearm can be one of the following;
- A realistic imitation firearm
 - An imitation firearm
 - A deactivated firearm
 - An antique imitation firearm

What and who are exempt from the Act?

33. **Section 37** of the Act allows for certain exemptions from the requirements of the Act (as do certain Regulations which allow for a defence).
- 33.1. Certain bodies will be permitted to purchase realistic imitation firearms from sellers for specific activities, which will include:
- 33.2. The purposes of a museum or gallery. Use at theatrical performances, and in rehearsals, use in television production, use in film production and use in the organisation and holding of historical re-enactments and those who are Crown exempt. Further defences will apply for the activity of airsoft 'skirmishing'.
- 33.3. In respect of historical re-enactment and airsoft skirmishing, any purchaser of realistic imitation firearms will have to show that third party liability insurance is held for the activities in question. It is anticipated that society membership cards will provide details of this for retailers (and wholesalers), to check, and they are advised to keep details of such transactions. The Association of British Airsoft are putting arrangements in place to help retailers check the validity of a claim to be insured, and further information will follow.

Registered Firearms Dealers (RFDs)**What is an RFD and what steps do I take to become one?**

5. A Registered Firearms Dealer, is a person (including a body corporate), who is registered with the Chief Officer of Police of their local area as a person who has been accepted by the police as being a fit person to deal in firearms.
- 5.1. To become an RFD involves completing an application form, available from the local police, (along with a payment of £150.00 for 3 year's registration), which will lead to an interview of the applicant by a local Firearms Enquiry Officer (FEO). Prior to the interview the police will check the applicant's background on police computer systems. (In some Force areas a security survey may be undertaken by a Crime Prevention Officer (who may be a civilian officer), before any interview by an FEO).
- 5.2. The personal interview will take place at the applicant's proposed place of business and cover their standing in the community, their character and fitness in the eyes of the police, to deal in firearms. In certain cases the applicant may be asked to provide a business plan so that the police may be certain that they will deal in firearms, 'to a substantial extent' as their business. This includes the assessment of applications where the extent of the business would be insufficient to keep a person in full time business. An example of this would be where the firearms element of the business would be ancillary to another business, e.g. a country pursuits store stocking air weapons and shotgun ammunition.
- 5.3. In the specific case of those seeking to become 'air weapons only' RFDs, evidence of a suitable period of prior, financially successful, trading in air weapons should be sufficient for a business plan.
- 5.4. In the case where a new applicant for an RFD will be dealing only in 'low-powered' air weapons the registration will be conditioned to those items. In the case where a person is already an RFD there will be no change to their status or existing conditions.

Registered Firearms Dealers (RFDs) Cont.

Do I need to be an RFD to repair air weapons?

6. If you repair or tune air weapons on behalf of an RFD then you do not need to register as one yourself. However, if you repair or tune air weapons and then sell them on you will.
- 6.1. An air weapon may be sent to a repairer by post or carrier and, after the repair or other work has been carried out, may be returned to its owner by the same method. When using the postal system the postage method must be trackable.

Do I need to be an RFD to sell antique air weapons?

7. The Act does not require those selling antique air weapons (which are sold as curiosities or ornaments), to register as an RFD. By way of guidance, 'antique' normally refers to those air weapons manufactured before 1939.

What level of security is required for an 'airgun only' RFD?

8. Once the interview has been successfully concluded the applicant may receive a visit from a specialist police (or civilian), officer who will inspect, and discuss, the level of security required for the applicant's place of business. In the case of a dealer who has a retail shop the police requirements will depend on a number of issues: the current level of security present within the premises, the level of crime within the area, the quantity of firearms stored at the premises and so forth. The officer conducting a security inspection will take into account the number of years that the applicant has been dealing in air weapons and any evidence of theft or burglary at the premises.
- 8.1. The GTA and ACPO have agreed that, in the case of an RFD selling air weapons only, the level of security required should be: 'reasonable precautions' for the safety of the air weapons. These will most likely be: a padlock and chain (or 'Securicord'), through trigger guards whilst the air weapons are on display and the premises are open to the public and, at night when the premises are closed, for the air weapons to be locked away out of sight from the public. It is not envisaged that any burglar alarms or 'red care system' over and above that required by the dealer's insurance company should be necessary.

