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:** Dr Colin Shedden
- **Organisation:** BASC Scotland
- **Address 1:** 
- **Address 2:** 
- **City/Town:** 
- **Postcode:** 
- **Country:** 
- **Email address (if no email leave blank):** 
- **Phone Number:** 
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.

No

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

With respect to equality we do feel that the proposed legislation unfairly discriminates against young people. Those aged 14 or over will be expected to pay the same amount for a certificate as those over 18, but for a shorter duration.

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

No
11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.

No

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

No
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?

This air weapons licensing system is unlikely to contribute to preserving public order and safety, or reduce crime. The reason that we state this is due to the fact that the only people who will submit themselves to the licensing system will be those who are already law-abiding. Those who are not law-abiding will not apply for a licence and will either dispose of their air weapon (that could further compromise public order and safety) or continue to keep it illegally. This point is accepted by Scottish Government in their response to this Committee on the 1st September 2014 (Q5).

Offences involving firearms, and specifically air weapons, are at their lowest level for many years. Creating new legislation that affects the possession and use of an estimated 500,000 air weapons in Scotland will inevitably result in an increase in reported crime, even if an offence has been committed unintentionally.

The creation of this air weapons licensing system will not affect public health policy.

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?
It is not known if there is sufficient provision or capacity of air weapons clubs across all areas of Scotland. In July this year there were 138 approved rifle clubs in Scotland. It is not known how many of these clubs currently have the facilities for air weapon shooting or how many currently unapproved air weapon clubs there are. SARPA, in their submission, estimate that no more than 5% of air weapon users are currently involved in clubs.

Scottish Government stated on 1st September 2014 (Q10) that they “will work with stakeholders to encourage the development of a network of air weapon clubs across Scotland”. We look forward to being involved in this initiative but fear that it will be difficult to establish such a network without commitment and funding, especially if the requirements for approval are seen as onerous.

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

Those who currently use air weapons for personal/recreational use do so without any need for a licence. Many chose to use air weapons rather than other firearms for this reason. In addition, they are not exposed to the cost of a licence or to any restrictive conditions placed on a licence. They do, however, have to act within the law and ensure that they only shoot on land over which they have permission.

The air weapons licensing system will introduce the need for a licence, the cost associated with this and the real possibility that, for many, their “good reason” would not be seen as adequate. (We refer here to the references in the Policy Memorandum and Explanatory Notes to the presumption against informal target shooting in gardens – “plinking”.) Consequently a significant number of licence applicants (or potential applicants) could be deprived of their sport.

It has already been noted by BASC that a number of hitherto exclusively air weapon shooters have now applied for either a Shotgun Certificate or a Firearms Certificate. They have concluded that if they need to have a certificate they might as well get one for a more powerful firearm and still be able to enjoy their air weapons shooting for free, for a period of up to five years.

16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?
Many young people may be disinclined to apply for or pay for an air weapon licence and therefore lose their opportunity to enjoy their sport. Their parents may take a similar view.

A number of young people who do apply for a licence will be directly affected by the restriction on live quarry shooting being conditional upon protecting livestock, crops etc. This would prevent them from undertaking many aspects of essential pest control for conservation reasons (Section 7 (5) (d)).

We do not understand why a certificate granted to a person under the age of 18 will expire when that person reaches the age of 18. (Section 8 (1) (a)) This effectively makes a certificate for a young person proportionately more expensive than one for an adult and may lead to a delayed application, waiting until the person reaches the age of 18. This appears to us to contravene the principles of equality.

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.)?

Professional use will be affected by requiring all who use air weapons to be licenced. This may have a minimal effect on pest controllers who have to be licenced for many other activities, such as the use of poisons, but it will be another financial burden on predominantly small businesses. Those based out with Scotland but operating in Scotland will have the additional burden of applying for a Visitor Permit at least annually, unless a long-term visitor’s permit is introduced.

Professional use would also apply to the many people who use air weapons for the humane dispatch of captured pests species, such as rats, grey squirrels, mink etc. Many of these individuals are either employed by conservation agencies or NGOs and would face the cost of a licence just to allow the occasional use for this purpose.

