

IFs, RIFs and blank-firing replicas

There are three broad categories of replica firearm which you may encounter in the theatre. These are typically referred to Imitation Firearms (which are not defined as Realistic if their “size, shape or principal colour is unrealistic for a real firearm”, for example if the principal colour is bright orange), Realistic Imitation Firearms (a replica which “has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm”) and blank-firing replicas, which do not discharge any projectile but use powder to create a ‘bang’ and flashing effect. Productions are strongly advised to source blank-firing replicas and their ammunition from licensed or professional dealers, and to follow their instructions. In typical theatre use, non-firing RIFs will be sufficient. Note that the law on RIFs will extend to blank-firing replicas which are also realistic.

The law on RIFs

For the purpose of theatrical use, the statute dealing with imitation firearms sets up two stages: firstly, it states that it is prima-facie unlawful to purchase an RIF or manufacture one, without a valid defence. This rightly entitles the police to seize and inspect an RIF if they are suspicious, until you can adduce some evidence to show that you are entitled to have it. The law then goes on to make clear that theatrical use is a valid defence. The relevant parts of the statute are below:

Violent Crime Reduction Act 2006 c.38

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;
 - (a) he modifies an imitation firearm so that it becomes a realistic imitation firearm;
 - (b) he sells a realistic imitation firearm; or
 - (c) he brings a realistic imitation firearm into Great Britain or causes one to be brought into Great Britain.
- (2) Subsection (1) has effect subject to the defences in section 37.

37 Specific defences applying to the offence under s. 36

- (1) It shall be a defence 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) [...];
 - (b) the purposes of theatrical performances and of rehearsals for such performances.
-

DISCLAIMER: The author of this document accepts no liability for any losses and costs incurred by reason of the user’s subsequent breach of statute, bye-law or regulation; or any liability, loss, claim or proceedings whatsoever under statute or common law in respect of any injury or damage whatsoever to any property, real or personal, arising out of or in the course of or caused by the use of this advice by the user.

Theatre Rules

It is important to have clear rules in the venue regarding the use of imitation firearms of any kind. There is no clear legislation on this matter, but past productions and common sense, as well as due caution, should be a clear enough guide. Some key points to consider are:

Nominated person responsible

All productions should nominate one person ultimately responsible for the production and its use of replica firearms, in order that the venue, the authorities and any other concerned party has a single point of contact. This will typically be the producer on the part of a visiting company, and the theatre society president or executive on the part of the venue. The relationship should be overseen by the most qualified theatre professional at the venue, often the venue manager or technical director.

Storage and transportation

Under law, imitation firearms must be stored and transported in a way that does not cause public alarm; also, recall that the law will entitle authorities to confiscate your replicas until you have satisfactorily shown that you have a valid defence, and displaying replicas in public will most likely lead to such an encounter.

Replica firearms should therefore be stored in a locked container and – when in the venue – in a locked room or cupboard. The nominated person responsible from the venue should hold the key to the storage place, with a sign-out system put in place for members of visiting companies to access their props. Replicas should similarly be transported in locked containers. It will help to pacify concerned authorities if the containers are clearly labelled “Property of Theatre”.

Appropriate venue signage

Although there is no statutory regulation on this either, it makes sense to place appropriate signage around your venue, particularly during rehearsals, where passers-by may express concern at the appearance and use of realistic firearms. During performances, it is always appropriate to warn audiences of loud bangs or flashes such as those caused by blanks.

Using replica firearms

Any replica firearm with a clear barrel can eject dust and spoil when fired, even if it is not loaded or considered operative. Therefore, all firearms should be treated as loaded, and never pointed directly at another person’s face or their person at close range, or the audience, if they are capable of being fired. When not in use, replicas must be stored away.

Instruction should be sought from a professional supplier if blank-firing ammunition is to be used, particularly on the part of the cast members on either side of the replica firearm and the stage manager, whose responsibility it will be to load, clean and store the replica when the cast are not using it. Needless to say, you must never leave replica firearms unsecured or unsupervised around the theatre, even backstage.

