

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

Changes to legislation: Air Weapons and Licensing (Scotland) Act 2015, SCHEDULE 2 is up to date with all changes known to be in force on or before 18 December 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 2

(introduced by section 87)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

AMENDMENTS AND REPEALS RELATING TO PART 1

Firearms Act 1968

- 1 (1) The Firearms Act 1968 is amended as follows.
- (2) In section 3(1) (offences relating to manufacturing, selling or transferring firearms when not a firearms dealer)—
 - (a) immediately following paragraph (a), insert “ or ”,
 - (b) the word “or” immediately following paragraph (b) is repealed,
 - (c) paragraph (c) is repealed.
- (3) In section 21A (firing an air weapon beyond premises), after subsection (1) insert—

“(1A) A person commits an offence if the person—

 - (a) is supervising the use and possession of an air weapon on private premises by a person under the age of 18, and
 - (b) allows the supervised person to fire any missile beyond those premises.”.
 - (4) Section 22(4) (offence for person under 18 to possess an air weapon or ammunition for an air weapon) is repealed.
 - (5) Section 23 (exceptions from section 22(4) of that Act) is repealed.
 - (6) In section 24(4) (supplying firearms to minors), in paragraph (b), for the words from “by” to the end substitute “ the person holds an air weapon certificate granted under section 5 of the Air Weapons and Licensing (Scotland) Act 2015 or the possession is otherwise in accordance with Part 1 of that Act. ”.
 - (7) In section 24ZA (failing to prevent minors from having air weapons), for subsection (2) substitute—

“(2) Subsection (1) does not apply where—

 - (a) the person under the age of 18 holds an air weapon certificate granted under section 5 of the Air Weapons and Licensing (Scotland) Act 2015, or
 - (b) the use or possession of the weapon by the person under the age of 18 is otherwise in accordance with Part 1 of that Act.”.
 - (8) In section 57 (interpretation)—
 - (a) in subsection (3), for “22(4), 22(5), 23(1)” substitute “ 21A(1A) ”,
 - (b) in subsection (4), in the definition of “firearms dealer”, in paragraph (b), for “sells or transfers” substitute “ manufactures, sells, transfers, repairs or tests ”.

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(9) In Schedule 4 (particulars to be entered by firearms dealer in register of transactions)

- (a) in Part 1, in the note, after “2” insert “ or 3 ”,
- (b) in Part 2, for the note substitute— “ *Notes: This Part does not apply in relation to Scotland. In this Part “air weapon” includes any component of, or accessory to, an air weapon.* ”,
- (c) the heading of Part 2 becomes— “ PARTICULARS RELATING TO AIR WEAPONS: ENGLAND AND WALES ”,
- (d) after that Part insert—

“PART 3

PARTICULARS RELATING TO AIR WEAPONS: SCOTLAND

Notes: This Part applies in relation to Scotland. In this Part “air weapon” includes any component of, or accessory to, an air weapon.

- 1 The quantities and description of air weapons manufactured and the dates of manufacture.
- 2 The quantities and description of air weapons purchased or acquired with the names and addresses of the sellers or transferors and the date of each transaction.
- 3 The quantities and description of air weapons accepted for sale, repair, testing, cleaning, storage, destruction, or any other purposes, with the names and addresses of the transferors and the date of each transaction.
- 4 The quantities and description of air weapons sold or transferred with the names and addresses of the purchasers or transferees and the date of each transaction.
- 5 The quantities and description of air weapons in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.”.

(10) In Schedule 6 (prosecution and punishment of offences)—

- (a) in the table in Part 1 (punishments)—
 - (i) in the entry for section 21A (person making improper use of air weapon), in the first column, for “21A” substitute “21A(1) and (1A)”,
 - (ii) the entry for section 22(4) is repealed,
 - (iii) the entry for section 23(1) is repealed,
- (b) in Part 2 (supplementary provisions as to trial and punishment of offences)—
 - (i) in paragraph 7, for “21A, 22(3) or (4), 23(1)” substitute “ 21A(1), 21A(1A), 22(3) ”,
 - (ii) in paragraph 8, for “21A, 22(3) or (4), 23(1),” substitute “ 21A(1), 21A(1A), 22(3), ”.

