

**Violent Crime Reduction Act: Airsoft defence. 30<sup>th</sup> April 2008.**

Attendees: [REDACTED]

and [REDACTED]

Chairman: [REDACTED]

The Chairman explained that the meeting was held to review how the defence was working as the airsoft defence was still in the public eye.

[REDACTED] had produced a paper setting out UKARA's concerns. Among the points he made was that there had been a reduction in the number of realistic imitations sold (down 10-20 a week for his site). He was concerned that market stall holders and some importers were circumventing the Act and selling to those who could not rely on any of the defences in the Act.

[REDACTED] understood his concerns but added that the police were responsible for enforcing the Act.

[REDACTED] added that he had concerns about the apparent confusion within the police between what was banned but added that the scheme was working well from the site owners' perspective. [REDACTED] recognized that while some areas of the police might not have been totally aware of the effect of the Act that the Firearms Licensing departments of the police probably would be.

The Chairman asked if there were any particular problems that had arisen with the defence.

[REDACTED] cited an example of a retailer who had added non- skirmishing players to the skirmishing database. An internal investigation dealt with the site and the site owner was banned from accessing the database and adding a new player. All those erroneously added were removed from the database.

The Chairman suggested that allegations of misconduct on airsofting sites do draw attention to potential problems and that it would be useful, where possible, to refute false allegations in order to substantiate the position of airsofters. [REDACTED] highlighted the difficulties in achieving this where there were very few details about the allegation.

**Entering all buyers on a database**

The Chairman asked whether a system should be adopted in which all those wishing to buy an airsoft gun would be registered on to the database.

[REDACTED] explained that retailers were selling to a wide range of persons, including re-enactors. He also explained that sites have very close links to retailers so that if a retailer checked whether a person was a member of a site and whether that site was insured it would then be superfluous to check whether a person was also listed in the database.

████ stressed that although the database was not a legal requirement, it was one of the safeguards airsofters had proposed to ministers in order to convince them that a defence for airsofting was viable.

████ explained that there were some airsoft groups who would rather deal with individual retailers than rely on the database. He added that he would prefer those involved in distance selling to check whether a buyer was listed on the database prior to selling him an airsoft gun. The Chairman suggested that it could be made a condition of site membership that a person was entered on the database. He stressed that a lack of sufficient self regulation could put the defence at risk.

████ explained that in order to avoid an accusation of running a cartel, provisions had to be available to ensure that those wishing to access the database could do so either by virtue of being a member of UKARA or by paying a fee to access the database. This was secure in as far as no single retailer had access to the whole system. █████ added that the database ensured ease of access for those checking whether a person was a member of a site. However, there had to be a paper trail. He added that those sites which weren't on the database would still have to have the appropriate insurance and otherwise comply with the Act's requirements.

████ understood that the database was a secure way of checking whether someone was a genuine skirmisher and had concerns about the sale to those who were not entered on the database. █████ suggested that retailers could still check whether a site had the appropriate insurance and whether a person was a member.

████ pointed out that it was not possible to check or verify whether a person is a player over the phone. While the Chairman conceded that an entry on the database was not necessary to make a sale providing the correct checks on a buyer were made, entry on the database would nevertheless help to ensure that all players were registered and therefore genuine. He added that it would help the cause of the ABA, sellers and retailers to encourage buyers to register on the database. █████ stressed that it was difficult to insist that everyone was added to the database. He explained that it was set up by UKARA but held by a third party.

## **Enforcement**

The Chairman outlined examples where the police have explained the new law to market traders who had been selling realistic imitations without knowing the provisions in the Violent Crime Reduction Act. He accepted that it would take time for information about the Act to filter down to everyone.

████ cited the problem of one-off, private sales. The Chairman conceded that private, one off sales might escape the attention of the police but added that if a person continued to sell realistic imitations privately, so that he made a number of sales over a period of time, there would be a greater likelihood of the police noticing such behaviour.

## **Sales from abroad**

█████ asked whether sales from abroad would be caught by the Act. █████ clarified that they would be subject to the ban in the Act [as the item was coming into Great Britain] unless a person fell within one of the defences in the Act.

█████ stated that imports had not been too much of a problem although █████ expressed concern about those who are not meeting the defence [and to whom retailers are not permitted to sell under the Act] but who import airsoft guns.

The Chairman accepted that although a single import might not be picked up, it was more likely that large quantities would be caught.

## **Wholesale imports**

█████ asked about wholesale imports which were subsequently sold. The Chairman stated that wholesalers should ensure that whoever they're selling to were in turn selling to those who were buying a realistic imitation firearm for one of the defences specified in the Act or Regulations. The Chairman added that if people were dealing in realistic imitation firearms, specifically airsoft guns, then the entry of skirmishers' details on a database would be helpful.

## **Initial problems**

█████ highlighted a problem experienced with shipments from Holland. The Chairman suggested that once bona fide sellers were known by Customs the test would be whether the retailer would be able to sell the items on.

## **Amnesties**

█████ referred to a recent amnesty in Cardiff as students had asked him whether they needed to hand in their airsoft guns. █████ clarified that this was not obligatory but that like all owners of realistic imitation firearms, students should be aware of the offence of having a realistic imitation firearm in a public place without lawful authority or a reasonable excuse. █████ added that students should also abide by university rules in relation to firearms and realistic imitations.

## **UKARA's paper**

█████ had produced a paper with a number of questions which he passed around at the meeting. Attendees considered a number of the questions.

- 1) *What are the Government's feelings about the VCR Act and how effective do they think it as been?*

█████ stated that that was why the meeting was called. The Chairman added that good self regulation would greatly help the position of airsofters although he conceded that there would always be those who would not wish to conform. He emphasized that as the skirmishing scheme was voluntary he was keen to ensure that the membership scheme and database system were successful arrangements. To achieve a successful voluntary scheme, he suggested that it would be useful to stress to retailers that it would be better to have a voluntary scheme than a mandatory one which would necessarily be more onerous.

