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 #awlbill.

*1. Please supply your name and contact details:

Name: 
Organisation: 
Address 1: 
Address 2: 
City/Town: 
Postcode: 
Country: 
Email address (if no email leave blank): 
Phone Number: 

Jacqui Cuff
Cats Protection
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.


Cats Protection
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?

Provisions in the Bill relating to the granting of a licence for an air weapon should be compatible with the intention of existing Scottish legislation relevant to safeguarding cat welfare in Scotland. We hope the provisions of the Bill relating to the licensing of airguns will help prevent casual and random acts of cruelty towards cats in Scotland. Cats are protected animals under the provisions of the Animal Health and Welfare (Scotland) Act 2006. However there are evidential difficulties in enforcing this Act with regard to air gun attacks on cats – see Q 13.

In the case of owned cats there is the additional offence of vandalism under Section 52, Criminal Law (Consolidation) (Scotland) Act 1995. Again evidential difficulties may well arise.
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?

Where airguns are used randomly casually or deliberately to inflict injuries on cats (and other animals) we are aware that that the owners of those cats are often unable to proceed to prosecution for the crime against their cats under current law for reasons often related to evidence. Whilst it is, for example, an offence under the Animal Welfare Act 2006 to cause unnecessary suffering the particular evidential difficulty with offences committed using air weapons is: ascertaining the shooter’s identity and proving that the shooter committed the offence. Typically, pellets become lodged in the cat’s body, its brain, eyes, spine or vital organs. A cat will then leave the scene and, as cats do, it will either crawl away to hide or die in a concealed and secluded spot. Alternatively, it will try to conceal its injury from its owner. Concealing injuries is a behaviour which has evolved in cats to protect themselves from predators. As a consequence, many such injuries are not apparent and often go undetected. Some injuries from pellets eventually prove fatal or, by chance, they come to light if the cat has an x-ray. Because of the delayed nature in detecting airgun pellets in cats this also makes it harder to establish when and where (public or private land) the shooting took place.

We welcome this proposed scheme for better regulation and enforcement of air weapons. We would hope that a licensing scheme would result in fewer such crimes by restricting licences to those that have legitimate reason for them. Our view is that prevention is preferable to prosecution (or lack of prosecution). We also hear cases where people are living in a locality where they fear for the safety of their pets and that this can affect a person or community’s general sense of ease and feeling of public safety.

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?
We cannot comment on the sufficiency of provision of shooting clubs in Scotland other than to comment that we assume that shooting within the confines of a club, and presumably under supervision, might be less likely to cause death or injury to cats or other animals.

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

Cats Protection is concerned that cats may on occasions be shot by those with airguns for personal or “recreational” reasons (perhaps by a person with a dislike of cats, or because of a neighbourly dispute about a cat that goes onto neighbouring property, for example in their garden). We have had reports of neighbourly disputes of this kind resulting in one neighbour allegedly shooting the others cat. This is a difficulty when cats by nature are roaming creatures.

We welcome the proposal that an applicant for an airgun licence will need to fulfil the “good reason” test. We hope this will deter applications for certificates from those who would knowingly misuse airguns towards cats or other animals. Where an airgun is used illegally, without a licence and without a legitimate reason for possessing and using it we understand the Bill, for the first time, will allow the police to remove the weapon(s). Removal should serve to reduce further offences and fear of offences amongst the public.

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

No comment

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 Bill is vague on the question of “pest control”. If this is a “good reason” for a licence, the term “pest control” needs to be included in the Bill and defined so that it is clear what species are classed as pests and when and where they can be controlled and by whom.

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

No comment

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 comment

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.)?

No comment
21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?

There may be those that decide to acquire and use an airgun without licence. In those instances a clear offence can be proven if they are reported for using the gun without licence and we’d support provisions to remove the weapon in those cases. See our comments at Q15.

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

Injuries and fatalities to cats from airgun attacks are sadly all too often reported in the press and also directly to Cats Protection both in Scotland and across the UK. We are not aware of any official statistics recording airgun attacks on cats and other animals in Scotland (or elsewhere in the UK.) We do not know if the police record investigations into reported airgun attacks on cats or on other animals and if so whether they have statistics of reported incidents?

