

ANTI-SOCIAL BEHAVIOUR ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Firearms

96. This part of the Act introduces a number of changes to the Firearms Act 1968 with a view to tackling the misuse of air weapons and imitation firearms, and introducing stricter controls over especially dangerous air weapons.

Section 37: Possession of air weapon or imitation firearm in public place

97. This section amends section 19 of the 1968 Act, which deals with the carrying of firearms in a public place, so as to include air weapons and imitation firearms. These amendments mean it will be an offence to carry an air weapon (whether loaded or not) or an imitation firearm in a public place without lawful authority or reasonable excuse. An "imitation firearm" is defined in section 57(4) of the 1968 Act. It covers anything which has the appearance of being a firearm whether or not it is capable of discharging a shot or bullet. *Subsection (3)* makes this an arrestable offence by adding the new offence to the list of arrestable offences set out in Schedule 1A to the Police and Criminal Evidence Act 1984. This will be subject to a maximum penalty of 6 months imprisonment.

Section 38: Air weapons: age limits

98. This section makes a number of amendments to sections 22, 23 and 24 of the Firearms Act 1968 in order to change the age at which a young person may own an air weapon and to tighten up on when it may be used unsupervised. The present limit is raised from fourteen to seventeen and it will also be an offence for anybody to give an air weapon to a person under seventeen. This means that no-one under 17 will be able to have an air weapon in their possession at any time unless supervised by someone who is aged at least 21 or as part of an approved target shooting club or shooting gallery. However, 14 to 16 year olds (inclusive) will be permitted to have air weapons unsupervised when on private land, provided they have the consent of the occupier. It will be an offence for them to shoot beyond the boundaries of that land.

Section 39: Prohibition of certain types of weapon

99. This section contains a ban on air weapons that use the self-contained gas cartridge system, which are vulnerable to conversion to fire conventional ammunition and have been increasingly used in gun crime. The section adds the weapons to section 5(1) of the 1968 Act, thereby making them prohibited weapons which cannot be possessed, purchased, acquired, manufactured, sold or transferred without the authority of the Secretary of State. Provision is made for existing owners of the weapons to retain possession, provided they obtain a firearms certificate from the police.
100. This section also creates an order making power that will enable the Secretary of State to prohibit or introduce other controls in respect of any air weapon which appears to him to be especially dangerous.