

Firearms Controls Consultation

UKASGB Response

Introduction.

It is clear from Home Office figures and the Crime Survey that there is a problem with gun crime in this country. However, previous government efforts seem to be failing. Despite banning live firing hand guns gun crime with hand guns has increased. The recent ban on the sale of Brocock type pistols which can be readily converted into firearms has not been as successful as it could be given that the first set of figures released after the requirement of certification show that only 10% of those believed to have been sold have been handed in or put on firearms certificates.

The question of what to do with the suspected 500,000 plus replica firearms in circulation is a complex one. The replicas vary in sophistication and look from cheap springer pistols to replicas of modern assault rifles which may cost many hundreds of pounds. A considerable number of these are known as airsofts and have stock power levels of around 0.8 joules.

I have deliberately not included air guns in referring to this as they fall under a particular section of the firearms acts. However, the fact that numerous airgun pistols are made to look like the real steel variants is a cause for alarm as the power levels of these guns are sufficient to cause serious if not lethal injuries.

What is the UKASGB?

The UKASGB is the United Kingdom Airsoft Sites Governing Body and is an organization for airsoft sites constituted with the help of Sport England. Not all airsoft sites are members of the organization. The organization does not represent the views of individual players. The UKASGB would advocate that sites which do not want to become members should also adopt the membership criteria as this is viewed as best practice in the industry.

Criteria for UKASGB Membership

There shall be two classes of membership available. The shall be:

- Full Member
- Probationary Member

The following are eligible to apply for membership:

1.Probationary applicants.

Any site in the process of setting up, but which has no established structure or documentation. Such applicants will not be allowed a vote but may participate in meetings and will be supported by the governing body in their efforts to qualify as full members. Probationary applicants receive no benefits and are not covered by the insurances of the governing body. A period of six months will be allowed for probationary members to fulfil the membership criteria.

2. Full Membership.

Any established site which meets the following criteria:

- a) Operates on a site which is owned, leased or rented for the purpose of Airsoft games.
- b) Health and Safety policy and Risk Assessments
- c) Child Protection policy
- d) Constitution (where applicable)
- e) Site rules
- f) Planning permission (where appropriate)
- g) Qualified first aider + Accident book

What is Airsoft?

Airsoft guns fire 6mm plastic pellets (or BBs) at relatively low speeds (between 100 and 328 feet per second or 30 to 97 metres per second), fast enough to feel, but slow enough not to hurt. The HO guideline for maximum power in the UK is 328 fps. Airsoft guns look like the real thing **but cannot** be converted to fire live ammunition, it is a fact, the press may not like it but it is a fact.

Airsoft as we know it originated in Japan in the early 1980's as the Japanese answer to the American craze of Paintball. Whilst the first air soft guns were probably made in the US, it was not until Tokyo Marui started putting their electrically powered gearbox into their static replicas that the sport of airsoft skirmishing as we know it developed. Across Japan, South East Asia, North American and Europe there are thousands of players who

put on their combats, heave on their webbing and grab their rifles each weekend. There is a growing market on the corporate team building and entertainment side.

Airsoft Skirmishing.

It is primarily a team sport, although games such as last man standing and rifles versus pistols are great fun. Players quickly learn that proper planning prevents poor performance and an early walk back to the safe zone. Some scenarios may seem familiar to those who have played Paintball but the addition of full automatic capability and longer range add new dimensions.

Most scenarios are intended to be fairly realistic reconstructions of combat situations. Scenarios may include defending a gun-pit, taking an enemy bunker, searching for pilots who've been shot down, defending military hardware, clearing a village and hostage rescue.

Unlike paintball airsoft skirmishing is above all a game of honesty.

Having thoroughly read and discussed the contents of the consultation document there are few sections that are relevant to airsoft.

1. Lethality.

Prior to the 5th of December 2003 most airsoft sites allowed the use of battery powered

airsoft guns known as AEG's (automatic electric gun) with power levels of 328 fps (+10%) with a 0.2gm bb and single shot sniper rifles with 500fps with 0.2gm bb. Now in accordance with HO guidelines based on FSS advice 1 joule or 328 fps with a 0.2 gm bb is the limit for all classes of airsoft weapons (verbal communication with the HO has resulted in a 10% leeway on chronograph readings).

We do not feel that there should be any further reduction in power levels. However, the debate continues within the wider airsoft community with regard to airsoft sniper rifles continues.

We would suggest that airsoft sites which are fully insured and have the appropriate Health and Safety Policies be governed by Health and Safety law as far as power levels are concerned rather than firearms law. This would allow some flexibility in how power levels are set. It should be remembered that all players are willing participants who are required to wear as a minimum protective glasses or goggles or full face masks and in the case of those players under the age of 16 full face protection.

