

Proposals for Licensing Air Weapons in Scotland: An Analysis of Consultation Responses

**PROPOSALS FOR LICENSING AIR WEAPONS IN
SCOTLAND:
AN ANALYSIS OF CONSULTATION RESPONSES**

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EXECUTIVE SUMMARY

Introduction

1. Between December 2012 and March 2013, the Scottish Government undertook a public consultation on its proposals for a licensing scheme for air weapons in Scotland. The consultation paper *Proposals for Licensing Air Weapons in Scotland* stated the Government's intention to legislate on airgun ownership and use, and set out its thinking in relation to the proposed licensing regime. The consultation paper included 18 questions inviting views on a number of specific issues, including the definition of an air weapon, the age limits for the scheme, the administration of the scheme, and the proposals for establishing a system of visitor permits.

Number and type of responses received

2. The consultation attracted 1,101 responses. Approximately one-third of respondents submitted their comments using the standard consultation questionnaire provided by the Scottish Government. The remaining two-thirds submitted non-standard responses (e.g. completed magazine coupons, email messages and letters).
3. Just over half of all responses (n=570, 52%) provided general comments but did not address any specific aspect of the consultation questionnaire. A summary of these comments is included in the report; however, the analysis focused on the 531 responses which addressed one or more of the consultation questions.
4. The majority of the respondents to this consultation (n=954, 87%) were opposed to the principle of licensing air weapons. The remaining respondents either supported the principle of licensing and the Scottish Government's proposals; advocated greater restrictions (or a full ban) on air weapon use; or they expressed mixed or unclear views.

Main issues arising in the responses

5. In general, respondents' comments in relation to the individual consultation questions were in line with their overall views on the issue of licensing:
 - Those opposed to licensing in principle disagreed with individual aspects of the proposals, and argued for less regulation or a "light touch" in response to various questions. Typically this group felt the proposed lower power threshold for the definition of an air weapon should be increased. They were also opposed to the "good reason" test and to further restrictions on where people could use air weapons (particularly in relation to plinking). They favoured a system based on licensing of the owner rather than licensing of individual air weapons, and argued for low age limits, low fees (or no fees), saw visitor permits as unnecessary and unenforceable, and wished to see more liberal or "proportionate" arrangements in relation to hand-in, enforcement and penalties. They also argued strongly for the scheme to incorporate compensation for those handing in weapons. This group advocated education, training and communication, along with

enforcement of current legislation, as alternative means of achieving the policy aims.

- Those who supported licensing generally offered positive comment, along with a range of suggestions and refinements, in relation to individual aspects of the scheme.
 - Those who advocated greater restrictions (or a full ban) on air weapon use wished to see regulation extended to a wide range of lower powered weapons, and for use of air weapons to be narrowly restricted, both in terms of purpose and authorised locations. This group typically argued for a system based on more stringent checks, and favoured higher fees, higher age limits, comparable checks for visitors and a tough stance in relation to hand-in of weapons, enforcement and penalties.
6. Across the range of proposals put forward for consultation, there was a degree of consensus on two key issues: the need for the system to incorporate some level of licence-checking at the point of sale in order to be credible; and the need for the new regime to be widely publicised using a full range of communication methods aimed at both a specialist and general audience.

1 INTRODUCTION AND BACKGROUND

- 1.1 The *Proposals for Licensing Air Weapons in Scotland* consultation paper issued by the Scottish Government sought views on proposals for a licensing scheme for airguns in Scotland. The consultation attracted 1,101 responses. This report presents an analysis of the views submitted in those responses.

Background

- 1.2 The SNP 2011 election manifesto contained a commitment to “create a licensing regime for all airguns so that only those with legitimate reason, such as sport or pest control, will be able to own an airgun”. The Scotland Act 2012 devolved new powers to the Scottish Parliament in relation to air weapons, allowing the Scottish Government to take forward legislation on this manifesto commitment.
- 1.3 The consultation paper stated the Government’s intention to legislate on airgun ownership and use, and set out its thinking in relation to the proposed licensing regime. Views were invited on the approach to be taken in relation to a number of specific issues (e.g. in relation to the types of airguns to be covered; legitimate use; administration and fee levels; visitor permits; a possible hand-in period; enforcement and penalties; and communication).
- 1.4 The proposals were informed by the advice of the Scottish Firearms Consultative Panel. This Panel was established by the Cabinet Secretary for Justice prior to the devolution of the new powers. The Panel met four times prior to the consultation, with two meetings chaired by the Cabinet Secretary for Justice. Panel membership comprised representatives from a range of organisations with an interest in this issue: the Police, the Crown Office and Procurator Fiscal Service, the British Association for Shooting and Conservation, the Scottish Target Shooting Federation, the Gun Trade Association, the British Shooting Sports Council, the Scottish Air Rifle and Pistol Association, the Gun Control Network, the Scottish Community Safety Network, the Convention of Scottish Local Authorities and the Scottish Government.

The consultation

- 1.5 The consultation on the proposals ran from 14 December 2012 to 15 March 2013 and aimed to gather views from a wide range of interested parties. The consultation paper was issued directly to 112 organisations, including community safety organisations, campaign groups of various types, wildlife and animal welfare organisations, field and country sports organisations and organisations involved in the rural economy. The paper was also sent to all Scottish MEPs and to a number of individuals. In addition, it was available on the Scottish Government website, with hard copies available on request.
- 1.6 The consultation paper included 18 questions which are listed at Annex 1. Questions related to 10 topics on which the government specifically sought views:
- The types of air weapon to be covered by the new regime
 - Legitimate reasons for possession of an air weapon

- Where shooting with air weapons should be permitted to take place
- The application process for air weapon certificates
- Age limits for the scheme
- A fee to cover licensing administration and other costs
- Visitor permits
- A possible hand-in period to allow those who currently hold air weapons to hand them in to the police, rather than obtain a licence
- Offences and penalties
- Communications strategy.

1.7 The questions all invited open comment, although a number specifically also sought agreement or disagreement on an issue. It should be noted that the consultation paper did not include questions on every aspect of the proposals. The consultation paper also welcomed more general views.

Approach to the analysis

- 1.8 The aim of this report is to present an analysis of the content of the responses received, representing the range of views submitted. The approach to the analysis takes account of the nature of the questions posed and the different types of responses received. All responses were entered into a database which was structured around the consultation questions. Comments submitted through non-standard responses (i.e. those that did not use the consultation questionnaire) were entered under the relevant questions where appropriate. Comments that did not relate to any of the consultation questions or the content of the consultation document were also entered into the database to ensure inclusion in the analysis. The analysis undertaken was largely qualitative in nature, although some limited quantitative analysis was also carried out.
- 1.9 In considering the findings of the analysis presented in this report, it is important to bear in mind that views gathered through an open consultation exercise can not be regarded as representative of the views of the population as a whole. It is generally the case that those with particular expertise or a keen interest in a subject, and the capacity to respond, are more likely to participate in a consultation. It is also the case that those offered a simple means to respond will be encouraged to do so. Thus, while all the views submitted to a public consultation are a valid and welcome contribution to the policy process, offering as they do the benefit of a range of relevant personal and professional experience and expertise, they cannot be taken to represent the views of the wider population.
- 1.10 The non-representative nature of views gathered via an open consultation means that care has to be taken when quantifying the various views expressed. Nevertheless, some quantification is generally helpful in providing a context for the analysis. Thus this report includes details of: the numbers of respondents answering specific questions and the overall balance of opinion amongst respondents in relation to the principle of licensing of airguns. The main focus of the report, though, is on the qualitative analysis of the views submitted in response to the consultation.

- 1.11 Although the aim of the consultation was to gather views on specific aspects of the proposed licensing regime, most of those responding took the opportunity to state their general views on the principle of licensing of airguns, with many providing detailed reasons for their positions. All such views were considered as part of the analysis. Many respondents also offered comments in relation to the specific questions posed; these comments are analysed and reported for each question, but need to be understood in the context of people's more general views about the proposed scheme.
- 1.12 The report presents the views as submitted by respondents. No attempt has been made to assess or verify the arguments and evidence received. Responsibility for checking the factual accuracy of statements made in response to the consultation, and for responding to those statements is a matter for the Scottish Government.
- 1.13 It should be noted that there may have been some confusion among a number of respondents about the nature of the Scottish Government's proposals, which suggests that some respondents had not read the consultation document. For example, some individuals seemed to equate the proposals for *licensing* with a *ban* on airguns to which they were strongly opposed, and this was reflected in some of the comments received. Others seemed not to understand that the proposed age limits for those seeking an air weapon certificate did not represent a change from those in existing legislation; thus respondents objected to "increased restrictions" that had not in fact been proposed. In addition, in response to the final consultation question which asked about the best way of making individuals aware of the proposed new licensing requirements (the question was: "How else might the message be spread?"), some respondents replied with the question: "What message?"

Structure of the report

- 1.14 The structure of the remainder of the report is as follows:
- Chapter 2 provides details of the respondents and the responses received
 - Chapter 3 provides top-line findings in relation to support for the licensing of air weapons
 - Chapter 4 presents an overview of the reasons that some respondents gave for disagreeing with the Scottish Government's proposals on the licensing of air weapons
 - Chapters 5 to 13 focus on each of the 18 consultation questions
- 1.15 All responses to the consultation, where the respondent agreed to publication, can be viewed on the Scottish Government website at:
<http://www.scotland.gov.uk/Topics/Justice/crimes/Firearms/governmentaction/airweaponlicensing/consultationresponses>.

2 RESPONSE TO THE CONSULTATION

How responses were received

- 2.1 The consultation paper included a response form containing the 18 consultation questions. Respondents were invited to submit their responses by email or post using this form. However, as noted in the previous section, respondents could also submit comments which did not directly relate to the consultation questionnaire.
- 2.2 Various interest groups, including the British Association for Shooting and Conservation (BASC), the Scottish Air Rifle and Pistol Association (SARPA), the Scottish Countryside Alliance (SCA), Scotland for Animals (SFA), and the Animal Concern Advice Line (ACAL) also encouraged their members to respond to the consultation. The latter two organisations provided a standard email / letter template which their supporters could use or adapt for their own responses.
- 2.3 A number of shooting and country sports publications invited readers to express their opposition to the Scottish Government's proposals by cutting out and completing a coupon with their contact details and any personal comments they wished to make. These completed coupons were then sent directly to the Scottish Government by the respondent. BASC also provided a direct link to the consultation via their website, and made their own response to the consultation available on their website. This response provided a basis for many of the individual responses submitted by BASC supporters.
- 2.4 BASC also directed its members to a Facebook page where the proposals were discussed, and encouraged its members to write to their elected representatives if they had concerns about the proposals. Finally, a petition opposing the Scottish Government's proposals for licensing of airguns was organised by an individual, with a link provided on the websites of organisations including BASC and the SCA. At the time the consultation closed, this petition had attracted 13,865 names. Around 4,000 of these had included further comments along with their signatures. However, no analysis of these comments was carried out as part of this project. The comments were submitted with the petition to the Scottish Parliament's Public Petitions Committee.

