



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 2

WEAPONS ETC.

Imitation firearms

38 Meaning of “realistic imitation firearm”

- (1) In sections 36 and 37 “realistic imitation firearm” means an imitation firearm which—
 - (a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and
 - (b) is neither a de-activated firearm nor itself an antique.
- (2) For the purposes of this section, an imitation firearm is not (except by virtue of subsection (3)(b)) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only—
 - (a) by an expert;
 - (b) on a close examination; or
 - (c) as a result of an attempt to load or to fire it.
- (3) In determining for the purposes of this section whether an imitation firearm is distinguishable from a real firearm—
 - (a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured; and
 - (b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.
- (4) The Secretary of State may by regulations provide that, for the purposes of subsection (3)(b)—

Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 38. (See end of Document for details)

- (a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in the regulations; and
 - (b) a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations.
- (5) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) That power includes power—
- (a) to make different provision for different cases;
 - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
 - (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.
- (7) In this section—
- “colour” is to be construed in accordance with subsection (9);
 - “de-activated firearm” means an imitation firearm that consists in something which—
 - (a) was a firearm; but
 - (b) has been so rendered incapable of discharging a shot, bullet or other missile as no longer to be a firearm;
 - “real firearm” means—
 - (a) a firearm of an actual make or model of modern firearm (whether existing or discontinued); or
 - (b) something falling within a description which could be used for identifying, by reference to their appearance, the firearms falling within a category of actual modern firearms which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or a similar appearance.
- (8) In subsection (7) “modern firearm” means any firearm other than one the appearance of which would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870.
- (9) References in this section, in relation to an imitation firearm or a real firearm, to its colour include references to its being made of transparent material.
- (10) Section 8 of the Firearms (Amendment) Act 1988 (c. 45) (under which firearms are deemed to be deactivated if they are appropriately marked) applies for the purposes of this section as it applies for the purposes of the 1968 Act.

Commencement Information

II S. 38 in force at 1.10.2007 by S.I. 2007/2180, art. 3(g)

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