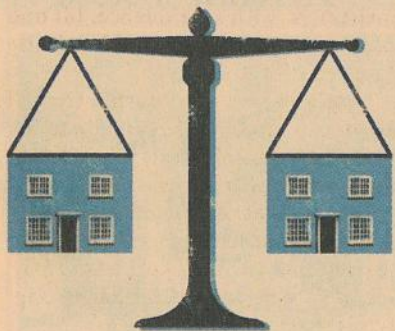


James Fryer



They shoot squirrels, don't they?



Property Law

The laws around discharging an air rifle and the peace of mind of putting an LPA in place.

By Peter Csemiczky and Richard McDermott

How to be a big shot in the city

Squirrel nuisance may appear a piffling issue but as one who has endured years of these creatures killing trees, fledglings, blossom buds and priceless bulbs, I have decided that the only recourse is to shoot them. I live in the centre of a provincial city with neighbouring gardens on three sides. So, given that an AK-47 is unlikely to be acceptable, how about an air rifle?

The legislation governing the use and control of firearms is complicated and you should consider the potential consequences of owning and using an air weapon. It is against the law to have an air weapon in a public place without a reasonable excuse. Taking the

weapon home from a dealer or transporting it to a rifle club may amount to a reasonable excuse but this would be for a court to decide.

But I only want to use the air rifle on my own land – how do I know if it is legal to own and use?

Subject to certain exceptions, it is legal to own and keep an air weapon without a firearm certificate.

The first thing to do is check the exact specification of the weapon. Air weapons which use a self-contained gas cartridge (such as a Brocock gun) are prohibited under the Firearms Act 1968 and to possess such a weapon without authority is a criminal offence which carries a mandatory minimum sentence for adults of five years' imprisonment. Furthermore, air rifles

with a muzzle energy greater than 12ft lbs (or 6ft lbs in the case of air pistols) are also prohibited and may only be held with the authority of the secretary of state. If you are in any doubt, ask your local police force's firearms licensing team.

I've checked the weapon and it's not prohibited. Can I now shoot the blighters?

Assuming these are grey squirrels and not red (which are a protected species under the Wildlife & Countryside Act 1981), you can legally use the air weapon on your private land for vermin control. However, discharging the firearm in your garden could still cause you difficulties. It is a criminal offence to fire a pellet beyond the boundaries of your garden, for

example. You're also prohibited from firing an air weapon within 50ft of a public road or footpath in such a way as to cause a road user to be injured, endangered or even alarmed. Given that you live in the centre of city, shooting the squirrels doesn't look like a realistic option.

Upon consideration, shooting them does seem a bit risky. Are there any other methods?

You could kill the squirrels through any other humane method. Trapping them may cause you a whole new set of problems. Once the squirrel is under your control, you are responsible for its welfare and must not cause it unnecessary suffering. Odd as it may seem, it is also a criminal offence to release the squirrel once you have

caught it. Your best option might just be calling in a pest control expert to take the problem off your hands.

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