It is not known how many tourists come to Scotland to participate in air weapon hunting but it is thought to be less than those who come for hunting with either a rifle or shotgun. However, if they came from England or Wales they would have to apply for a Visitor Permit for an air weapon but not for a rifle or shotgun.

18. How will the air weapons licensing system affect those using air weapons for competitive sporting purposes?
Those involved in competitive air weapon sports and residing in Scotland will inevitably apply for and hopefully receive their air weapons licence that will then allow them to both train and compete as before.

Those wishing to come to Scotland will require a visitor’s permit and this may well act as a disincentive to both individuals and groups, especially if an application has to be made each year, or more often. We are aware that there have been delays and frustrations over recent years with respect to visitor permits for shotguns and rifles. In such situations the visiting sportsman or woman can borrow a firearm, such as an “estate rifle”, and still participate. However, few air weapon competitors would be able to compete if they did not have their own rifle or pistol due to the fact that most are customised for their own particular requirements.

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?

BASC does not think that it is equitable that the fee is charged even for an unsuccessful application. Each person applying is doing so to remain law-abiding and it is wrong to financially penalise them if their application is rejected. Given that it is anticipated that the majority of applications will be dealt with at a civilian/administrative level in just over one hour of processing time there will inevitably be mistakes based, for example, of failure to recognise good reason. It is fundamentally wrong to financially penalise a person for trying to do the right thing.

Again, this could act as encouragement to apply for a Shot Gun or Firearms Certificate instead.

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.)?
While the air weapons licensing system will not affect many areas of the public sector it will affect Police Scotland. BASC has considered the figures in the Financial Memorandum. Our main concerns relate to the “Processing Costs” outlined from Para. 66 onwards. An assumption is made that “extensive, detailed background checks and home visits will be necessary only in a very small proportion of cases”. The assumption is made that 98% of applications will only require 1.2 hours of processing by administrative staff, with no enquiry officer involvement. Given that there is a “good reason” requirement for obtaining an air weapon certificate we find it hard to believe that 98% of those applying for a certificate will be able to provide a “good reason” that will be processed (and confirmed) within 1.2 hours and will not require enquiry officer investigation.

It is assumed that the majority of air weapon owners use them for informal target shooting in their garden and we note that the Policy Memorandum states (para. 64) “Ministers do not believe that target shooting in such an environment (in gardens or other urban or highly populated settings) should generally be acceptable unless the applicant can satisfy the Chief Constable as to the safety and other arrangements in place to ensure that shooting can be carried out without risk to the public”. With this in mind we feel that a large number, possibly 50% of applications, will give such informal target shooting as their good reason. We do not know what decision-based mechanism could be used to determine whether this would be acceptable or not without enquiry officer involvement and/or a home visit. Instead of 2% of applications requiring “detailed process incl. home visit” we feel that this would be nearer to 50%. This would result in the average cost of each application rising to £118.90, an increase of almost 40%.

This would mean that the cost, spread over five years, for 10,000 applications would be £1,189,000 and for 30,000 applications £3,567,000. This will have a considerable negative impact.

The only other public agency that may be affected is SNH, which does employ staff who require air weapons for humane dispatch purposes.

21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?
The requirement to obtain an air weapon certificate will encourage many people to get rid of their air weapon. Some will be surrendered, some will be sold but many could be otherwise disposed of, leading to a possible increase in offences involving air weapons in the coming years.

The requirement to obtain an air weapon certificate may be the incentive for many to decide to apply for a shot gun or firearms certificate instead. The process may be easier (there is no need for good reason for a shot gun certificate and no conditions can be attached, for example) and possibly cheaper, and if the application is unsuccessful the fee will be returned.

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

The Bill refers to applicants being required to demonstrate “good reason”. This is defined as “pest control, sporting target shooting, or being a collector” in the Explanatory Notes (Sect. 18). However, the Policy Memorandum is clear that Ministers do not believe that “plinking” in gardens “should generally be acceptable”. This is the most common use for air weapons in Scotland. Many applications for an air weapon certificate could therefore be rejected due to advice in the Policy Memorandum rather than what is in the Bill itself. This will deprive a large number of air weapon shooters of their sport.