

Rifled air weapons - not to be classed as Section 5(1)(aba) Prohibited Weapons

activities such as deer poaching.

11.26 The Firearms (Amendment) Act 1988 placed within Section 5 of the Firearms Act 1968 any 'self-loading or pump-action rifle other than one which is chambered for .22 rimfire cartridges'. Following uncertainty about the legal definition of the term 'rifle', the Government amended this Section through the Firearms (Amendment) Act 1997 to refer to any 'self-loading or pump-action rifled *gun*'.

11.27 Low-powered air weapons, while treated in law as firearms, are not subject to certificate control. Many of these have rifled barrels and some are of a self-loading or pump-action design. Concerns were expressed that the new definition might place low-powered self-loading or pump-action rifled air guns into the prohibited category by accident, even though they were not rifles within the generally understood meaning of the term, they might be considered 'rifled guns'.

11.28 The Home Office discussed this issue with the police service and the Crown Prosecution Service and reached the conclusion that low-powered self-loading or pump-action rifled air guns should *not* be treated as prohibited weapons for legal purposes. As a matter of law it was doubtful if the prohibition on rifled guns extended to air weapons and, in practice, it was clearly not the intention of the Government or Parliament for low-powered air weapons to 'leapfrog' from unlicensed

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to prohibited status. The Home Office has issued guidance to the police to this effect.

11.29 The Committee welcomes this sensible approach to this issue. It would be helpful if this view could be given statutory force at the next opportunity *and we so recommend*.