



# Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 25th June 2015 and received Royal Assent on 4th August 2015**

An Act of the Scottish Parliament to make provision for the licensing and regulation of air weapons; to amend the Licensing (Scotland) Act 2005; to amend and extend the licensing provisions of the Civic Government (Scotland) Act 1982; and for connected purposes.

## PART 1

### AIR WEAPONS

#### *Meaning of air weapon*

#### **1 Meaning of “air weapon”**

- (1) This section defines the expression “air weapon” for the purposes of this Part.
- (2) The expression generally has the same meaning as that given in section 1(3)(b) of the Firearms Act 1968 (“the 1968 Act”).
- (3) In addition, the expression includes—
  - (a) the component parts of an air weapon (within the meaning of section 1(3)(b) of the 1968 Act), and
  - (b) any accessory to such a weapon designed or adapted to diminish the noise caused by discharging the weapon.
- (4) But the expression does not include—
  - (a) an air weapon which is not a firearm (within the meaning of section 57(1) of the 1968 Act),
  - (b) an air weapon (within the meaning of section 1(3)(b) of the 1968 Act)—
    - (i) which is not capable of discharging a missile with kinetic energy of more than one joule as measured at the muzzle of the weapon, or
    - (ii) that is designed to be used only when submerged in water, or

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015. (See end of Document for details)*

- (c) the component parts of an air weapon described in paragraph (a) or (b)(i) or (ii).

(5) Other words and expressions used in this Part are defined in section 40.

#### Commencement Information

**II** [S. 1](#) in force at 1.12.2015 by [S.S.I. 2015/382](#), art. 2, [Sch.](#)

### *Air weapon certificates*

## 2 Requirement for air weapon certificate

- (1) It is an offence for a person to use, possess, purchase or acquire an air weapon without holding an air weapon certificate.
- (2) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (3) Schedule 1 contains exemptions from—
  - (a) the offence under subsection (1), and
  - (b) certain other offences under this Part.
- (4) The Scottish Ministers may by regulations amend schedule 1 so as to—
  - (a) add further exemptions,
  - (b) remove or modify exemptions.

#### Commencement Information

**I2** [S. 2\(1\)-\(3\)](#) in force at 31.12.2016 by [S.S.I. 2016/130](#), art. 3(a) (with art. 4)

**I3** [S. 2\(4\)](#) in force at 1.12.2015 by [S.S.I. 2015/382](#), art. 2, [Sch.](#)

## 3 Application for grant or renewal of air weapon certificate

- (1) An individual aged 14 years or more may apply to the chief constable for—
  - (a) the grant of an air weapon certificate, or
  - (b) the renewal of an air weapon certificate.
- (2) An application is valid only if it complies with the requirements of—
  - (a) section 4 (verification of applications),
  - (b) if applicable, section 7 (special requirements and conditions for young persons), and
  - (c) any regulations under section 36 which apply to the application.
- (3) The chief constable must maintain a register containing the details of each application made under this section (whether or not the application results in an air weapon certificate being granted or renewed).

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#### Commencement Information

- I4** S. 3 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)  
**I5** S. 3 in force at 31.12.2016 in so far as not already in force by S.S.I. 2016/130, art. 3(a) (with art. 4)

## 4 Verification of applications

- (1) An application for the grant or renewal of an air weapon certificate must be verified in the prescribed form and manner by an individual who meets the requirements of subsection (2) (“a verifier”).
- (2) The requirements are that a verifier must—
  - (a) have known the applicant for at least 2 years,
  - (b) in the opinion of the chief constable, be of good standing in the community,
  - (c) not be—
    - (i) a relative of the applicant,
    - (ii) a registered firearms dealer,
    - (iii) a constable or a member of police staff,
    - (iv) a member of, or a member of staff of, the Scottish Police Authority, or
    - (v) ordinarily resident outwith the United Kingdom.
- (3) In verifying the application, a verifier must confirm that, to the best of the verifier's knowledge and belief, the information supplied in the application is correct.

