Thank you for responding to the Local Government and Regeneration Committee’s Call for Evidence on the Air Weapons and Licensing (Scotland) Bill. All submissions will be examined and considered as part of the Committee’s scrutiny of the Bill.

Please be aware that questions marked with an asterisk (*) require an answer before you can submit the form.

Follow the Local Government and Regeneration Committee’s Twitter feed - all Committee tweets on this Bill will have the hashtag #aw&lbill.

**1. Please supply your name and contact details:**

Name: Michael Flynn

Organisation: Scottish SPCA

Address 1: 

Address 2: 

City/Town: 

Postcode: 

Country: 

Email address (if no email leave blank): 

Phone Number: 

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SUBMISSION ID NUMBER

41
2. Please confirm that you have read and understood the Scottish Parliaments “Policy on the treatment of written evidence by subject and mandatory committees”:

☒ Yes

3. Please confirm whether you are content for your name to be published with your submission:

☒ Yes
☐ No

4. Which of the three categories below best describes your interest in the Bill (please tick only one)?

☐ Personal
☒ Professional
☐ Commercial

5. Do you wish your email to be added to the Committee’s distribution list for updates on progress of the Bill:

☒ Yes
☐ No
6. Invitations to give oral evidence to the Committee on the Bill will be based on the submissions received. If you wish your submission to be included amongst those considered for possible invitation to give oral evidence, please indicate here.

☒ Yes
☐ No

7. You may answer questions on the entire Bill, or on any part of the Bill. Please indicate which parts of the Bill you are responding to? (You may select as many options that apply).

☐ All of the Bill
☐ Equalities, climate change and other Scottish Government objectives
☒ Air Weapons
☐ General licensing issues
☐ Alcohol licensing
☐ Civic licensing – taxi/private hire car licensing
☐ Civic licensing – scrap metal dealers
☐ Civic licensing – theatre licensing
☐ Civic licensing – sexual entertainment venues
Name/Organisation: ________________________________

1. Equalities, Climate Change and other Scottish Government objectives

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

8. Do you consider that the Bill has any implications for meeting Scotland’s climate change commitments? Please explain.

________________________________________________________________________________________

9. Do you consider that the Bill has any implications for meeting Scotland’s equality and/or human rights commitments? Please explain.

________________________________________________________________________________________

10. Do you consider that the Bill has any implications for preventative spending and/or public services reform? Please explain.

________________________________________________________________________________________

11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.

________________________________________________________________________________________
12. Do you have any other comments on the impact of the proposals contained in the Bill relation to Scottish Government objectives?
2. Air Weapons Licensing

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

13. In what ways will the creation of an air weapons licensing system in Scotland contribute to preserving public order and safety, reducing crime and advancing public health policy?

The Scottish SPCA fully supports the introduction of a licensing system for air weapons. The Scottish SPCA accepts that there are lawful purposes that people may wish to own and use an air weapon, however, a licensing system should ensure that such a person has a legitimate reason for using an air weapon and a lawful place to use it, be that a gun club or on land with landowners permission.

Currently the Police have no power over the ownership of airguns, until a crime has been committed and the perpetrator identified. Air weapons are potentially dangerous weapons and should only be held by a fit and proper person who has a legitimate reason for possessing one. There is currently no involvement by the Police to determine if a person is deemed to be fit and proper with a lawful reason for using an air weapon.

There are wide ranging estimates on the number of air weapons currently held in Scotland, even if a percentage of these are removed from circulation, the misuse of air weapons will subsequently reduce.

Using an air weapon to shoot wildlife for non pest control purposes is an offence, as is shooting domestic pets and livestock, however, virtually no one is ever traced in relation to these offences. Since potential air weapon licensing was introduced by the Cabinet Secretary, the Scottish SPCA has seen a rise in the number of domestic cats shot by air weapons (three of which were fatal), this may be due to increased media interest and public awareness.

The use of air weapons against humans or animals is an offence and greater control over ownership will certainly reduce crime.

In the reported instances of air weapons being used against wildlife or domestic pets, owners of the animal or the Scottish SPCA can face substantial veterinary costs. The same will apply to the medical profession in relation to misuse of an air weapon where a human being is the victim.

In a 2012 survey of 120 veterinary practices in Scotland, 91% of respondents supported a change to the law.

In relation to air weapons, the Scottish SPCA responds to calls from the public or veterinary surgeons where animals have been the target of the misuse of air weapons.

