



PUBLIC GUIDANCE: FIREARMS & AIRSOFT

i Introduction:

Airsoft skirmishing or airsoft is a popular hobby where groups of people play a game of fitness, skill and tactics against each other using replica firearms which fire small pellets at high speed. Airsoft groups often use realistic playing areas, missions and clothing to simulate the feeling of being on a real battlefield. Airsoft is a fun hobby that can be run safely, involves no more risk than other recreational activities and which promotes fitness, teamwork and a sense of community.

The purpose of this guidance is to help people to understand the law which affects airsoft and which regulates the use of firearms and airguns so that people taking part in airsoft activities can do so in a lawful and safe manner.

LAW

Law:

The Firearms and Ammunition Ordinance 1987 sets out the law in respect of the possession, use and sale of firearms, airguns and ammunition. The law is available online and can be accessed at www.legislation.gov.fk

The law places a duty on the Police to control the licensing, registration and use of firearms in accordance with the rules set out in the Ordinance.

The law does not currently contain specific rules about airsoft weapons or their use and does not have specific rules about different types of modern airsoft weapons.

The Police recognise that specific rules about airsoft weapons are not currently included in the law and that this means that it is difficult to apply the law to modern airsoft weapons in a consistent way. This can be frustrating for people wishing to engage in airsoft activities.

The Police do not make the law and any changes to the law are a matter for the Legislative Assembly to decide.

The Police are required to apply the law as it currently stands. Within the limits imposed by the law the Police will aim to apply the rules in a reasonable and proportionate way.





Overview- Firearms & Guns:

What is a firearm?

'Firearm' is defined by the law as meaning any lethal barrelled weapon of any description from which any bullet, shot, shell or other missile can be discharged, and includes any prohibited weapon whether it is a lethal weapon or not, any component part of such lethal or prohibited weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, but does not include a weapon designed to discharge a spear under water by means of a spring or compressed air for the purpose of killing fish.

A licence is needed to hold a firearm and ammunition and firearms need to be registered with the Police.

What is an airgun?

'Airgun' is defined by the law as meaning any firearm which is operated solely by compressed air, and includes an air rifle and an air pistol.

The essential feature of an airgun is that compressed air is released behind a projectile which propels the projectile down the barrel of the airgun.

The history of airguns dates back to the 16th century. There is no standard method of air compression or storage and so there are different types of airgun that generate and store compressed air in different ways.

Some guns use compressed gasses, such as carbon dioxide, instead of compressed air. A gun that uses, or is capable of using compressed gas, is not an airgun for the purposes of the law.

To be within the current legal definition, an airgun must be operated solely by compressed air and should not be capable of using another method of propulsion.

Are airsoft weapons firearms or airguns?

This depends on the nature of the airsoft weapon. Some airsoft weapons are outside the definition of airgun and inside the definition of firearm. Some airsoft weapons, such as those which are not barrelled weapons, are not within either definition.

Airsoft weapons that use carbon dioxide or other gasses are not airguns. If these weapons are barrelled weapons, such as pistols or rifles, they will be within the definition of firearm and they will need to be registered and licensed.





The Police recognise that this may seem unfair because many airsoft weapons powered by carbon dioxide are less powerful than weapons operated solely by compressed air.

A legal case in the United Kingdom decided that weapons powered by carbon dioxide are within the legal definition of 'firearm'[1]. The law in the United Kingdom has changed since this case was decided but the decision is relevant to interpreting the law as it currently stands in the Falkland Islands where there has not yet been similar changes to the law.

The Police recognise that the current legal definitions may lead to different outcomes for weapons that have similar power levels but where one weapon solely uses compressed air and one weapon uses carbon dioxide.

The Police cannot ignore the legal requirement for licensing and registration but aim to manage this in a reasonable and proportionate way **by using a separate licensing and registration scheme for airsoft weapons that is proportionate to the low risk associated with their use.**

There are two main questions to consider when determining whether an airsoft weapon is within the definition of 'firearm', 'airgun' or is outside of both definitions.

Q1 - Is the airsoft weapon a barrelled weapon?

If the airsoft weapon is not a barrelled weapon then it does not fall into the definition of firearm or airgun and is not regulated by the Ordinance. An example of a non-barrelled weapon is an airsoft 'grenade' that utilises a CO2 canister.





Q2 - How is the projectile propelled from the weapon?

An airgun operates solely by compressed air. There are different methods by which air can be compressed. The table below contains some of the most common means of propulsion and whether the means of propulsion falls within the definition of 'firearm' or 'airgun'.



[1] R v Thorpe [1987] 1 W.L.R. 383



Means of Propulsion		Firearm	Airgun
	<p>Combustible Propulsion created by burning combustible propellants</p>	✓	✗
	<p>Compressed Gas Propulsion created by compressed gas, such as carbon dioxide, helium or pure nitrogen, stored in an internal or external cylinder</p>	✓	✗
	<p>Spring Propulsion created by a pump piston, operated manually or electrically, which compresses air into a cylinder</p>	✗	✓
	<p>Pump Propulsion created by an air pump, operated manually or electrically, which compresses air into an internal reservoir</p>	✗	✓



Advice:

Accessing advice

If you are unsure as to whether an airsoft weapon needs to be licensed and registered please contact the Police for advice on the following email address:

rfipadmin@police.gov.fk

The Police recognise that the current legal definitions can be confusing and will assist you by giving advice as to whether an airsoft weapon needs to be licensed and registered.

