

To: Chief Officers of Police (England & Wales)  
Chief Officers of Police (Scotland)  
Chief Crown Prosecutors

CC: Clerks to Crown Courts, Clerks to Magistrates Court Committee, Circuit Administrators, Sheriffs' Courts, Scottish Government

27 January 2011

## **CRIME & SECURITY ACT 2010 (COMMENCEMENT) ORDER 2010: AIR WEAPONS**

This circular advises recipients of the commencement on 10 February 2011 of Section 46 of the Crime & Security Act 2010, which relates to the safe-keeping of air weapons.

2. Section 46 inserts a new section 24ZA into the Firearms Act 1968, which makes it an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent someone under the age of 18 from gaining unauthorised access to it. A defence is provided where a person can show he had reasonable grounds for believing the other person to be aged 18 or over. The maximum penalty for someone convicted of the new offence is a level 3 fine (currently £1,000).

3. New subsection 24ZA(2) makes it clear that the new offence does not apply where a young person is permitted to have an air weapon with them under one of the exceptions set out in section 23 of the 1968 Act. These are:

- where they are under the supervision of a person aged 21 or over (section 23(1));
- where they are a member of a Home Office approved club and are engaged as such in, or in connection with, target shooting (section 23(2)(a));
- where they are using an air weapon at a shooting gallery (section 23(2)(b)); and
- where they are aged 14 or over and are on private premises with the consent of the occupier (section 23(3)).

4. Young people aged under 18 can therefore continue to be given controlled access to air weapons in the same circumstances as previously.

5. The provisions of section 58(2) of the 1968 Act mean that the new offence does not apply to an antique air weapon held as a curiosity or ornament. It would nevertheless be advisable for owners of such items to follow the safety advice which follows in order to reduce the risk of accidents.

### **Reasonable precautions**

6. The new offence requires people to take 'reasonable precautions' to prevent unauthorised access to an air weapon by young persons aged under 18. What will constitute 'reasonable precautions' will depend on the particular circumstances in each individual case and it is therefore not possible to be prescriptive. However, the simple steps set out below are a useful starting point. The guidance which follows has been drawn up in consultation with ACPO, the main shooting organisations and others to help everyone make informed and consistent decisions about the safe-keeping of air weapons.

7. Different considerations will apply depending on whether an air weapon is in use or not, and it is helpful to look at these scenarios separately.

#### Storage at home etc when not in use

8. A key issue is the presence, or likely presence, of young people under the age of 18. Many people either have young children themselves or are visited by friends and relatives with young children. In order to comply with the new provisions they will therefore need to take reasonable precautions to prevent those children gaining unauthorised access to any air weapons stored in their home.

9. In many cases, this can be achieved by using an existing, suitably robust, lockable cupboard and by keeping the keys separate and secure. Alternatively, they could use a lock or locking device by which an air weapon can be attached to the fabric of a building, or to a fixed feature, or a security cord, lockable chain or similar device attached to a point of anchorage within the building.

10. Where children are very young, it might be sufficient simply to store any air weapons up high and out of their reach, but some form of security cord or similar device would be preferable to guard against a climbing child or older children. This also applies where someone lives alone and they are not normally visited by children.

11. If someone keeps a number of air weapons, perhaps as tools of their job, it might be useful to look at some of the security measures set out in the Home Office's Firearms Security Handbook 2005 ([Home Office Firearm's Security Handbook 2005](#)). Although that publication is aimed at the security of licensed firearms, they might find some of the Level One security measures suggested for certificate holders equally relevant to the safe storage of air weapons.

12. Anyone who already holds other firearms could use their existing gun cabinet for their air weapon, provided this did not compromise security of those other firearms.

13. Air weapons should be stored within the occupied part of a building and not in an outbuilding, such as a garage or shed, where there is no regular presence to check that the weapons remain secure.

14. Air weapons should always be unloaded when stored. However, this would not be sufficient in itself since the new offence relates to unauthorised access to the weapon. Neither could it be relied on to be safe since air weapon pellets can be accessible to young people and they could be in possession of some at the time they gain unauthorised access to an air weapon.

#### Safekeeping when in use

15. As above, a key issue is the presence, or likely presence, of young people under the age of 18. They might be accompanying an adult or someone else who is authorised to use an air weapon, but are not authorised to use it themselves, or they might be in the vicinity when one is being used. The most basic precaution would be to keep the air weapon under close supervision and never to leave it unattended.

16. Where a person using an air weapon has no option but to put it down for short periods, they should unload it and gather up all ammunition. Steps should then be taken to prevent someone under the age of 18 from gaining unauthorised access to the air weapon. Where practicable, this could include attaching it to a fixed object using a security cord or similar device, or locking it out of sight in a car.

#### **General air weapon safety**

17. There are some simple steps which people can take to ensure their air weapon is kept secure and used safely. For example:

- always treat an air weapon as though it were loaded;

- always point an air weapon in a safe direction, preferably at the ground, and never at another person;
- never load an air weapon until you are ready to fire it;
- never fire an air weapon unless you are certain the shot will be safe. This means checking there is nothing and no-one nearby who might be endangered by the shot and ensuring there is a suitable backstop or pellet catcher to catch pellets and prevent ricochets;
- never rely on a safety catch to make an air weapon safe. Such devices can fail;
- never put a loaded air weapon down. Always safely discharge or unload and decock it first;
- never store a cocked or loaded air weapon;
- air weapons should be stored out of sight and separately from pellets;
- air weapons must not be stored where unauthorised people, particularly young persons under the age of 18, might gain access to them. For example, use a lockable cupboard and keep the keys secure. Air weapons should be stored inside a house rather than in an out building, such as a garden shed; and
- consider ways of rendering a stored air weapon incapable of being fired.

18. The shooting organisations have published further advice on air weapon safety and the Home Office will shortly republish its own leaflet on the subject.