The discussion steered towards site membership and █████ asked about players transferring to other sites. He suggested that where a person stopped playing at a particular site and transferred to another that the player should register at the new site. █████ cited the example of an airsofter whose disability meant he could only play occasionally, and not 3 times in 2 months. In terms of membership, the Chairman suggested that discretion could be applied where the person was a genuine airsofter and known to the site owners.

### **Power levels**

The Chairman had concerns about airsoft guns whose muzzle energy had been increased and cited the example of powerful airsofts on the Japanese market. █████ stated that sites would not allow very powerful realistic imitation firearms to be used but clarified that there was nothing in his insurance about power levels. Following discussion about distance limits beyond which skirmishers could not fire, and the acceptance that airsoft guns with fully automatic fire could not be accepted on sites (or indeed sold), the Chairman confirmed that the Firearms Consultative Committee had provided firm guidance on muzzle energy. He confirmed that anything with a muzzle energy over 1 joule could be considered a lethal barrelled firearm; accordingly, an airsoft gun with a muzzle energy over 1 joule would be considered an air weapon. Any barrelled weapon with a muzzle energy in excess of such a limit had the potential to inflict a penetrating wound. █████ clarified that airsoft guns were tested prior to use on sites to ensure that they did not have a speed in excess of 323 feet per second, plus or minus 10 per cent. █████ asked what was being done to ensure that more powerful weapons were not being used on sites. █████ referred to an example where he had banned some people from using air weapons

### **Increasing the power level of an airsoft gun**

The Chairman was concerned about those airsoft guns whose power had been increased by owners. █████ explained that while airsoft guns could be modified, their construction often meant that those which had been modified inevitably self destructed. █████ pointed out that single shot airsoft guns were more powerful but the sound they made gave a fair indication whether they were over the limit.

The Chairman wanted assurance that airsofting was safe and that firearms (i.e. weapons with a muzzle energy over 1 joule) were not being used. █████



explained that his insurance stated that a claim would only be accepted provided good safety procedures were in place. The Chairman suggested that as the Chinese guns were over 400 feet per second that it would be preferable that such weapons were not used on airsoft sites. [REDACTED] cited the example of an airsoft site which used air weapons. His site did not allow the use of such weapons and chronograph equipment would identify such weapons.

#### Foreign players (Q.11 of the paper)

[REDACTED] had concerns about difficulties foreign players might experience when bringing in airsoft guns from abroad as events were due to start in April and asked what information they should provide when entering the country. The Chairman clarified that as much information as possible, [such as a letter of invitation to a skirmishing event] should be provided to Customs. Similarly, British skirmishes should produce a membership card or similar proof to Customs when they arrived back in the country.

Discussion returned to some of the questions in the UKARA's paper.

*Q. 5 Would it be possible to amend the Act to allow firearm and shotgun certificate holders to buy realistic imitation firearms?*

The defences would apply where a person could show that he met the criteria. As realistic imitations were not firearms, shotgun and firearm certificate holders would still have to satisfy that criteria.

*Q.6 Can under 18s become members of sites and can their guardians or parents buy realistic imitations for them?*

A parent or guardian would be able to buy a realistic imitation firearm and gift it to a minor providing that they could clearly show that the person under 18 was a member of an airsoft site. Those under 18 who had owned a realistic imitation prior to the 1<sup>st</sup> October would be able to continue to use those airsoft guns at sites.

*Q.8 Can airsofters have their membership transferred to another site if a site closes down?*

The Chairman suggested that should be possible – provided they had fulfilled the membership criteria at the last site.

*Q.9 Where a person is banned from a site should he be removed from the database?*

[REDACTED] confirmed that where someone was no longer a member of a site they should not be able to rely on the airsoft defence and so should be taken off the airsoft database. Retailers could check with the site to reveal that the potential buyer was no longer a skirmisher and could not therefore rely on the defence.

*Q. 10 Does the VCR Act apply to the Channel Islands?*

████ confirmed this was a territoriality point. UKARA would have to check with the Channel Islands to see what their law was.

It was agreed that the remaining questions in the paper had been covered during general discussion.

**World War II airsoft**

████ and the Chairman asked whether there were any difference in the sort of players that preferred the WWII skirmishing and cited the area of re-enactment which had caused concerns, e.g. the SS. █████ suggested that the players wanted to participate in a different type of game set within the WWII theme.

**Incident at Sleaford**

The Chairman and █████ raised the incident and outlined that it was the sort of incident which attracted criticism. They asked whether the site was affiliated to UKARA. █████ confirmed it wasn't; that he thought the incident was in bad taste and that to join UKARA a site must not bring airsoft into disrepute.

**Imitation firearms**

████ said very few were turning up at sites in comparison with the numbers sold. The Chairman stated that as the Act was intended to catch realistic imitations [and in view of the fact that skirmishers preferred to use realistic imitations for their hobby] that this was unsurprising. The Act aimed to tackle the sale of realistic imitation firearms which could be used to threaten and intimidate.

**Collectors**

████ asked on what basis could a collector continue to collect. █████ confirmed that there was no defence for ordinary collectors and referred him to the definition in the Violent Crime Reduction Act which defines a museum (or gallery) as "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.

**De-activated firearms and realistic imitation firearms**

[REDACTED] asked about the Home Secretary's plans for deactivated firearms. [REDACTED] confirmed that the Home Secretary had stated that she would be consulting on possible exemptions for genuine collectors.

### **Further meeting**

It was agreed that it would be useful to have another meeting in 6 months or a year.