'Realistic Imitation Firearms' & Imitation Firearms Sections 36, 37, 38, 39 & 40: Cont.

What does 'Principal' colour mean?

28. The Act (in Section 38 (3) (b)), says that the imitation is to be regarded as distinguishable from a real firearm if its principal colour is one of the ones mentioned above. 'Principal' is defined in the dictionary as being; 'first in the order of importance, main'. Thus, if an imitation firearm is, for example, dual or tri-coloured then it must have one of the listed colours as the 'principal' colour.

Give me an example of a 'realistic imitation firearm' and an imitation firearm?

29. An imitation Colt 1911 pistol in black would be a realistic imitation firearm. If it were 'principally' bright red then it would simply be an imitation firearm.
- 29.1. If an imitation firearm is less than 38mm in height and less than 70mm long it could not be considered to be a realistic imitation firearm either, it would just be an imitation firearm. So if the Colt 1911 referred to above were black, but only 60mm long then it would not be a realistic imitation firearm, but an imitation firearm.

How does the VCR Act define a 'real' firearm?

30. The VCR Act says that a "real firearm" is one of "modern" design, and in turn clarifies this as being of a design from the year 1870 onwards. An imitation of a 'modern' firearm (unless it were in one of the specified principal colours and/or was under 38mm in height and 70mm in length), would therefore be defined as a realistic imitation firearm.
- 30.1. However, if the imitation is of a firearm; 'the appearance of which would tend to identify as having a design and mechanism of a sort first dating before the year 1870', then it is **not** a realistic imitation firearm and is an imitation firearm.

'Realistic Imitation Firearms' & Imitation Firearms Sections 36, 37, 38, 39 & 40:

25. **Section 36** makes it an offence to:
- Manufacture a realistic imitation firearm.
 - Modify an imitation firearm so it becomes a realistic imitation firearm.
 - Sell a realistic imitation firearm.
 - Bring a realistic imitation firearm in to Great Britain or cause one to be brought in to Great Britain.

What is a realistic imitation firearm?

26. The VCR Act introduces the term 'realistic imitation firearm'. **A 'realistic imitation firearm' is one which, for all intents and purposes, is indistinguishable from a real firearm.** The term 'real firearm' was not used in the 1968 Act, and that is where the difference now lies.

What is an imitation firearm?

27. The term 'imitation firearm' is defined in the Firearms Act 1968. Section.57(4) states that this; 'means any thing which has the **appearance** of being a firearm (other than such a weapon as is mentioned in section 5(1)(b) of this Act), whether or not it is capable of discharging any shot, bullet or other missile.'
- 27.1. An imitation firearm, irrespective of the type of firearm of which it is an imitation, will not be considered to be a realistic imitation firearm if it is of a **specified principal colour** i.e.
- (i) bright red
 - (ii) bright orange
 - (iii) bright yellow
 - (iv) bright green
 - (v) bright pink
 - (vi) bright purple; and
 - (vii) bright blue
 - (viii) or transparent

Registered Firearms Dealers (RFDs) Cont.

- 8.2. It is stressed that these are simply indications and are not a minimum level to be applied in every case. It should also be noted that Chief Officers of Police have local autonomy on matters of security. However, each individual case will be treated on its own merits.

What is required if I have more than one place of business?

9. Where an RFD has more than one place of business the law requires each to be registered with the appropriate Chief Officer of Police. If the additional place of business is within the same police area as the principal place of business, then the RFDs Chief officer will register it without any extra charge (the security requirements will have to be assessed separately but will have to be a level at least equivalent to those of the principal place of business).
- 9.1. Should the additional place of business be in another Chief Officer's area then the RFD is required to apply for a separate Registration for that area (this will incur the £150 charge for Registration).

