



**STAGE MANAGEMENT ASSOCIATION**

**Fact Sheets:**

**No 1: Using Hand Guns and  
Other Weapons in Theatrical  
Productions**

**The Violent Crimes Reduction Act 2007  
& its effect on theatre**



# STAGE MANAGEMENT ASSOCIATION

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*representing, supporting & promoting stage management*

## Fact Sheets:

**No 1:      Using Hand Guns and Other  
              Weapons in Theatrical  
              Productions**

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*Disclaimer: This is a guidance note to good practice and no legal responsibility arises for the SMA or Ruth Cooper-Brown or RC-Annie Limited from the information given in good faith in this leaflet.*

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## 1. INTRODUCTION

The Violence Crimes Reduction Act (VCRA) became law in October 2007. These changes to the law appear very restrictive and frankly a little worrying for those of us who work in theatre. Therefore I have compiled this good advice document to assist one when deciding whether to use a handgun in a production.

In the past, the use of fake handguns, particularly that of Blank Firing Guns, has been a very grey area as they were not clearly addressed in law. Now that the Violent Crimes Reduction Act classes them as Realistic Imitation Firearms, we can finally get an angle on how to practically work with these within the realms of entertainment.

To avoid any confusion, when quoting the law I shall do so in bold type. Any personal comments will be made in italics so not to be mistaken as law.

## 2. THE VCRA

Let us take a look at the most relevant excerpts from the VCRA. On first impression, one may draw the following conclusions;

VCRA (2007 PART 2 WEAPONS ETC. Dangerous weapons)

**“28 Using someone to mind a weapon**

**(1) A person is guilty of an offence if— (a) he uses another to look after, hide or transport a dangerous weapon for him;”**

*So asking someone to buy and bring the weapon to the theatre could be tricky*

**“(3) In this section “dangerous weapon” means—**

**(a) a firearm other than an air weapon or a component part of, or accessory to, an air weapon; or**

**(b) a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (c. 33) applies (specified offensive weapons, knives and bladed weapons)”**

The VCRA (2007 PART 2 WEAPONS ETC Imitation firearms)

**“36 Manufacture, import and sale of realistic imitation firearms**

**(1) A person is guilty of an offence if—**

**(a) he manufactures a realistic imitation firearm;”**

*So this effectively ends any new production of replica guns*

**“(b) he modifies an imitation firearm so that it becomes a realistic imitation firearm;”**

*The props dept may have trouble with this*

**“(c) he sells a realistic imitation firearm; or...”**

*So you can't buy them*

**“(d) he brings a realistic imitation firearm into Great Britain or causes one to be brought into Great Britain.”**

*Or import them*

Before you decide that working with a realistic imitation firearm has just become impossible, please continue to read the following defenses.

### **3. Defence**

The VCRA (2007 PART 2 WEAPONS ETC Imitation firearms)

**“(2) Subsection (1) has effect subject to the defences in section 37.”**

**“37 Specific defenses applying to the offence under s. 36**

**(1) It shall be a defense for a person charged with an offence under section 36 in respect of any conduct to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in subsection (2).**

**(2) Those purposes are—**

**(a) the purposes of a museum or gallery;**

**(b) the purposes of theatrical performances and of rehearsals for such performances;**

**(c) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48) - see section 5B of that Act);**

- (d) the production of television programmes (within the meaning of the Communications Act 2003 (c. 21) - see section 405(1) of that Act);**
- (e) the organisation and holding of historical re-enactments, organised and held by persons specified or described for the purposes of this section by regulations made by the Secretary of State;**
- (f) the purposes of functions that a person has in his capacity as a person in the service of Her Majesty.”**

Therefore, we can clearly see that some provision have been made for our industry. However, please note that a defense in law is not an exception in law. Just because there is a defense that does not give you the right to flaunt the rules or insure that you will escape prosecution. You will still have to prove 'good reason' and have the appropriate paperwork for having these items in your possession.

#### **4. Realistic Imitation Firearms**

The VCRA (2007 PART 2 WEAPONS ETC Imitation firearms)

**“38 Meaning of “realistic imitation firearm”**

**(1) In sections 36 and 37 “realistic imitation firearm” means an imitation firearm which—**

**(a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and**

**(b) is neither a de-activated firearm nor itself an antique.**

*I.e. exactly what we deal with in the entertainment industry*

So we should look at what makes a gun not realistic.

