

The Use of Air Guns in Pest Control

A BPCA Code of Best Practice (COBP) is a set of written rules which explains how people working in our industry should behave in a particular situation. It encompasses relevant legislation, but is not law in itself. However, were a member to act outside of the norms outlined in the COBP, they may be

subject to disciplinary action and/or be in breach of legislation. BPCA members must abide by all Codes of Best Practice in their day-to-day work. Failure to do so may result in disciplinary action up to and including dismissal from the Association.

The aim of this code is to make operators within the pest industry aware of their responsibilities when using air guns. Air guns are commonly used to control pest birds and small mammal pests.

The reasons for using an air gun to help gain control may be:

- Knockdown of large numbers of roosting birds
- One-off culls of single or small numbers of mammals or birds that may be causing risks to public health and safety, air safety concerns and in some instances, to conserve
- Dispatch of trapped small birds and rodents.

Birds may fly into buildings for shelter or nesting opportunities, activating alarms and preventing alarms from being set. One off culling with an air weapon may be suitable in this situation.

Ornithophobia, an irrational fear of birds, can also cause upset and confusion when birds enter a building where people are working and rapid removal with an air gun may be appropriate.

Related legislation

- Wildlife and Countryside Act 1981
- The Firearms Act 1968-1997
- Firearms (Dangerous Air Weapons) Rules 1969
- Crime and Security Act 2010

Legal basis: Scotland

Part 1 of the Air Weapons and Licensing (Scotland) Act 2015 sets out a licensing system that will help to better protect Scottish communities.

You can find the legislation at legislation.gov.uk/asp/2015/10/contents

In summary, the legislation:

- Sets out the air weapons which need to be licensed
- Broadly follows the principles and practices of existing firearms legislation
- Allows a competent person to obtain a licence to own, possess and shoot an air weapon in a regulated way, without compromising public safety
- Sets out appropriate enforcement and penalties to deal with any person who contravenes the new regime.

From 31 December 2016, anybody aged 14 or above, who wishes to use, possess, purchase or acquire an air weapon in Scotland will require an air weapon certificate (although some exemptions apply).

Section 2 also specifies that failure to comply with this requirement is a criminal offence and any person convicted could be fined and/or imprisoned for up to two years. Young people, aged 14 and over but under 18 years of age cannot purchase, hire, accept as a gift or own an air weapon in their own right. This will be specified as a condition on any air weapon certificate issued to them.

The **Air Weapon Licensing Project Team** in Scotland states; if any individual wishes to carry out pest control, whether in their own time or as part of a business, they require to hold **individual** air weapon licenses. There are no exceptions to this.

In Scotland, an Air Weapon Licence is available from airweaponandlicensingproject@scotland.pnn.police.uk

Air Arms

Legal basis: Northern Ireland

In Northern Ireland air guns and CO2 guns having a discharge kinetic energy in excess of one (1) Joule (0.737 ft lbs) require to be held on a firearm certificate. For air guns below that limit the following restrictions are in place.

Under Paragraph 9 of Schedule 1 of the Firearms (NI) Order 2004, persons under the age of 18 cannot possess such firearms, unless they have attained the age of 14 years or are under the direct supervision of a person of 21 years or over.

Persons not holding a firearm certificate cannot purchase such firearms, unless they have attained the age of 18 years.

Ammunition for an airgun can be purchased and possessed without holding a firearm certificate.

Legal basis: England and Wales (with many points relevant to Scotland and Northern Ireland)

General guidance

The law makes no distinction between air guns and more powerful guns for which licenses are needed - they are all classed as firearms. This means that any offence committed can carry a heavy penalty - and there are potentially many different offences. Following this code will help compliance with the law, but, in case of doubt, seek advice from your local police firearms licensing department.