Number of responses received and those included in the analysis

- 2.5 The consultation received 1,134 submissions. During analysis, it was determined that 12 of these were either blank email messages, or messages containing the respondent's contact details, but no comments. Eight of these appeared to have been sent via the BASC website. A further two submissions were identified as queries sent by email, rather than responses to the consultation. These 14 submissions were excluded from the analysis.
- 2.6 In addition, it was identified that 17 respondents had submitted multiple responses to the consultation. In these cases:

- If the responses were **identical**, one response was retained and the other(s) removed. (Identical / duplicate responses sometimes result when an individual sends their response by email and by post.) Altogether, five respondents submitted duplicate responses. However, two of these individuals submitted three identical responses. Thus, seven duplicate responses in total were removed.
- If the responses were **different**, they were combined to form a single composite response from the one individual. So, for the purposes of analysis, all of that individual's comments were included in the analysis, but they were counted as only one response. The responses from 12 individuals were combined to form 12 composite responses.

2.7 Table 2.1 shows the number of responses received and the number removed from the analysis.

Table 2.1: Number of responses included in the analysis

Number of responses received:	1,134
Number of responses removed, of which:	
Blank email messages	- 12
Queries (not responses)	- 2
Identical / duplicate responses (from 5 respondents)	- 7
Multiple different responses (from 12 respondents) (combined to form composite responses)	- 12
Total respondents / total responses included in the analysis	1,101

2.8 Thus, a total of 1,101 responses were included in the analysis. This comprised **1,044 responses from individuals** and **57 responses from organisations / groups**.

2.9 Organisation / group respondents included community safety organisations, local authorities, animal welfare agencies, shooting clubs, organisations representing field and country sports and those involved in the manufacture and retail of guns, among others. A full list of organisational / group respondents is provided at Annex 2.

Standard vs. non-standard vs. campaign responses

2.10 Of the total 1,101 responses included in the analysis, approximately one-third (n=352, 32%) were submitted using the standard questionnaire format. The remaining two-thirds were non-standard responses (email messages, letters or other comments, some of which did not directly address the consultation questions). Of these, 209 (around a fifth of responses overall) were submitted using magazine coupons. In addition, twenty responses were submitted through the SFA campaign and 13 through the ACAL campaign. (See Table 2.2.)

Table 2.2: Types of responses received

Type of response	Number (%) of responses received	
Standard responses	352	(32%)
Non-standard responses, of which	749	(68%)
	↓	↓
Magazine coupons	209	(19%)
ACAL campaign	13	(1%)
SFA campaign	20	(2%)
Other non-standard responses (email messages / letters)	507	(46%)
Total responses	1,101	(100%)

- 2.11 Just over half of all responses (n=570, 52%) were non-standard responses that did not address *any* aspect of the consultation questionnaire. All but 12 of these were from individuals expressing broad opposition to the principle of licensing. The views of these individuals are summarised in Chapter 4 of this report. **However, the main analysis (presented in Chapters 5-13) is based on the 531 responses which contained comments on one or more of the consultation questions.**

Location of respondents

- 2.12 Altogether, 1,041 respondents (95%) provided their postal address or provided other information in relation to their location. Of these just over two-fifths (n=440, 42%) came from Scotland, while nearly three-fifths (n=594, 57%) came from other parts of Britain (mainly England; there were no respondents from Northern Ireland). In addition, a small number of respondents indicated that they had addresses in both England and Scotland, or that they lived outside the UK. No information was available about the country of origin for the remaining 60 respondents. (See Table 2.3.)

Table 2.3: Respondents' country of residence

Country of origin	Number (%) of respondents
Scotland	440 (42%)
Rest of Great Britain (England and Wales)	594 (57%)
Both England and Scotland	4 (<1%)
Other parts of the world (Switzerland, Cyprus, Canada)	3 (<1%)
Total respondents	1,041 (100%)

3 TOP-LINE FINDINGS

3.1 The respondents to this consultation (total 1,101) comprised four distinct groups:

- **Those who opposed the licensing of air weapons in principle:** (n=954, 87%). This group stated their clear opposition to the introduction of licensing for air weapons in Scotland. More than half of these respondents (n=570, 60%) did not address any aspect of the consultation questionnaire; their comments focused instead on their reasons for opposing licensing. Of the remaining 384 respondents, most disagreed with the Scottish Government’s specific proposals as set out in the consultation document – often simply responding with “No”, “Absolutely not”, or “I disagree” and making little or no further comment in relation to individual questions. Only a minority of respondents in this group engaged fully with the consultation document and provided substantive comment and suggestions in relation to the specific proposals.
- **Those who supported licensing:** (n=63, 6%). This group largely supported the Scottish Government’s proposals as set out in the consultation document, though sometimes with suggestions for improvement.
- **Those who supported licensing, but wanted greater restrictions:** (n=36, 3%). This group was strongly in favour of licensing, but disagreed with the Scottish Government’s approach, as they felt it did not go far enough. This group generally advocated greater restrictions or a full ban on air weapons (and indeed other firearms).
- **Those who expressed mixed or unclear views:** (n=48, 4%). This group generally made no clear statement of their views on licensing, but largely offered constructive comments regarding the Scottish Government’s proposals.

3.2 These findings are summarised in Table 3.1 below.

Table 3.1: Top-line findings

	Number (%) of respondents	
Opposed in principle to licensing of air weapons (includes those 570 respondents who expressed opposition to licensing and did not otherwise address the consultation questionnaire)	954	(87%)
Supported licensing of air weapons	63	(6%)
Supported licensing but wanted greater restrictions or a ban	36	(3%)
Expressed mixed / unclear views on the issue of licensing	48	(4%)
Total	1,101	(100%)

3.3 These findings provide the overall context for the analysis presented in the following pages.

4 RESPONDENTS' REASONS FOR DISAGREEING WITH THE SCOTTISH GOVERNMENT'S PROPOSALS

- 4.1 As mentioned in the previous chapter, there were two main groups of respondents who disagreed with the Scottish Government's proposals as set out in the consultation document. By far the largest group were those who expressed opposition to the principle of licensing air weapons. The second, smaller group were in favour of licensing, but were critical of the Scottish Government's proposals because "they did not go far enough".
- 4.2 This chapter briefly summarises the reasons given by both these groups of respondents for their views. Further detail is given in Annex 3.

Opposition to licensing in principle

- 4.3 It was common for these respondents to state specifically that they opposed the licensing of air weapons in principle. The proposals were described by this group as, among other things, "misconceived", "disproportionate", "draconian" and "heavy-handed".
- 4.4 There respondents also frequently objected to the use of certain terminology in the consultation document, including the term "air weapon" which was perceived by some to be emotive and misleading. The point was made that a "weapon" is designed to injure or harm someone, and thus an airgun is not a "weapon" unless it is used as such. Some respondents also criticised the Government for the use of the phrase, "There is no 'right to bear arms' in modern Scotland", stating that this was a deliberate reference to the controversial gun laws in the United States. Finally, there were also objections to the statement that airgun ownership is "uncontrolled". Respondents argued that current legislation controls the use of airguns very well, and the reduction in airgun offences over the last five years – and the current low level of offences – is evidence of this.
- 4.5 Those who were opposed to air weapon licensing in principle gave a wide range of reasons for this. These are summarised below.
- Legislation is not needed or is not likely to be effective.
 - It would be preferable for firearms legislation to continue to be aligned across the UK.
 - The Scottish Government's proposals are not supported by evidence.
 - Air weapons are not as powerful as other firearms, and thus do not need the same level of regulation.
 - The cost of implementing the scheme would be prohibitive and disproportionate to the likely benefits.
 - The financial impact on gun owners would be unacceptable.
 - The scheme would result in unnecessary bureaucracy.
 - There would be adverse impacts on the activities of legitimate shooters, and on tourism and the rural economy.
 - Licensing would act as a barrier for newcomers and young people to take up shooting as a sport.

- The proposals were perceived as representing an attack on personal freedom and historical rights.
- The licensing scheme would be impossible to enforce because there is no border control between Scotland and the rest of the UK.
- The proposals to introduce licensing were seen as politically motivated.
- The proposals did not acknowledge the positive aspects of shooting as a fun and rewarding pastime, ideal for families and open to all (women, the elderly and those with disabilities were all mentioned as groups who could participate in shooting on equal terms).
- There could be a number of unintended consequences as a result of the proposed scheme, including:
 - The creation of a number of new offences, which would be breached with intent or in ignorance – which could result in the perception that airgun offences are increasing
 - The criminalisation of otherwise law-abiding owners who do not hand in their guns (either because they refuse to or are unaware they need to)
 - People opting for more powerful and dangerous guns, with air weapon ownership no longer offering any particular advantage
 - Confusion amongst airgun owners
 - Driving air weapons “underground” and creating a black market in unlicensed air weapons.

Support for stricter regulation

- 4.6 Those who were in favour of licensing, but advocated stricter regulation, often made a general comment that the proposals set out in the consultation document were long overdue. This group included SFA and ACAL members, and a common theme was concern about animal cruelty. These respondents made the point that airguns were often used to injure and kill wildlife, as well as domestic pets.
- 4.7 Some cited personal experiences of having been shot with an air weapon, having their livestock shot at, and witnessing the shooting of birds (including swans and cygnets), or having to deal with an injured and distressed animal which had been shot.
- 4.8 While respondents in this group often offered a level of support for the licensing scheme proposed, there was disappointment that the Scottish Government’s proposals did not go further. There were calls for stricter regulation of air weapons, up to and including a full ban, with a view that BB guns, paint guns and similar should all be covered.
- 4.9 At a more specific level, there was disappointment that pest control might still be regarded as a legitimate “good reason” for having an air weapon.
- 4.10 Broader issues of community safety were also raised by some respondents. They agreed with the government aim to remove air weapons from the streets, but did not think the licensing scheme would achieve this, with respondents favouring restriction of use to shooting clubs and other authorised premises.

5 DEFINING AN AIR WEAPON

5.1 The consultation paper sought views on the types of weapons to be covered by the proposed licensing scheme. In brief, the Scottish Government proposals were as follows:

- Weapons to be covered by the scheme would fall within the definition of a firearm as set out by the Firearms Act 1968
- The legislation would adopt the industry-recognised definition of an air weapon as one capable of producing a kinetic energy between 0.7 ft/lbs (one joule) and 6 ft/lbs in the case of an air pistol or 12 ft/lbs in the case of an air weapon other than an air pistol
- Very low powered air weapons, BB guns, paintball guns and airsoft guns would be excluded from the scheme

5.2 Two questions in the consultation document addressed these issues (Questions 1 and 2). The consultation paper also indicated the Government's intention that ammunition would not be covered by the scheme, and views were also invited on this issue (Question 3).

Question 1: Do you agree with the proposed types of weapons to be covered by the new regime?

Question 2: Should any other weapons be covered?

Question 3: Is there any type of air weapon ammunition which should be covered?

5.3 Of the 531 respondents who addressed one or more of the consultation questions, around seven in ten offered views in response to these questions:

- Question 1: 377 respondents, 71%
- Question 2: 373 respondents, 70%
- Question 3: 367 respondents, 69%.

5.4 However, it should be noted that a substantial proportion of the respondents expressed either agreement or disagreement without expanding on their view in any substantive way. In addition, some respondents felt that ambiguity in the current proposals prevented them from commenting on the detail of what was proposed.