Purchasing airsoft weapons

If you are planning on purchasing an airsoft weapon from overseas and you are unsure whether you need to hold a licence and register the airsoft weapon you should contact the Police for advice using the email address above.

Different countries have different rules about the sale and export of airsoft weapons and people purchasing airsoft weapons from overseas are responsible for complying with those rules. The United Kingdom has a wide range of retail businesses selling airsoft weapons and people looking to purchase airsoft weapons from abroad may find purchasing from the United Kingdom the easiest option.

Sometimes airsoft weapons are detained once they arrive in the Falkland Islands by the Customs Department or by the Police. This is so that the item can be checked to ensure that it can be lawfully imported and owned. This can cause delays to the delivery of airsoft weapons.

Seeking advice from the Police before purchasing airsoft weapons from overseas can reduce the risk of this type of delay.

Selling airsoft weapons – Airguns

There is no restriction on the sale of airsoft weapons which are within the definition of 'airgun'.

Selling airsoft weapons – Firearms

A person who wishes, as part of their business, to sell airsoft weapons which are within the definition of 'firearm', requires a firearms and ammunition dealer's licence.

The Police recognise that treating the business sale of airsoft weapons in the same way as other firearms would not be proportionate to the low risk posed by airsoft weapons.





The law still requires a business seller to have a firearms and ammunition dealer's licence so for airsoft weapons that are within the definition of 'firearm' the Police have introduced a separate dealer's licence process.

To obtain an airsoft weapons (firearms) dealer's licence please complete the 'Airsoft- Dealer's Licence Registration Form' which is available from:

The Post Office or online at: www.police.gov.fk

Where a person wishes to privately sell or transfer an airsoft weapon which is within the definition of 'firearm' then they may do so but they should **notify the Police of the sale or transfer within seven days** of the sale or transfer taking place.



Registering Airsoft Weapons:

Airsoft Weapons - Airguns

Airsoft weapons which fall within the definition of airgun do not require a licence or registration.

Airsoft Weapons - Firearms

The Police recognise that treating airsoft weapons in the same way as other firearms would not be proportionate to the low risk posed by airsoft weapons.

The law still requires such weapons to be licensed and registered and so the Police have introduced a separate licensing and registration process in relation to airsoft weapons that require registration.

To register an airsoft weapon which requires a licence and registration please complete the Airsoft - Licence and Registration Form which is available from:

The Post Office or online at: www.police.gov.fk

You will not be charged for the licensing and registration of airsoft weapons.





Voluntary registration of airsoft weapons

There is no legal requirement to register airsoft weapons that are within the definition of airgun or which fall outside of the definition of firearm.

Even though there is no requirement to register it would assist the Police to have a register of all airsoft weapon ownership. The reason for this is that on occasion airsoft weapons can be mistaken for powerful firearms and can be reported to the Police as such. When the Police receive this type of report it must be treated seriously and the Police have to proceed on the basis that a reported firearm is real until the contrary has been established. This approach is required to protect members of the public and to keep people safe.

Where a person has registered their airsoft weapons, even when not required to do so, the Police are able to check any report about firearm possession against the register to help inform the correct response.

Having a register of airsoft weapons helps the Police to understand airsoft ownership and reduces the risk of misunderstandings and inconvenience.

To voluntarily register an airsoft weapon please complete the Airsoft – Licence and Registration Form which is available from:

The Post Office or online at: www.police.gov.fk

You will not be charged for the licensing and registration of airsoft weapons.



Children and Airsoft:

Airsoft weapons which are within the definition of firearm and which need a licence and registration cannot be held or used by any person under the age of 17 years.

A person over the age of 12 may use an airsoft weapon which is within the definition of firearm for target practice provided they do so at a location and under the supervision of an officer of an organisation which has been approved by the Chief Police Officer.

Airsoft weapons which are within the definition of airgun cannot be held or used by any person under the age of 14 years unless under the supervision of a parent, guardian or other person who is at least 21 years old.

If you are unsure of whether a person under the age of 17 years can be involved with an airsoft activity you should contact the Police for advice on the following email address: rfipadmin@police.gov.fk





Airsoft Safety Advice:

The following advice is not a legal requirement but is intended to help people to enjoy the airsoft hobby in a safe manner.

- The safest way to enjoy the airsoft hobby is to join an airsoft club where the club will help you to take part in airsoft activities in a safe and controlled environment.
- Airsoft is best undertaken at locations which are specially set up for airsoft activity. **Please do not engage in airsoft activities in public places because other people may not know you are engaged in airsoft activities, and people not be wearing safety clothing can be put at risk.**
- Please try not to display airsoft weapons in public places. Other people may not appreciate that you only have an airsoft weapon and this can cause unnecessary fear and distress. In some circumstances this may also be a public order offence.
- If you fire an airsoft weapon, regardless of whether the airsoft weapon is within the 'firearm' or 'airgun' category, and you hit another person who has not agreed to take part in an airsoft activity, you may commit a criminal offence.

When engaged in airsoft activities:

- **Always keep the airsoft weapon pointed in a safe direction.**
- **Always treat the airsoft weapon as if it were loaded.**
- **Always wear eye protection.**
- **Always keep the airsoft weapon unloaded until ready to shoot.**
- **Always keep 'safety' on until ready to shoot.**
- **Only shoot pellets designed for the airsoft weapon.**
- **Do not consume alcohol or drugs before or during airsoft activities.**