Since 2011 it has been an offence for any person in possession of an airgun not to take reasonable precautions to prevent someone under the age of 18 gaining unauthorised access to the air gun (this does not apply to Northern Ireland, which has its own firearms legislation). It is also;

- An offence to fire an air gun pellet beyond the boundary of the premises where you have permission to shoot
- An offence in England and Wales to shoot within 50 feet of the centre of a highway if this results in someone being injured, interrupted or endangered

- An offence in Scotland to discharge any gun in a reckless manner
- Always ensure that an air gun is capable of killing the target species. If the species cannot be cleanly killed you may breach the Wildlife and Countryside Act 1981
- An offence for a person in possession of an air gun to fail to take reasonable precautions to prevent someone under the age of 18 gaining access to it
- An offence for anyone to have an air gun in a public place without reasonable excuse.

Process

Safety is the most important consideration when using air guns. Those that shoot pest species must conduct themselves according to the law and to the highest standards of safety, courtesy and sensitivity to those who may be exposed to the knowledge of pest culls.

- Never point a rifle, gun or pistol in an unsafe direction - always know where the muzzle of the gun is pointing
- Where shooting is carried out in potentially public places, efforts must be made to show the gun is safe when not in use, ie safety line running through the barrel and ammunition kept separate
- Any person using an air gun should have adequate training and guidance in their safe and effective use
- All other means of control/eradication must be considered and documented where applicable before lethal action with an air gun is decided upon
- A thorough risk assessment must be carried out, all hazards identified and risks reduced to acceptable levels, eg barriers used to exclude third parties.
- Where applicable, always inform the local police force of your intent to carry out a shoot and acquire a log number
- Never shoot unless you have positively identified the pest species. It is recommended a copy of the any licence (general or otherwise) is carried with you, but is not essential (England and Wales, Scotland and Northern Ireland)

Air Arms

- The shooter must have adequate knowledge of the pest species and their retrospective kill zone to ensure humane dispatch
- Know the pest species that could be legally shot according to the General Licences for the country of concern
- You must only shoot where you have the permission of the land owner or occupier
- A suitable and delegated person should be a spotter depending on your risk assessment. Only if an area can be positively secured from third parties should lone shooting be carried out
- Before carrying out any shoot, the user of the air gun must ensure the gun has been properly maintained as per the manufacturers' recommendation and zeroed to help ensure safe, accurate and effective use
- Always ensure the air gun is powerful enough to achieve a clean kill. Generally, the ideal power level is just over 11 ft lb. Any rifle over 12 ft lb is illegal without a firearms licence
- Do not attempt a shot of more than 30 metres
- Always use pellets appropriate to the pest and the shoot location
- Every pellet must be checked before loading to ensure that it is not damaged or deformed
- Always ensure a suitable backdrop is present when aiming and firing for the target species, ie do not fire with glass as a backdrop
- Always bear in mind the possibility of ricochets
- Safety Glasses should always be worn during a shoot to prevent possible ricochet or blood splatters from injured birds. These should also be EN166 compliant
- All carcasses and associated debris must be retrieved/found and cleaned/disposed of appropriately
- Always prevent anyone under the age of 18 having unauthorised access to the air gun
- The air gun should be secured during transport to the body of the vehicle out of sight of the general public. Movement in transit may damage or affect the sights of the weapon (any unnoticed damage to the air gun can lead to injuries when in use)
- The gun should be in a rigid case or good quality soft gun cover to prevent shock damage. Ideally any gun case should be lockable
- Air bottles used for Pre-Charged Pneumatic rifles should ideally be stored within vehicles in an upright position to prevent damage to the valve system. It would also be good practice to display a compressed air warning sign when carrying a bottle in a commercial vehicle
- Air guns should be stored in a locked cabinet with the pellets stored separately within the building
- All air guns must be well maintained in accordance with the manufacturer's recommendations
- It is advisable that the power is checked a minimum of annually and more often if used frequently, for example if the air gun is used heavily every weekend it may need checking every three-four months.

If an individual has any criminal convictions then there is a possibility that they will not be able to legally use an air gun, you should check with your local police constabulary.

Further reading

- BASC: Code of Practice - Air Rifle Safety
- UK Home Office: Air weapons: a brief guide to safety
- Police service of Northern Ireland - firearms, know the law
- The Air Weapons and Licensing (Scotland) Act 2015

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