
STATUTORY INSTRUMENTS

2007 No. 2606

ARMS AND AMMUNITION

**The Violent Crime Reduction Act 2006
(Realistic Imitation Firearms) Regulations 2007**

<i>Made</i>	- - - -	<i>6th September 2007</i>
<i>Laid before Parliament</i>		<i>7th September 2007</i>
<i>Coming into force</i>	- -	<i>1st October 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 36, 37 and 38 of and paragraphs 4, 5 and 6 of Schedule 2 to the Violent Crime Reduction Act 2006(1).

Citation and commencement

1. These Regulations may be cited as the Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 and shall come into force on 1st October 2007.

Interpretation

2. In these regulations—

the “2006 Act” means the Violent Crime Reduction Act 2006;

“permitted event” means a commercial event at which firearms or realistic imitation firearms (or both) are offered for sale or displayed;

“insurance” means a contract of insurance or other arrangement made for the purpose of indemnifying a person or persons named in the contract or under the arrangement;

“permitted activities” means the acting out of military or law enforcement scenarios for the purposes of recreation; and

“third parties” includes participants in, and spectators of, permitted activities and historical re-enactments (as the case may be) and members of the public.

Defences to an offence under section 36 of the 2006 Act or under paragraph 4 of Schedule 2 to that Act

3.—(1) It shall be a defence in proceedings for an offence under section 36 of the 2006 Act or under paragraph 4 of Schedule 2 to that Act for the person charged with the offence to show that his

conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in paragraph (2).

(2) Those purposes are—

- (a) the organisation and holding of permitted activities for which public liability insurance is held in relation to liabilities to third parties arising from or in connection with the organisation and holding of those activities;
- (b) the purposes of display at a permitted event.

4. For the purposes of regulation 3 a person shall be taken to have shown a matter specified in that regulation if—

- (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and
- (b) the contrary is not proved beyond a reasonable doubt.

5.—(1) The persons described for the purposes of section 37(2)(e) of the 2006 Act and paragraph 5(2)(e) of Schedule 2 to that Act are those mentioned in paragraph (2).

(2) The persons mentioned in this paragraph are—

- (a) a person or persons holding public liability insurance in relation to liabilities to third parties arising from or in connection with the organisation and holding of historical re-enactments;
- (b) two or more persons, at least one of whom holds such public liability insurance.

Sizes and colours which are to be regarded as unrealistic for a real firearm

6.—(1) For the purposes of section 38(3)(b) of the 2006 Act and paragraph 6(3)(b) of Schedule 2 to that Act, 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 paragraph (2).

(2) The dimensions specified in this paragraph are a height of 38 millimetres and a length of 70 millimetres.

7.—(1) For the purposes of section 38(3)(b) of the 2006 Act and paragraph 6(3)(b) of Schedule 2 to that Act, a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in paragraph (2) or if the imitation firearm is made of transparent material.

(2) The colours specified in this paragraph are—

- (a) bright red;
- (b) bright orange;
- (c) bright yellow;
- (d) bright green;
- (e) bright pink;
- (f) bright purple; and
- (g) bright blue.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the realistic imitation firearms provisions of the Violent Crime Reduction Act 2006 (sections 36 to 38 and paragraphs 4 to 6 of Schedule 2).

Regulation 3 provides for defences to the offences of the manufacture, import and sale of realistic imitation firearms in section 36 and paragraph 4 of Schedule 2. These defences will operate where a person who is charged with such an offence can show that his conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in regulation 3(2). Regulation 4 makes provision dealing with the burden of proof for these defences.

Regulation 5 describes persons who organise and hold historical re-enactments for the purpose of the defence to offences under section 36 and paragraph 4 of Schedule 2 as set out in section 37(2)(e) and paragraph 5(2)(e) of Schedule 2.

Regulations 6 and 7 make provision in connection with the definition of “realistic imitation firearm” in section 38 and paragraph 6 of Schedule 2. These regulations specify the sizes and colours which are to be regarded as unrealistic for a real firearm.