The VCRA (2007 PART 2 WEAPONS ETC Imitation firearms)

**“if you have bought a replica gun before the first of October 2007 you can own it legally. However from the first of October 2007 you can buy a replica guns with a design dating before 1870 [this covers most of the Western guns] other models will have to be painted in bright colours.”**

**“Sizes and colours which are to be regarded as unrealistic for a real firearm**

**6.—(1) For the purposes of section 38(3)(b) of the 2006 Act and paragraph 6(3)(b) of Schedule 2 to that Act, the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in paragraph (2).**

**(2) The dimensions specified in this paragraph are a height of 38 millimetres and a length of 70 millimetres.**

**7.—(1) For the purposes of section 38(3)(b) of the 2006 Act and paragraph 6(3)(b) of Schedule 2 to that Act, a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in paragraph (2) or if the imitation firearm is made of transparent material.**

**(2) The colours specified in this paragraph are—**

**(a) bright red; (b) bright orange; (c) bright yellow;  
(d) bright green; (e) bright pink; (f) bright purple; and  
(g) bright blue.”**

So it is legal to own a fake gun if you bought it before 2007 (make sure you have proof) or its design is pre-1870. You can also buy a fake if it is brightly coloured or transparent and remember you have a defense in law to use Realistic Imitation Firearms.

## **5. TOURING ABROAD**

What happens if you wish to transport Realistic Imitation Firearms on a tour abroad?

The VCRA (2007 PART 2 WEAPONS ETC Imitation firearms 36)

**“(7) A realistic imitation firearm brought into Great Britain shall be liable to forfeiture under the customs and excise Acts.”**

So you cannot bring them into the country. Actually you can, and in certain circumstances, you may find it easier to get them out of the country than back in. It has taken a while for the details to be ironed out but recently custom and excise informed me that it is possible. All one needs is a DTI license, call customs and excise and they will provide you with the number of the correct department to call, describe the item/s that you wish to export/import and they will give you the correct code/s for the item. They

will then inform you who to contact and what Licenses you will need to apply for. Be aware that this will take time, do so well in advance of any touring and remember to also contact the local authorities of the country/state that you are touring to.

## **6. FAQ**

### **Why are handguns illegal?**

The UK has the strictest gun legislation in the world. Real handguns are illegal. For example, for the 2012 Olympics the Government announced that special dispensation would be granted to allow the various shooting events to go ahead. Hand guns became illegal and the laws were tightened because of two incidents, within a decade, of unarmed civilians killed by licensed gun owners: the Hungerford massacre in 1987, and the Dunblane massacre 1996.

### **Misconceptions**

Not all the advice you receive is reliable, even that from your own union or governing organisation. Everyone has a bias. I realise (although I try not to be) that I am biased towards that of the Stage Combat Tutor and Fight Choreographer - because that's what I do. And so equally a Registered Fire Arms Dealer or a Member of the Equity Fight Directors list will unintentionally have a slight bias to their own craft. Often, goodnaturedly, people will add their own advice which can frequently sound or read like law and therefore confuse the issue further. I suggest that you always do your own research to satisfy yourself that we have acted safely and within the law.

### **Audience Interaction**

To be on the safe side, as "...it is an offence to discharge a firearm, including an air gun, within 50 feet of the centre of any highway. This includes roads, bridle-paths or public footpaths. The offence is complete if a member of the public is injured, endangered or even just alarmed by the incident". Therefore warn the public: post warning signs at the entrances to the auditorium. There are defences for using Realistic Imitation weaponry in a theatre, but protect yourselves from any possible legal action. For example, I would advise you to never point a Realistic Imitation Firearm directly at the audience.



## **Storage**

Treat the guns as if they are real firearms: they should be stored in a secure lockable cabinet/safe that is attached to two surfaces. The blanks should also be kept under lock and key, but separately.

## **Transport**

Ideally, locked away in similar situation as above. Never leave weaponry unattended in a vehicle. When transporting on public transport keep it out of sight and out of easy reach and don't talk about it! Keep guns locked in boxes with rounds separate.

