



Scottish Target Shooting  
Caledonia House  
1 Redheughs Rigg  
Edinburgh  
EH12 9DQ

# Police Scotland Q&A Session

## Scottish Target Shooting

Date: Saturday 28<sup>th</sup> April 2018, 13.00

Venue: Caledonia House, Redheughs Rigg, Edinburgh, EH12 9DQ

Delivered by: Inspector Andy Kirkwood, Firearms & Explosives Licensing covering Fife, Lothian & Borders, Central Scotland, Police Scotland

### Opening Remarks

Oliver Barsby introduced Andy Kirkwood and explained to those in the room that the questions submitted in advance would be read out and answered first and if time allowed, additional questions would be taken from the floor. If any questions could not be answered, then these can be submitted to Oliver to pass on to Police Scotland for a response. The questions asked have been grouped into categories and may contain some repetition:

### Variations

- 1. How come 8 English Forces are attending a shooting show and offering 1 for 1 variations "while you wait" whilst Police Scotland has now set a target for 16 weeks for the same task?**

This is an ongoing issue in certain areas and is currently being reviewed. The process will, for the most part, be undertaken much quicker and smoother and allow for the certificate holder to receive their variation in a shorter period.

However, this is with the caveat that where a variation request is considered contentious, further enquiry may be required and thus, on that individual occasion, it may be longer before a decision is made.

- 2. Why do I have to wait for 16 weeks for a variation to my FAC? (Fettes). Another club member applied to Glasgow Division and was awarded the variation within a few days, without checks?**

As above.

### Air Guns

- 3. The Scottish AWC - does it interact with the Violent Crime Reduction Bill with regards to purchase of air guns in Scotland?**

The sale of air weapons has not changed. Sec 31 of the Violent Crime Reduction Act 2006 provides Prohibition on sale or transfer of air weapons, except by registered dealer to the 1968 Act, by way of trade or business. The Air Weapons and Licensing (Scotland) Act 2015 does not encroach upon this piece of legislation in this respect.

- 4. Is it possible to issue an AWC card that can fit in a wallet or purse instead of having to carry the full certificate all the time?**

This is not something that would be progressed by Police Scotland. The Air Weapons and Licensing (Scotland) Act 2015 and its associated Orders defined what an 'air weapon certificate' should look like and thereafter set it out on statute. Even the paper that is used upon which the details of the certificate is printed is a specific

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style of paper which is to prevent illegal copying. Police Scotland would not have any objections to changes but the implementation of the change would need to come from the Scottish Government so it is recommended a request to make a change like this is best taken to the Scottish Government.

**5. Impact on licencing - we have seen a drop of over 50% of shooters attending competition due to the uncertainty and general concern of travelling and shooting since the introduction of licences. We are concerned at the stance of some clubs taking a 'no licence, no shoot' approach which has seriously disrupted events. What is the legal position while shooting without a licence under supervision at clubs?**

Graham Ellis noted that clubs are defensive and some implemented a no-licence no shoot policy. Clubs were concerned that their insurance would be invalidated. Most of the airgun clubs will avoid the "approved club" route. It was felt that there should be a common framework for clubs and guidance notes from the Scottish Government/Police Scotland and this clarification should be issued to all members

In terms of clubs, Police Scotland can make no enforcement on its own byelaws without initial discussion with Scottish Government. I feel however in this respect that it is a fear of 'getting it wrong' which is driving the clubs to make demands at events. Certainly, Police Scotland will be able to assist with any club queries in respect of what they are and are not allowed to do. The responsibility at all times remains with the club however and they must remain mindful of their responsibilities and conditions in ensuring safe shooting. I would highlight the following two pieces of legislation that will assist;

*It is not an offence under section 2(1) for an individual ("A") to use or possess an air weapon without holding an air weapon certificate if-*

- a) A is a member of an approved air weapon club,
- b) the use or possession occurs while A is engaged as such a member—
  - i) in target shooting at the club, another approved air weapon club, an event or competition, or
  - ii) in connection with such target shooting, and
- c) where A is under the age of 14, A's use and possession of an air weapon is supervised by another club member aged 21 years or more.

