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:*

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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
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.

   Only insofar as it adversely affects young persons who must pay the same fee as would an adult certificate holder, but for a certificate of 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?

It is unlikely to meet these goals as it will predominantly impact on the law-abiding and demand considerable police involvement at a time of shrinking resources.

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?

Presumably the majority of existing approved small-bore clubs would apply for air weapon approval as will existing air rifle clubs and field target clubs, but this question can only be answered meaningfully if the distribution of existing clubs was known and the criteria for air weapon clubs had been promulgated.

It should be noted that there appears to be no reason why a shooting range using air rifles (but not air pistols) could not continue to benefit from Section 11(4) of the 1968 Act without need for approval.

It is most regrettable that the proposal for a long-term visitors permit for competitive shooters has not been pursued.

15. How will the air weapons licensing system affect those using air weapons for personal/recreational use?
Expense and loss of flexibility in pursuit of the sport. All certificates should be conditioned to permit target shooting on private land, thus allowing practice and helping to ensure that those engaged in quarry shooting or pest control can maintain their skills. As an example of lack of flexibility, a person with a certificate granted on the basis of membership of an approved air weapon club would need to obtain a variation if he wished to hunt or engage in pest control. Informal target shooting, properly conducted, is safe and should not be discouraged. Consultation is required to establish safe practice in gardens and urban areas.

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

The exclusion of young persons from hunting with an air rifle is most regrettable. One outcome is likely to be an increase in applications for firearm and/or shotgun certificates by young persons who wish to hunt. Quarry shooting represents a major income stream for the Scottish rural economy and many young shots begin their hunting careers with an air rifle.

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.)?

A long-term visitor’s permit would also be useful for professional pest controllers based in England but with business in Scotland. At no time in the debate about air weapon licensing in Scotland has there been, to BSSC’s knowledge, any concern with regard to public safety about the commercial or professional use of air weapons. Licensing will just add another cost and a complication to small businesses.

18. How will the air weapons licensing system affect those using air weapons for competitive sporting purposes?
Primarily as a disincentive to competitors from outside Scotland. A long-term visitor’s permit for competitive shooters would go some way to mitigate this impact.

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?

No. BSSC remains opposed to the charging of a fee for unsuccessful application for an air weapons certificate. The fee is not a punt on the races, it is part of an attempt at compliance with mandatory legislation, so it is inequitable to keep the money if the application fails. It may also encourage applications for firearm or shotgun certificates.

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

BSSC does not see any positive impact on other areas of the public sector in Scotland. Negative impact will primarily be on the police service. Given that there are accepted to be 500,000 air weapons in Scotland, BSSC considers that there are likely to be more than 30,000 applications from people who do not hold firearm certificates or shotgun certificates.

21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?

The Bill creates a number of new offences, primarily related to licensing, so this may slow down or reverse the fall in the number of offences recorded annually after a substantial period of significant decline (71% decrease in five years). While there would be more offences committed, this would not add to the level of risk to the public, since the offences would be administrative. Unless steps are taken to prevent it (and none has been suggested so far) there will be a huge increase every five years in those renewals from shooters whose air weapon certificates were not initially made co-terminous with a firearm (or shotgun) certificate. This will
require additional, probably temporary, licensing staff, training and financial resources.

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

BSSC has comments relating to the Bill, the explanatory notes and the financial memorandum:

**Air Weapons and licensing (Scotland) Bill: BSSC Comments**

7(5)(a-e) If more than one of these conditions is applied, then the word ‘only’ used in each of these conditions is inappropriate as it is exclusive and the conditions will be mutually contradictory.

24(2)(c)(ii) and 26(1)(b). This would seem to disadvantage those resident in England and Wales. Why could not a person resident in England who does not hold a visitor permit have a Scottish Registered Firearms Dealer export an air weapon directly to England?

38. As part of the transitional arrangements, the Chief Constable should be required to communicate individually by letter with all firearm certificate and shotgun certificate holders to advise them of the effect of the new legislation.

**Air Weapons and licensing (Scotland) Bill Explanatory Notes: BSSC Comments**

11. As air weapons are not to be entered on Air Weapon Certificates, it would be anomalous to make a requirement to enter component parts or sound moderators on such certificates and this should read ‘...and possession must be authorised by an air weapon certificate’. A straightforward way of dealing with this would be for every air weapon certificate to state that the holder may possess air weapons, components and sound moderators.

31. (and 81) The BSSC strongly supports this renewal process.

94-97. Will transactions between English and Scottish RFDs be subject to full import/export controls? What will be required for private sales between individuals when the purchaser is in Scotland and the vendor is in England? Would it be correct to say that a Scottish domiciled private vendor could sell in England to an English domiciled purchaser without
formality, since there would be no bar to the former taking the air weapon into England?

**Air Weapons and licensing (Scotland) Bill Financial Memorandum: BSSC Comments**

43. (also 101) See BSSC’s response at 19 above.

46-54. As already indicated, BSSC believes that, with c. 500,000 air weapons in circulation, then 30,000 applications from people who do not hold FACs or SGCs are likely to be a significant under-estimate. If the figure is under 30,000, then the legislation is almost certainly to be in some aspects a failure, given the number of air weapons believed to be in public hands. For 30,000 new applicants plus 40,000 existing certificate holders likely to be possessing air weapons, this would indicate a holding of around 7 air weapons per certificate holder. If air weapon figures are close to the average of firearms or shotguns possessed then an average of about 3 would be more likely. Clearly a number of air weapons will be surrendered and others disposed of outside Scotland. Ultimately, as the air weapons will not be entered on to the certificate, then no-one will have a clear idea of the success or failure of the legislation.

80. The likely effect of the Act will be that the legitimate market will be flooded with old, tired or poor quality air weapons with little or no resale value. Many dealers will be reduced to scrapping unsalable air weapons, and this could impact on police costs if they wished to verify destruction (a difficult process given that many air weapons lack serial numbers). This is one reason why a buy-in is beneficial, since the owner can realise at least some of the value of his property and the air weapon is dealt with in an accountable manner.

98. Shooting organisations are likely to be significantly impacted financially through the provision of advice to their members, at least in the initial stages of implementation of the legislation.

101. Is the intention that the fee be hypothecated and used to offset licensing costs, or will it just form part of Police Scotland’s income stream?