Definition of air weapons to be included in the licensing scheme

5.5 Among those who were opposed to licensing air weapons, the main reason given for disagreeing with the weapons proposed for inclusion related to weapon power. This group of respondents frequently argued that it was inappropriate or unnecessary for low powered air weapons to be regulated as they were unlikely to cause damage or injury. In addition, it was argued that

the more powerful and dangerous airguns (over 6 ft/lbs for pistols and 12 ft/lbs for rifles) were already adequately regulated within existing legislation. Respondents put forward a number of suggestions for an alternative lower power threshold, ranging from 1 ft/lbs to 6 ft/lbs, with the aim of addressing ease of understanding; perceived measurement and variability issues; and reflecting evidence relating to “lethality”. Included amongst those offering alternative lower power thresholds were a significant group of respondents generally opposed to licensing, but who indicated broad acceptance of the type of air weapon to be covered by the scheme should it go ahead. These individuals, nevertheless, argued for an increase in the lower threshold as they believed the proposed level to be “artificially low” and to “not reflect known scientific data”.

- 5.6 Amongst those offering support for the proposed types of weapons to be included in the scheme, most indicated agreement but did not give reasons for their view. Those who did expand on their answer most commonly took the opportunity to state (or restate) their general support for the licensing of air weapons (or all weapons). A few respondents described the proposed definition as “reasonable” and “sensible”. A more general view put forward was that the definitions offered in the consultation paper avoided confusion by providing clarity on the highest and lowest levels of muzzle energy to be included in the scheme.
- 5.7 In relation to taking the scheme forward, respondents highlighted the need to: (i) use care in drafting the final legislation in order to avoid other air powered items being unintentionally caught up in the scheme; (ii) ensure that the final definitions are in plain English, given that those already in possession of air weapons would not necessarily be familiar with the ft/lbs energy level; and (iii) keep the coverage of the scheme under review.

Exclusions and exemptions

- 5.8 The need to be explicit about the inclusion or exclusion of some categories of air rifle and pistols was noted. It was suggested that, for clarity, the scheme might be called the “Low Power Air Weapon Certificate”, and that the new scheme may provide an opportunity to redefine firearms and introduce a corresponding High Power Air Weapon Certificate. Reclassifying air pistols with muzzle energy of more than 6 ft/lbs as a “Section 1” weapon was also proposed.
- 5.9 Respondents noted a number of different types of weapon which they felt should be explicitly excluded from the legislation. Antique guns (pre-1939) and collectors’ items were frequently cited by respondents who argued strongly that such guns should be exempt from the legislation in the same way that they were exempt from the Firearms Act 1968. A general exemption for museums was also suggested. Spear guns used in underwater fishing were also mentioned as meriting exclusion. Target air pistols (below 6 ft/lbs) were also seen as candidates for exclusion from the scheme.

Inclusion of other weapons

- 5.10 Among those generally opposed to the licensing of air weapons, there were a few suggestions for additional items which might usefully be licensed. The licensing of crossbows in particular attracted some support from this group; another suggestion related to the outlawing of air weapons with militarised features which “encourage irresponsible and aggressive use in an inappropriate environment”. However, in general, respondents in this group did not wish to see any other types of weapon covered by the scheme.
- 5.11 Several made the point that a range of other weapons – e.g. catapults, archery equipment, baseball bats, etc. – were just as dangerous as air weapons but were not being considered for licensing even though some were regularly (mis)used in the course of criminal activity. There was a view that “off the shelf” air weapons were an easy option for government action, whereas the improvised nature of other weapons and the potential for home-made versions made items such as catapults and bows harder to regulate.
- 5.12 Amongst those in favour of licensing, there was also a group of respondents who disagreed with (or expressed strong reservations about) the types of weapons to be included in the scheme because they did not believe the proposals went far enough. This group often cited animal welfare concerns as their reason for wanting stricter regulation, and they argued for licensing to be extended to cover BB and airsoft guns, paintball guns, catapults, crossbows, bows and arrows, sling shots, knives, nail guns, and guns which discharge darts.
- 5.13 More generally some called for licensing of “all weapons”, or “any weapons that can discharge harmful objects / ammunition at dangerous velocity”. It was further suggested that, without a more comprehensive approach to tackling the misuse of weapons, those who could no longer access air weapons under the new licensing regime would merely seek out alternatives for which no licence was required.

Ammunition

- 5.14 In line with the overall pattern of responses to the consultation, a majority of those offering views on this issue agreed with the Scottish Government proposals that ammunition should not be licensed. Views among this group fell into three general themes relating to:
- Practicalities and enforcement: respondents argued that it would be easy to avoid regulation by obtaining ammunition from friends, by mail order, etc.
 - The nature of air weapon ammunition: the point was made that air weapon ammunition is “inert” and thus not inherently dangerous on its own.
 - The adequacy of existing legislation: it was emphasised that current legislation was adequate and should simply be enforced.
- 5.15 For those favouring the licensing of ammunition, many simply argued for the regulation of “all ammunition”. Others highlighted specific types of ammunition which should be regulated (e.g. darts, ball bearings, steel tipped pellets, lead pellets, BB gun pellets, etc.). Animal welfare was a particular concern for this

group. Some with more mixed views also supported the licensing of certain types of ammunition, such as darts for example.

- 5.16 A number of respondents expanded more specifically on why they wished to see ammunition covered by the licensing scheme, suggesting that:
- It was “irrational” to license the firearm but not the ammunition
 - The licensing of air weapon ammunition would be in line with the regulation of conventional ammunition
 - It would be an effective way of restricting availability of ammunition to those with licensed guns only.
- 5.17 In commenting on how such licensing might operate, respondents suggested that the sale of ammunition should be restricted to certificate holders or that retailers should be required to keep records of ammunition sales.
- 5.18 The option of regulating the purchase and use of darts attracted some specific comment from those for and against licensing in general. Those opposed to regulation generally noted the limited damage that could be caused by darts, although a few in this group considered that there may be a case for restricting darts. Suggestions for dealing with the issue of darts included:
- Agreeing an acceptable design with the manufacturers to limit the potential for damage
 - Introducing a register for purchases or a “proof of age” scheme
 - Restricting the use of darts to particular controlled or supervised activities.

6 LEGITIMATE USE

- 6.1 The consultation paper made it clear that the Scottish Government's intention was not to ban air weapons or to affect the rights of legitimate users, but rather to restrict the casual and unnecessary ownership and use of air weapons. The consultation paper sought views on two aspects of air weapon use: the type of activities which might be classed as "legitimate"; and restrictions on where air weapons might be used.
- 6.2 On the first point, the consultation paper discussed the option of a "good reason test", with pest control, target shooting and firearms collecting noted as possible legitimate uses which would satisfy the good reason test. It was suggested that such a good reason test might be backed up by guidance, with the police also able to apply specific conditions in individual cases.
- 6.3 On the latter point, the consultation paper indicated the Scottish Government's stated preference for shooting to be restricted to "land that is suitable, provides a safe shooting environment and does not pose a risk to the public, and ideally at licensed target shooting clubs..." The practice of plinking (informal target shooting) was highlighted as a particular concern.
- 6.4 The following two questions addressed these issues.

Question 4: Are there any other forms of air weapon use which should be considered as "legitimate"?

Question 5: Do you agree that greater restrictions should be placed on where air weapon owners can shoot?

- 6.5 Among the 531 respondents who addressed the consultation questions, 379 (71%) replied to Question 4 and 446 (84%) replied to Question 5. There was a great deal of overlap in the responses to these two questions, and so views are reported thematically rather than on a strict question-by-question basis.

Legitimate use

- 6.6 In general, those who were in favour of licensing or other air weapon regulation did not think there were any other forms of air weapon use which should be considered legitimate (many offering a simple "no" in response to the question). Alternatively, some within this group indicated a preference for a more restrictive interpretation of "legitimate" use than that set out in the proposals. This group often made comments suggesting variously that:
- Legitimate uses should be kept to a minimum
 - Legitimate use should be decided by the police
 - All legitimate use should be properly investigated and licensed
 - The shooting of birds or animals should not be considered legitimate use.
- 6.7 Others wished to see air weapon use confined solely to sporting use on authorised premises, or pest control where no other option was available.

However, while some in this group were willing to regard pest control as legitimate use in certain circumstances, others expressed reservations and concerns about this activity. A range of comments were put forward:

- The use of air weapons for pest control was neither effective nor humane.
 - The definition of a “pest” is subjective and there is a need to be clear about what constituted a pest, where they could be controlled and by whom.
 - Pest control using air weapons should be carried out only by authorised professionals.
- 6.8 Among those who were opposed to the licensing scheme, there was strong opposition to further restrictions being put on air weapon use, and general concern about the proposed approach to this issue. This group argued that the requirement to demonstrate “good reason” as part of the application process was disproportionate and would add to the burden on the police. There was also opposition to the idea that the police might have the power to impose additional conditions on licences. The result, it was argued, would be a system which was more stringent than that currently in place for shotguns; this was frequently described as “risible”. There was also a view that a stringent system for air weapons would simply encourage people to “trade-up” to a more powerful firearm or shotgun, or to consider alternatives such as crossbows.
- 6.9 Respondents argued in favour of a number of alternative approaches, including: (i) a system based on a simple background check, with licences refused to unsuitable people (e.g. those with criminal convictions or mental health problems) on a case by case basis; (ii) a competency based system; or (iii) a system similar to the current shotgun certificate process, where the burden is on the issuing officer to demonstrate the absence of “good reason”.
- 6.10 The difficulty of distinguishing between activities such as plinking, pest control, target shooting and zeroing was raised. Some respondents felt that the definition of “good reason” should be set out in statute to avoid local variations in police decision-making. Conversely, other respondents wanted to see a system which allowed individual circumstances to be taken into account. Others felt it was important that specific reasons were provided for refusal of a licence and that an appeals process was put in place.
- 6.11 A common view amongst those opposed to licensing was that all current uses of airguns which were not illegal or anti-social should continue to be regarded as “legitimate” under any new scheme. Others, however, put forward a range of specific activities which should be considered as legitimate, including:
- Vermin shooting / pest control – crucial in rural areas to protect livestock and crops.
 - Field sports and hunting – an important part of the rural economy.
 - Target shooting (competitions and training of all types) – practice away from clubs was seen as crucial for developing skills.
 - Collecting, ornamental use and retention of heirlooms – it was noted that there could be a problem in obtaining a licence on the grounds of “collecting” if only one gun was held.

- Plinking – this was seen as an important entry level activity for young people to more formal shooting sports (field sports and target shooting).

6.12 Respondents also identified a range of other activities and environments which would have to be catered for within any licensing scheme. These included: theatrical and film performances; historical re-enactments; scientific and engineering testing and research; museums; auction houses; authorised carriers; cadet corps activities; shooting ranges; fair grounds; temporary (supervised) use by friends and family of air weapon owners; air weapons held by gun clubs and shooting estates for use by clients on an ad hoc basis. It was suggested that a system of exemptions might be appropriate for some of these situations.

6.13 Other respondents believed that a watching brief should be maintained in respect of activities regarded as legitimate or, in a similar vein, that any specified legitimate uses should be open to future change.

Restrictions on where air weapons can be used

6.14 There was a strong view amongst those opposed to licensing that there should be no restrictions on where air weapons could be used. Respondents often saw restrictions on where they could shoot – in particular in relation to shooting on private property – as a matter of personal freedom.

