



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 2

WEAPONS ETC.

Imitation firearms

36 Manufacture, import and sale of realistic imitation firearms

- (1) A person is guilty of an offence if—
 - (a) he manufactures a realistic imitation firearm;
 - (b) he modifies an imitation firearm so that it becomes a realistic imitation firearm;
 - (c) he sells a realistic imitation firearm; or
 - (d) he brings a realistic imitation firearm into Great Britain or causes one to be brought into Great Britain.
- (2) Subsection (1) has effect subject to the defences in section 37.
- (3) The Secretary of State may by regulations—
 - (a) provide for exceptions and exemptions from the offence under subsection (1); and
 - (b) provide for it to be a defence in proceedings for such an offence to show the matters specified or described in the regulations.
- (4) Regulations under subsection (3) may—
 - (a) frame any exception, exemption or defence by reference to an approval or consent given in accordance with the regulations;
 - (b) provide for approvals and consents to be given in relation to particular cases or in relation to such descriptions of case as may be specified or described in the regulations; and
 - (c) confer the function of giving approvals or consents on such persons specified or described in the regulations as the Secretary of State thinks fit.

Status: This is the original version (as it was originally enacted).

- (5) The power of the Secretary of State to make regulations under subsection (3) 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) A realistic imitation firearm brought into Great Britain shall be liable to forfeiture under the customs and excise Acts.
- (8) In subsection (7) “the customs and excise Acts” has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).
- (9) 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.
- (10) 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 (9)(a) of this section to 51 weeks is to be read as a reference to 6 months.
- (11) In this section “realistic imitation firearm” has the meaning given by section 38.