

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Weapons etc.

Section 37: Specific defences applying to the offence under s.36

238. This section sets out defences to the offence under section 36. *Subsections (1) and (2)* makes it a defence to show that the sale etc of realistic imitation firearm was for the purposes of a museum or gallery; for theatre, film or television productions; for specified historical re-enactments; or for Crown service. *Subsection (3)* provides a defence for business to import realistic imitation firearms for the purposes of modifying them so that they cease to be realistic imitations. *Subsection (4)* provides that for a defence to be shown, a person must adduce sufficient evidence of it and the contrary must not be proved beyond reasonable doubt.
239. Under *subsection (2)* the Secretary of State will have the power to make regulations to specify which historical re-enactments will benefit from the defence in *subsection (1)*. This enables the exception for historical re-enactments to be confined to bona fide organisations. The regulations will be subject to the negative resolution procedure.
240. *Subsection (7)* defines “historical re-enactment” as any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past. It also defines “museum or gallery” as including any institution, accessible by the public, which has as one of its purposes the preservation, display and interpretation of material of historical, artistic or scientific interest.