Dealing with authorities

It is worth planning for all eventualities, and using replica firearms raises the possibility that a concerned bystander contacts the authorities with suspicions that you are doing something wrong. It is essential to brief anyone involved in the use, supervision or transportation of replica firearms about your agreed policy for dealing with authorities in these situations.

The most crucial thing is to remember your legal position: you have not broken the law, but the authorities should still treat you as if you have – until you can show evidence that you have realistic imitation firearms for theatrical purposes. Authorities who stop you will be more worried that you might have a real firearm than anything else, so treat them with respect and caution. They will not be lawyers, so it is your responsibility to declare what replica firearms you have, safely hand them to the authority, and explain that they are replicas which you are entitled to use for theatrical purposes.

Safe disposal

The principle of avoiding alarm also governs the best way to dispose of imitation firearms. The most obvious solution is to call into your local police station – either without the replicas or with them in a locked container – and explain to the desk officer that you represent a theatre company, you no longer have any use for the replicas, and you thought the police may be the best placed to safely dispose of them without causing alarm.

Risk Assessments

Your venue's version of the aforementioned theatre rules should be supplied to all visiting and performing companies, to be agreed by a representative of the production and all users – cast, property masters and stage managers – of the replica firearms. Companies therefore warrant that they shall comply with the Theatre Rules regarding replica firearms at all times. This paragraph, or a variation confirming that all those involved in the use of a replica firearm have been briefed on and understand the risks, is to be incorporated into all risk assessments for any production at the venue which intends to use replica firearms.

Declaration

On the following page is a declaration which may be printed and submitted to the producer of each visiting company wishing to use replica firearms, ensuring that they take proper responsibility for their safe use and storage.

DECLARATION – USE OF REPLICA FIREARM

I, _____ (*'the Producer'*), inform you that the production of
_____ (*'the play'*) to be performed at the
_____ (*'the Venue'*) between the dates _____

(hereafter *'the Production'*) shall include a replica / blank-firing firearm and may include a quantity of blank ammunition (hereafter *'the Firearm'* and *'the Ammunition'* respectively). In addition to any statutory liability accepted by the Production, I hereby accept responsibility for the following undertakings:

(a) Risk assessment

A written risk assessment shall be carried out and submitted within a reasonable time prior to the performance of the Production detailing measures taken to ensure the safety of members of the Production and the Venue, and submitted to the supervisor of the Venue and any party necessary for insurance of the Production. I have read and understand the theatre rules on replica firearms.

(b) Use

The Firearm shall only be used in designated rehearsals by members of the cast or crew of the Production. Ammunition shall only be used with the Firearm in a limited number of rehearsals within the Venue or another secure rehearsal space under the supervisor of the Producer or, in the absence of the Producer, another nominated and appropriate member of the Production such as the director or production manager.

(c) Storage

When not in use by a member of the Production, the Firearm and Ammunition shall be kept in a locked container and the keys held by the Producer, who shall take responsibility for the safe transportation of the Firearm between the Venue and a place of storage under his supervision.

(d) Training

Members of the Production shall be instructed in the safe operation of the Firearm and use of the Ammunition, which shall include instruction on safe loading and cleaning procedure, rules prohibiting the aiming of the Firearm at members of the audience or Venue staff, rules prohibiting the firing of the Firearm except at appropriate times where authorised by the person responsible, and information on the potential risks posed by the Firearm, which include, but are not limited to, dirt or fragments from an unclean barrel being ejected in the direction of fire by the operation of the Firearm

The Producer warrants that the information contained in this Declaration is correct to the best of his knowledge and that there is no statutory requirement to provide any kind of Declaration, license or any type of certification for the use of the Firearm in connection with a legitimate theatrical enterprise such as the Production.

Signed,

Date: _____