## **Purchase**

Yes, as long as you can prove you are using one of the defences: theatre, film, TV, reenactment or for a museum then you can buy them. The supply may be limited sometimes as importation and manufacture is tricky due to the VCRA, but there are still a few reputable suppliers managing to remain in business.

## **Sound Levels**

Performers and crew should have ear defender or ear plugs available to them. If you are constantly firing, then the audience may get a little grumpy and you may want to invest in a sound meter (cheap versions available for as little as £30) as some shots can be over 100 decibels. For the sake of a few shots, I would just simply post up warning signs. As a rough guideline there are also levels of noise exposure which must not be exceeded: daily or weekly exposure of 87 dB, peak sound pressure of 140 dB.

## **Protection**

Freak accidents will happen regardless of how well you risk assess and prepare. Whenever possible wear ear, eye and hand protection even in rehearsals. In performance protection is hard to disguise although I have known actors to wear trimmed down flesh coloured ear plugs, characters that just happen to be wearing gloves and others with glasses. Of course there will always be compromise but as long as you know the dangers then informed decisions can be made.

## **Blanks**

Blanks are essentially bullets without the tip. They have propellant for a loud report, but do not need the bullet (tip), as there is no necessity for something to be projected down the barrel. So it's rather like having a small explosion at the end of your arm. Instead of a bullet, they may have plastic

or paper wad, or have a crimped end, fragments of which could be fired towards an actor or back towards the operator in unfortunate circumstances. The potential injuries range from bruising to severe penetrating wounds at close range. There is also a great deal of hot, expanding gas that comes out of the muzzle or breach of the gun and the hot round may also be ejected to the side and back. Also, debris in the barrel such as a stone could be expelled at a similar velocity to a bullet.

## **Paper Trail**

Have proof of everything relating to the guns: buying, transporting, why needed, what production, for how long, authorised by who, where you store it, who is responsible etc. If you are investigated or have to prove 'good reason' having a paper trail is a good start.

## **Licenses**

Firearms law guidance to the police (2002 Section 6)

**“5.3 In some (very restricted) circumstances certain categories of people may be authorised by the Act to “have in their possession” firearms and/or ammunition without a certificate, but not to purchase or acquire. Such people might include licensed slaughterers, actors in theatrical, television or film productions, warehouse operatives or carriers.”**

Firearms Act 1968 section 12a

**“12 Theatre and cinema**

**(1) A person taking part in a theatrical performance or a rehearsal thereof, or in the production of a cinematograph film, may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.**

**(2) Where the Defence Council is satisfied, on the application of a person in charge of a theatrical performance, a rehearsal of such a performance or the production of a cinematograph film, that [F1a prohibited weapon] is required for the purpose of the performance, rehearsal or production, [he] may under section 5 of this Act, if [he thinks] fit, not only authorise that person to have possession of [F1the weapon] but also authorise such other persons as he may select to have possession of it**

**while taking part in the performance, rehearsal or production.”**

The old Theatre License for firearms use in a theatre no longer exists but a member of the theatre staff can now apply for a Firearms License (this is a firearms license with certain conditions)

### **Low Risk Options**

The safest, most law abiding, option is to use a Realistic Imitation Firearm and have a sound effect. The second low risk option is a Realistic Imitation fire arm and a 3<sup>rd</sup> person blank fire off stage. If you require using a blank fire live on stage you should employ a Competent Person to help you stage the action and to minimise the risks.

## **7. THEATRICAL HANDGUN GOOD PRACTICE**

Before you start employ a competent person, someone with genuine experience of working with theatrical handguns. This may include an armourer, sword master, stage combat teacher, fight choreographer or martial arts expert. If you don't understand – ask. It is your responsibility to act in a safe manner. Hire someone who understands your needs and knows how to meet those in as safe an environment as possible.

### **The Four Rules (always treat a blank firer as if it were a firearm!)**

1. All guns are always loaded.
2. Never point the gun at anything you are not willing to destroy.
3. Keep your finger off the trigger until your sights are on target (and you have made the decision to shoot).
4. Be sure of your target and what is beyond it.