Since 1 June 2014 to 21 September 2014 (16 weeks) Cats Protection has been keeping our own statistics. We have recorded 69 cases of cats being shot with an airgun in the UK (either reported in the press or reported direct to Cats Protection). 69 cases equates to an average of over 4 per week. These numbers are likely to understate the problem as many more airgun incidents go unreported.

22% of these cases resulted in the death of the cat.

We very much welcome the proposals within this Bill to tighten up the law on the licensing of airguns in Scotland and very much hope that the Bill provisions are not weakened in any respect as the Bill progresses.

13% (9) of the 69 cases we have logged were in Scotland (75% (52) in England, 6% (4) in Wales, 6% (4) in Northern Ireland)

In a recent Cats Protection public survey for the UK 98% of respondents agreed with the need for tighter regulations for the ownership of airguns.

The Committee may find it helpful to read some case studies of very recently reported airgun attacks. These illustrate the impact attacks and injuries have on the cat, its owner and often the family. It is of note that often it is not known if the cats were shot on private or publicly owned land. The examples do show the difficulties in identifying the person who shot the cats. Non of the cases resulted in any kind of prosecution due to a lack of evidence. We suggest this strongly supports tightening of legislation to ensure that airguns are only licensed to those who can demonstrate good reason and we strongly support the onus being on the applicant to show good reason.
Fizz – Renfrew, Aug 2014
Seven-month-old Fizz managed to drag herself to her home this August with a serious wound to her leg. An examination by vets revealed she had been shot by an airgun. Her thigh bone was shattered and vets were forced to remove one of her back legs. Fizz’s owner said “Aside from the obvious pain, Fizz has been left traumatised. This has been very upsetting for the whole family and we are disgusted that someone could do this. There have been no leads as to who shot Fizz but we are still hoping some information will come to light.”

Sylvester – Inverness, Aug 2014
Two-year-old Sylvester had to be put down after a pellet was found lodged in his chest near his heart. The vet decided that Sylvester would not survive an operation to remove the pellet. It is believed that the projectile could have been there for as much as three weeks before it was discovered. Owner said “We noticed that he was off his food and he started to have problems with his breathing. We took him to the vet who gave him an x-ray and that’s when they found the pellet. I just can’t understand why anyone would do this to a defenceless cat. It’s so cruel.”

Miz – Prestwick, Mar 2014 (CP incident)
Cats Protection adopted cat Miz returned home in March 2014 very distressed and would not let his owner touch his shoulder. She rushed him to the out of hours vet and an x-ray showed an airgun pellet lodged in him. said “thankfully there was no bone damage as he was quite a muscular cat and the muscle protected the bone”. The pellet was left in situ so as not to cause Miz more distress but he had to take painkillers and antibiotics for three weeks before he was back to more like himself.

Molly – South Ayrshire, May 2014 (CP incident)
Molly was taken to the emergency vets where an x-ray showed she had been shot in the chest but luckily the pellet didn’t enter her thoracic cavity. Molly survived the ordeal.

Case studies outside Scotland

Tino – Morpeth May 14 (CP incident)
Twelve-year-old Tino was already blind in one eye and had suffered a broken hind leg from an airgun pellet three years previously. In May this year he came home one morning vomiting and not wanting to be picked up. Tino’s owner took him to the vet where a scan showed an airgun pellet lodged in his stomach. The pellet had gone through his bowel and kidney, so the kindest decision was to put him to sleep. said “I was absolutely devastated”. Police talked to neighbours and looked at some CCTV footage but there was nothing of help. I have two other cats so I am worried about letting them out.”

Sooty – Manchester, Sep 2014
Eight-month-old Sooty is being treated by vets after being shot in the spine near his home. The pellet hit the right side of his spine and has
left him paralysed. The plan is to nurse him for the next few days and hope that the bruising and swelling subside and he starts to recover nerve function. If not, he may have to be put to sleep. Owner said “We’re devastated. I’m shocked and my five grandchildren are really upset.” Ruth bought Sooty for her four-year-old grandson who is profoundly deaf.

END