2. Imitation Firearms.

99 % of all airsoft models are imitations of the real steel firearm. However, they are not 1:1 copies indeed virtually all are designed so that the working parts of the real steel version cannot be made to fit into the airsoft version. Indeed the only parts that are easily swapped between real and airsoft versions are the sights.

From discussion with local firearms officers it would appear that most of the imitation firearms used in crime are of 2 types, cheap spring pistols and CO2 powered gas pistols, neither of which are used by airsoft players. Police figures only show the number of imitation firearms not their manufacturer or particular type.

Whilst cheap spring pistols are unlikely to cause any serious injury, CO2 powered gas air pistols with rifled barrels that are intended to target shooting are capable of causing serious injury. They have power levels far in excess of true airsoft gas powered pistols and rifles. Where most airsoft gas powered pistols have power levels of less than 0.8 joules these CO2 powered air pistols have power levels of over 3 joules.

We would suggest that in the case of Gas powered CO2 pistols that there should be genuine reason for purchase such as membership of a target shooting club rather than the present situation where they can be bought by anyone over the age of 17. We would also suggest that there should be a restriction on the sale of spring powered airsoft pistols which are currently classed as toys. Indeed at Bridlington market over the May day bank holiday week end it is reported that 1 stall holder sold 4,500 spring type airsoft pistols. We doubt whether any safety glasses or masks were sold.

3. Trade.

In line with both the 2nd Report from the Home Affairs Select Committee Session 1999-

2000 HC 95 and the government response, we find no reason to argue against a ban on the sale of airsoft replicas to those under the age of 18. We feel that the sale of airsoft replicas on market stalls and at car boot sales should be restricted if not banned outright. Most reputable airsoft dealers in the UK adhere to a voluntary policy of not selling to those under the age of 18 at present any way.

4. Age Limits.

Airsoft sites belonging to the UKASGB are advised that the minimum age at which we can have players on our sites is 12 years of age. Each site has to have a child protection policy in place for those aged between 12 and 18 years. Some sites choose a higher minimum age. Those under the age of 16 have to be signed in by a parent or guardian who has to be present for the safety briefing as a minimum. Where children under the age of 14 are present most sites would suggest that a parent or guardian is present throughout the day.

Given the above we would have little difficulty with the transposition of age limits that apply to airguns proper being made to apply to airsoft models.

Conclusion.

It has been suggested that a ban on the possession and sale of all replicas would reduce gun crime. I would suggest that given previous experience a ban is highly unlikely to

reduce the amount of gun crime associated with replicas. There would then be the question of compensation for air soft replicas handed in. There would also be the question of compensation for businesses for both loss of income and loss of capital investment.

Given that in all likelihood a ban would not work all that it would do is to punish law abiding members of the public who have a valid reason for owning air soft replicas. It is acknowledged by the Home Office that the transporting of air soft weapons to a skirmish or to and from a retailer are valid reasons for the possession of air soft replicas if stopped by the police under the provisions of the Anti Social Behaviour Act.

It has also been suggested that a licensing scheme for air soft replicas is unworkable. There would be problems in that air soft weapons do not have serial numbers, but in Italy and Switzerland controls are much stricter than they are here and they should possibly be looked at as the basis of any licensing scheme. The fact that neither country's laws relating to replicas is within the consultation package is disturbing given the thoroughness of the rest of the paper.

In summary we would propose the following:

1. Airsoft replicas should not be banned per se. However, there should be tighter controls on their sale.
2. We would suggest that some form of licensing scheme be considered for airsoft replicas.

3. That all airsoft sites should be insured and have as a minimum standard the same criteria that sites belonging to the UKASGB adhere to. We would not suggest that all sites should be members of the UKASGB but that the criteria for belonging to the UKASGB is to be seen as being best practice in the industry

4. That the minimum age at which an airsoft replica can be bought is set at 18 years in accordance with the voluntary code adopted by the UK's biggest air soft retailers.

5. That lethality be enshrined in legislation. However, we would suggest that the test should be an absolute one rather than the guidance issued by the Home Office which states that at power levels of 1 joule or less injuries other trivial are unlikely to occur. At present the case of Moore and Gooderham does set an absolute of 1.35 joules above which any airgun/airsoft replica is lethally barreled. Whilst some of the background to the science used in the case could be termed flawed the point remains that more recent test show that a 0.2gm air soft ball bullet will penetrate ballistic gelatin at 1.36 joules. The fact that an absolute level is enshrined in law may help clear up any arguments relating to breaches of Human Rights Laws as at present the law is neither clear nor unambiguous. Basing the level at the 1 joule level could be argued to be based on an ambiguity and as such leaves open action in higher courts and the European court.

We would also suggest that the Home Office guideline remain in place even in the event of an absolute power level remaining in place.