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Annotations:

Commencement Information

I1 Sch. 2 para. 1 in force at 31.12.2016 by S.S.I. 2016/130, art. 3(c)

Criminal Procedure (Scotland) Act 1995

- 2 In Schedule 9 to the Criminal Procedure (Scotland) Act 1995 (certificates as to proof of certain routine matters), at the end of the table insert—

“The Air Weapons and Licensing (Scotland) Act 2015	A constable or a person employed by the Scottish Police Authority, if the constable or person is authorised to do so by the chief constable of the Police Service of Scotland.	In relation to a person identified in the certificate, that on the date specified in the certificate the person held, or as the case may be, did not hold, an air weapon certificate (within the meaning of Part 1 of that Act).”.
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Annotations:

Commencement Information

I2 Sch. 2 para. 2 in force at 31.12.2016 by S.S.I. 2016/130, art. 3(c)

Violent Crime Reduction Act 2006

- 3 Section 32 of the Violent Crime Reduction Act 2006 (sales of air weapons by way of trade or business to be face to face) is repealed.

Annotations:

Commencement Information

I3 Sch. 2 para. 3 in force at 31.12.2016 by S.S.I. 2016/130, art. 3(c)

PART 2

AMENDMENTS RELATING TO PART 2

Licensing (Scotland) Act 2005

- 4 (1) The 2005 Act is amended as follows.
- (2) In section 28(2) (period of effect of premises licence), for “34(1)” substitute “33(1)”.
- (3) In section 29(4) (application to vary premises licence), for “and 22” substitute “, 22 and 24A”.

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- (4) In section 35 (variation on transfer), in each of subsections (1) and (3)(b), the words “or 34(1)” are repealed.
- (5) In section 37 (review of premises licence on Licensing Board's initiative)—
- (a) in subsection (3), for “subsection” where second occurring substitute “section”,
 - (b) in subsection (4)—
 - (i) in paragraph (a), for “subsection” substitute “section”,
 - (ii) in paragraph (b), for “subsection” substitute “section”.
- (6) In section 49(1)(c) (Licensing Board's duty to update premises licence), the words “or 34(1)” are repealed.
- (7) In section 57 (notification of occasional licence application to chief constable and Licensing Standards officer), in subsection (5)—
- (a) for “Subsections (2) and (3) have” substitute “Subsection (3) has”,
 - (b) for “references” where first occurring substitute “reference”,
 - (c) for “references” where second occurring substitute “a reference”.

Annotations:

Commencement Information

I4 Sch. 2 para. 4(1)(3)(5)(7) in force at 15.5.2017 by [S.S.I. 2017/119](#), art. 2, [sch.](#)

PROSPECTIVE

PART 3

AMENDMENTS RELATING TO PART 3

Civic Government (Scotland) Act 1982

- 5 (1) The 1982 Act is amended as follows.
- (2) In Schedule 1 (licensing: further provisions as to the general system)—
- (a) in paragraph 5—
 - (i) the sub-paragraph (2A) which was inserted by section 172(6)(d) of the Criminal Justice and Licensing (Scotland) Act 2010 is renumbered as sub-paragraph (2ZA),
 - (ii) in the sub-paragraph (2A) which was inserted by paragraph 11(6)(b)(ii) of Schedule 1 to the Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006, SSI 2006/475, for “(1)(b)” substitute “(1A)(b)”,
 - (b) in paragraph 7(3), for “(2), (2A)” substitute “(1A), (2), (2ZA), (2A)”.

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Changes and effects yet to be applied to :

- sch. 2 para. 5 coming into force by [S.S.I. 2017/424 art. 2\(c\)](#)