



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### PART 2

#### WEAPONS ETC.

##### *Imitation firearms*

### **37 Specific defences applying to the offence under s. 36**

- (1) It shall be a defence for a person charged with an offence under section 36 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 subsection (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 section by regulations made by the Secretary of State;
  - (f) the purposes of functions that a person has in his capacity as a person in the service of Her Majesty.
- (3) It shall also be a defence for a person charged with an offence under section 36 in respect of conduct falling within subsection (1)(d) of that section to show that the conduct—
  - (a) was in the course of carrying on any trade or business; and

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*Status: This is the original version (as it was originally enacted).*

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- (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 section a person shall be taken to have shown a matter specified in subsection (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.
- (5) The power of the Secretary of State to make regulations under this section 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 section—
  - “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.