



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 1

AIR WEAPONS

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

- II** [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—

Status: Point in time view as at 01/07/2016.

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

- (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).

Commencement Information

I2 S. 3 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

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

I3 S. 4 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

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

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- (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.

Commencement Information

I4 S. 5 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

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

I5 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)

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).

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- (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,
 - (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.

Commencement Information

I6 S. 7 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

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.

Commencement Information

I7 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)

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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.
- (2) Where this subsection applies, the applicant may request that the chief constable grant or renew an air weapon certificate for such shorter period than is provided for in section 8 as is appropriate to secure that it expires on the same day as the applicant's firearm or shot gun certificate (or, if the applicant holds both a firearm and shot gun certificate, either of them).
- (3) Subsection (4) applies where an individual—
 - (a) holds an air weapon certificate, and
 - (b) makes an application for the grant or renewal of a firearm or shot gun certificate under the 1968 Act.
- (4) Where this subsection applies, the applicant may make an application under section 3 of this Act for the air weapon certificate to be renewed as from the same day as that on which the firearm or shot gun certificate is granted or renewed.

Commencement Information

18 S. 9(1)(2) in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, **sch.** (with arts. 5, 6)

10 Variation of air weapon certificate

- (1) The chief constable may, by giving notice to the holder of an air weapon certificate—
 - (a) vary the holder's certificate,
 - (b) attach conditions to the certificate, or
 - (c) vary or revoke a condition attached to the certificate other than—
 - (i) a prescribed mandatory condition which applies to air weapon certificates, or
 - (ii) a condition which must be attached to the certificate under this Part.
- (2) The chief constable may give a notice under subsection (1)—
 - (a) on the application of the holder of an air weapon certificate, or
 - (b) of the chief constable's own accord (at any time).
- (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) For the purposes of this section, the chief constable may by notice given to the holder of an air weapon certificate require the holder to produce the certificate within the period of 21 days beginning with the date on which the notice is given.

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Commencement Information

I9 S. 10 in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

11 Revocation of air weapon certificate

- (1) The chief constable must revoke an air weapon certificate if—
 - (a) the chief constable is satisfied that the holder of the certificate can no longer be permitted to possess an air weapon without danger to the public safety or to the peace, or
 - (b) the holder is prohibited from possessing an air weapon or other firearm under section 21 of the 1968 Act.
- (2) The chief constable may revoke an air weapon certificate if—
 - (a) the chief constable has reason to believe that the holder—
 - (i) is no longer a fit person to be entrusted with an air weapon, or
 - (ii) no longer has a good reason to use, possess, purchase or acquire an air weapon,
 - (b) the chief constable is satisfied that the holder of the certificate has failed to comply with a condition attached to the certificate, or
 - (c) the holder fails to produce the certificate when required to do so under section 10(4).
- (3) An air weapon certificate is revoked by the chief constable giving notice to the holder of the certificate to that effect.
- (4) A notice under subsection (3) must—
 - (a) be given at least 7 days before the date on which the revocation is to take effect, and
 - (b) require the holder to surrender the certificate and any air weapons that the holder possesses by such date as the chief constable may specify in the notice.
- (5) It is an offence for a person, without reasonable excuse, to fail to comply with the requirements of a notice given under subsection (3).
- (6) A person who commits an offence under subsection (5) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (7) In the event that the holder of an air weapon certificate makes an appeal under section 34 against a decision to revoke the holder's certificate—
 - (a) the revocation does not take effect, but
 - (b) the holder must still surrender the certificate and any air weapons that the holder possesses in accordance with the requirements of the notice given under subsection (3),
 pending the determination or withdrawal of the appeal.

Commencement Information

I10 S. 11(1)-(4)(7) in force at 1.7.2016 for specified purposes by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

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