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: Jamie Stewart
Organisation: Scottish Countryside Alliance
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
1. 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 Countryside Alliance (SCA) does not believe that creation of an air weapons licensing system in Scotland will contribute to preserving public order and safety in any meaningful way, or indeed reduce crime and advance public health policy! Conversely, the SCA believes that changes to the current legislation carry with it the significant risk of involuntary penalties. The changes proposed by the Scottish Government will create a number of new offences, some of which we believe will inevitably be breached without intent and/or in ignorance. The gun crime question is already popularly and symbolically constructed as a problem of the gun as if gun crime were a distinct set of offences that made sense and could be understood together. This is unlikely to be the case and probably unhelpful as gun crime can take a wide variety of forms, which share no necessary common features and have no necessary relationship to one another. For example, gun crime can include crime committed involving real guns; anti-social behaviour (criminal damage) with an air weapon; crime committed involving public display of imitation guns; crime facilitated by guns; the sale, transfer, distribution or mere possession of guns; and the discharge of a gun even where no injury results.

The definition of gun crime influences the patterns of crime recording. For example, the criminal statistics record offences involving the criminal use of a firearm rather than simple offences of illegal possession of a firearm. Such deficiencies in offence definition and recording inevitably contribute to intelligence gaps and crime prevention problems. The resulting convictions will result in a perceived rise in offences before the courts, damaging the good work carried out by the Scottish Police Forces over the past years in enforcement, prevention and consequently reducing firearms crime in Scotland to its current 35 year low and creating a perceived problem with legitimate air weapons ownership in Scotland when in fact there is none.

Whilst we accept the Government’s thoughts on those who knowingly misuse air weapons, or who would not be able to show that they had a legitimate reason for possessing and using such weapons, may be unlikely to apply for a certificate and therefore commit an offence under the terms of any new licence as proposed. The SCA questions the logic in this as criminals habitually break the law; simply creating a licence for air weapons will not change the attitude or habits of the criminally active individuals and gangs throughout Scotland.

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?
The SCA is aware of 138 approved rifle clubs in Scotland, however because clubs which use air weapons are not currently required to be authorised to do so, it is not possible to identify how many of the above clubs offer air weapon shooting facilities in tandem with traditional small and full bore. We are therefore currently unable to establish a national picture of airgun clubs in Scotland.

We are encouraged that the Scottish Government believes that air weapon clubs provide the ideal safe and supportive environment for shooters and in particular new shooters to learn the sport and that they will work with stakeholders to encourage the development of a network of air weapon clubs across Scotland. The Scottish Government has long recognised the economic restraints placed upon business operating in the rural or wider countryside and has many initiatives to aid the sustainable growth of rural and countryside based business. It is our hope that the Scottish Government does not impose such restrictions to the establishment of an approved air rifle club that would make the running of an approved air rifle club in anyway unduly prohibitive. i.e. Insisting on remote locations or the prohibition or limitations on the establishment of urban or indeed inner city clubs

15. How will the air weapons licensing system affect those using air weapons for personal/recreational use?
The SCA questions the proposed restrictions on the use of air weapons within the confines of personal property or gardens leading to a likely prohibition of the use of air weapons for "plinking" in gardens or other urban or highly populated settings. Although the SCA accepts and welcomes the establishment of approved air weapon clubs we are concerned that statements such as “Target shooting in such an environment will not 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”.

The reluctance to allow the use of an individual’s own premises causes the SCA concern on several fronts. The ability of a low earner(s) to apply and pay for a licence may then limit the ability of the individual(s) to access approved clubs which it is presumed will carry a membership fee and range use fee, greatly limiting the individual(s) ability to practice and enjoy low powered air weapon shooting. The SCA also feel that those with physical disability may also find themselves restricted from free practice within their own premises. Simple economics often see the limitation to the provision of disabled facilities which are generally limited numerically in relation to that offered to the able bodied i.e. less provision of specialist access areas leading to lower opportunities for disabled shooters to practice. Further to this, we question the motive behind the above statement on satisfying the Chief Constable in relation to safety and wonder if this is translated into effectively requiring approved air weapons club status if they are to be allowed to legally use their own garden premises, actions we believe to be disproportional to the threat and financially prohibitive.

16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?
The SCA Welcome the Scottish Governments recognition of young people's associations, for example the Scouts, Guides, the Pony Club and various cadet forces, also include air weapon shooting as part of the range of activities offered to their members; and the fact that the Bill allows options for this to continue, either as guests at an approved air weapon club or miniature rifle range, or under an event permit issued by the police.

We do however question areas within the conditions as applied to a young person’s certificate and conditions as applied to a young person’s visitor permit within the proposed licensing system:

The conditions are that —

(a) the holder may use and possess an air weapon only for the purposes of target shooting on private land,
(b) the holder may use and possess an air weapon only for the purposes of participating in events or competitions,
(c) the holder may use and possess an air weapon only for the purposes of the holder’s membership of an approved air weapon club,
(d) the holder may use and possess an air weapon only for the purposes of protecting livestock, crops or produce on land used for or in connection with agriculture,
(e) the holder may use and possess an air weapon only while carrying on business as a pest controller or acting as the employee of a pest controller.

We note with some concern that young people achieving a certificate under the proposed licensing system will be permitted to use an air weapon for the purpose of protecting livestock, crops or produce on land used for or in connection with agriculture and carrying on business as a pest controller or acting as the employee of a pest controller, but excluded to use the licenced air weapon for sporting purposes (including shooting live quarry) on private land.

