

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

AIR WEAPONS AND LICENSING (SCOTLAND)
ACT 2015 (CONSEQUENTIAL PROVISIONS)
ORDER 2017

Tuesday 7 March 2017

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Saturday 11 March 2017

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The Committee consisted of the following Members:

Chair: PHIL WILSON

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| † Anderson, Mr David (<i>Blaydon</i>) (Lab) | Lord, Jonathan (<i>Woking</i>) (Con) |
| † Arkless, Richard (<i>Dumfries and Galloway</i>) (SNP) | † Mak, Mr Alan (<i>Havant</i>) (Con) |
| † Borwick, Victoria (<i>Kensington</i>) (Con) | † Morris, David (<i>Morecambe and Lunesdale</i>) (Con) |
| † Burt, Alistair (<i>North East Bedfordshire</i>) (Con) | † Opperman, Guy (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab) | † Oswald, Kirsten (<i>East Renfrewshire</i>) (SNP) |
| Cunningham, Mr Jim (<i>Coventry South</i>) (Lab) | Reynolds, Emma (<i>Wolverhampton North East</i>) (Lab) |
| † Dakin, Nic (<i>Scunthorpe</i>) (Lab) | † Robertson, Mr Laurence (<i>Tewkesbury</i>) (Con) |
| † Ellis, Michael (<i>Deputy Leader of the House of Commons</i>) | † Warburton, David (<i>Somerton and Frome</i>) (Con) |
| Jones, Mr Kevan (<i>North Durham</i>) (Lab) | Jonathan Whiffing, Lauren Boyer, <i>Committee Clerks</i> |
| † Liddell-Grainger, Mr Ian (<i>Bridgwater and West Somerset</i>) (Con) | † attended the Committee |

The following also attended, pursuant to Standing Order No. 118(2):

Raab, Mr Dominic (*Esher and Walton*) (Con)

Third Delegated Legislation Committee

Tuesday 7 March 2017

[PHIL WILSON *in the Chair*]

Draft Air Weapons and Licensing (Scotland) Act 2015 (Consequential Provisions) Order 2017

2.30 pm

The Deputy Leader of the House of Commons (Michael Ellis): I beg to move,

That the Committee has considered the draft Air Weapons and Licensing (Scotland) Act 2015 (Consequential Provisions) Order 2017.

The draft order, which was laid before on the House on 6 February 2017, is made under section 104 of the Scotland Act 1998, which allows for legislative provision that is

“necessary or expedient in consequence of...any Act of the Scottish Parliament”.

The draft order is made in consequence of part 1 of the Air Weapons and Licensing (Scotland) Act 2015, which received Her Majesty’s Assent on 4 August 2015, having been passed by the Scottish Parliament on 25 June 2015.

The 2015 Act gives effect to a provision in section 10 of the Scotland Act 2012 that devolves the power to regulate air weapons in Scotland, within certain limits, to the Scottish Parliament. It introduces a new licensing regime for air weapons to maintain controls over the use, possession, purchase and acquisition of such weapons in Scotland, broadly following the principles and practices of existing firearms legislation across Great Britain. It sets out the air weapons that need to be licensed; allows a fit person to obtain and use an air weapon in a regulated way, without compromising public safety; and sets out appropriate enforcement powers and penalties to deal with any person who contravenes the new regime. It is notable that in advance of the regime coming into force on 31 December 2016, almost 19,000 unwanted air weapons were voluntarily surrendered to the Police Service of Scotland for secure destruction.

The draft order will enable part 1 of the 2015 Act to be implemented in full by making the following consequential amendments to reserved Great Britain legislation, namely the Firearms Act 1968. First, it will make it

“an offence for a pawnbroker to take in pawn an air weapon”

in Scotland and will impose penalties for pawnbrokers who do so. Secondly, it will allow a court in England and Wales, under certain circumstances, to

“cancel any air weapon certificate granted to the person under...the Air Weapons and Licensing (Scotland) Act 2015”,

which will have the effect of extending the court’s existing powers to cancel a firearm certificate or shot gun certificate held by a person who appears before it. Thirdly, it will allow a court in Scotland to

“order...the forfeiture or disposal of any firearm...other than an air weapon...or ammunition found in the...possession”

of a person convicted of an air weapon offence.

Ministers and officials of the UK and Scottish Governments have worked and continue to work together closely to ensure that the draft order will make the necessary amendments to Great Britain legislation in consequence of part 1 of the 2015 Act. It represents the final piece of the jigsaw in the implementation of the new Scottish air weapons licensing regime, which will tighten controls of the use, possession, purchase and acquisition of such weapons in Scotland.

I hope the Committee agrees that the draft order is a sensible and positive use of the powers in the 1998 Act. I commend it to the Committee.

2.34 pm

Mr David Anderson (Blaydon) (Lab): It is a great pleasure to see you in the Chair today, Mr Wilson. I had not realised that you had been elevated to such heights. It is long overdue.

I will not delay the Committee for very long, as we obviously support the order, but I will ask for a couple of clarifications. The maximum penalty for a pawnbroker who takes in an air weapon when they should not is three months’ imprisonment or a level 3 fine. On what basis have the Government come to that decision? Is that sentence enough to be a real deterrent? In my ignorance, I have not got a clue what level 3 means. Will the Minister give us some idea of that?

I welcome the fact that 19,000 weapons have been handed in, but they are obviously the people we should not be worried about. Can the Minister reassure us? When people are ordered to forfeit or dispose of weapons, how is it policed to ensure that that actually happens? Is it possible that, because the pawnbroker is no longer there, there is more chance of an underground black market in air weapons developing? Clearly none of us wants that, so what will be done to ensure that that does not happen? I guess that nobody in this room would argue with the order, but we should remind ourselves that only 12 years ago, a two-year-old was killed in Scotland. That is worth mentioning, because this is serious stuff.

2.36 pm

Michael Ellis: I reiterate what a pleasure it is to appear before you, Mr Wilson, and opposite the hon. Member for Blaydon. In response to his question, a level 3 fine on the standard scale is a maximum of £1,000. The court system operates fines on a scale of 1 to 5, to take account of inflation.

The sentence of three months’ imprisonment would be a maximum. Officials and the relevant parties have considered that that would meet the merits of the offence because it is simply about possession, and there will always be the possibility of other offences in the case of misuse of a weapon.

The destruction of confiscated weapons would be a matter for the courts. I think the normal practice would be for the court to order the forfeiture or confiscation of the weapon, which would be securely destroyed by the authorities in a way that would put the weapon out of use, but if there is any difference in the process, I will write to the hon. Gentleman.

Question put and agreed to.

2.37 pm

Committee rose.