



UNITED KINGDOM AIRSOFT PLAYERS UNION

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Mr. Matt Furey-King

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To Whom It May Concern,

I am writing to you in reference to the consultation on firearms law, and specifically how the propositions could affect airsoft players in England and Wales. I am the Chairman of UK Airsoft Players Union, the sole UK airsoft representative body for airsoft players.

Terminology

Firstly we propose a slightly altered definition of airsoft to that in the glossary of the consultation document;

Airsoft Skirmishing– *an activity employing airsoft replicas in acting out military or law enforcement scenarios.*

Airsoft Replica- *An imitation or realistic imitation firearm capable of firing 6mm or 8mm spherical plastic pellets at relatively low energy. The weapons in question are not rifled and the working parts are made from low density metal and plastic.*

This change would prevent confusion when referring to the game or the replicas respectively. We don't feel that the original description of an airsoft replica was accurate as the cosmetic parts of some high end airsoft replicas are now made with firearms grade material. We also don't see any reason to exclude the less popular but still widely available 8mm airsoft caliber from being considered 'airsoft'.

We would also like to see more clarity around the term 'low powered air weapon'. In the consultation the term is used to describe sub lethal devices such as airsoft replicas. However, the term in the firearms act, as we understand it, is used to describe air guns (i.e. lethal devices) that have not more than 12ft lb. /6ft lb. muzzle energy. As such an alternative term should probably be used to describe non-lethal devices.



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Lethality

Airsoft projectiles have a very poor capacity to penetrate due to low mass and spherical shape, and it seems unlikely that even a shot to the eye at high energy would be able to penetrate through soft tissue of the eye and the bone structure of the eye socket to kill the victim. We've played overseas games with and against replicas outputting up to 4J power, with only very occasional skin penetration injuries sustained during the game.

We do however recognize that a specified lethal threshold must be low enough to take into account devices firing darts with high penetration, and agree that a specified lethal energy threshold is the most sensible solution to the current situation.

It is stated that *"Evidence from stakeholders suggests that airsoft guns tend to have a muzzle kinetic energy of above 1 joule. If this threshold were to be adopted, therefore, airsoft guns above this threshold would have to be sold by RFDs and sales would have to take place on a face-to-face basis"*. In fact, a huge proportion of these sales, and the majority of airsoft replicas owned by players, will be automatic replicas, AEGs (automatic electric guns). These automatic, 'lethal' devices would become section 5 firearms, a far more serious problem, and not one which would be alleviated by face to face sales. This also becomes an issue for possession and ownership as well as primary retail.

Unwittingly holding a section 5 firearm without the appropriate license could have dire consequences for the owner. If the threshold is set at 1J then our replicas will then be perilously close to becoming section 5 firearms. This will affect the compressed gas and HPA (high pressure air) replicas in particular as they can be affected greatly by the type of gas used, the temperature of the day and (in the case of HPA) the setting of the regulator. Whilst an HPA replica would be operated at sub lethal threshold, if confiscated and tested by a forensic lab the examiners would undoubtedly dial the power up to the maximum output, potentially leaving a normal airsoft player to face very serious charges. In effect this could function as a backdoor ban on a very expensive and increasingly popular type of airsoft replica.

One lethality threshold you suggest *"a) 2.5 joules for single shot and 1.3 joules for fully automatic weapons"* is likely based on the testing commissioned by ACPO in October 2011. UKAPU has objections to the conclusions reached by this testing. In a laboratory, it is possible to 'bore' through a gel pack with repeated automatic fire from an airsoft replica clamped into position. In the real world this is absolutely impossible. The natural reaction to a close range shot is to flinch from the pain, and practically this will mean that no two shots will ever hit the same point. We find the idea of multiple shots progressively penetrating through skin to be a deeply flawed concept that has focused too much on laboratory conditions, and has possibly been published for political expediency (to keep the result in line with a desired outcome). The conclusion of the testing was that 6mm airsoft projectiles are capable of causing skin perforation at 2.9J and above. Additional 'safety margins' tend to be cumulatively added to this figure with no reference to scientific method.



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Lethality Exemption

We are excited about the concept of a special exemption for airsoft skirmishers provided by the Secretary of State. A 1J prescribed lethal threshold will certainly have a disproportionate impact on end users and traders in the airsoft community, as this is the power level around which airsoft replicas start to operate. We consider it reasonable to request that the airsoft community is not hamstrung by a low prescribed lethal threshold.

In effect paintball has secured an exemption in firearms law which allows them to operate by taking into account the frangible nature of the ammunition used (although it must be noted that in practice airsoft replicas cause substantially less harm to the target than paintball guns). It would seem reasonable for airsoft skirmishing, a very similar community and activity, to receive an exemption too. An exemption for airsoft skirmishers which worked in a similar manner to our VCRA (2006) specific defense would indeed be easy to bring into force and administrate. The airsoft community has demonstrated over the last 9 years that we are responsible enough to earn the right to the VCRA specific defense and that an exemption for our community does not undermine the intent of that law.

The consultation document mentions an exemption for the 'airsoft trade' and we hope this does not imply a special advantage for the airsoft retail sector that does not apply to the airsoft players. We would prefer the term 'airsoft hobby' or 'airsoft community' be used. There is a concern that the airsoft skirmishing activity is sometimes portrayed as a mechanism to create consumers of airsoft goods from the retail sector. In reality airsoft skirmishing is a vibrant outdoors sport, with many benefits to participants, which should be protected and promoted in and of itself.

The exemption would need to differ from the VCRA defense in that it would need to also apply to possession and use as opposed to just being an exemption for selling, modifying, importing and manufacturing.

Readily Convertible

We also have concerns over the potential for airsoft replicas to be considered 'readily convertible' as it is very easy to increase the power of an AEG to above 1J. Though this is not the intent, a 1J lethality threshold might on occasion cause replicas to be branded 'readily convertible' although, not in the sense that they will be able to fire live rounds.

We also would like to see written clarification about downgrading airsoft replicas which have exceeded a prescribed lethal limit. If a fully automatic replica has exceeded the lethality threshold and thus become section 5 firearm, would it, legally speaking, be permissible to reduce the power and turn it back into an airsoft replica in the eyes of the law?



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We highly appreciate that clarification of firearms law is being sought, and applaud the open manner in which the process is being conducted. The poor definition of lethality is a problem which our community has been keen to resolve for decades. We wholeheartedly support this initiative.

Educating and informing airsoft players is one of our primary aims so we wish to assist in disseminating information to the community as well as continuing to contribute to the process as a stakeholder.

Yours Sincerely,

Matt Furey-King
Chairman, UK Airsoft Players Union