*Loaning of air weapons for exempted purposes*

*Section 16(1) of the Act, provides it is not an offence under section 24(1) or (2) for a person listed in subparagraph (2) to lend or to let on hire an air weapon to an individual ("A"), who does not hold an air weapon certificate, for the purpose of A's using and possessing the weapon in accordance with an exemption under this schedule.*

*(2) The persons are—*

- a) a holder of an air weapon certificate, or
- b) a person who
  - i) does not hold an air weapon certificate, but
  - ii) is entitled to use or possess an air weapon without committing an offence by virtue of an exemption under this schedule

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**6. Following on from above, what is the legal position of shooting with an expired licence while waiting on their licence renewal to be processed?**

Where an individual has applied for the renewal of an air weapon certificate before its expiry but the chief constable has not, as at the date of its expiry, determined whether or not to grant the renewal, the certificate is to continue to have effect until the application is determined (sec 8(2) of the AW Act).

It has been considered from a legal perspective that receipt of application by the Air Weapon Team would be the standard that would be considered when determining if an application has been made which would allow for the above to stand. A certificate holder could not walk into a police office in Aberdeen on their day of expiry and consider that they would be allowed to continue use of their air weapon until a decision has been made by the Chief Constable.

**7. There have been hugely varying times for renewals - what are the factors that can impact this?**

Most firearm licensing enquires follow a 16 week cycle which is transparent to the applicant, clear to the staff undertaking the enquiry, and allows sufficiency in most occasions for a fully informed decision to be made. The Air Weapon Team do try to turn renewals in a much quicker time period however the numbers that are due at certain points will affect this process. Likewise, issues where applications are not completed properly do cause individual delays.

We currently have granted 1,609 renewals outstanding and the Air Weapons Team are currently up to date in sending renewal letters out 16 weeks in advance. We also send out a 12 week reminder letter if required and also try and make contact thereafter with applicants by telephone call or letter, should they fail to respond to this. We have supported this by having staff work into the evenings which was found to allow for more certificate holders to be available to speak and thus alleviate any issues at the initial application phase.

There are currently no backlogs and if any renewals are not completed on time, it has been found it was the certificate holder themselves who are not engaging with Police or indeed failing to provide all of the necessary information. Some common faults that have been identified that slows done the renewal process are:

- Certificate holder unaware that they require to submit an AWL 1 form for renewal.
- No verifier's details completed as they have previously supplied these on the original form.
- No reference number on online banking payment making it difficult to trace - it is accepted that this can be the fault of the bank and not due to the Certificate holder.
- Not completing the relevant sections with details and merely stating 'as per previous form'.

**General****8. Can Police Scotland access the firearms database while on patrol?**

Not currently however Police Scotland are constantly looking to introduce technology to enable workforce efficiency and operational effectiveness, using analytics, better quality data and wider sources to improve decision making. All these factors will impact on how we deliver Firearms Licensing in the future.

Police Officer cannot access the database whilst on patrol but have indirect access through "Shogun". It was confirmed that if a person does not have a licence on their person then the Officer could call to check Shogun.



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Currently Police Scotland is ascertaining the capability of our existing ICT systems that would allow our command and control system to allow immediate identification of properties where weapons may legally be held. This will support public safety immeasurably if it is feasible.

**9. Does Police Scotland brief all travel entities (rail, air, sea etc.) about air weapon legislation and the carriage of air weapons to minimise disruption to the traveller especially when traveller is challenged to prove weapon is theirs?**

Scottish Government has provided guidance which is available by following the [http://airweapon.scot/images/uploads/downloads/Air\\_Weapons\\_Licensing\\_-\\_Guidance\\_-\\_April\\_2017.pdf](http://airweapon.scot/images/uploads/downloads/Air_Weapons_Licensing_-_Guidance_-_April_2017.pdf).

This is an open source living document that any person or organisation can review. Initially we did deal with significant queries in regards this very matter and we were able to provide guidance and direction to a multitude of companies. Police Scotland does not pro-actively approach companies per se but we are always willing to offer support and guidance where appropriate.

It was asked who was responsible for weapons when they are taken off the FAC holder on a flight, as no receipt is given. It was confirmed that the FAC holder is legally responsible whilst they have them in their possession, but when the airline takes control of them, they have responsibility if they are authorised carriers. The Scottish Government holds a list of authorised airline carriers and these will provided to STS to share with members.

**10. What are the regulations for clubs transporting rifles that are under a Club FAC to another club for competitions – must the individual registered to the Club FAC travel with the rifles because this cause problems practically when clubs compete 2-3 times a week across Scotland and this person cannot always travel. A member of a rifle club approved May, without holding a firearm certificate, have in his possession a rifle and ammunition when engaged as a member of the club in connection with target shooting. A firearm may not be transported by another person unless they hold a firearms certificate specifically authorising them to possess that gun?**

In actual terms of travelling with club weapons but the club certificate holder is not present, Section 22.18 of the Home Office Guidance provides;

*Members of an approved rifle or muzzle-loading pistol club who carry club firearms and ammunition for the purpose of club shoots at ranges away from their home club premises benefit from the provisions of section 15 of the 1988 Act. People so doing might be encouraged to carry written authority from their club secretary or club official and a copy of the club certificate. Firearms removed from club premises for the purpose of participating in competitions should be returned, without delay, to the club storage after the competition, unless it is impracticable to do so.*

This supports the proposition that a club member, without holding a certificate, can indeed travel to a 'target shooting' activity without holding a certificate in their own right.

