

Replica guns toy guns, BB guns etc.

Trading Standards information

www.southwark.gov.uk

1. Introduction

This leaflet outlines new controls on products that look like real guns. These are often referred to as replica guns or imitation firearms but the term can include toy guns, airsoft guns, BB guns and novelty items such as gun shaped cigarette lighters.

Replica guns look so realistic that criminals will use them to commit crime. Even if used innocently they can cause alarm if seen in public and the user could be confronted by armed Police.

For these reasons the government has introduced new controls in the Violent Crime Reduction Act to restrict manufacture, import and sale of these products. These are in force on 1st October 2007.

2. What types of replica guns are controlled?

The Act distinguishes between *realistic imitation firearms* and *imitation firearms* and to understand the new controls first you must understand these two categories because different controls apply to each. For the purposes of this leaflet firearm means a gun.

Realistic Imitation Firearms

These are imitation guns so realistic that you cannot easily tell them apart from a real gun.

- If the size shape or colour of a replica is unrealistic for a real gun then that product will not be regarded as a realistic imitation firearm. Further details are given in Section 3.
- An item will still be regarded as a realistic imitation firearm even if - on close inspection or after an attempt to fire or load it - it becomes obvious that it is not a real gun.

Imitation Firearms

This means any thing which has the appearance of being a gun whether or not it is capable of discharging any shot, bullet or other missile. It includes anything already in the category of realistic imitation firearm plus any other thing that looks like a gun.

This could include some children's toys although many toys will look so different from a gun they might not be regarded as an imitation at all (for example, a futuristic looking space gun).

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3. What will make a replica gun unrealistic?

▪ A replica gun will be regarded as unrealistic if its size is less than 38mm high and 70mm long. So anything that fits in this box will not be regarded as a realistic imitation firearm.

- A replica gun will be regarded as unrealistic if it is transparent or if it is one of the following colours; bright red, bright orange, bright yellow, bright green, bright pink, bright purple or bright blue.
- The term realistic imitation firearm does not include a de-activated firearm or an antique.

4. What are the new controls on realistic imitation firearms?

It is now an offence to;

- sell or manufacture a realistic imitation firearm
- bring, or cause to be brought, a realistic imitation firearm into Great Britain
- modify an imitation firearm so that it becomes a realistic imitation firearm

5. What are the controls on imitation firearms?

It is now an offence to sell an imitation firearm to anyone under the age of 18. It is also an offence for anyone under 18 to purchase one.

Where a toy is considered to be an imitation firearm, the purchase will have to be made by a parent or other person aged over 18.

The age restriction will apply to the purchase and sale of realistic imitation firearms where this is allowed under one of the defences detailed in Section 6.

For guidance on age restricted sales please refer to our three separate leaflets entitled *Age restricted sales – best practice guidance*, *Proof of age cards* and *Saying no, avoiding conflict*.

Regulations may require imitation firearms to conform to specifications. The Act contains offences about manufacture, modification and importation if they don't. To date there are no such regulations.

6. Are there any exceptions to the controls on realistic imitation firearms?

There are a number of specific defences in Section 37 of the Act and Regulations made under the Act. If charged with an offence it would be for the person charged to show that a defence applied.

None of these defences are likely to apply to ordinary retailer situations and remember the age restriction on sales and purchase detailed in Section 5 will still apply.

Examples of defences include any conduct of the sort listed in Section 4 for the purposes of;

- making them available for film and TV production or theatrical performances or for museums/galleries.
- making them available for the organisation and holding of historical re-enactments where the organiser holds public liability insurance for such events.

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- making them available for display at a commercial event at which firearms or realistic imitation firearms (or both) are offered for sale or displayed.
- making them available for the organisation and holding of acting out of military or law enforcement scenarios for the purposes of recreation and for which public liability insurance is held for such activities. This will include airsoft skirmishing.
- making them available in the course of a trade or business so that they can be modified in a way to make them unrealistic.

For retailers to claim one of the defences, they must be able to show that the sale was for purpose of making realistic imitation firearms available for one of the reasons specified above.

How they should satisfy themselves of this will vary but it is advisable to keep a record of this for each transaction. For re-enactments, they could to ask to see a membership card and to check that either the individual or the re-enactment society holds the required insurance. For airsoft skirmishing, the Association of British Airsoft is putting in place arrangements to allow retailers to check that individual purchasers are members of a genuine skirmishing club or site.

7. What are the penalties for breaching these controls?

These controls are detailed in the Firearms Act 1968 as amended, Violent Crime Reduction Act 2006 and The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007. On conviction imprisonment for up to 51 weeks or a fine up to £5000, or both may be imposed.

8. Changes relating to air weapons and crossbows

- Air weapons

Only registered firearms dealers may sell air weapons and any the transfer of the weapon by such a dealer to the customer must now be made face to face. This means mail order and internet sales to the public are prohibited. Sales to and purchase by anyone under 18 is also prohibited.

- Crossbows

Sales to, and purchase by, anyone under 18 is prohibited

9. Further information

If you require further assistance on these requirements, or would like additional information please contact us at the address given.