6.15 The consultation paper focused on the practice of plinking (informal target shooting) and outlined the government view that this should not continue as an unrestricted activity. This attracted a significant amount of comment, with respondents offering many personal stories of safe, responsible plinking in suitable environments which had never given rise to any issues or complaints. While many cited personal experience, others also questioned the existence of any wider “evidence” that plinking caused concern or was a threat to public safety. Respondents saw a clear distinction between responsible plinking in appropriate settings and irresponsible, anti-social use of air weapons. As such, any action to restrict plinking was seen as unjustified.

6.16 Those who were opposed to restrictions on where air weapons can be used generally gave one or more of the following reasons:

- **Lack of justification:** It was felt that existing firearms legislation, together with BASC guidance, was entirely sufficient to ensure safe air weapon use. It was argued that airgun users as a group were responsible citizens who took the issue of safety very seriously. Furthermore, irresponsible use of air weapons was identified by many as an “urban” or Central Belt issue and therefore national restrictions on where shooting could take place were seen as inappropriate and unnecessary.
- **Impact of restrictions:** It was suggested that any restrictions on shooting would have a disproportionate impact on young people, the elderly, the disabled and the less well-off who were less likely to be able to access clubs or other authorised locations. The impact on those organising and taking part in sporting activities such as tetrathlons was also noted. It was also suggested that restrictions on where shooting could take place would

result in greater numbers of people carrying guns outside their own property in order to transport them to clubs and other venues. This, it was argued, could lead to increased public alarm and increased gun theft. The impact on pest control was also frequently raised.

- **Lack of authorised clubs and alternative shooting venues:** It was pointed out that not everyone was a member of a club for a variety of reasons (cost, geographical accessibility, personal preference). In addition, the current club network in Scotland was seen to be limited. A few respondents argued that any restrictions introduced as part of the new regime should be accompanied by measures such as: (i) additional funds for clubs; (ii) a local authority duty to provide suitable shooting venues; and (iii) a system which allowed airgun clubs to operate outwith the current system for the regulation of shooting clubs.
- **Definitional issues:** Respondents commented that there might be a number of definitional problems in taking forward legislation in this area. These included how urban, residential or built up areas might be defined; how any distinction between urban and rural settings might be established (the issue of farmland on the edge of towns was raised); whether the size of a property should be an appropriate criteria for defining suitable locations, and at what level that might be set.

- 6.17 Among the smaller number of respondents who supported restrictions on where shooting can take place, the reasons given for doing so were related to public safety, community relations or animal welfare. There was, however, some variation in the extent to which this group of respondents wished to see restrictions on where airguns could be used. Some within this group expressed full agreement with the Scottish Government's contention that the sight (and use) of air weapons in residential areas was unacceptable, others accepted the need for more limited restrictions in some circumstances.
- 6.18 Those strongly in favour of restrictions (again a relatively small number of respondents) commonly suggested that shooting should be limited to clubs or other authorised locations identified on a case by case basis. Others, however, suggested that places where shooting was permitted should be properly defined, or should be considered as part of the licensing process.
- 6.19 There was some willingness amongst a wider group of respondents to consider the need to restrict air weapon use in some way in urban or residential areas. In addition, examples were given where air weapon use in domestic settings had resulted in accidental injuries (and fatalities), harm to animals (including pets), damage to property and neighbour disputes. For some respondents, however, this was a compromise position. These individuals did not wish to see further general restrictions on the use of airguns in appropriate settings, but accepted that there were somewhat different cultural and physical factors to consider in the urban environment.
- 6.20 While the question sought views on restricting where people could use airguns, there were a number of suggestions put forward by respondents as

alternative approaches to dealing with irresponsible use or responding to the issue of community concern. These included:

- A licensing system based on guidance and best practice for plinking and other activities
- Greater use of education and communication, including the use of the existing BASC code of practice
- A non-prescriptive approach, with the air weapon owner responsible for ensuring their gun was only used in a safe place
- Restrictions on the types of airguns which could be used for plinking
- Requiring the use of a silencer in urban areas
- Setting a minimum area for the size of garden in which shooting would be permitted.

7 LICENSING ADMINISTRATION

7.1 This chapter provides an analysis of comments about the administration of air weapon licensing. According to the consultation paper, licensing administration would be undertaken by Police Scotland (which came into being on 1 April 2013) and managed at a local level. The intention is that the processes, arrangements and criteria to assess the suitability of individuals to own or use an air weapon should largely mirror existing arrangements that apply to firearms / shotguns. Specific proposals were as follows:

- A single certificate should cover all air weapons held by an individual.
- Certificates would not include information or restrictions on ammunition held.
- As with firearms / shotguns, powers to refuse or revoke an air weapon certificate in individual cases will be a sanction available to the police, for example, in cases when persons are deemed unsuitable, or where good reasons for holding an air weapon cannot be demonstrated.
- The application process and the possession of a certificate, and the ownership and use of air weapons, should place legal responsibilities on the licensee, for which contravention would constitute a criminal offence attracting appropriate sanctions.
- Applicants for an air weapon certificate would not be required to undergo the same checks if they already possess a firearm or shotgun certificate.
- The application for an air weapon certificate should be accompanied by a fee, payable to the chief officer of police.

7.2 The consultation document posed two questions seeking views on the administration of the scheme.

Question 6: Do you agree with these proposals for the application process?

Question 7: Do you think there are other issues we should consider around the application process?

7.3 Of the 531 respondents who addressed one or more questions in the consultation questionnaire, 385 (73%) made a comment at Question 6 and 347 (65%) made a comment at Question 7. There was a great deal of overlap in the comments made in relation to both these questions.

Views on licensing administration

7.4 Around a quarter of those who responded to Question 6 simply replied 'No' or 'Disagree', and made no further comment. All such responses were from individuals who were opposed to the licensing of air weapons.

- 7.5 In addition, many of those who were opposed to licensing in principle did not address the licensing process specifically but simply reiterated their reasons for opposing licensing in general.
- 7.6 Among those who provided more substantive comment, the main reason given for disagreeing was that the proposals represented “a waste of police time and resources”. Other reasons included the following:
- The proposals were seen to be disproportionate given the relatively small number of air weapon offences over the past few years.
 - They were felt to be too complicated, and there was concern that they would deter people from becoming licensed.
 - There was a perception that the police would not have the capacity to administer the licensing scheme. (Several respondents stated that there were already significant delays in the renewal of firearm certificates.)
 - It was seen to be inappropriate for procedures for licensing air weapons to be stricter than those for obtaining a shotgun certificate; the need to demonstrate “good reason” was particularly noted.
- 7.7 Those who were broadly in favour of licensing air weapons felt that the proposals for administration were generally acceptable, although some wanted the proposals to go further. For example, it was suggested that:
- Animal welfare organisations should be consulted about individual applications to ensure that those with a history of animal cruelty were identified.
 - The certificate should include information about the number of air weapons along with a description of the air weapons held (i.e. make, model, barrel size, etc.). This was seen to be particularly important since most air weapons do not have a serial number. The lack of serial number was also raised by those opposed to licensing; it was argued this made air weapons untraceable and the scheme unenforceable.
 - All sales should be notified to the police, and those purchasing or owning large numbers of guns should be required to undergo additional checks to ensure they had acceptable storage and security arrangements in place.

Other issues raised by respondents

- 7.8 Apart from the general issues highlighted above, there were several other specific issues that were raised frequently by respondents in response to these two questions. These are outlined below.

Requirement to check the validity of a certificate at purchase

- 7.9 The proposals, as set out, do not require sellers to confirm that a buyer had a valid certificate in place prior to purchase. Registered dealers would, however, have a role in making buyers aware of their responsibilities as an air weapon owner. Unlike other issues, those in favour of licensing and those opposed expressed similar views about this particular issue, with respondents in both groups querying the proposal. It was suggested by both groups that this would defeat the purpose of having a licensing scheme since, without a check

at the point of purchase, there would be nothing to prevent uncertified individuals from purchasing an airgun illegally.

- 7.10 The point was made that current legislation requires dealers and sellers **not** to sell a shotgun or other firearm without seeing a valid certificate; therefore, it was not clear why there wouldn't be a similar requirement if a licensing scheme were introduced for airguns. Respondents suggested that the absence of such a requirement would "cast doubt on the credibility" of the licensing scheme and "bring it into disrepute". Others described it as "odd", "mystifying", "farcical" and "nonsensical", and suggested that without a check at the point of purchase, the entire scheme was "a waste of time".
- 7.11 Respondents who were opposed to licensing were also concerned about the implications of such a proposal for dealers and sellers. It was argued that the proposed arrangements left the seller at risk of being accused of aiding and abetting an offence if they sold an air weapon to an unlicensed individual.
- 7.12 Respondents in favour of licensing felt that not only should dealers and sellers be required to check for a valid certificate, but that they should also be required to record the certificate number and the purchaser's age and address when selling an air weapon, and pass this information onto the police.

Arrangements for those with an existing shotgun / firearm licence

- 7.13 There was disagreement about how to manage air weapon licensing for those who already hold a shotgun / firearm certificate.
- 7.14 Those opposed to the licensing of airguns argued that existing shotgun / firearm certificate holders should be exempt from having to apply for an air weapon certificate. Instead, these individuals should receive an air weapon certificate automatically without additional checks or further cost.
- 7.15 In contrast, those in favour of licensing argued that applicants for an air weapon certificate **should** have to go through the same checks as someone applying for a shotgun / firearm licence and that they should have to do so, irrespective of whether they already had a shotgun / firearm certificate.

Applicant eligibility and legitimate use

- 7.16 The other issue that attracted significant comment among respondents was that of applicant eligibility. Concerns were voiced that individuals who bought their air weapons legally under current legislation might have their applications rejected (and be forced to hand them in) because they did not meet the "good cause" criteria, as discussed in Chapter 6.

Other issues

- 7.17 Other issues raised by respondents included the following:
- The application process should be simple, and it should be clear that the application only applies to air weapons.
 - The application should be for the **person**, not for the **gun**. The aim should be to check that the applicant is a fit and proper person to hold an air weapon.

- The application should not be required to detail the number of air weapons and ammunition held by the applicant.
- The system should operate like that previously in place for dog licences, with licenses purchased at the post office, and owners required to carry the licence when they take their gun out.
- A national database should be created to link registration at the time of purchase with police data on those barred from purchasing weapons. In addition, on-line registration should be required at the time of purchase, with the creation of an offence of buying or selling without registering.
- The legislation should include establishment of an independent and accessible appeals process, with legal aid available, for individuals who want to challenge the decision to reject their application.

8 AGE LIMITS

- 8.1 This chapter presents an analysis of comments relating to age limits for those seeking an air weapon certificate. The Scottish Government's proposal was to adopt the same limits set out in the Violent Crime Reduction Act 2006 – that is that air weapon ownership should be reserved to those aged 18 and over, and those under 18 should be suitably supervised by a licensed adult over age 21. The Scottish Government's proposal, therefore, does not represent a change in existing legislation concerning the licensing of air weapons to young people. The consultation document asked the following question about this issue.

Question 8: Do you agree that there should be a lower age limit of 18 for those seeking an air weapon certificate, and that use by those younger than 18 should be appropriately supervised by a licensed adult?