### **Basic Do's and Don'ts**

Never PLAY with them they are not toys!

Never POINT directly at anyone including audience, or anyone OFFSTAGE!

Never FIGHT over a loaded weapon.

Whenever possible wear eye, hand and ear PROTECTION.

Leave SAFETY ON until the last moment and keep FINGER OFF TRIGGER.

DON'T DRY FIRE it may damage the gun and will creates a false sense of security.

Never leave weapons UNATTENDED  
When you hand a weapon to someone you wait for them to say 'got it'  
before you let go – NO DROPPING!  
KNOW the status of your weapon, is it HOT?  
Always EMPTY and CLEAN after use  
Have a Plan B  
Everyone knows who the RESPONSIBLE person is.  
Store Gun and Blanks SEPARATE in locked safes.  
Do your research!  
Inform all the relevant persons

**Don't be fooled these are not toys.  
It is still an explosion at the end of your arm!**

### Disclaimer

*This sheet is to be used as a 'good practices' guideline only. Rc-Annie Limited and all those working for and on behalf of Rc-Annie accept no responsibility for accidents or injuries incurred by using Realistic Imitation Firearms, you do so at your OWN RISK. Rc-Annie tutors are Stage Combat Specialists, not real Handgun experts. Handguns are illegal in the UK. Always check the gun law with the local police and it is advisable to inform them of any handgun use in your show.*

## **8. FURTHER INFO**

**Sound Levels:** RNID Information Line, 19-23 Featherstone Street, London EC1Y 8SL. Tel: 0808 808 0123. Textphone: 0808 808 9000. Fax: 020 7296 8199.

**Home Office:** [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).

**Metropolitan Police Firearms:** [www.met.police.uk/firearms-enquiries/](http://www.met.police.uk/firearms-enquiries/)

**HM Revenue & Customs:** [www.hmrc.gov.uk](http://www.hmrc.gov.uk).  
[intenquiries@hmrc.gsi.gov.uk](mailto:intenquiries@hmrc.gsi.gov.uk)

**VCRA:** [www.opsi.gov.uk/Acts/acts2006/ukpga\\_20060038\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2006/ukpga_20060038_en_1)

**Theatrical Handgun Courses:** [www.rc-annie.com](http://www.rc-annie.com)

## **9. Extracts from the Criminal Justice Act 1988 as relating to swords and other offensive weapons**

**SCHEDULE 1. Section 141 of the Criminal Justice Act 1988 (offensive weapons) shall apply to the following descriptions of weapons, other than weapons of those descriptions which are antiques for the purposes of this Schedule:**

- (a) a knuckleduster, that is, a band of metal or other hard material worn on one or more fingers, and designed to cause injury, and any weapon incorporating a knuckleduster;
- (b) a swordstick, that is, a hollow walking-stick or cane containing a blade which may be used as a sword;
- (c) the weapon sometimes known as a “handclaw”, being a band of metal or other hard material from which a number of sharp spikes protrude, and worn around the hand;
- (d) the weapon sometimes known as a “belt buckle knife”, being a buckle which incorporates or conceals a knife;
- (e) the weapon sometimes known as a “push dagger”, being a knife the handle of which fits within a clenched fist and the blade of which protrudes from between two fingers;
- (f) the weapon sometimes known as a “hollow kubotan”, being a cylindrical container containing a number of sharp spikes;
- (g) the weapon sometimes known as a “footclaw”, being a bar of metal or other hard material from which a number of sharp spikes protrude, and worn strapped to the foot;
- (h) the weapon sometimes known as a “shuriken”, “shaken” or “death star”, being a hard non-flexible plate having three or more sharp radiating points and designed to be thrown;
- (i) the weapon sometimes known as a “balisong” or “butterfly knife”, being a blade enclosed by its handle, which is designed to split down the middle, without the operation of a spring or other mechanical means, to reveal the blade;
- (j) the weapon sometimes known as a “telescopic truncheon”, being a truncheon which extends automatically by hand pressure applied to a button, spring or other device in or attached to its handle;
- (k) the weapon sometimes known as a “blowpipe” or “blow gun”, being a hollow tube out of which hard pellets or darts are shot by the use of breath;
- (l) the weapon sometimes known as a “kusari gama”, being a length of rope, cord, wire or chain fastened at one end to a sickle;
- (m) the weapon sometimes known as a “kyoketsu shoge”, being a length of rope, cord, wire or chain fastened at one end to a hooked knife;