#### Commencement Information

- I6** S. 4 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)  
**I7** S. 4 in force at 31.12.2016 in so far as not already in force by S.S.I. 2016/130, art. 3(a) (with art. 4)

## 5 Grant or renewal of air weapon certificate

- (1) The chief constable may only grant or renew an air weapon certificate if satisfied that the applicant—
  - (a) is fit to be entrusted with an air weapon,
  - (b) is not prohibited from possessing an air weapon or other firearm under section 21 of the 1968 Act,
  - (c) has a good reason for using, possessing, purchasing or acquiring an air weapon, and
  - (d) in all the circumstances, can be permitted to possess an air weapon without danger to the public safety or to the peace.
- (2) The chief constable may, when considering an application made under section 3 by an applicant who holds a firearm or shot gun certificate, treat paragraphs (a) and (b) of subsection (1) as being satisfied in relation to the applicant.
- (3) The chief constable may, before determining an application made under section 3, require that the applicant permit a constable or member of police staff—
  - (a) to visit the applicant at the applicant's usual place of residence,
  - (b) to inspect any place where the applicant intends to store or use an air weapon.

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#### Commencement Information

- 18** S. 5 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)  
**19** S. 5 in force at 31.12.2016 in so far as not already in force by S.S.I. 2016/130, art. 3(a) (with art. 4)

### 6 Air weapon certificate: conditions

- (1) Every air weapon certificate is subject to any prescribed mandatory conditions.
- (2) The chief constable may, when granting or renewing an air weapon certificate, attach conditions to the certificate (and, in the case of a renewal, may attach different conditions from those attached to the certificate prior to its renewal).
- (3) The chief constable may not attach to an air weapon certificate a condition which is inconsistent with—
  - (a) a prescribed mandatory condition which applies to air weapon certificates, or
  - (b) a condition which must be attached to the certificate under this Part.
- (4) It is an offence for a holder of an air weapon certificate to fail to comply with a condition attached to the holder's certificate.
- (5) An individual who commits an offence under subsection (4) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

- 110** S. 6(1)–(3) in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)  
**111** S. 6(1)–(3) in force at 31.12.2016 in so far as not already in force by S.S.I. 2016/130, art. 3(a) (with art. 4)  
**112** S. 6(4)(5) in force at 31.12.2016 by S.S.I. 2016/130, art. 3(a) (with art. 4)

### 7 Special requirements and conditions for young persons

- (1) This section applies where an applicant for an air weapon certificate is under the age of 18.
- (2) A parent or guardian of the applicant must consent in the prescribed form and manner to the applicant making the application.
- (3) Where the chief constable grants an air weapon certificate to an individual under the age of 18, the chief constable must attach to the certificate—
  - (a) the condition described in subsection (4), and
  - (b) one or more of the conditions described in subsection (5).
- (4) The condition is that the holder may not purchase, hire, accept a gift of or own, an air weapon.
- (5) The conditions are that—
  - (a) the holder may use and possess an air weapon only for sporting purposes (including shooting live quarry) on private land,
  - (b) the holder may use and possess an air weapon only for the purposes of target shooting on private land,

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- (c) the holder may use and possess an air weapon only for the purposes of participating in events or competitions,
  - (d) the holder may use and possess an air weapon only for the purposes of the holder's membership of an approved air weapon club,
  - (e) the holder may use and possess an air weapon only for the purposes of protecting livestock, crops or produce on land used for or in connection with agriculture,
  - (f) the holder may use and possess an air weapon only for the purposes of pest control.
- (6) It is sufficient, for the purposes of section 5(1)(c), for the chief constable to be satisfied that the applicant has a good reason for using or possessing an air weapon.
- (7) For the purposes of this section, “agriculture” is to be construed in accordance with section 85 of the Agricultural Holdings (Scotland) Act 1991.

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**Commencement Information**

- I13** S. 7 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)
- I14** S. 7 in force at 31.12.2016 in so far as not already in force by S.S.I. 2016/130, art. 3(a) (with art. 4)

## 8 Duration of air weapon certificate

- (1) An air weapon certificate expires (unless earlier revoked or cancelled)—
- (a) in the case of a certificate granted to an individual under the age of 18, when the individual attains the age of 18,
  - (b) in any other case, at the end of the period of 5 years beginning with the date on which the certificate is granted or renewed.
- (2) 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.
- (3) The Scottish Ministers may by regulations amend subsection (1)(b) to specify a different period.

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**Commencement Information**

- I15** S. 8(1) in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)
- I16** S. 8(1) in force at 31.12.2016 in so far as not already in force by S.S.I. 2016/130, art. 3(a) (with art. 4)
- I17** S. 8(2)(3) in force at 31.12.2016 by S.S.I. 2016/130, art. 3(a) (with art. 4)

## 9 Alignment of different types of certificate

- (1) Subsection (2) applies where an individual—
- (a) holds a firearm or shot gun certificate, and
  - (b) makes an application for the grant or renewal of an air weapon certificate under section 3.