



# **A GUIDE ON THE USE OF STARTING PISTOLS AND DUMMY LAUNCHERS**

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## **BLANK FIRING HANDGUNS/STARTING PISTOLS**



Section 19 of the Firearms Act 1968 makes it an offence for someone to have with them a loaded shotgun, a loaded air weapon, or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm in a public place without lawful authority or reasonable excuse (the proof whereof lies on the person).

Whilst the Firearms Act does not provide a statutory definition of what is meant by “lawful authority” or “reasonable excuse” we believe that “lawful authority” would not necessarily apply to sportsmen as this seems to relate to those issued with firearms in connection with official duties such as police or military personnel. “Reasonable excuse” would apply to sportsmen if the person were engaging in an activity connected with the firearm’s use and having permission to be on premises where it is to be used.

Blank firing handguns and starting pistols are classed as imitation firearms. The Anti-social Behaviour Act 2003 amends Section 19 of the 1968 Firearms Act to include such imitation firearms. In essence it is an offence to possess an imitation firearm in a public place (including buildings accessible by the public) without a reasonable excuse. A reasonable excuse for the possession of an imitation firearm in a public place would be for dog training.

It would be hard to provide a reasonable excuse where you are carrying an imitation firearm and you were not about to be engaged in dog training or some activity in connection with dog training e.g. taking the gun to be repaired, to lend it to a fellow dog trainer or going to and from a dog training event/venue. By simply leaving your imitation firearm in your vehicle until you need to use it again would not constitute a reasonable excuse and would be an offence. In essence, you should only possess an imitation firearm in a public place when going to and from a training session or event.

**NB: A public place is anywhere where the public are allowed to go even though they may have to pay. Roads, streets, footpaths, canal towpaths, public parks and play areas are all examples of public places. Vehicles are also classed as public places if the vehicle is present in a public place.**

Currently no legislation governs the use of imitation firearms on private premises where you have the right to be for the purposes of using an imitation firearm.

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## DUMMY LAUNCHERS

Dummy Launchers utilising a spigot are not firearms nor are they an imitation firearm as they generally do not look like a real gun. Some American-made dummy launchers come with a shoulder stock and pistol grip and may be interpreted as an imitation firearm; however the courts have not been asked to clarify this type of launcher. If you own such a launcher then it is advised that you ensure, when possessing one in a public place, you are carrying it or using it only in connection with dog training; otherwise it could be hard to prove you had a reasonable excuse, ie treat it as an imitation firearm as described above.

Standard Turner Richards type dummy launchers (utilising a spigot) that haven't been adapted to resemble a gun e.g. by adding a pistol grip or butt stock, may be left in your vehicle and carried without any restriction; though some police officers may not know about the legalities of such items. If you find yourself in a difficult position, politely recommend the police officer or other person to contact their firearms licensing department manager for advice or call the BASC firearms department on 01244-573010 for help and advice.

The Chair of the Association of Chief Police Officer's Firearms and Explosives Licensing Working Group (ACC Whiting of Dorset Police) has issued a letter dated 16<sup>th</sup> November 2006 following advice from the Forensic Science Service and other technical experts about the status of Turner Richards type dummy launchers. The letter states *"that our view is that the Turner-Richards type launcher, utilising a spigot, is not a firearm for the purposes of the relevant UK legislation"*. Anybody facing problems with legal action may request a copy of this letter from the BASC Firearms Department.

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## COUNTRYSIDE RIGHTS OF WAY ACT 2000

Some areas of the UK have been opened up for public access and recreation. Most open access lands are still owned by private individuals who can provide you with permission to use their land for the purposes of dog training; however these open areas are now classified as public places as the public have a right of access. Common sense is required when dog training with any imitation firearm or dummy launcher to avoid being reported to the police either maliciously or by persons who are unaware of your training activity; it is advisable to choose a suitable and possibly secluded area to train your dog and to avoid causing alarm to other countryside users; however you will always be exposed to the possibility of receiving complaints when in a public place.

In open access areas the police have the right to stop and question you similarly as if they were in a town or street. Section 19 of the Firearms Act still applies and imitation firearms may only be used if you have a reasonable excuse. However as open access areas are owned by individuals and may also be governed by local and national byelaws, permission must always be sought from the owner before using open access land. It is also important to bear in mind

that a large area of open access land may be made up of smaller properties, each being owned by different land owners, so it is important to note the land boundaries to avoid straying onto other property where you do not have the right to use an imitation firearm.

To ensure added protection and to help the police if questioned, you may wish to obtain a letter from the landowner, stating you have permission to carry out dog training with blank firing handguns or dummy launchers. A signed letter of permission would protect your position as it is physical proof of the landowners' authority and will strengthen your reasonable excuse at such a time as you are providing it to the police. Your reasonable excuse will simply be provided verbally e.g. 'you are training your gun dog to prevent it being 'gun shy''. This is immediately complimented by the fact you have a dog with you at that time; however there is no substitute for a letter of permission. If you are confronted by any park ranger or police officer who wishes to take the matter further, advise them to speak to the landowner to check your permission and to contact the local police firearms licensing department manager or contact the BASC firearms department on 01244-573010 for help and guidance.

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### **PARKS, WOODLANDS AND OTHER OPEN AREAS**

Parks, woodlands and other municipal areas open for public use are usually governed by bylaws. Byelaws usually prohibit the carriage and use of firearms and weapons. You must always seek permission from the owner of and land where you wish to carry out dog training with imitation firearms or dummy launchers. Please also bear in mind that dogs may also be prohibited by byelaws per se.

Using public areas will always leave you open to criticism or complaint by other users and discretion is required when permission has been granted to prevent causing any fear to others. BASC advises that you secure a letter of permission from the landowner for you to carry whilst training; it would aide you when being questioned by passers by, the police or park rangers.

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