

Airsoft and the use of Realistic Imitation Firearms.

Introduction

Airsoft is the generic term for Realistic Imitation Firearms (RIFs) that use low powered plastic ammunition commonly called BBs.

Airsoft guns are primarily powered by Gas (Green gas or CO2), Electric motors driving a small air piston or by springs.

Airsoft guns originated in Japan, where private ownership of firearms is almost non-existent.

However Replica firearms are permitted and are freely available.

The use of Airsoft RIFs in Japan began in the 1980s and was primarily for target practice. However they soon became popular in “combat games” where opponents shoot at each other and this field soon became the dominant use.

Airsoft in the UK has developed in the reverse order. It was introduced primarily as a “combat game” and gained in popularity.

In 2006, The Violent Crime Reduction Act came into force which in effect banned the sale of Realistic Imitation Firearms except to a few restricted groups.

These groups were:

Registered Re-enactors

Museums or Galleries

Crown Servants

Theatre productions or rehearsals

Film production companies.

The Government was lobbied by various bodies and Statutory Instrument 2007 2606 (Arms and Ammunition) was enacted creating two new defences.

(a) the organisation and holding of permitted activities for which public liability insurance is held in relation to liabilities to third parties arising from or in connection with the organisation and holding of those activities;

(b) the purposes of display at a permitted event.

In the interpretation section of SI 2606, “Permitted activities” is defined thus:

“permitted activities” means the acting out of military or law enforcement scenarios for the purposes of recreation.

In recent years there has been a small but significant trend for established shooters to use RIFs for both training and practice and this has led to a number of clubs forming Airsoft sections for the purpose of competition.

Manufacturers of RIFs have begun to market a significant number of remarkably accurate replicas of historic firearms and it is now possible to purchase replicas of such iconic handguns as PO8s, Colt 1911s, Nagant 1895 revolvers, Tokarev T33s, Mauser 1896, P38s and Webley Mk 6.

It is also possible to purchase replica long arms such as Mauser 1898, Moisin Nagant 91/30, M1 Garands, Springfield 1903, SMLE and No4 and even Winchester 1873.

Many shooters who lost their much cherished handguns after the tragic events at Dunblane have since discovered the joy of owning replicas and practising and competing in airsoft versions of the old pistol competitions such as PP1. Duelling and practical. Similarly, the old practical rifle courses can be shot easily and safely on small indoor ranges.

Airsoft has become increasingly popular amongst target shooters throughout the world, particularly in Europe where many clubs train with airsoft due to the high cost of centrefire ammunition and also because of the tremendous safety advantages of training novice shooters with low powered RIFs.

In late 2013 the NSRA were approached to clarify the status of airsoft with reference to Third Party Liability Insurance. The NSRA confirmed that it had no rules governing the use of Airsoft. After much consultation, a set of rules governing the use of RIFs in competition was submitted and approved by the NSRA allowing airsoft shooting to be covered by NSRA insurance. (Third Party Liability Insurance is required in law for all those taking part in permitted activities).

After the 2006 Act came into force, a number of Airsoft retailers came together to form the United Kingdom Airsoft Retailers Association (UKARA). This led to the establishment of a commercial database which the retailers pay to access. This database contains the details of persons involved in "Skirmishing" (Combat games) and who, according to UKARA definitions, are deemed suitable persons to purchase RIFs. The purpose of the database is to provide retailers with a legal defence for the sale of RIFs as the VCR Act laid the onus on the seller to comply with the regulations rather than the purchaser.

UKARA is not a national governing body, has no legal standing, no established constitution and reportedly does not have an elected committee but rather a UKARA "Admin".

Despite the increased use of Airsoft for training and practice and more recently for competition, there has been resistance to the idea that Target shooters have a legitimate reason for purchasing and using RIFs. It would appear that this hinges on the legal interpretation of the defence of "Permitted activities"

The interpretation in Statutory Instrument 2606 is clear. Nick Doherty one of the UK's leading barristers and firearms experts was commissioned by The British Airsoft Club, (a body set up to represent RIF users rather than retailers) to give legal opinion on the status of the BAC and on the defences stated in the Act.

Mr Doherty states unequivocally that Target shooting by its very nature and development must be considered a permitted activity as it is practised widely in the Armed Services and Police for training and competition. It must therefore be a "Realistic Military or Law Enforcement Scenario" as required by law, as target shooting and practice is the mainstay of Military and Police training.

UKARA admin have repeatedly stated that "permitted activities" is confined solely to Skirmishing where players MUST shoot at each other. Shooting at another human being is anathema to target shooters and to claim that a Home Office minister stated that a defence would only be granted when players shoot at each other rather than inanimate targets defies logic and common sense.

The sport of Skirmishing is an activity enjoyed by thousands on a regular basis and despite the misgivings of target shooters with many years of safe gun handling rules deeply engrained, it should not be denigrated unfairly.

However, the case for target shooting with RIFs is strong and must be considered rationally. It has proved its value in training and in competition. It is a tremendously effective tool for training young shooters and has the added benefit of allowing young shooters to enter the world of competition shooting on an equal footing with adults and without a substantial outlay for equipment. Furthermore it allows disabled shooters to partake in competitive shooting on an equal basis with able bodied shooters which is not the case with skirmishing.

Currently Airsoft retailers are increasingly reluctant to supply target shooters or target clubs as they are being advised that Target shooting is not a permitted activity and not acceptable under UKARA definitions. Given that 90% of a retailers regular business will depend on access to the UKARA database it is understandable that they are wary.

This misinformation and skewed guidance is based upon the 2007 Home Office Guide to Firearms Law which states that Permitted activities applies primarily to those engaged in airsoft skirmishing. In law, “primarily” does not and never has meant “exclusively” and Home Office guidance must be seen as just that, “Guidance”.

If the defence was meant to be restricted purely to skirmishing, it would have been worded as such in the Statutory Instrument and not as “permitted activities”.

We must ask the questions:

- a) Can “permitted activities” literally be interpreted as Skirmishing” either in Law or in intended meaning?
- b) Target shooting using RIFs is carried out in Home Office approved clubs, on ranges passed for Section 1 firearms, under the control of NSRA or NRA qualified range officers, covered by Third party liability insurance and according to the codes of conduct of National governing bodies such as the NSRA or NRA. Is it reasonable to regard this as any less legitimate than teams engaging in mock battle scenarios?

Target shooters are being denied the opportunity to take part in a legitimate sport that has tremendous potential for growth and does not give the public the perception that all shooters dress in combat uniforms and shoot at each other.

It is vital that some clarity is brought to the interpretation of the law in order to dispel the concerns of dealers, break down the barriers of mistrust and prejudice between target shooters and skirmishers and to nurture a fledgling sport that could prove of great benefit to established shooters as well as the young and disabled.

This clarity should be sought either through reference to the Law Commission or in the event of their remit not covering the sale and use of RIFs, through the relevant department of the Home Office.

Summary.

Does Airsoft Target shooting comply with the definition “Permitted Activity”?

Yes. Target shooting is an essential military and law enforcement activity.

Is Insurance available to cover Airsoft shooting as required by VCR Act 2006?

Yes and is fully endorsed by the NSRA.

Is Airsoft Target Shooting safe and practicable?

Yes. It is carried out on Home Office approved Section 1 ranges and under the rules of National governing bodies such as the NSRA.

Is Airsoft Target Shooting a valuable addition to the disciplines currently offered in UK shooting?

Yes. It is safe, cheap, a valuable training tool and allows the re-introduction of many shooting competitions that were previously popular in the UK.