
Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 2

WEAPONS ETC.: CORRESPONDING PROVISIONS FOR NORTHERN IRELAND

Manufacture, import and sale of realistic imitation firearms

- 5 (1) It shall be a defence for a person charged with an offence under paragraph 4 in respect of any conduct to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in sub-paragraph (2).
- (2) Those purposes are—
- (a) the purposes of a museum or gallery;
 - (b) the purposes of theatrical performances and of rehearsals for such performances;
 - (c) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48)_see section 5B of that Act);
 - (d) the production of television programmes (within the meaning of the Communications Act 2003 (c. 21)_see section 405(1) of that Act);
 - (e) the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this paragraph by regulations made by the [^{F1}appropriate authority];
 - (f) the purposes of functions that a person has in his capacity as a person in the service of the Crown.
- [^{F2}(2A) In sub-paragraph (2)(e) “the appropriate authority” means—
- (a) in relation to the offence under paragraph 4(1)(a), (b) or (c), the Department of Justice;
 - (b) in relation to the offence under paragraph 4(1)(d), the Secretary of State.]
- (3) It shall also be a defence for a person charged with an offence under paragraph 4 in respect of conduct falling within sub-paragraph (1)(d) of that paragraph to show that the conduct—
- (a) was in the course of carrying on any trade or business; and
 - (b) was for the purpose of making the imitation firearm in question available to be modified in a way which would result in its ceasing to be a realistic imitation firearm.
- (4) For the purposes of this paragraph a person shall be taken to have shown a matter specified in sub-paragraph (1) or (3) if—
- (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and
 - (b) the contrary is not proved beyond a reasonable doubt.

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[^{F3}(4A) The power of the Department of Justice to make regulations under this paragraph shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.]

[^{F3}(4B) That power includes power—

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.]

[^{F3}(4C) Regulations made by the Department of Justice under this paragraph shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

(5) The power of the Secretary of State to make regulations under this paragraph 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) In this paragraph—

“historical re-enactment” means 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;

“museum or gallery” includes any institution which—

- (a) has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest; and
- (b) gives the public access to it.

Textual Amendments

- F1** Words in Sch. 2 para. 5(2)(e) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 11 para. 16(2)** (with arts. 28-31)
- F2** Sch. 2 para. 5(2A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 11 para. 16(3)** (with arts. 28-31)
- F3** Sch. 2 para. 5(4A)-(4C) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 11 para. 16(4)** (with arts. 28-31)

Commencement Information

- I1** Sch. 2 para. 5 in force at 1.10.2007 by [S.I. 2007/2180](#), **art. 4(d)(i)**

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