In 2011 the Scottish SPCA responded to 114 air weapon related incidents.
In 2012 the Scottish SPCA responded to 156 air weapon related incidents.
14. Is there sufficient provision, or sufficient capacity to provide, suitable numbers of air weapons clubs across all areas of Scotland for use by registered air weapons owners/users?

This is unknown to the Scottish SPCA, however, given the estimated number of air weapons in Scotland, it is unlikely that there is currently the capacity throughout Scotland for all owners to have access to an existing club. Like many other participants in other sports and pastimes, clubs should be self-funding.

15. How will the air weapons licensing system affect those using air weapons for personal/recreational use?

As long as the personal / recreational use is deemed as a lawful purpose there should be no barrier to a person obtaining a licence. Clear definitions of personal / recreational use should be clearly defined. Many of the incidents involving domestic cats and wildlife are discovered in densely populated housing areas, where such personal / recreational use should be questioned.

16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?

The lower age limit to apply and obtain a licence should be 18 years of age. Anyone aged between 14 -17 should only be allowed access to an air weapon in the presence and under the supervision of a licenced person over the age of 18. The licence holder should bear legal responsibility for any misuse of an air weapon by a person under the age of 18 who is under their supervision.

17. How will the air weapons licensing system affect those using air weapons for commercial/professional reasons (for example: for pest control; as part of the tourist/hunting season; as part of fairs, paintballing centre, entertainment sector etc.)?
Under the proposals, pest control would be a lawful purpose. A licence for pest control should only be available to individuals on their own land or to a person who can demonstrate at the time of application that they have landowner’s permission to carry out pest control on a defined area of land. For commercial pest controllers, a licence condition should state that landowner’s permission is required. As for entertainment venues – fairs, the owner of the airgun used should be licensed for that purpose and the licence holder should bear the responsibility for any misuse of an air weapon that is used by a client.

18. How will the air weapons licensing system affect those using air weapons for competitive sporting purposes?

Other than a potential cost implication and access to a suitable club or venue, the licensing of air weapons should have no effect on those participating in competitive sport.

19. Is it equitable for those applying for an air weapons certificate to pay a fee which cannot be refundable irrespective of whether a certificate is granted or not?

Yes, the Police will be required to carry out the same function regardless of whether a licence is or is not issued.

20. Will the air weapons licensing system have a positive or negative impact on other areas of the public sector in Scotland (eg. The work of local government, public agencies etc.)?

Any reduction in the misuse of air weapons will have a positive impact on the costs currently incurred by the Police in investigating misuse and the medical and veterinary costs caused by the misuse of air weapons.
21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?

No licensing system can prevent criminal activity, however, without such a system the Police currently have no ability to deal with air weapon ownership.

22. Do you have any other comments to make on air weapons licensing aspects of the Bill?

There are many activities that require to be licenced from driving to watching a television in your own home. UK citizens do not have a “right to bear arms”. Owning a weapon that is potentially dangerous to humans and animals is a privilege and not a right. In these circumstances it is not unreasonable for a person to prove that they are a fit and proper person, that they have an air weapon for a legitimate reason and that they can prove that they have permission to use the air weapon at a stated location.

The Scottish SPCA can provide details of individual cases if required.

I have included a report from the Scotsman newspaper below.
Airguns are not a licence for cruelty

Imagine being cut in the head and neck with an airgun 10 times. Absolutely, this happened to a swan in Scotland and is just one example of horrifying airgun attacks on animal wildlife by the Scottish SPCA.

The female bird, a multi-shouldered, brown, white, aurothorax, was brutally attacked with her partner by a man who was found guilty of airgun attacks and is now behind bars.

Imagine how this man could have reacted had he found a large, beautiful, full, healthy swan to be his target.

Scottish SPCA supports plans to regulate weapon ownership with a permit scheme in a bid to protect animals, says Mike Flynn

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If the police had let Blackie go undetected, it could have resulted in severe damage or even death.

Blackie was attacked by a 13-year-old girl and a member of a group of youths, who were later sentenced to two years in prison.

The swan was found dead in a small, rural area, with two young swans also killed.

Scottish SPCA has long called for a permit scheme to regulate weapon ownership, but the government has been slow to act.

The proposal would also ensure that weapon owners are required to have proper training and are supervised at all times.

I would be interested to see how the public responds to this proposal. It is important that anyone who handles weapons on a regular basis is properly supervised.

It is important that weapons are not used in a way that is cruel or unnecessary. It is important that we continue to protect wildlife and the environment.

If done well, this will be a welcome step forward for animal welfare in Scotland.