The SCA would hope that any certificate granted to a qualifying young person would not prohibit the use of a licenced air weapon for sporting purposes (including shooting live quarry) on private land. We note with interest that a Young Person operating under a visitor permit would also appear to be prohibited to use the licenced air weapons for sporting purposes (including shooting live quarry) on private land.
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.)?

The SCA is encouraged that the low powered air weapon licence as proposed makes provision for those using weapons commercially or professionally and define these as separate from paintballing, fairs of the entertainment sector. Our interest and area of expertise lies within the former our answer then applies to the commercial and professional employed within wildlife management and pest control. The SCA are concerned that this professional body of participants will be further hampered in a sector with very fine financial margins through the unnecessary charges relating to an unwarranted licence. We further believe that if pushed to make an application for a low powered air weapon that many will be encouraged to apply for a licence to possess a section one or section two firearm leading to a further impact on public services.

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

Great Britain has a long and enviable history of sporting prowess within our shooting disciplines gaining a range of medals across a range of disciplines in Commonwealth, World and Olympic championships.

The SCA recognise the provision under the bill that the chief constable may, on the application of a person (“the organiser”) who is organising or otherwise responsible for an event, grant a permit authorising individuals at the event to borrow, hire, use and possess air weapons while engaging in an event activity without holding an air weapon certificate (“an event permit”).

In addition to the suggestion of approved clubs and the exemptions offered under private land under supervision and don not believe that the licence as proposed affect those using air weapons for competitive sporting purposes.

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?
The SCA does not believe that it is 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?

Sections 32 and 35 of the 1968 Act state a fee is charged only upon “grant”, “renewal” or “replacement” of a certificate. Therefore forces are unable to charge for the cost of a firearms or shotgun certificate upon refusal.

The SCA does not understand the difference in the approach taken by the Scottish Government in the decision to charge a non-returnable fee for an application for a low powered air weapon licence when applicants can apply for section one and section two firearms and if refused received a full reimbursement.

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.)?**

It is the belief of the SCA that the air weapon license as introduced will have a negative effect and impact on public sectors in Scotland.

We accept that the Scottish Government have made provision for the ownership of a low powered air weapon where an individual aged 14 years or more holds a firearm certificate or a shot gun certificate with the individual making an application for an air weapon when the current certificate expires. However, the projected numbers of low powered air weapons in circulating greatly outweigh the numbers of shotgun and firearms certificate holders, even if all of those possessing a current shotgun or firearms certificate were to confirm ownership of a low powered air weapons. Further to this we firmly believe that the introduction of a licence for a low powered air weapon will see a greater application for a licence to obtain a section one or section two weapon, greatly increasing the number of weapons in circulation and further compounding the workload of Police Scotland firearms licensing teams, seriously compromising the processing of section one and section two certificate holders grants or renewals.

21. **What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?**
As previously stated the SCA believes that a system to license the estimated half-a-million airguns in Scotland will be a costly and bureaucratic mistake.

It has been widely recognised that offences involving air weapons in Scotland has fallen by 75% in recent years. Between 2006-07 and 2012-13 with a reduction from a ten year peak 683 air weapon offences to 171 offences. Further to this, generic firearms offences are now at the lowest level since records began. Airguns are already extensively regulated by law, with more than thirty offences on the statute books. Introducing a licence for low powered air weapons will not deter those who are already determined to break the law. It is the belief of the SCA that the changes proposed by the Scottish Government will create a number of new offences, some of which will inevitable be breached without intent and/or in ignorance. Consequentially statistics will record an increase in firearms crime, which may lead to a knee jerk reaction and the implementation of further unwarranted legislation.

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

The SCA recognise the introduction of a low powered air weapon licensing regime in Scotland to be a step change in firearms licensing within the UK. We question the implementation of a non-refundable application fee and the setting of prescriptive conditions for the ownership and use of a low powered air weapon both distinctively differing from ownership of a low powered air weapon anywhere else within the United Kingdom. We do not believe the implementation of a low powered air weapon licence to be proportional to the perceived threat from low powered air weapons and that the licensing of low powered air weapons will prove to be bureaucratic and expensive without actually reducing the illegal use of firearms in Scotland.

The SCA seek to point out our thoughts on the unnecessary introduction of a licensing regime to prevent, perceived or real, firearms crime when so much has been achieved in the last ten years through legislator and participant collaboration and cooperation. Significant reduction in crimes involving firearms has been achieved by the Scottish Government, Police Scotland and those representing shooting at all levels coming together to improve education and the awareness of existing legislation.

We draw on the Justice Secretary Kenny MacAskill who recently announced that the “education and enforcement” approach has proved successful in reducing knife crime in Scotland. Indeed research commissioned by the Scottish government stated that education and prevention were key to reducing knife crime. Figures from the Recorded Crime Bulletin 2012/13 back up the statement showing that crimes of handling an offensive weapon (including knives) had dropped dramatically in Scotland, falling by a massive 67% in Glasgow and 60% in Scotland since 2006/07.

We ask at this time why the significant fall of 75% in offences involving air weapons over a similar timescale doesn’t merit the same educational and prevention campaign as witnessed in the £2 million investment in the No Knives, Better Lives campaign. The Scottish Countryside Alliance
believes that further investment in this direction would realise a greater return than an administrative and bureaucratic licensing regime.

It is our humble opinion that the introduction of a licence for low powered air weapons will not make a significant contribute to preserving public order and safety in any meaningful way, or indeed reduce crime and advance public health policy.