

Crossbows, air weapons, etc

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This guidance is for England and Wales

There are laws that control the sale, supply and hire of a wide range of weapons. This guide identifies the laws that apply to crossbows, air weapons and imitation firearms, making particular reference to the offences and defences for their sale, supply and hire (as applicable) to persons below the minimum legal age.

The law in this area is complex so you should seek specialist advice if you are considering registering as a firearms dealer or stocking these products for sale, supply or hire.

Toy retailers should take care not to inadvertently sell what they consider to be a harmless toy gun but what the law may view as being an imitation firearm and therefore subject to an age restriction.

What you should know

The law relating to crossbows aims to deal, amongst other things, with the sale or hire of crossbows to underage people and prevent their irresponsible use. Whilst the law has exceptions regarding the sale and hire of crossbows under a specified draw weight, as a responsible retailer you may wish to consider carefully whether this is a type of product you want to sell.

Only registered firearms dealers can sell air weapons. The sale and hire of air weapons and ammunition is

tightly controlled and subject to age restrictions. Take note that the sale and hire of these weapons has to be by someone aged 18 or over.

Imitation firearms can look like the real thing and can be used by criminals to commit crime. The sale of realistic imitation firearms is banned. The sale and hire of imitation firearms, which can include some ball bearing (BB) guns and some toy guns, is also tightly controlled and subject to age restrictions.

As part of any defence to an allegation that an offence has been committed, you should have effective management controls in place to demonstrate how you avoid selling, supplying or hiring age-restricted products to people under the minimum legal age. You will find guidance on this in the **'Keeping within the law'** section of this guide.

This guide concentrates on the age-restricted aspects of the law related to the sale, supply and hire of these types of products.

Crossbows

It is an offence under the Crossbows Act 1987 for a person to sell or let on hire a crossbow or part of a crossbow to a person under 18 (it is also an offence for a person under 18 to buy or hire a crossbow or part of a crossbow). Anyone charged with an offence has a defence that they believed the person was 18 or older and had reasonable grounds for that belief.

There is an exception in that the Act does not apply to crossbows with a draw weight of less than 1.4 kg.

Air weapons

The Firearms Act 1968 prohibits a person other than a registered firearms dealer from selling or transferring, exposing for sale or transfer and possessing for sale or transfer an air weapon.

It is an offence under this Act to sell or let on hire any firearm or ammunition to a person under 18. A person charged with this offence has a defence available that they believed the buyer was 18 or over and had reasonable grounds for that belief.

For the purposes of the sale, a registered firearms dealer or their representative must only hand over an air weapon to a buyer when they are face-to-face. It is an offence under the Violent Crime Reduction Act 2006 to transfer possession when both are not present in person.

Imitation firearms

The Violent Crime Reduction Act 2006 defines what is meant by a realistic imitation firearm. It is deemed to have an appearance (size, shape and colour) that is so realistic it is practically indistinguishable from a real firearm and is neither a de-activated firearm nor an antique. The manufacture, import and sale of realistic imitation firearms is prohibited but if you are charged with an offence you have the defence that the imitation firearm was made available for a purpose or purposes as specified in law.

The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 regard imitation firearms as being unrealistic for a real firearm only if they are less than 38 mm high and 70 mm long and either bright red, orange, yellow, green, pink, purple and blue or are made of a transparent material.

Please note that some children's toys may be deemed as 'imitation firearms' unless they are far removed

from what could be regarded as a gun - for example, a water supersoaker.

The Firearms Act 1968 makes it an offence to sell an imitation firearm to a person under 18. There is a defence for a person charged with this offence if they can show that they believed the buyer was 18 or over and had reasonable grounds for that belief - for example, seeing convincing proof of age.

Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you must introduce an age verification policy and have effective systems to prevent sales to persons under the minimum legal age. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

Age verification checks

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or photocard driving licence are also acceptable, but make sure that the card matches the person using it and, where relevant, the date of birth shows they are 18 or over. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the sale should be refused.

Please see the Home Office *False ID Guidance* for more information.

Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are at least the minimum legal age by showing valid proof of age.

Staff training

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under the minimum legal age is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking members of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

Maintain a refusals log

All refusals should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen refusals log is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

Store and product layout

Identify the age-restricted products in your store and keep them secure, such as in a locked cabinet. Consider displaying dummy packs so that people have to ask for the products if they want to buy them.

Till prompts

If you possess an EPoS system, it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

Signage

Display posters showing age limits and a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff.

Closed circuit television (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate the products behind the counter.

Online sales

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Penalties

Failure to comply with trading standards and other laws can lead to enforcement action and to sanctions which may include a fine and/or imprisonment. For more information, please see 'Trading Standards: powers, enforcement and penalties'.

Key legislation

Firearms Act 1968

Crossbows Act 1987

Violent Crime Reduction Act 2006

Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007

Last reviewed / updated: October 2020

In this update

More information about defences added, as well as a link to guidance on online sales

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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