

**EXPLANATORY MEMORANDUM TO
THE VIOLENT CRIME REDUCTION ACT 2006 (SPECIFICATION FOR
IMITATION FIREARMS) REGULATIONS 2011**

2011 No. 1754

1. This explanatory memorandum has been prepared by Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations prescribe the specifications that imitation firearms must conform to, pursuant to section 39(1) of the Violent Crime Reduction Act 2006. The underlying purpose is to prevent imitation firearms from being converted into functioning firearms.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 These Regulations prescribe the specifications that imitation firearms must conform to, pursuant to section 39(1) of the Violent Crime Reduction Act 2006 (“the 2006 Act”). The underlying purpose is to prevent imitation firearms from being converted into functioning firearms.

The Firearms Act 1982 contains controls on the conversion of imitation firearms. If they are readily convertible into a live firearm, they are treated in law as if they were a real firearm and must be held on a firearm certificate or, in the case of handguns, are prohibited. ‘Readily convertible’ is defined in the Act as being capable of conversion without any special skill and using tools which are in common use for home maintenance. In recent years this definition has become overtaken by the availability of specialist tools on the high street and through the internet.

Following concerns from the Association of Chief Police Officers that imitation firearms were increasingly being converted and used in crime, and to address the issue of ‘readily convertible’, section 39 of the 2006 Act was introduced. It makes it an offence to manufacture or import an imitation firearm which does not conform to specifications made by the Secretary of State. There is also a provision to specify a body to certify that an imitation firearm so conforms. Section 39 was commenced on 1 October 2007 but has no effect since a specification is still to be made.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 Under section 39(2) of the 2006 Act, a person is guilty of an offence if they: manufacture an imitation firearm which does not conform to the prescribed specifications; modify an imitation firearm so that it ceases to conform; modify a firearm to create an imitation firearm that does not conform; or import into Great Britain an imitation firearm which does not so conform.

Regulation 4 sets out the specifications for blank-firing imitation firearms. Regulation 6 sets out the specifications for blank-firing imitation revolvers.

Regulation 7 sets out an exemption, the effect of which is to create a defence for a person charged with importing an imitation firearm which does not conform to the specifications, if their conduct was only for the purpose of making the imitation firearm available for specific purposes, including those of a museum or gallery, a theatrical performance, the production of films and television programmes, the organization of historical enactments, or the purposes of functions that a person has in his capacity as a person in the service of Her Majesty.

Consolidation

7.2 As these are the first regulations to be made under the enabling provision, the question of consolidation does not arise.

8. Consultation outcome

8.1 The specification has been developed involving experts from the Proof Houses, the Forensic Science Service and the gun trade. It deals with blank-firing guns, which are the biggest problem with converted imitations. It is a necessarily technical piece of work since it sets out the materials and processes to be used in the construction of blank firers. We have also sought to achieve a balance between making conversion as difficult as possible but without making the specification so tight that manufacture becomes prohibitively expensive for the trade (blank-firers have legitimate uses such as dog training and race starting).

9. Guidance

9.1 The Home Office will be issuing guidance in the form of a circular letter to the police, which will be made available on the Home Office website. It is also working with stakeholders to ensure their members are aware of the Regulations.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has negligible impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken has been minimal as the impact is negligible as very few, if any, imitation weapons are manufactured in this country.

11.3 The basis for the final decision on what action to take to assist small business was made in recognition of the fact that very few, if any, UK businesses manufacture imitation firearms.

12. Monitoring and review

12.1 The success criteria for these Regulations is an increase to public safety as it prevents the conversion of imitation firearms into usable, dangerous weapons. This legislation will be reviewed by the Home Office at regular intervals by monitoring the numbers of converted imitation weapons used in the commission of crimes.

13. Contact

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Andrew.Arnell@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.