

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Weapons etc.

Section 39: Specification for imitation firearms

246. This section applies where imitation firearms are still permitted to be manufactured, imported or sold and requires them to be constructed in accordance with specifications laid down in regulations by the Secretary of State. The definition of ‘imitation firearm’ for the purpose of this section is the same as that for section 38.
247. *Subsection (1)* provides a power for the Secretary of State to make regulations specifying how imitation firearms must be constructed. For example this will enable the imposition of a requirement that all blank-firing imitations be constructed in such a way that it is impossible to attempt to convert them into firearms firing live ammunition.
248. *Subsection (2)* makes it an offence to manufacture or import an imitation firearm which does not conform to those specifications. It also makes it an offence to modify an imitation firearm so that it ceases to conform to the specifications, or to modify a real firearm to create an imitation that does not conform to the specifications.
249. *Subsection (3)* makes the offences summary offences with a maximum penalty of 51 weeks imprisonment or a £5,000 fine, or both. *Subsection (4)* sets the maximum term of imprisonment to 6 months but this will increase to 51 weeks in England and Wales after commencement of the sentencing provisions in section 281(5) of the Criminal Justice Act 2003.
250. *Subsection (5)* allows the regulations to provide that an imitation firearm is to be presumed to conform with the specifications if it has been certified to this effect in accordance with arrangements set out in the regulations.
251. *Subsection (8)* requires the regulations to be set out in a statutory instrument and to be subject to the negative resolution process in Parliament.