- 8.2 Of the 531 respondents who addressed the consultation questionnaire, 397 (75%) made a comment at Question 8.
- 8.3 Among those who were in favour of licensing, there was generally broad support for the proposal of maintaining a lower age limit of 18, although others in this group favoured a higher minimum age. Few respondents in this group argued in favour of a younger age limit.
- 8.4 Among those who were opposed to licensing, there appeared to be some confusion in relation to what was being proposed. This resulted in some disagreement within this group about the issue of a lower age limit. Many appeared to misunderstand the proposals, with comments suggesting that respondents believed the Scottish Government wished to introduce **additional** age-related restrictions which were seen as unnecessary, and as presenting barriers to participation in a range of shooting activities. As a result, these individuals disagreed with the proposals, often stating that the “current legislation is adequate” in this area.
- 8.5 In contrast, there were others also opposed to licensing who recognised that the proposals did not represent additional age-related restrictions on air weapon use and broadly agreed with what was set out in the consultation.

Reasons for opposing the proposed lower age limit of 18

- 8.6 Those who disagreed with a lower age limit of 18 offered two main reasons:
- **The less stringent age restrictions in place in existing shotgun and firearms legislation:** Respondents noted the absence of a lower age limit for a shotgun certificate as well as rules allowing unaccompanied shooting at age 14 and 15 for firearm and shotgun certificate holders respectively. They believed it would be inappropriate to have greater age restrictions for a certificate for a less powerful gun and argued that age limits for air weapons should reflect existing firearms legislation; it was frequently pointed out that the consultation document stated that this would be the case. In addition, it was suggested that a higher age limit for an air

weapon certificate would result in young people simply applying for a shotgun or firearm certificate instead.

- **The age limits for other significant responsibilities and rights:** The point was made that young people can get a job, pay tax, get married, join the army, and – now in Scotland – vote in the forthcoming referendum at 16. They can also drive a car at 17. In addition, 16 was noted as the age of criminal and civil responsibility. It was, therefore, seen as incongruous for the lower age limit for an air weapon certificate to be 18.

- 8.7 In addition, a number of respondents argued that the proposals would discourage young people from learning to shoot (or from learning to shoot safely), or deter them from taking up shooting as a sport.
- 8.8 Those who preferred a younger lower age limit offered alternative suggestions ranging from 14 to 17, with 16 being the most common suggestion.
- 8.9 Among those in favour of licensing, there were also some respondents who objected to the proposed lower age limit of 18 for an air weapon certificate. Instead, these individuals proposed an age limit of 21. In general, this group of respondents did not provide a reason for their views although two individuals suggested 21-year-olds were less prone to immature behaviour.

Supervision

- 8.10 The importance of supervision for young people was a recurring theme in the responses, although there was disagreement about what the nature of that supervision should be. Some thought that the supervision arrangements set out in current legislation were adequate although there were differing views about whether supervision should have to be provided by a **licensed** adult. Some felt strongly that it should be, while others disagreed and argued that there are many situations (i.e. Scouts, Guides, cadets, etc.) in which a young person may safely enjoy using an air weapon with the support of a non-shooting parent or other adult, and they wished to see this continue.
- 8.11 In addition, while some respondents argued that young people between ages 14 and 17 should not require supervision on private land where they had been given permission to shoot (as stated in current legislation), others believed that young people under age 18 should **always** be supervised by an adult. The latter view was also held by some respondents opposed to licensing.
- 8.12 It should also be noted that respondents did not necessarily see a contradiction between a young person under age 18 being able to hold an air weapon licence, and that same individual also needing to be supervised by an adult.

Exemptions

- 8.13 Some respondents were concerned that any scheme should make provision for young people to be able to shoot legally in certain situations:
- On private property when they have permission
 - If they are members of Army, Air or Sea Cadet forces
 - If they are members of a registered gun club
 - If they are in training for shooting sports.

9 FEES

- 9.1 This chapter provides an analysis of respondents' comments on the subject of fees for the licensing of air weapons.
- 9.2 The Scottish Government proposed that a fee should be charged to cover the cost of processing an air weapon licence application. Moreover, the proposal was that: (i) this fee would be payable regardless of the outcome of the application; (ii) the cost should be met by those applying for an air weapon certificate; and (iii) the level of the fee should attempt to strike a balance between recovering the cost of administering the scheme on the one hand, and other factors which might influence whether or not air weapon owners comply with the scheme.
- 9.3 Two questions were asked in the consultation document.

Question 9: Do you agree that a fee should be charged for each air weapon application, whether successful or not?

Question 10: Do you have a view on an appropriate fee to be charged for new or renewed applications?

- 9.4 Of the 531 respondents who addressed the consultation questionnaire, 382 (72%) made a comment at Question 9, with comments focusing more often on the first part of the question, and 360 respondents (68%) made a comment at Question 10. There was a great deal of overlap in the responses to these questions, with similar issues being raised by respondents in their replies to both questions.

Views about fees

- 9.5 In general, those who were opposed to the licensing of air weapons were also opposed to the idea of: (i) a fee being charged for each application made; and (ii) the fee being charged for unsuccessful applications. In contrast, those who were in favour of licensing were (with few exceptions) supportive of both.
- 9.6 Some of those opposed to licensing felt no fee should be charged at all. This point will be discussed further in the section below. Others suggested that any administrative costs associated with air weapon licensing should be publicly funded. The view was expressed that, if the government considered that the licensing of air weapons would have a public safety benefit when there was no evidence that it would do so, then the cost of implementing the programme should be funded through general taxation.
- 9.7 There was also a prevalent view (already discussed in the previous chapter) that existing shotgun or firearm certificate holders should not have to apply separately or pay an additional fee for an air weapon certificate, or should have the fee waived, since the individual had already undergone all the necessary background checks.

- 9.8 However, among those opposed to licensing, it was far more common for respondents to say that a fee should only be paid if the application is successful. This, they pointed out, was consistent with the procedure for applying for shotgun and firearm certificates. Moreover, it was suggested that if individuals had to pay for an application that might be rejected, this would deter some airgun owners from coming forward to register.
- 9.9 It was also suggested that it would be helpful to make guidance available to applicants about the criteria for the success and failure of applications, particularly if people would be expected to pay even if their application is rejected.
- 9.10 In contrast, those who were in favour of licensing largely felt that a fee should be charged regardless of the outcome of the application in order to cover the administrative costs of processing the application.

Level of fees

- 9.11 Around 50 of the 360 respondents who commented at Question 10 in relation to the level of fees to be charged for new or renewed applications for air weapon certificates specifically said they had no view on the subject of fees, or they answered “No” in response to Question 10. Some stated that they were opposed to licensing in principle and, as such, had no view on the fees which might be charged.
- 9.12 In addition, nearly one-third of respondents to this question felt there should be **no fee**. Nearly all of these were opposed to licensing in principle.
- 9.13 Just under a fifth suggested an amount for the fee, ranging from £1 to £250; the most common suggestions were £20 or £25. The highest fees were proposed by those who strongly supported the licensing of air weapons.
- 9.14 In general, respondents either wanted the fees to be kept as low as possible to promote good take-up of the scheme and to keep down costs for individual owners, or they wanted them to be set as high as possible (or at a high level) to discourage ownership and use of air weapons. A third group of respondents thought that the fee should be set at a level that enables the cost of administering the scheme to be recovered, with some specifically expressing opposition to public subsidy for the scheme. However, while some individuals felt this would result in a high fee, others implied in their response that they believed this would result in a low fee.
- 9.15 Those who argued in favour of no fee, or a nominal fee, frequently made the following points to support their view:
- A low fee would encourage people to apply for a certificate. A high fee would act as a disincentive to licensing and there would, thus, be a risk of air weapons becoming “lost” to registration and being used illegally.
 - A fee for an air weapon certificate set higher than that for a shotgun or firearm certificate would simply lead to people applying for certificates for (and owning and using) these more powerful guns instead.

9.16 The suggestion was frequently made that, during the transition period, there should be **no cost** for an initial certificate for current airgun owners in order to maximise take-up of licensing. Therefore, the first payment of a fee would take place at the point at which the certificate was due for renewal, or at the first purchase of an air weapon.

Renewal period and fee

9.17 The consultation document did not specifically discuss the issue of the renewal period for an air weapon certificate, but the issue was raised by around 50 respondents who generally favoured a lengthy renewal period – 10 to 20 years was mentioned most often. Other suggestions included five year certificates (similar to that for shotguns), and certificates with no expiry – i.e. a life-time certificate, similar to a driving licence.

9.18 On the subject of renewal fees, those respondents who commented on this issue generally felt that the renewal fee should be **less** than the initial application fee. Alternatively, as noted above, some respondents suggested that the initial application should have no fee, and that fees should only be introduced at the renewal stage.

9.19 Some respondents made the point that any fees set for air weapon certificates should at least partly take into account the renewal period for certificates. It was suggested that a higher fee would be acceptable if the renewal period was very long.

10 VISITOR PERMITS, CHECKS AND FEES

- 10.1 With the introduction of licensing, it will also be necessary to put in place a system which allows visitors to Scotland to shoot with an air weapon provided they can show evidence of their right to have that weapon. The Scottish Government has, therefore, proposed to introduce a system of visitor permits.
- 10.2 The consultation document set out the checks proposed in relation to applications for a visitor permit, and discussed the proposed durations and fees for a “standard visitor permit” and a “competition certificate”.
- 10.3 There were three questions in the consultation about these issues:

Question 11: Do you agree with the proposed levels of checks on applicants for a visitor’s permit?

Question 12: Do you agree with the proposal to adopt a system of time-limited visitor permits and do you agree with the proposed duration of such permits?

Question 13: Do you agree that a separate, longer term permit should be available to competition shooters?

- 10.4 Of the 531 respondents who addressed the consultation questionnaire:

- 372 respondents (70%) made a comment at Question 11
- 337 (63%) made a comment at Question 12 and
- 332 (63%) made a comment at Question 13.

At each of the questions, a sizeable minority of those offering a response (between a fifth and two-fifths) indicated disagreement but made no further comment. A smaller proportion indicated agreement with no further comment. Overall, while views were generally aligned with support for or opposition to licensing, there were some opposed to licensing in principle who nevertheless indicated agreement with the system of visitor permits envisaged.

- 10.5 There was a great deal of overlap in the responses to these three questions, with the following common themes arising:
- There is no need for licensing of air weapons and therefore no need for visitor permits
 - The cost of administering a system of visitor permits would be substantial and a waste of time and money
 - If visitor permits were to be implemented, they should be free of charge since the introduction of fees will deter people from coming to Scotland.

Views on the proposed levels of checks on applicants for a visitor permit

- 10.6 Many of those responding to this set of questions (particularly those opposed to licensing in general) commented on the idea of visitor permits and the

general approach envisaged rather than the detail of what was proposed, with the following main views offered:

- The proposals were described as “bureaucratic”, “unenforceable” or “unworkable”, particularly as there is no border control between England and Scotland.
- The arrangements would be confusing for visitors from countries where air weapons are not licensed, and ultimately would discourage people from coming to Scotland for shooting holidays and competitions, thus having an adverse impact on tourism, sport and the rural economy.
- There would be practical issues for those based south of the border offering pest control services in Scotland; respondents questioned whether such individuals would be expected to apply repeatedly for short-term passes.
- It was also argued that there was no evidence that visitors to Scotland are using their guns to commit crimes. Respondents therefore questioned why visitor permits were necessary at all.
- The practicality of relying on the concept of “sponsorship” was queried. The point was made that some visitors to Scotland may not be on an “organised” shooting-based holiday but may still wish to bring an airgun to shoot at clay grounds open to the general public. As such, they may not know anyone who could act as a sponsor on their behalf.

