

CRIME AND SECURITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Air weapons

Section 46: Offence of allowing minors access to air weapons

214. *Section 46* inserts a new section 24ZA into the Firearms Act 1968 (“the 1968 Act”) which makes it an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent it coming into the hands of a person under 18. The offence does not apply where the person under 18 is permitted by the 1968 Act to have the weapon with him, and these circumstances are set out in section 23 of the 1968 Act. For this new offence, it is a defence to show that the person charged believed that the other person was 18 or over and had reasonable grounds for that belief. For a defendant to show these matters, the defendant must adduce sufficient evidence of them and the contrary must not be proved beyond reasonable doubt.
215. *Subsection (3)* adds the new offence to the list in section 57(3) of the Firearms Act 1968 which sets out various offences which relate specifically to air weapons.
216. *Subsection (4)* makes the offence punishable on summary conviction only with a maximum penalty of a fine at level 3 on the standard scale (currently £1,000).
217. *Subsection (5)* amends paragraphs 7 and 8 of Part 2 of Schedule 6 to the 1968 Act, so that these provisions apply in respect of the new offence. Under paragraph 7, the court can order the forfeiture or disposal of the air weapon in respect of which the offence was committed. Under paragraph 8, the court can order the forfeiture or disposal of any firearm found in the possession of the person convicted.