

# **VIOLENT CRIME REDUCTION ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2: Weapons etc.**

#### ***Section 36: Manufacture, import and sale of realistic imitation firearms***

232. This section makes it an offence to manufacture, import or sell a realistic imitation firearm. It includes a power to make regulations to provide for exceptions, exemptions and defences to the new offence. Realistic imitation firearms are defined by section 38.
233. *Subsection (1)* applies the offence to a person who:
- manufactures or sells a realistic imitation firearm;
  - modifies an imitation firearm to become a realistic imitation firearm; or
  - imports, or causes to be imported, an imitation firearm.
234. *Subsection (2)* applies defences in Section 37 to the offence. These defences allow for the continuing availability of realistic imitation firearms for certain specific legitimate purposes.
235. *Subsection (3)* allows the Secretary of State to make regulations to provide for exceptions and exemptions to the offence, and to provide for further defences in respect of the offence. *Subsection (4)* allows for exceptions, exemptions and defences to be based on the giving of approvals or consents, either for particular cases or for types of cases. *Subsection (5)* requires the regulations to be set out in a statutory instrument and to be subject to the negative resolution process in Parliament.
236. *Subsections (7) and (8)* provide HM Revenue & Customs with a power to seize items imported into Great Britain in contravention of this section.
237. *Subsection (9)* makes the offence a summary offence with a maximum penalty of 51 weeks imprisonment or a £5,000 fine, or both. *Subsection (10)* sets the maximum term of imprisonment to 6 months but this will increase to 51 weeks in England and Wales after the commencement of the sentencing provisions in section 281(5) of the Criminal Justice Act 2003.