

CODE OF PRACTICE FOR TOY FIREARMS (v1.0)

1. Introduction

- 1.1 The Violent Crime Reduction Act, amongst other things, amends firearms legislation to ban the manufacture, import and sale of realistic imitations and prohibits the sale of any imitation firearm (whether or not it is realistic) to persons under the age of 18 years. Longer sentences have been introduced for the possession of an imitation firearm in a public place without reasonable excuse.
- 1.2 The British toy industry first introduced a code of practice for marking toy guns in September 1989 in response to problems during the emergency in Northern Ireland. Furthermore, public sensitivity to this issue was heightened by the Hungerford and Dunblane tragedies.
- 1.3 The code was last revised and updated in October 2003. However, in recent years the use of realistic imitation firearms has been a cause of concern in circumstances ranging from nuisance to armed robbery.
- 1.4 Despite existing legislation dealing with the misuse of imitation firearms¹, there is still public concern about an apparent growing trend for some young persons to carry imitation firearms. Their use in crime has continued to rise. It is reported that in 2003/4 there were 2,146 offences involving imitation firearms, an increase of 72% of the 2001/02 figure of 1,245. Some of the incidents are reported to have involved children's toy firearms.
- 1.5 Some imitation firearms on sale to the general public are difficult to tell apart from real firearms. The new legislation attempts to limit the purchase and sale of these imitations which can be as intimidating as real firearms and can cause problems for the police when responding to certain incidents.
- 1.6 The BTHA, TRA and EQUITOY (formerly the BTIA)) have reviewed the new legislation and amend the existing code to address the following issues:-
 - (a) to clarify the distinction between toy firearms for use in play by children and imitations of real (i.e. generic) firearms - that is to say firearms of an actual make or model of modern firearm, whether existing or discontinued;
 - (b) to incorporate the key determinants of shape, size and principal colour;
 - (c) to clarify the distinction between imitations of existing models of firearms and traditional Western cowboy guns, 17th century pirates' blunderbusses etc.
 - (d) to help manufacturers, importers and retailers to understand their responsibilities and secure their compliance in the public interest.

¹ Firearms Act 1982, the Firearms (Amendment) Act 1994 and the Firearms Act 1968 as amended by section 37 of the Anti-social Behaviour Act 2003

2. DEFINITIONS

2.1 *toy firearm*

An imitation firearm designed or clearly intended for use in play by children (as defined by the Toys (Safety) Regulations 1995 that is not a realistic imitation firearm and which complies with the requirements of this code.

2.2 *realistic imitation firearm*

An imitation firearm the appearance of which is so realistic as to make it indistinguishable for all practical purposes from : -

- a) a firearm of an existing make or model; or
- b) a firearm falling within a description that applies to an existing category of firearms which even though they include firearms of different makes or models or both, all have the same or a similar appearance.

Note: In accordance with the Violent Crime Reduction Act 2006, an imitation firearm is not to be regarded as distinguishable from a firearm for any practical purpose if it could be so distinguished only by an expert or on close examination or as a result of an attempt to load or fire it.

3. CODE

3.1 A *toy firearm* shall be distinguishable from a real firearm or a *realistic imitation firearm* as defined above.

3.2 The previous codes of practice for *toy firearms* specified a bright orange or red plug. The Violent Crime Reduction Act (together with the Violent Crime Reduction Act (Realistic Imitation Firearms) Regulations 2007) requires that further measures must be taken to enable imitation firearms to be distinguished from real firearms. Therefore a *toy firearm* may either: -

- 3.2.1 be constructed entirely of transparent materials which permit unmistakable observation of the complete contents of the device, or
- 3.2.2 be coloured in bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple either singly or as the principal colour in combination with the other colours in any pattern, or
- 3.2.3 be a miniature *toy firearm* – that is to say less than 38mm in height and 70mm in length, (excluding any gun stock measurement).
- 3.2.4 be a *toy firearm* the appearance of which would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870.
- 3.2.5 be clearly identifiable as a toy by its general appearance or shape not having similarities with real firearms e.g. futuristic weapons, “ray guns” and similar.

4. NOTES

- 4.1 In order not to be confused with a real or *realistic imitation firearm*, a *toy firearm* shall be distinguished either by its general appearance or its shape or its size or its colour.
- 4.2 The perception of colour is subjective. Care should be taken to use colours sufficiently bright to enable the *toy firearm* to be distinguished as a toy. Red, orange, yellow, green, blue, pink or purple are acceptable. Black and brown are not.
- To assist in the assessment of the colour of toy firearms, a printed colour chart is available from BTHA, EQUITOY or TRA which can be used in place of formal colour measurements which are problematic.
- 4.3 Members should note that irrespective of this industry code all toys are required to comply with the requirements of the Toys (Safety) Regulations 1995.
- 4.4 This code may be updated from time to time in the light of future developments.

The BTHA, EQUITOY and TRA represent the vast majority of manufacturers, importers and retailers of toys sold in the UK. Questions on the code can be put to the either Association at the addresses given below:

British Toy & Hobby Association

80 Camberwell Road
London SE5 0EG

Tel : 020 7701 7271

Fax : 020 7708 2437

E-mail : admin@btha.co.uk

EQUITOY

Somers
Mounts Hill
Benenden
Kent, TN17 4ET

Tel : 01580 2408191

Fax : 01580 241109

E-mail : info@equitoy.com

Toy Retailers Association

Gainsborough Waterfront Enterprise Centre
Lea Road
GAINSBOROUGH
DN21 1LX

Tel : 08707 537437

Fax : 08707 060042

Email : enquiries@toyretailersassociation.co.uk

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