

Grey Paper No. 13 - November 2007 - Dealing with Weapons

The Violent Crime Reduction Act 2006

The latest legislation covering weapons has in many ways simplified several of the current restrictions. Whilst there is a serious tightening up of many aspects of 'Real guns and Real Weapons', there is provision within the Act covering weapons used in theatrical productions. These notes do not apply to outdoors or to any public place other than a seated auditorium type venue with the stage area specifically defined.

This act whilst referring to both the existing Firearms Regulations and the Criminal Justice Act, now specifically allows a 'defence in law' for the use of deactivated, replica, prop and blank firing guns, together with blunted swords and knives, in 'Theatres and Theatrical Productions'.

The situation as we now understand it is:

1. Guns

- 1.1. Any item having the 'external appearance' of a gun is now considered to be a 'realistic imitation firearm'. It doesn't matter whether it is plastic, alloy, a cap gun, a deactivated gun, an imitation gun, a prop gun, a dummy gun, a water pistol, a gun made by your props team, whether blank firing or otherwise, in fact anything having the 'external appearance' of a gun. If it is good enough to give the appearance of a gun to an audience, then in the Act it is a 'Realistic Firearm'. Realistic firearms are now banned 'in all public places'.
- 1.2. However the new Act provides a legal defence in law if you can prove that they are 'required and necessary' for a specific theatre production, (Section 37 Par 238) We strongly advise that you prove to yourselves and set down in writing the need for such a gun, so as to have this available on request, e.g. refer to the actual pages in the script. See further notes below.

2. Weapons

- 2.1. The act also covers edged weapons, swords, daggers, knives, spears, pikes, halberds, in fact anything that could be said to have an 'edge or point'. The act does not define 'edge or point' nor does it define 'the material' the weapon is made of. It could be interpreted that a wooden or plastic sword is a 'Weapon'.
- 2.2. All these items are now banned 'in all public places'.
- 2.3. However, again there is a legal defence for these Weapons, but the wording differs from the Guns section above. The legal defence in the new law for Weapons is to prove that they are 'required and necessary' for the purposes of 'theatrical performances and rehearsals', (Section 43 Par 259)
- 2.4. Note the differences in the wording, 'rehearsals' are not mentioned in the Guns Section.
- 2.5. We therefore assume that guns must not be used for rehearsals, only for the performances, whereas swords can be used for rehearsals.
- 2.6. We again strongly advise that you prove to yourselves and set down in writing the need for such weapons, so as to have this available on request, e.g. refer to the actual pages in the script. See further notes below.

3. What do we need to do?

- 3.1. Immediately check to ensure that you do not have any imitation firearms or other weapons. Double check above, note the new legal definitions. Yes even toy guns and plastic swords. All these items should be locked away and put under the charge of someone over 18 years of age.
- 3.2. Immediately on choosing a show - identify any guns or weapons in the script, check if they are blank firing guns or fighting weapons.
- 3.3. If you are using your own existing props carry out written assessments as above.
- 3.4. If they are to be hired, contact the hire firms immediately not only to check availability and prices but also to have time to comply with the new conditions.

- 3.5. From now on you will have to supply additional information to satisfy the hire company, that the weapons or guns are actually in the script and are necessary to satisfy the performances.
- 3.6. Blank firing guns are covered by the above guidelines, but will require additional disclaimers regarding the actual venue.
- 3.7. Edged weapons used for 'fighting' - the actual weapons are covered by the new regulations, but their use is not.
- 3.8. All fighting swords/weapons will now have to be supplied through a registered 'Fight Arranger' who will not only supply the swords, but also have the necessary personal and product liability insurance cover. It will not be possible in future to hire 'fighting weapons' without going through a Fight Arranger.

4. Summary

- 4.1. In many ways the regulations have been simplified, particularly in relation to edged weapons. In recent times there have been contradictory rules between the Firearm Regulations and the Criminal Justice Act. This has now been simplified under one piece of legislation.
- 4.2. However the new Act is more pedantic in its interpretation of 'proof of need'. It is now illegal to have in your possession 'in a public place' any gun or something having the external appearance of a gun, or any sword, knife, etc even if they are made of plastic, wood, etc. You can only 'prove a defence' under the Act if the items are actually being used in a theatrical performance AND are actually in the script. Further you can only use these items wholly and exclusively for purposes of that production. Do not wear costume swords in the foyer, do not carry them through the auditorium, do not have any weapon/gun outdoors or in any public place other than the stage area of a theatre.
- 4.3. The Act increases the maximum sentences for offences and also specially refers to young people less than 18 years of age.
- 4.4. Risk Assessments are still required and you should refer to the HSE publication Weapons In Productions.
- 4.5. Whilst we all dread increasing legislation, at least this Act incorporates 'Theatrical Productions' in the actual wording. Provided we understand the above explanation we should now be able to use both guns and swords in future shows. These guidelines have been prepared in good faith by Howorth Wrightson Limited for the benefit of your members. For legal interpretation please refer to the 'Violent Crime Reduction Act 2006' and the HSE publication 'Weapons in productions'.

HWLtd will be only too pleased to help any Society with advice re. this new Act.

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