Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 2

WEAPONS ETC.

Imitation firearms

39 Specification for imitation firearms

(1) The Secretary of State may by regulations make provision requiring imitation firearms to conform to specifications which are—

(a) set out in the regulations; or

(b) approved by such persons and in such manner as may be so set out.

(2) A person is guilty of an offence if—

(a) he manufactures an imitation firearm which does not conform to the specifications required of it by regulations under this section;

(b) he modifies an imitation firearm so that it ceases to conform to the specifications so required of it;

(c) he modifies a firearm to create an imitation firearm that does not conform to the specifications so required of it; or

(d) he brings an imitation firearm which does not conform to the specifications so required of it into Great Britain or causes such an imitation firearm to be brought into Great Britain.

(3) An offence under this section shall be punishable, on summary conviction—

(a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and

(b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

(4) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (3)(a) of this section to 51 weeks is to be read as a reference to 6 months.

(5) Regulations under this section may provide that, in proceedings for an offence under this section, it is to be presumed, unless the contrary is proved, that an imitation firearm conforms to the required specification if it, or the description of imitation firearms to which it belongs, has been certified as so conforming by a person who is—

(a) specified in the regulations; or

(b) determined for the purpose in accordance with provisions contained in the regulations.

(6) An imitation firearm brought into Great Britain which does not conform to the specifications required of it by regulations under this section shall be liable to forfeiture under the customs and excise Acts.

(7) In subsection (6) "the customs and excise Acts" has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).

(8) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) 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.

Commencement Information

I1 S. 39 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(h)**

Status:
Point in time view as at 01/10/2007. This version of this provision has been superseded.

Changes to legislation:
There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 39.