From the point of a Club, this would support the sport, but places a significant responsibility upon the club and would seek reassurance that the person is a nominated club official and that a copy of the club certificate be present during transport. Police Scotland recommend from a Club perspective, where weapons cannot be



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returned to approved security, alternative measures are employed which does not breach legislation, i.e. the transporter cannot just take them back to their house. The security condition remains in place whoever has actual possession.

Clarification was sought of whether a RFD certificate holder or appointed agent could transport weapons. It was confirmed that this was permissible if it forms part of the business plan.

### 11. We see a huge variety in the medical check charges from free to £200 – do you have any advice around this?

Police Scotland has identified this as a problem both to the Home Office and Scottish Government. Ultimately it is outside the responsibility of Police Scotland and would require to be considered from a national (UK) perspective. A recent survey provided the average fee to be £40 but I am aware of certain GP's who charge in excess of £200. Unfortunately, Police Scotland can provide no advice around this issue but is working with GPs to try and bring these down and currently, out of 1,025 GP Practices in Scotland, there are now only 10 who are registered as conscientious objectors which is down from 12 months ago due to ongoing conversations Police Scotland have been having with these GPs.

### 12. Given the experience of trying to carry a paper certificate in all conditions, some are choosing to travel with a copy or an image. If asked for his/her licence when in possession of an air rifle, what would the process be and can a plastic card be introduced which is more resilient to weather conditions?

Again, this is not something that can be progressed by Police. This is a certificate agreed within UK Government and provided by statute. It is believed, there has been no discussions where the paper certificate is to be replaced by a card. The capability to do this is available, but not something any police force in the UK is able to progress without Government approval.

### 13. Would it be possible to get an update on pass, fails and challenges resolved? Not sure on what is meant by this?

Currently Police Scotland have 20,831 Air Weapon Certificates (though this includes many that are co-terminus with either firearms, shotguns or both). Since the introduction of the Air Weapons and Licensing (Scotland) Act 2015, 53 certificates have been revoked. It is not possible to discuss individual cases but many of the revocations have been due to medical considerations and criminal incidents which have come to light after certification.

Overall, there has been 22,069 air weapon applications to date, with 214 refused. Again, the 214 include a significant number of medical considerations and criminal involvement which called into question their suitability.

In terms of firearm and shotgun certificates, in Scotland we currently hold the following:

- Firearms: 3,466
- Shotguns: 24,469
- Co-Terminus: 21,387
- Both: 1,403



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Oliver Barsby noted that one of the reasons for forming STS was to create a united voice for target shooting to better engage with Police Scotland. He noted that he first met Andy early in 2016 and since then STS have been at the front in forming the Firearms Practitioners Group that brings together all bodies in Scotland involved in shooting including SACS, BASC, Police Scotland and the Scottish Government. This forum means that Scotland is far ahead of colleagues down south in ensuring all bodies are pointing in the same direction. STS enjoys a very positive relationship with Police Scotland as evidenced by the session held and everyone present expressed their thanks to all at Police Scotland for the fantastic job they are doing.

Ian Thomson reported that at the last Firearms Practitioners Group Meeting it had been discussed that before the formation of Police Scotland, some forces had been conducting unannounced visits with firearms certificate holders. Ian confirmed that FAC holders were under no obligation to allow the visit and request the Officer makes an appointment for a visit. Police Scotland do not have the resources to do this and will not make unannounced visits unless they have received intelligence requiring a visit. Where possible, any visit will be held in sociable hours and will be conducted cordially.

Andy Kirkwood thanked STS members for their questions, comments and support noting that Police Scotland recognised that most people holding firearms, shotguns and air weapons are law-abiding citizens.

Oliver Barsby noted that STS will continue to work with Police Scotland and will keep a running list of any queries. STS sits on the Scottish Firearms Practitioners Group which meets two or three times a year and also feeds into the wider UK police forum. He encouraged STS to members to raise problems they are experiencing with STS so these can be taken to the group to be raised and addressed.

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