

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

SUMMARY

Part 2: Weapons etc.

13. **Part 2** establishes a new offence of using someone to mind a weapon and amends firearms law to tackle the misuse of imitation firearms and air weapons, and the assembly of primers for ammunition for criminal purposes. This part of the Act also contains measures in relation to the sale etc. of knives and other weapons and the power to search for weapons in schools, further education colleges and attendance centres.
14. **Sections 28 and 29** create a new offence of using another person to look after, hide or transport a dangerous weapon and provide for the court to treat the use of a minor in these circumstances as an aggravating factor when considering the seriousness of the offence.
15. **Section 30** applies the existing minimum sentences for unlawful possession of certain prohibited weapons to other serious offences involving the possession and criminal use of such weapons.
16. **Sections 31 to 34** deal with the misuse of air weapons. Section 31 requires anyone who wishes to sell air weapons by way of trade or business to register with the police as a firearms dealer. Section 32 requires such sales of air weapons to be made face to face. Section 33 increases, from 17 to 18, the minimum age for acquiring or possessing an air weapon. Section 34 makes it an offence for any person to fire an air weapon beyond the boundary of any premises.
17. **Section 35** makes it an offence to purchase or sell primers for ammunition unless the purchaser has a valid firearm certificate or otherwise has lawful authority.
18. **Sections 36 to 41** deal with the misuse of imitation firearms. Section 36 makes it an offence to manufacture, import or sell realistic imitation firearms, as defined in section 38, and includes a power for the Secretary of State to make regulations to provide for exceptions and defences to this offence. Section 37 makes it a defence (to the offence under section 36) to show that the sale etc was for the purposes of a museum or gallery; for theatre, film or TV productions; for historical re-enactment; or for Crown service. There is also a defence for businesses who import realistic imitation firearms for the purpose of modifying them so that they are no longer realistic. Section 39 makes it an offence to manufacture, modify or import an imitation firearm which does not conform to specifications set out in regulations to be made by the Secretary of State. Section 40 makes it an offence to sell an imitation firearm to a person under 18. It also makes it an offence for a person under 18 to purchase an imitation firearm. Section 41 increases from 6 months to 12 months the maximum custodial sentence for carrying an imitation firearm in a public place without lawful authority or reasonable excuse.
19. **Section 42** increases the maximum term of imprisonment for the offences of having an article with a blade or point, in a public place or on school premises from 2 to 4 years.

*These notes refer to the Violent Crime Reduction Act 2006
(c.38) which received Royal Assent on 8 November 2006*

20. [Section 43](#) amends section 141A(1) of the Criminal Justice Act 1988 under which it is currently an offence to sell a knife or an article with a blade or point to a person under the age of 16 years. Section 43 increases that age to 18.
21. It is an offence under section 141 of that Act to manufacture, sell, hire or offer for sale or hire, lend or give to another person an offensive weapon. Section 43 also creates a defence for those engaging in such activities for the purpose of theatrical performances and rehearsals, the production of films or the production of television programmes.
22. [Section 44](#) amends the Crossbows Act 1987 to raise from 17 to 18 the age at which a person can lawfully buy, hire, be sold or hired a crossbow, or possess a crossbow without the supervision of a person aged 21 or over.
23. [Sections 45, 46 and 47](#) provide a power for members of school staff, further education colleges and attendance centres to search pupils, students and persons attending the centre respectively for weapons. Section 48 reduces the threshold for a constable to exercise his powers of entry and search of a school and persons on school premises for weapons in section 139B of the Criminal Justice Act 1988 from 'reasonable grounds for believing' to 'reasonable grounds for suspecting'.