(n) the weapon sometimes known as a “manrikigusari” or “kusari”, being a length of rope, cord, wire or chain fastened at each end to a hard weight or hand grip;

**2. For the purposes of this Schedule, a weapon is an antique if it was manufactured more than 100 years before the date of any offence alleged to have been committed** in respect of that weapon under subsection (1) of the said section 141 or section 50(2) or (3) of the Customs and Excise Management Act 1979(1)(improper importation).

### **Amendment of the Criminal Justice Act 1988 (Offensive Weapons) Order 1988**

2. - (1) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988(3) (which specifies offensive weapons for the purposes of section 141 of the Criminal Justice Act 1988) is amended as follows.

(2) In paragraph 1, after sub-paragraph (q) insert—

“(r) a sword with a curved blade of 50 centimetres or over in length; and for the purposes of this sub-paragraph, the length of the blade shall be the straight line distance from the top of the handle to the tip of the blade.”

(3) After paragraph 2 insert -

“3. It shall be a defence for a person charged—

(a) with an offence under section 141(1) of the Criminal Justice Act 1988;  
or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979(4),

in respect of any conduct of his relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that the weapon in question was made in Japan before 1954 or was made in Japan at any other time according to traditional methods of forging swords.

4. It shall be a defence for a person charged—

(a) with an offence under section 141(1) of the Criminal Justice Act 1988;  
or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

in respect of any conduct of his relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that his conduct was for the purpose only of making the weapon available for the purposes of the organisation and holding of a permitted activity 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 such an activity.

5. For the purposes of paragraph 4—

“historical re-enactment” means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past;

“insurance” means a contract of insurance or other arrangement made for the purpose of indemnifying a person or persons named in the contract or under the arrangement;

“permitted activity” means an historical re-enactment or a sporting activity;

“sporting activity” means the practising of a sport which requires the use of a weapon described in paragraph 1(r);

“third parties” includes participants in, and spectators of, a permitted activity and members of the public.

6. For the purposes of paragraphs 3 and 4, a person shall be taken to have shown a matter specified in those paragraphs if—

(a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and .

(b) the contrary is not proved beyond a reasonable doubt.”.

### **The Criminal Justice Act 1988 is amended as follows.**

43 Sale etc. of knives and other weapons

(1) The Criminal Justice Act 1988 is amended as follows.

(2) In section 141A(1) (prohibition on sale of knives etc. to persons under sixteen), for “sixteen” substitute “eighteen”.

### **Violent Crime Reduction Act 2006 (c. 38) Part 2 — Weapons etc.**

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(3) In subsections (5), (8) and (9) of section 141 (defences relating to museums and galleries to offence of manufacture, sale etc. of prescribed weapons), for “prove” substitute “show”.

(4) After subsection (11) of that section insert—

“(11A) It shall be a defence for a person charged in respect of conduct of his relating to a weapon to which this section applies—

(a) with an offence under subsection (1) above, or (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).

(11B) Those purposes are—

(a) the purposes of theatrical performances and of rehearsals for such performances;

(b) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 - see section 5B of that Act);

(c) the production of television programmes (within the meaning of the Communications Act 2003 - see section 405(1) of that Act).

(11C) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (5), (8), (9) or (11A) if—

(a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and

(b) the contrary is not proved beyond a reasonable doubt.

(11D) The Secretary of State may by order made by statutory instrument—

(a) provide for exceptions and exemptions from the offence under subsection (1) above or from the prohibition in subsection (4) above; and

(b) provide for it to be a defence in proceedings for such an offence, or for an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, to show the matters specified or described in the order.

(11E) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.”

(5) The defence in section 141(11A) is not available in relation to so much of any charge as relates to conduct taking place before the commencement of this section.

### **Further information –**

**<http://www.blades-uk.com/faqs> - they are an internet supplier of swords and other sharp weapons.**