
Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Paragraph 6. (See end of Document for details)

SCHEDULES

SCHEDULE 2

WEAPONS ETC.: CORRESPONDING PROVISIONS FOR NORTHERN IRELAND

Manufacture, import and sale of realistic imitation firearms

- 6 (1) In paragraphs 4 and 5 “realistic imitation firearm” means an imitation firearm which—
- (a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and
 - (b) is neither a de-activated firearm nor itself an antique.
- (2) For the purposes of this paragraph, an imitation firearm is not (except by virtue of sub-paragraph (3)(b)) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only—
- (a) by an expert;
 - (b) on a close examination; or
 - (c) as a result of an attempt to load or to fire it.
- (3) In determining for the purposes of this paragraph whether an imitation firearm is distinguishable from a real firearm—
- (a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured; and
 - (b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.
- (4) The [^{F1}appropriate authority] may by regulations provide that, for the purposes of sub-paragraph (3)(b)—
- (a) 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 the regulations; and
 - (b) a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations.
- [^{F2}(4A) In sub-paragraph (4) “the appropriate authority” means—
- (a) in the application of this paragraph for the purposes of the offence under paragraph 4(1)(a), (b) or (c), the Department of Justice;
 - (b) in the application of this paragraph for the purposes of the offence under paragraph 4(1)(d) or for the purposes of paragraph 4(7), the Secretary of State.]
- [^{F2}(4B) 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.]

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- [^{F2}(4C) 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.]
- [^{F2}(4D) 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).]
- (5) 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.
 - (6) 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.
 - (7) In this paragraph—
 - “colour” is to be construed in accordance with sub-paragraph (9);
 - “de-activated firearm” means an imitation firearm that consists in something which—
 - (a) was a firearm; but
 - (b) has been so rendered incapable of discharging a shot, bullet or other missile as no longer to be a firearm;
 - “real firearm” means—
 - (a) a firearm of an actual make or model of modern firearm (whether existing or discontinued); or
 - (b) something falling within a description which could be used for identifying, by reference to their appearance, the firearms falling within a category of actual modern firearms which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or a similar appearance.
 - (8) In sub-paragraph (7) “modern firearm” means any firearm other than one the appearance of which would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870.
 - (9) References in this paragraph, in relation to an imitation firearm or a real firearm, to its colour include references to its being made of transparent material.
 - (10) Article 2(7) of the Firearms Order (under which firearms are deemed to be deactivated if they are appropriately marked) applies for the purposes of this paragraph as it applies for the purposes of that Order.

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Textual Amendments

- F1** Words in Sch. 2 para. 6(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. 17(2)** (with arts. 28-31)
- F2** Sch. 2 para. 6(4A)-(4D) 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. 17(3)** (with arts. 28-31)
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Commencement Information

- I1** Sch. 2 para. 6 in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(i)**

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