Registered Firearms Dealers (RFDs) Cont.

What about Game Fairs and other events?

10. Where the RFD is registered in one police area (the first area), and applies to have an additional place of business at a game fair, trade fair or exhibition, agricultural show or similar event, in another police area (the second area), then so long as the police for that second area are satisfied that the RFD is registered in the first area the police in the second area will charge a fee of £12 for the additional place of business registration. This is often colloquially referred to as a “temporary” place of business.

Where can I find further guidance to becoming an RFD?

11. Guidance on becoming an RFD may be found in Chapter 16 of the Home Office document Firearms Law - Guidance to the Police 2002. <http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/HO-Firearms-Guidance.pdf?view=Standard&pubID=273735>

What happens if my application for an RFD is refused?

12. If a person applies to become an RFD and is refused, there is a process of appeal to the Crown Court or to the Sheriff in Scotland.

Air Weapons - Sections 33 & 34

Are there any changes to ages within the VCR Act?

23. **Section 33** of the Act raises the ages at which a young person may have an air weapon. In essence all those requirements for 17 year olds now increases to aged 18 or over.
- 23.1. These include: purchasing or hiring an air weapon or ammunition for an air weapon, selling an air weapon or ammunition to a young person under 18 and making a gift of an air weapon or ammunition for an air weapon to a young person under 18.
- 23.2. **Section 34** makes it an offence for anyone of any age to fire an air weapon beyond the boundary of the premises (unless they have permission from the owner so to do).

Sale & Purchase of Primers - Section 35

24. **Section 35** came into force on April 6th 2007 and deals with primers. It applies to cap type primers designed for use in metallic ammunition for a firearm and empty cartridge cases incorporating such a primer.
- 24.1. It is an offence to sell such primers and empty cartridge cases incorporating such a primer to anyone, other than an RFD or someone who sells primers by way of trade or business, unless that person produces a certificate authorising them to possess ammunition of a relevant kind.
- 24.2. It is also an offence for anyone, other than an RFD or someone who sells primers by way of trade or business, to buy or attempt to buy such primers or empty cartridge cases incorporating such a primer, unless that person produces a certificate authorising them to possess ammunition of a relevant kind.
- 24.3. (There are a number of exemptions to the above including Crown exempt persons and others who have special permission to buy or sell such primers on behalf of others.). For example; a person may purchase primers on behalf of a certificate holder providing that that person produces the second person's firearm certificate together with a letter of authority from that person.

Air Weapons - Section 32

What is a face to face transfer?

20. **Section 32** addresses the issue of 'face-to-face transfer of air weapons. From October 1st 2007 it is an offence for a person, who sells air weapons by way of trade or business, to transfer possession of an air weapon, to a member of the public, other than in person. Mail order sales of air weapons and certain component parts and accessories, by way of trade or business, are no longer legal.

Can I still advertise air weapons?

21. An RFD may, however, continue to advertise, and take payment for air weapons through the air gun magazines, and other media outlets, but may not send the air weapon to a customer.

Can I use another person to transfer the possession of an air weapon?

22. All RFDs may make use of a: 'servant of the RFD'. This term is applied to anyone who serves the RFD. The Act requires the servant to be 'employed' by the RFD whether this is for financial gain or not. In practice it means that an RFD may advertise an air weapon, take payment for it, and have it delivered to the customer face-to face, by their 'servant'.
- 22.1. RFDs are required to enter transactions in their Register within 24 hours after the transaction has taken place and they must make arrangements with their servants to comply with this. For example; if the servant of an RFD makes a face to face transfer away from the RFD's premises they must arrange that the transfer is recorded in the Register.
- 22.2. An RFD may also advertise an air weapon, take payment for it, and send it to another RFD (who is geographically more conveniently located for the customer), and the second RFD may then make the face-to-face transfer of possession to the customer.

Statutory Firearms Registers Air Weapon Transactions with Members of the Public

What is a Statutory Firearms Register?