10.7 While many respondents were not in favour of the principle of visitor permits, some agreed that if such a system were to be implemented in Scotland, then possession of a GB or Northern Ireland firearm or shotgun certificate should be sufficient for an individual to be issued with a Scottish air weapons visitor permit. It was argued that the same procedure should apply for holders of an EU Firearms Pass.

10.8 In contrast to these arguments, those who were in favour of licensing generally *supported* the concept of visitor permits and largely agreed with the checks on visitors proposed by the Scottish Government, describing them as “sensible”, “reasonable”, “proportionate” and “achievable”. However, there were also some in this group who felt that checks should be more exhaustive than those proposed. For example, it was suggested that:

- There should be a check to determine whether an individual has a history of animal cruelty
- Visitors should not be permitted to enter Scotland for the purpose of killing animals
- Visitors should be required to pass a test of their firearm-handling abilities before they are permitted to take part in deer stalking or grouse shooting.

Views on the duration of visitor permits

10.9 Regarding the duration of visitor permits, among those who made more substantive comments at Question 12, views were broadly divided between those opposed to licensing and those in favour.

- 10.10 Those who were opposed to licensing wanted a longer duration for visitor permits than the three months proposed. Alternative suggestions for the duration of a visitor permit ranged from one year to 10 years, with one year (or “at least one year”) being by far the most common suggestion; suggestions of less than a year were rare amongst this group. A few individuals within this group also suggested unlimited duration (i.e. “lifetime”) permits.
- 10.11 Those in favour of licensing generally agreed with the proposed duration for visitor permits, or suggested a shorter duration, ranging from three weeks to two months. It was rare for anyone in this group to suggest one year or more as the duration for a visitor permit.
- 10.12 Those opposed to licensing repeatedly expressed concerns about the cost of implementing the scheme for visitor permits, describing them as “a waste of time and money”. They also offered the following more specific comments on how the operation of the scheme might be expedited for the visitor:
- A one-year permit should be issued simply by demonstrating that the applicant lived outside of Scotland – similar to the way in which overseas visitors to Scotland do not need to have a UK driving licence
 - An on-line application process should be available to allow visitors to apply and undergo any checks in advance of their visit to Scotland, so that they are not delayed upon arrival.
 - The permit should allow a visitor to purchase or borrow an air weapon if their own weapon breaks or malfunctions during their stay in Scotland.

Views about permits for competition shooters

- 10.13 In relation to permits for competition shooters, there were mixed views – both among those who were opposed to licensing and those who were in favour of licensing.
- 10.14 The following points were made by respondents opposed to licensing, but who agreed with the proposal for a longer-term permit for competition shooters:
- The duration of a permit for a competition shooter should be longer than one year. Suggestions ranged from three to 20 years, to a lifetime permit.
 - A longer-term permit for competition shooters should not attract a higher fee than a standard visitor permit since the administrative effort involved would be the same for both. There was also concern that a high fee might deter some competition shooters from attending Scottish competitions.
 - Regular competition shooters should be able to apply for a standard air weapon licence. This, it was argued, would reduce the overall costs of administering the system.
- 10.15 Among those who disagreed with the proposal were those who argued that competition shooters are law-abiding individuals who do not pose a risk to the general public in Scotland and should therefore be exempt from the need to obtain a permit to shoot in Scottish competitions. This same argument was

put forward by some respondents who agreed with the proposal, but who wanted a longer duration for competition shooters' permits.

10.16 However, others disagreed because they did not feel there was a compelling reason to make an exception for competition shooters (a few specifically disputed the arguments in the consultation paper that competition shooters "are likely to be well qualified and already subject to suitable checks on their fitness to hold weapons") who, instead, should apply for the same (three months or less) visitor permit as anyone else. To do otherwise was seen as discriminating against visitors who came to Scotland for stalking or grouse shooting.

10.17 Finally, those who wanted stricter licensing regulations argued more generally that too many exceptions, exemptions and special circumstances would leave the licensing legislation "full of loopholes and open to abuse".

11 HAND-IN ARRANGEMENTS

- 11.1 The consultation paper recognised that not everyone would wish to retain an existing air weapon under the new regime or, indeed, be able to meet the proposed “good reason” criteria. As such the option of handing in an air weapon to the police was proposed, and views were invited on this. Two further questions sought views on: the hand-in of unlicensed weapons at a later point; and temporary permits to allow people to deal with “forgotten” weapons or to cover circumstances such as winding up a relative’s estate.
- 11.2 The consultation paper also outlined the Government’s intention not to offer compensation for weapons handed in to the police. No specific question was asked on this subject but many respondents took the opportunity to provide comment on this issue, which was seen by many to be closely linked to hand-in arrangements. An analysis of these comments is presented in this chapter.

Question 14: Do you agree that there should be an appropriate hand-in period for currently held weapons, in advance of the new legislation taking effect?

Question 15: Do you agree that it should be a matter for the police and prosecution services to take a view on air weapons handed in at a later date?

Question 16: Do you agree that it should be open to the police to issue a permit to allow the person to deal with “forgotten” air weapons or, in appropriate cases, to apply for an air weapon certificate?

- 11.3 Of the 531 respondents who addressed the consultation questionnaire:
- 390 respondents (73%) made a comment at Question 14
 - 331 respondents (62%) made a comment at Question 15
 - 345 respondents (65%) made a comment at Question 16.

Hand-in period

- 11.4 Among those respondents opposed to the licensing of air weapons, some objected to the idea of a hand-in period. However, it was more common for respondents in this group, and for those who favoured licensing, to express various degrees of support for the idea, but with a range of caveats and other comments. Key issues were the duration and timing of the hand-in period:
- **Duration of hand-in period:** There were a range of suggestions as to how long this period should be, ranging from one month to 50 years or more, with a period of one year being most frequently mentioned. Those in favour of licensing or stricter regulation tended to favour a shorter hand-in period, well-advertised and with the offer of assistance in recovering unused / forgotten weapons from lofts and sheds. Those opposed to licensing favoured more extended hand-in arrangements (open-ended arrangements and arrangements lasting a “generation” were both mentioned), on the basis that this was required to ensure all owners were aware of the

licensing requirement; for forgotten or unused weapons to come to light; to allow people time to decide what they wished to do with their air weapon; and, more generally, to achieve maximum uptake, and thus reduce the pool of unlicensed air weapons in circulation.

- Timing of hand-in period: In terms of timing, there was general support for a hand-in period in the run up to the introduction of a new scheme, as proposed. However, there were also some objections to a hand-in period commencing *prior* to the licensing scheme coming into force. In particular, such an arrangement was perceived to imply that people in possession of air weapons were breaking the law prior to the commencement of the new scheme. In addition, it was suggested that the new scheme may be open to challenge and people should not be encouraged to hand in weapons until all such challenges were resolved. The main alternative view was that the hand-in period should run from the point of the scheme's introduction until all initial licensing applications were processed.

11.5 Some respondents expressed doubt about the likely success of any hand-in arrangements. It was suggested that the hand-in arrangements (and the licensing scheme in general) would be difficult to enforce, and that it would be easy for current owners to keep quiet about any guns they did not wish to hand in or license. Respondents were also of the view that previous firearms hand-in schemes and amnesties had had limited success.

11.6 In addition to the issues of the duration and timing of the hand-in period, a range of other measures were suggested to help maximise the surrender of unwanted air weapons:

- Advertising of hand-in period: The importance of promoting the hand-in period in advance was noted and some organisational respondents offered assistance in advertising the hand-in arrangements to their networks.
- Hand-in terms: In general, respondents felt it should be as easy as possible for people to hand in unwanted air weapons. Typically, this meant a lengthy hand-in period with no risk of penalties or prosecution, and an on-going amnesty following introduction of the legislation. Some argued that a hand-in scheme would be a better alternative to a licensing scheme, as this would more effectively reduce the number of airguns in circulation.
- Alternative disposal routes: There were calls for alternative disposal methods, such as sale or transfer to another individual, to be recognised within the scheme, and it was argued that the hand-in arrangements should allow enough time for such options to be explored by individual owners.

11.7 There were a range of more specific comments and concerns about the operation of a hand-in period, including the following:

- Gun shops might be used as drop-off points
- Gun retailers should be permitted to operate a second-hand sale service as an alternative to handing-in
- Arrangements would need to be put in place for dealing with the hand-in of potentially valuable antique and heritage items

- A process for decommissioning weapons which were handed in would need to be established
- The hand-in period should be extended for existing shotgun or firearm certificate holders up to the renewal date of their current certificate
- There should be a transition period to allow current owners to try to dispose of air weapons by sale or transfer
- There should be an opportunity to sell or hand in an air weapon following refusal of a licence application
- There should be no forensic testing of items handed in
- The running costs of a hand-in scheme were raised as an issue; there were also several suggestions for raising revenue through the sale of surrendered guns either for use or as scrap metal.

11.8 Those questioning the benefit of a hand-in period (within the wider context of opposition to regulation) raised the following additional points:

- The hand-in period would not be necessary if licences were issued automatically and / or were free of charge to existing owners
- A hand-in period or amnesty would be irrelevant to irresponsible owners
- Forgotten weapons were, in effect, doing no harm.

Compensation

11.9 A range of comments were made in relation to the issue of compensation for handed-in air weapons.

11.10 Respondents commonly argued that compensation should be paid – for three reasons: (i) compensation would recognise the financial loss involved for owners having to give up weapons as a result of the new legislation; (ii) it would encourage people to hand in weapons; and (iii) lack of compensation would lead to unwanted weapons being traded on the black market or remaining in circulation on an unlicensed basis.

11.11 Some respondents contested the figures provided in the consultation paper on the value of a typical air weapon, with figures of more than £1,000 cited. However, it was more common for respondents to suggest compensation levels ranging from £100 to £250. At the same time, the importance of compensation for antique guns and other higher value guns was also highlighted. It was suggested that compensation should be based on actual receipted cost and reflect market value. Less commonly, it was also suggested that owners should be compensated for any reduced market value of their airgun following the introduction of licensing.

11.12 Some warned that the failure to offer compensation may be open to legal challenge. Others expanded on this, arguing that without an accompanying compensation scheme, the hand-in arrangements were depriving people unlawfully of their possessions, and as such it was argued that this was in contravention of the European Convention on Human Rights.

11.13 Issuing licences free of charge to existing owners was suggested as an alternative to a hand-in and compensation scheme. In contrast, however,

those who were in favour of regulation (or a complete ban) supported the government view that no compensation should be paid.

Late hand-in of air weapons

11.14 There were two main views on the issue of police and prosecutor discretion in relation to air weapons surrendered beyond the initial hand-in period. Some favoured a discretion-based approach backed by a clear presumption against prosecution. Others favoured a more prescriptive approach, either for or against prosecution.

11.15 Those favouring discretion spoke of the need for “common sense”, with each case being assessed on its merits. Circumstances which might lead to late hand-in included inheritance, discovery of “forgotten” or unknown air weapons, and simple oversight. It was argued that people should not be penalised in such situations. Respondents suggested there was nothing to be gained from prosecuting people for late hand-in, and that the risk of prosecution could be a deterrent to weapons being handed in. This could result in air weapons being concealed, falling into the wrong hands or ending up on the black market. Respondents cited the Home Office document *Firearms Law: Guidance to the Police* which stated that “No obstacle should be placed in the way of a person who wants to surrender firearms or ammunition to the police”. It was suggested that fear of prosecution could constitute such an obstacle.

