

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

BACKGROUND

Part 2: Weapons etc.

52. Gun crime remains relatively rare and as a proportion of all recorded crime, remains stable at 0.4% (including air weapon offences). However, gun crime remains of considerable concern to the Government.
53. There is a range of legislation in place which makes it an offence to possess a prohibited firearm and to carry other offensive weapons in public without reasonable excuse. People may in some circumstances, however, escape prosecution by entrusting their weapon to another person, in particular to a child. Part 2 of the Act addresses this issue, and reflects the fact that using children in this way presents particularly serious dangers, as in addition to the risk of injuring themselves with the weapon and being arrested for possession of the weapon, they may in the longer term be drawn into gun and knife crime as a result of their early association with weapons.
54. In recent years imitation firearms have featured in an increasing number of crimes, ranging from nuisance and intimidation to armed robbery. In 2004/5, imitation firearms were involved in 3,333 crimes. This was an increase of 55% following an 18% rise the previous year. Much of the problem involves young people misusing imitation firearms, including using realistic imitations to threaten and intimidate others. There is a range of existing offences and controls relating to imitation firearms but they have not proved sufficient to halt this trend. The Act seeks to tackle the problem at source by restricting the sale of imitation firearms.
55. Air weapons were used in 11,825 crimes in 2004/5. This was a fall of 14% from the previous year but still represents an unacceptable level of misuse. Much of this misuse is committed by young people. The Act seeks to tackle this problem at source by controlling who can sell air weapons and by increasing the minimum age for acquiring or possessing an air weapon. A small number of offences involve firing air weapons beyond the boundary of premises. This was already an offence but applied only to young people. The Act closes this gap in the law.
56. While whole rounds of ammunition are subject to licensing, component parts of ammunition are not. In recent years, the police have identified several cases where criminals had been found in possession of home-loaded ammunition. The Act seeks to address this problem by restricting sales of primers.
57. On knife crime, the Home Secretary announced on 15 December 2004 that he was considering raising the minimum age at which a young person can buy a knife from 16 to 18 and that this measure (included in Part 2 of the Act) formed part of wider Government proposals on tackling knife crime.
58. Section 45 gives head teachers or staff authorised by them a power to search a pupil and his or her belongings for knives or offensive weapons without the pupil's consent. The section provides a power and does not impose a duty. Head teachers may decide to

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

exercise the power or to rely on the current option of calling the police – an option which remains. The Government is aware that a significant number of pupils (though low in percentage terms) have carried a knife in school for illegitimate purposes, which is a statutory offence, and that there have been a number of knife-related fatalities or serious injuries involving young people of school age. Section 46 creates an equivalent power for principals of a further education institution or an authorised member of staff, and section 47 a similar power for officers in charge of attendance centres or an authorised member of staff.