

CHAPTER 24

Firearms

POSSESSION BY YOUNG PERSONS P 767

The Violent Crime Reduction Act 2006, s 33 **which is not yet in force** amends the FiA 1968 so as to increase from 17 to 18 the minimum age for purchasing or hiring an air weapon. It also raises the age at which a person may have with him an air weapon or ammunition for an air weapon, to 18.

Air weapons p 768

Substitute references to 'seventeen' to 'eighteen'.
[Not yet in force]

In addition, FiA 1968 is amended so that in the third paragraph of p 769, starting 'There are additional restrictions ...', the second and third sentence need to be substituted as follows:

'It is an offence for a person under 18 to have with him an air weapon or ammunition *on any premises* (except at a shooting gallery or in a rifle club), *unless* under the supervision of a person of twenty-one years or over. Moreover, if the young person is under such supervision, the supervisor commits an offence if he allows him to use the weapon to fire any missile beyond those premises. The supervisor will have a defence if he shows that the only premises into or across which the missile was fired were premises occupied by a person who had consented.'

[Not yet in force]

Purchase or sale of imitation firearms to minors p 769

The Violent Crime Reduction Act 2006, s 40 **prospectively** adds a s 24A to the FiA 1968 which makes it an offence for a person under 18 to purchase an imitation firearm or to sell an imitation firearm to such a person.. In relation to 'selling', it is a defence to show a belief, based on reasonable grounds, that the person was 18 or over. The defence will be taken to have been made out where sufficient evidence is given to raise the issue and the contrary is not proved by the prosecution.

Possession with intent to cause fear of violence p 770

The Court of Appeal has held that FiA 1968, s 16A is not limited to cases where the intent specified in s 16A was formed before the material time. It held that, provided there is a coincidence of possession and intent, s 16A also embraces the situation

where D forms an intention to cause fear of violence at or immediately before his actions which were designed to cause such fear. This is of importance where a person in possession of a firearm or an imitation firearm has by means of it caused another person to believe that unlawful violence will be used, and is tried for an offence under FiA 1968, s 16A. [*R v Goluchowski* [2006] EWCA Crim 1792]

Manufacture, import and sale of realistic imitation firearms p 772

New heading to sit below material under heading 'Carrying firearm with criminal intent'.

The Violent Crime Reduction Act 2006, s 36 **prospectively** makes it an offence to manufacture, import or sell a realistic imitation firearm (ie an imitation firearm which has an appearance that is *so realistic as to make it indistinguishable*, for all practical purposes, from a real firearm, and is neither a de-activated firearm nor itself an antique). Such an imitation firearm is not to be regarded as '*so distinguishable*' if it is distinguishable only by an expert, by close examination or by attempting to load or to fire it. Defences are provided in relation to things done for specified legitimate purposes.

Firing an air weapon beyond premises p 773

The Violent Crime Reduction Act 2006, s 34 inserted a s 21A into the FiA 1968 which makes it an offence if a person has with him an air weapon on any premises and he uses it for firing a missile beyond those premises. It is a defence for such a person to show that the only premises into or across which the missile was fired were premises occupied by a person who had consented.

[Not yet in force]

Search warrant p775

The Court of Appeal held that there is an implied power for the police to take reasonable and necessary steps to detain the occupants of premises when executing a warrant under the FiA 1968, s 46. [*Connor v CC Merseyside Police* (2006) Times, 4 December]

BUSINESS TRANSACTIONS P 776

The definition of a 'firearms dealer' is amended to include a person who sells or transfers air weapons. **[Not yet in force]**

The offence relating to non-registered persons dealing in firearms has been amended.

It now covers the manufacture, sale, transfer, repair, test or proof of any firearm or ammunition to which FiA 1968, s 1 applies, or a shotgun; the exposure for sale or transfer or possession for sale, transfer, repair, test or proof of any of these things; and the sale or transfer of an air weapon, the exposure of such a weapon for sale or the transfer or possession of such a weapon for sale or transfer. **[Not yet in force]**

The Violent Crime Reduction Act 2006, s 32 makes it an offence to sell an air weapon by way of trade or business to a person who is not a registered firearms dealer when this is not done face to face. **[Not yet in force]**

CROSSBOWS P 778

The Violent Crime Reduction Act 2006, s 44 amends the Crossbows Act 1987 so that in the offences described in the text 'eighteen' is substituted for 'seventeen'. **[Not yet in force]**