11.16 Some felt that late hand-in was already adequately covered by existing legislation and that any new air weapon procedures should follow those currently in place for shotguns and firearms.

11.17 Those respondents who were opposed to discretion (or who wished to see it exercised in limited circumstances) fell into two groups. Some argued that the licensing system would not make sense if the hand-in period, in effect, was open-ended. Respondents in this group argued for strict criteria for defining “forgotten” items and limited exceptions such as the winding up of estates. Others (generally those opposed to licensing) felt that owners needed greater certainty about how late hand-in would be treated.

11.18 Respondents also offered views on the role of the police or prosecution service in exercising discretion. In particular, there were concerns about: (i) variation in approaches in different areas and (ii) the burden this role would place on the police. Others contended that such a role would represent a fundamental breach of the principle of the separation of powers, with the police involved in too many aspects of the system.

Temporary permits

11.19 Views in relation to the issuing of temporary permits to allow for the disposal (or licensing) of inherited or forgotten air weapons were similar to the views in relation to late hand-in. Specifically, respondents felt that common sense was required in such circumstances, and that the process should not be punitive.

11.20 A number of respondents suggested that temporary permits would not be needed if discretion was properly exercised or if a lengthy hand-in period was introduced. Others suggested that anyone finding or coming into possession

of an air weapon should just be able to apply for a licence or dispose of it without the need for a temporary permit.

- 11.21 Among respondents who favoured strict regulation of air weapons, there was some opposition to the idea of temporary permits. This group argued instead that air weapons should be handed in on a temporary basis while any arrangements for sale, transfer or licensing were dealt with.
- 11.22 There were specific and somewhat different comments submitted in relation to “forgotten” air weapons vs. those identified during the winding up of an estate.
- “Forgotten” air weapons: It was felt by some that the large number of lost and forgotten air weapons made a temporary permit arrangement essential. Amongst those favouring regulation, however, there was some opposition to the idea of any “leeway” for forgotten weapons. These respondents were sceptical that air weapons could be “forgotten” and felt that anyone who could forget an air weapon would be unlikely to be able to show “good reason” to retain the weapon legally.
 - Air weapons identified during estate wind-up: Many respondents recognised a need for a temporary permit arrangement to allow for disposal or licensing of air weapons in these circumstances, with a minority seeing this as the *only* situation requiring a temporary permit. Some suggested that such a permit could be issued automatically to an estate executor.
- 11.23 The following comments were offered on the more operational aspects of the issue of temporary permits and the disposal of unwanted weapons:
- Such permits should be provided automatically on request, unless there was clear reason (e.g., relating to criminal behaviour) not to issue one
 - Temporary permits should be issued free of charge
 - The permit should not include the right to use the air weapon
 - Permits should be issued for an initial four-week period, with discretion to extend for an additional four weeks.
- 11.24 Respondents also offered comments on the role of the police in issuing such permits. Some respondents felt this was an inappropriate role for the police, and Justices of the Peace and councillors were both suggested as alternatives.

12 ENFORCEMENT AND PENALTIES

12.1 The consultation paper set out the Government's intention to introduce a series of new offences, penalties and enforcement measures in relation to the new licensing scheme, with the broad aim of mirroring existing equivalent shotgun and firearms offences. These provisions were likely to include offences and penalties for possession without a licence, or failure to comply with the conditions of a licence. In relation to enforcement, it was proposed that police officers would have powers to require the handing over of a licence and to demand the production of an air weapon certificate from someone believed to be in possession of an air weapon. Although it was indicated that these provisions would be subject to more detailed consultation in due course, the consultation paper sought views in response to the key issue of penalties for air weapon offences:

Question 17: Do you agree that penalties should be set at the same level as for shotgun offences?

12.2 Of the 531 respondents who addressed the consultation questionnaire, 369 (69%) provided views in response to this question.

Opposition to penalties in line with those for shotgun offences

12.3 The views offered in response to this question ranged from "absolutely" to "absolutely not". Those disagreeing strongly included people who felt there should be no new offences relating to air weapons. A second group argued that there was no comparison between air weapons and shotguns or firearms, in terms of power and lethality. In addition, they highlighted the relatively low number and severity of accidents involving air weapons and what they perceived to be a general lack of use in criminal or anti-social behaviour. Respondents suggested that most air weapon offences would be licensing offences committed through oversight or ignorance – thus meriting a less strict system of enforcement and penalties. Further, it was pointed out that the proposed licensing scheme recognised the difference between air weapons and shotguns, and so this premise should be reflected in provisions relating to penalties.

12.4 In terms of appropriate penalties, respondents generally argued that these should be "proportionate", taking account of the lower risk presented by air weapons, and the full circumstances of an individual incident. Respondents often made a distinction between licensing offences and more general misuse.

12.5 In terms of specific penalties, most commonly respondents supported the use of fines although there was also some willingness to consider other community disposals. There was, however, strong opposition to the use of custodial sentences except in circumstances involving violence, threats of violence or misrepresentation. In the case of licensing offences specifically, some possible penalties were suggested:

- Confiscation / temporary confiscation pending the processing of an application

- A fine set at three times the licence fee, with a third of the fine going towards payment for a licence; it was suggested this would encourage licensing.

12.6 Respondents opposed to heavy penalties for licensing offences were, nevertheless, often keen to stress the need for strict enforcement and stiff penalties, including custodial sentences, for offences relating to misuse or involving violent or criminal behaviour. However, the point was also made that current firearms legislation already adequately covered such circumstances.

12.7 Amongst this group, there were also concerns about the wider implications of a system of penalties in line with those for shotgun offences relating to:

- The potential criminalisation of large numbers of people which would put additional burden on the criminal justice system to “no useful social end”
- The risk of “diluting” existing firearms legislation
- The risk that stiff penalties might deter people from handing in unwanted air weapons in the future.

Support for penalties in line with those for shotgun offences

12.8 Those favouring penalties in line with those for shotgun offences felt that this was justified as air weapons were capable of causing harm, injury and even death. In addition, it was argued that there was little point in bringing in the new licensing system unless it was backed by tough penalties. There was also a view that lower penalties would perpetuate the idea that air weapons were less dangerous than other firearms.

12.9 While some in this group argued for a range of penalties to be available, another view was that current penalties for shotgun offences were too lenient, and that these should be increased and applied to air weapons too.

Enforcement issues

12.10 There were a number of comments relating to aspects of enforcement, where it was suggested that the police:

- Could take a stronger role in controlling illicit and inappropriate use of air weapons
- Would not have the knowledge to deal with technical airgun offences
- Should be governed by clear guidelines as to what would justify “belief” that a person was in possession of an air weapon.

Discussion of current arrangements for enforcement and penalties

12.11 A range of comments were made about the issue of current enforcement and penalties. Some respondents felt that tougher enforcement of existing laws in relation to air weapons would make the proposed licensing scheme redundant, and that the new offences and penalties would achieve little unless they were enforced. Many of those opposed to the licensing regime wished to see the retention of a common system of legislation and associated penalties across the whole of Great Britain.

13 SPREADING THE MESSAGE

- 13.1 The consultation paper stated the importance of ensuring that air weapon holders were made aware of any new licensing requirements, and identified a number of different groups who comprised the audience for any communication campaign in Scotland, the rest of the UK and around the world. The consultation sought views in response to the question:

Question 18: How else might the message be spread?

- 13.2 Of the 531 respondents who addressed the consultation questionnaire, just over half (n=283, 53%) made a comment in response to this question, covering issues such as the target audience; appropriate routes and methods for a communication campaign; and the nature of any communication campaign. Comments were also received on alternative – or additional – education and training options.
- 13.3 However, it should be noted that around a quarter of those responding to this question did not provide a substantive comment about the proposed communication campaign. Instead they took the opportunity to reiterate general opposition to the licensing of air weapons, with many stating that there would be no need to spread the message if the proposals were dropped. The views of this group are largely covered in Chapter 4 and are not included here.
- 13.4 There were also some respondents who said they were unsure about what “message” was referred to in the question, or who interpreted the question as referring to spreading a general “responsible shooting” message.
- 13.5 The remaining respondents made a wide range of comments about spreading the message. There were, however, a number of respondents who simply stated that the proposals as presented were “comprehensive” or “sufficient”.

The target audience

- 13.6 Respondents recognised all the audience segments identified in the consultation paper, but were particularly keen to stress the need for any communication campaign to reach all sections of the community. This was seen as important, given the number of air weapons in circulation and the fact that anyone who did not have a licence would be committing a criminal offence. Specific sub-groups within the target audience highlighted by respondents included young people, farmers, crofters, and pest-controllers.

Campaign routes and methods

- 13.7 A wide range of suggestions were put forward in relation to how the message might be spread. The most frequently mentioned methods were:
- Printed press (national, local and specialist): Respondents made specific mention of farming publications.
 - Television and radio: Both public information advertising and editorial content were noted as options here.

- The internet: Respondents frequently mentioned social media sites, on-line airgun user forums, government websites and the websites of other relevant organisations. However, it was also suggested that paid-for web advertising should be used (e.g., adverts linked to relevant web searches).
- Posters: Posters in public places (e.g., libraries and post offices) were seen as a way of reaching a wide general audience, while posters at venues like shooting ranges could reach the shooting community.
- Direct mail and leaflet drops: There were suggestions for household leafleting, for example, linked to the delivery of utility bills or council tax bills. In addition, direct mailing of all known gun owners was suggested; the importance of alerting all shotgun and firearm certificate holders to the fact that they would need an air weapon licence in addition to their existing certificates was highlighted.
- Working with shooting clubs and relevant third sector organisations: This option attracted a lot of support amongst individual clubs, sports governing bodies and other third sector campaign and interest groups. A number of organisational respondents also registered their willingness to assist with disseminating the message to their members.
- Working with other stakeholders: The police, local authorities and countryside rangers were all mentioned as agencies which could help disseminate the message. Working with the gun trade was also mentioned; placing adverts on tins of airgun pellets was a specific suggestion.

13.8 Suggested methods for reaching specific groups are noted below:

- Rural and farming communities: Farming publications, farmers' markets and auctions, game fairs and the Crofters' Commission were all noted as possible routes for reaching this group, with potentially lower levels of internet access highlighted as increasing the importance of more traditional methods of communication.
- Young people: Social media (e.g., Facebook, Twitter) was seen as an important route for getting the message across to this group. Other suggestions included information and articles in appropriate publications and on relevant television and radio programmes, advertising via computer games, and working with youth clubs and schools to get the message across.
- Visitors to Scotland: Suggestions included making information available on relevant government websites; displaying posters at the border, at airports and train stations; working with airline and international money transfer companies to disseminate the message to their customers; introducing a "declaration" system for those entering the country by air; liaising with agencies involved with firearms regulation in other countries. UK-wide advertising and leafleting was recommended.

13.9 Other less common suggestions included: advertising on big screens at sporting events; cinema advertising; advertising on parking tickets, bus tickets,

beer mats, etc.; targeting women's groups and networks; using mainstream service, rural, and tourism and leisure-related organisations and premises.