13. For all RFDs there is a legal requirement for all purchases, sales and transfers of firearms, including air weapons, to be entered into a Statutory Firearms Register. The Register must be either a bound, lined, book with numbered pages (preferably with facing pages, allowing purchases on the left and sales on the right), or a computer generated programme which will cope with all the details required. If a computerised Register is used hard copies must be available so that the police may have access to a paper trail of transactions.
- 13.1. RFDs' premises are inspected by their local FEO on a regular basis (normally, annually), and the Register will be checked during this inspection to make sure that the stock of firearms held agrees with the Register. As an integral part of the inspection it is also usual for the FEO to check several random entries in the Register to confirm their validity.

What must I enter in the Register?

14. In the case of air weapons the items which must be entered into the Register are as follows; air weapons, certain component parts of air weapons and some accessories.
- 14.1. The details of air weapons that must be entered into the Register are as follows:
- The quantities and descriptions of air weapons sold or transferred.
 - The names and addresses of the purchasers or transferees.
 - The dates of the several transactions.
 - 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.

Statutory Firearms Registers Air Weapon Transactions with Members of the Public. Cont.

- 14.2. The description of the air weapons is:
- (i) the class of air weapon (e.g. air rifle, air gun or air pistol);
 - (ii) the make, type or distinctive name of the air weapon;
 - (iii) the calibre;
 - (iv) the identification number or other distinguishing mark, if present;
 - (v) the maker's name, if known.
- 14.3. The above details apply where the low-powered air weapon is sold, purchased or transferred to, or from, a member of the public.

What are the component parts and accessories that must be entered into the Register?

15. The component parts and accessories which need to be entered into the Register are: the barrel, cylinder or reservoir and the piston. For clarity; a barrel is only regarded as a component part when it is in a finished state, i.e. if it were to be attached to an air weapon it would be capable of discharging a projectile. A cylinder or reservoir is integral to the air weapon and is the part which receives an air, or CO₂, charge from an air bottle, pump or CO₂ bulb (it follows that a CO₂ power source is not a component part). The piston is the complete item.
- 15.1. Accessories in the form of, detachable, sound moderators (silencers), must also be entered in the Register.
- 15.2. Paintball guns which are either powered by CO₂ or compressed air are not regarded as firearms (as their projectiles are frangible), and their transactions need not be entered into the Register. Dealers in these items need not be RFDs. However, some paintball guns may be regarded as imitation firearms or 'realistic imitation firearms'. (see Sections 36, 37 and 38).

Is the sale of air weapon ammunition affected by the Act?

16. Transactions in air weapon ammunition, usually pellets, do not need to be recorded in the Register, neither does the seller need to be an RFD. The purchaser of the ammunition must be aged 18 or over.

Statutory Firearms Registers Air Weapon Transactions with Members of the Public. Cont.

When must I enter stock of air weapons into the Register?

17. From October 1st 2007 the stock holding of all air weapons (and those component parts and accessories listed above), must be recorded in the RFD's Register.

What identification is required before an air weapon is sold by an RFD?

18. Where the Act mentions the names and addresses of the purchasers or transferees and/or the names and addresses of the sellers or transferors it requires, from the dealer who makes the entry into the Register, that; 'particulars sufficient for identification' are obtained from the person with whom the transaction is carried out.
- 18.1. It is not a legal requirement that the member of the public should have to prove their name or address, only that the dealer is satisfied with the details provided. In most circumstances, a driving licence, credit card or other, usually carried form of identification and the application of normal commercial procedures for the verification of the bona fides, should be sufficient.
- 18.2. Consideration should be given to requiring the purchaser of the air weapon to sign a receipt/invoice stating that they are aged 18 or over and that the name and address supplied is true and, further, that the purchaser is not a prohibited person within the meaning of the Firearms Act 1968.

Statutory Firearms Registers Air Weapon Transactions Between RFDs

19. Where air weapons are sold, or transferred between RFDs the requirement for entry in the Register is limited to: the quantity of air weapons, the class of air weapon (i.e. air rifle, air gun or air pistol), and the details of both dealers.