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**Changes to legislation:** There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Cross Heading: Specification for imitation firearms. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### WEAPONS ETC.: CORRESPONDING PROVISIONS FOR NORTHERN IRELAND

##### *Specification for imitation firearms*

- 7 [F<sup>1</sup>(A1)] For the purposes of sub-paragraph (2)(a) to (c), the Department of Justice may by regulations make provision requiring imitation firearms to conform to specifications which are—
- (a) set out in the regulations; or
  - (b) approved by such persons and in such manner as may be so set out.]
- (1) [F<sup>2</sup>For the purposes of sub-paragraph (2)(d), the] Secretary of State may by regulations make provision requiring imitation firearms to conform to specifications which are—
- (a) set out in the regulations; or
  - (b) approved by such persons and in such manner as may be so set out.
- (2) A person is guilty of an offence if—
- (a) he manufactures an imitation firearm which does not conform to the specifications required of it by regulations under [F<sup>3</sup>sub-paragraph (A1)];
  - (b) he modifies an imitation firearm so that it ceases to conform to the specifications so required of it;
  - (c) he modifies a firearm to create an imitation firearm that does not conform to the specifications so required of it; or
  - (d) he brings an imitation firearm which does not conform to the specifications [F<sup>4</sup>required of it by regulations under sub-paragraph (1)] into Northern Ireland or causes such an imitation firearm to be brought into Northern Ireland.
- (3) An offence under this paragraph shall be punishable, on summary conviction, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.
- (4) Regulations under [F<sup>5</sup>sub-paragraph (A1) or (1)] may provide that, in proceedings for an offence under [F<sup>6</sup>sub-paragraph (2)(a) to (c) or (as the case may be) sub-paragraph (2)(d)], it is to be presumed, unless the contrary is proved, that an imitation firearm conforms to the required specification if it, or the description of imitation firearms to which it belongs, has been certified as so conforming by a person who is—
- (a) specified in the regulations; or
  - (b) determined for the purpose in accordance with provisions contained in the regulations.

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- (5) An imitation firearm brought into Northern Ireland which does not conform to the specifications required of it by regulations under [<sup>F7</sup>sub-paragraph (1)] shall be liable to forfeiture under the customs and excise Acts.
- (6) In sub-paragraph (5) “the customs and excise Acts” has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).
- [<sup>F8</sup>(6A) The power of the Department of Justice to make regulations under this paragraph shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.]
- [<sup>F8</sup>(6B) That power includes power—
- (a) to make different provision for different cases;
  - (b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.]

[<sup>F8</sup>(6C) Regulations made by the Department of Justice under this paragraph shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

(7) The power of the Secretary of State to make regulations under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(8) 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.

#### Textual Amendments

- F1** Sch. 2 para. 7(A1) inserted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)*, art. 1(2), **Sch. 11 para. 18(2)** (with arts. 28-31)
- F2** Words in Sch. 2 para. 7(1) substituted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)*, art. 1(2), **Sch. 11 para. 18(3)** (with arts. 28-31)
- F3** Words in Sch. 2 para. 7(2)(a) substituted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)*, art. 1(2), **Sch. 11 para. 18(4)(a)** (with arts. 28-31)
- F4** Words in Sch. 2 para. 7(2)(d) substituted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)*, art. 1(2), **Sch. 11 para. 18(4)(b)** (with arts. 28-31)
- F5** Words in Sch. 2 para. 7(4) substituted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)*, art. 1(2), **Sch. 11 para. 18(5)(a)** (with arts. 28-31)
- F6** Words in Sch. 2 para. 7(4) substituted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)*, art. 1(2), **Sch. 11 para. 18(5)(b)** (with arts. 28-31)

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- F7** Words in Sch. 2 para. 7(5) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 11 para. 18(6)** (with arts. 28-31)
- F8** Sch. 2 para. 7(6A)-(6C) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 11 para. 18(7)** (with arts. 28-31)

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**Commencement Information**

- I1** Sch. 2 para. 7 in force at 1.10.2007 by [S.I. 2007/2180](#), **art. 4(d)(i)**

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