The nature of the campaign

13.10 Respondents suggested that any communication campaign should be clear, informative, impartial and non-emotive. It was also suggested that advertising could include details of local gun clubs which would be able to provide further information and support; this would provide helpful publicity for clubs and help ease the transition to the new regime. At the same time, those in favour of the introduction of licensing expressed a degree of concern that any campaign disseminated via shooting organisations should not be seen to be endorsing shooting or the shooting of live animals.

13.11 While respondents generally thought it was important to spread the message widely, there was some concern expressed about the cost of such a communication campaign. This was a particular issue for those opposed to the introduction of licensing who were sceptical about the need for such a scheme in the first place. There was a view that the money could be better spent in other ways, including on training and education to promote safe shooting, or funding a compensation scheme to encourage people to hand in air weapons. It was also argued that the Scottish Government should meet any costs (including third party costs).

Education and training

13.12 A significant group of respondents focused on the benefits of education and training for spreading the message. While some saw this education and training as accompanying any change in legislation, others specifically advocated this as an *alternative* to the introduction of licensing, seeing this as a more effective way of tackling gun crime and anti-social behaviour.

13.13 Respondents cited the decline in gun crime in recent years as evidence in support of such an approach. At a more general level, there was a view that any message should be part of a wider campaign promoting good citizenship and highlighting the unacceptability of crime and anti-social behaviour.

13.14 As well as recognising the key role played by parents in spreading the gun-safety message to their children respondents suggested that education and training could be delivered through:

- Schools, for example via school visits, and shooting education provided as part of the curriculum
- Clubs, as part of their ongoing training and education programmes, and their work to promote shooting as a safe and positive activity
- Free training provided by local police
- The promotion of a Code of Practice.

ANNEX 1: CONSULTATION QUESTIONS

Question 1: Do you agree with the proposed types of weapons to be covered by the new regime?

Question 2: Should any other weapons be covered?

Question 3: Is there any type of air weapon ammunition which should be covered?

Question 4: Are there any other forms of air weapon use which should be considered as “legitimate”?

Question 5: Do you agree that greater restrictions should be placed on where air weapon owners can shoot?

Question 6: Do you agree with these proposals for the application process?

Question 7: Do you think there are other issues we should consider around the application process?

Question 8: Do you agree that there should be a lower age limit of 18 for those seeking an air weapon certificate, and that use by those younger than 18 should be appropriately supervised by a licensed adult?

Question 9: Do you agree that a fee should be charged for each air weapon application, whether successful or not?

Question 10: Do you have a view on an appropriate fee to be charged for new or renewed applications?

Question 11: Do you agree with the proposed levels of checks on applicants for a visitor’s permit?

Question 12: Do you agree with the proposal to adopt a system of time-limited visitor permits and do you agree with the proposed duration of such permits?

Question 13: Do you agree that a separate, longer term permit should be available to competition shooters?

Question 14: Do you agree that there should be an appropriate hand in period for currently held weapons, in advance of the new legislation taking effect?

Question 15: Do you agree that it should be a matter for the police and prosecution services to take a view on air weapons handed in at a later date?

Question 16: Do you agree that it should be open to the police to issue a permit to allow a person to deal with “forgotten” air weapons or, in appropriate cases, to apply for an air weapons certificate?

Question 17: Do you agree that penalties should be set at the same level as for shotgun offences?

Question 18: How else might the message be spread?

ANNEX 2: LIST OF ORGANISATIONAL RESPONDENTS

Police

- Association of Chief Police Officers in Scotland
- Association of Scottish Police Superintendents
- Scottish Police Federation

Local authority and other public sector / national government bodies

- Border Force, National Customs Operations
- Falkirk Council
- Loch Lomond & The Trossachs National Park Authority
- Perth & Kinross Council
- Scottish Ambulance Service
- Stirling Council

Shooting / gun / country sports clubs, representative bodies and other organisations

- The British Association for Shooting and Conservation (BASC)
- British Shooting Sports Council
- Civil Service Shooting Club, West of Edinburgh SC
- Grampian Air Rifle Club
- Historical Breechloading Smallarms Association
- Juniper Green Air Rifle Club
- Juniper Green Rifle Club Committee
- Muzzle Loaders Association of Great Britain
- The Preparatory Schools Rifle Organisation
- Scottish Air Rifle & Pistol Association
- Scottish Association for Country Sports
- Scottish Countryside Alliance
- Scottish Rifle Association
- Scottish Target Shooting Federation
- Scottish Tetrathlon
- Tayside Airgun Club
- Union of Country Sports Workers
- Vintage Arms Scotland Shooting Club

Animal welfare

- Animal Aid
- Animal Concern Advice Line
- The League Against Cruel Sports Scotland
- Scotland for Animals
- Scottish SPCA

Historical interest /collectors groups

- Heritage Arms Study Group
- Museum Weapons Group

Gun trade - manufacture and retail

- Air Arms
- Airgun Manufacturers & Trade Association (AMTA)
- Falcon Airguns
- Gun Trade Association
- Highland Outdoors Limited
- Hull Cartridge Company Ltd
- John Knibbs International Ltd
- Kynamco Limited
- LiveLines Tackle & Guns
- NSP Development & Manufacturing Engineers Ltd
- Milbro Sport
- Shandwick Supply Co Ltd
- SportsMatch UK Ltd.

Gun crime / control campaign groups

- Gun Control Network
- Infer Trust

Legal

- Faculty of Advocates
- Law Society of Scotland

Other

- Glenfalloch Estate
- NFU Scotland
- Rufus Garland Foundation
- Scottish Accident Prevention Council
- Scottish Council, The Scout Association
- Shooters' Rights Association

ANNEX 3: RESPONDENTS' REASONS FOR DISAGREEING WITH THE SCOTTISH GOVERNMENT'S PROPOSALS

Opposition to licensing in principle

General points:

- Common statement of being opposed in principle.
- Proposals described, among other things, as “misconceived”, “disproportionate”, “draconian”, “heavy-handed”.
- Apparent confusion among some respondents who seem to equate the requirement for licensing with a “ban” on airguns.

Topic	Points made
Cross-border issues	<ul style="list-style-type: none"> • Some people have farms that cross both sides of the border • Concern about lack of consistency in legislation across the UK – issue of people avoiding law by purchasing airguns in England. • How will it be enforced – will there be border check-points? • Will cause complications and inconvenience for people travelling from England to Scotland
Personal history	<ul style="list-style-type: none"> • Respondent has been shooting responsibly for x years. • Shooting has brought family closer together.
Legislation not needed / not likely to be effective	<ul style="list-style-type: none"> • Existing legislation (firearm and anti-social behaviour) is adequate to cover misuse of airguns • Current legislation should be enforced. • Where airguns are misused, it is invariably the case that existing laws have been infringed. • Licensing won't stop criminals from misusing airguns/ criminals won't bother obtaining a licence. • There are more pressing issues for government to tackle. • Licensing is unlikely to be enforceable
Evidence-related issues	<ul style="list-style-type: none"> • Very low level of gun-crime/There has been a 71% reduction in airgun crime over the last five years. • No evidence that law is needed/new legislation would reduce misuse of airguns • No evidence of public concern/mandate for legislation
Preference for firearms legislation to continue to be aligned across the UK	<ul style="list-style-type: none"> • Scotland is part of the UK, and legislation related to airguns should remain the same across all countries in the UK.

Education is needed / would be more effective	<ul style="list-style-type: none"> • Education will eradicate airgun crime • Educational initiatives have been developed and are effective • Education, training, communication campaigns all seen as effective/see as way forward
Terminology	<ul style="list-style-type: none"> • Objections to: <ul style="list-style-type: none"> • the term “weapon” • the use of the phrase “right to bear arms” • statement that airgun ownership is “uncontrolled” – current legislation controls airguns
Unintended consequences	<ul style="list-style-type: none"> • New legislation will create a large number of new offences, which will be breached with intent and in ignorance – will result in the perception that airgun offences are increasing. • Legislation will criminalise owners who don't hand in their guns (either refuse to or unaware they need to) • Legislation will result in the use of more powerful and dangerous guns • Change in legislation is likely to result in confusion • Will drive guns “underground”/will create black market
Cost and resource implications	<ul style="list-style-type: none"> • Cost of implementation is prohibitive and is disproportionate to likely benefits / cost not justified • Major administrative burden for police / not a good use of police time / police are already struggling to cope with existing licensing arrangements for firearms • Money / efforts could be better used elsewhere
Financial implications for gun owners	<ul style="list-style-type: none"> • Compensation payment would be required / compensation would provide an incentive for people to hand in their guns • Value of airguns / associated equipment underestimated • Will put a significant financial burden on law-abiding gun owners
Effects on sport	<ul style="list-style-type: none"> • Shooting is a safe, well-regulated sport • Will damage shooting sports • Airguns provide an introduction to the sport – many will be put off learning if they have to pay for a licence • Licensing will make it harder to attract competitors from south of the border, as they will need to secure temporary permits to compete in Scotland • Capacity of clubs to respond to increased demand – funding issue

Issues to do with young people	<ul style="list-style-type: none"> • Will discourage young people from learning to shoot • Learning to shoot has a positive effect on young people – teaches them responsibility, interest in conservation and countryside, self-reliance, calmness
Impact on visitors, tourism and leisure	<ul style="list-style-type: none"> • Will damage Scottish rural economy (due to decline in people coming for shooting holidays in Scotland) • Will cause complications and inconvenience for people travelling from England to Scotland
Freedom	<ul style="list-style-type: none"> • Legislation represents a loss of freedom • An example of big brother government • Proposals are draconian
Constitutional law / history	<ul style="list-style-type: none"> • Right to own guns can be traced back for centuries through various statutes
Power / performance issues	<ul style="list-style-type: none"> • Airguns aren't as powerful as other firearms – don't need same regulation • Airguns more appropriate for vermin control than more powerful guns • Comparisons with other weapons – darts, crossbows
Knee-jerk reaction	<ul style="list-style-type: none"> • Proposal perceived as a knee-jerk reaction to high profile incidents, not based on logic • Disproportionate – very few serious incidents
Motivation for legislation	<ul style="list-style-type: none"> • Proposal is politically motivated / a political ploy – intended to get votes • Proposal is revenue-raising exercise
Rural issues	<ul style="list-style-type: none"> • Will damage Scottish rural economy • Attack on country sports / shooting community • Airgun crime happens in urban areas, not in the countryside / proposal seen as a response to a Central Belt problem.
Benefits of shooting / positive aspects of shooting	<ul style="list-style-type: none"> • Fun, rewarding pastime • Teaches respect, responsibility, discipline (see above re young people) • Family activity / open to all • Outdoor activity • Importance of pest control / wildlife conservation (e.g. red / grey squirrels)
Impact on legitimate / law-abiding gun owners	<ul style="list-style-type: none"> • Curtailment of legitimate activities – pest control, plinking • Cost • Bureaucracy • Deterrent effect • Barriers to accessing shooting clubs – availability, capacity, distance, transport, cost, preferences

Impact on economy	<ul style="list-style-type: none"> • Manufacturing and retail trade • Tourism and country sports • Rural economy
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Support for stricter regulation

General comment that proposals are long overdue.

Animal cruelty / dangers to animals	<ul style="list-style-type: none"> • Airguns commonly used to injure and kill wildlife • Often used by ordinary people to shoot neighbours' pets
Personal experiences / specific cases cited	<ul style="list-style-type: none"> • Airguns often fired at much larger animals, including stock animals – example of shot causing panic in a horse which knocked down its owner.



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