
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 130

**The Air Weapons and Licensing (Scotland) Act 2015
(Commencement No. 3 and Transitional Provisions) Order 2016**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 3 and Transitional Provisions) Order 2016 and comes into force on 1st July 2016.

(2) In this Order—

“advance application” means, in relation to an application for the grant of an air weapon certificate or a permit under Part 1 of the Act, an application made before 31st December 2016 (being the day appointed for the coming into force of the requirement for an air weapon certificate under section 2 of the Act);

“the Act” means the Air Weapons and Licensing (Scotland) Act 2015.

Provisions which come into force on 1st July 2016

2.—(1) 1st July 2016 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the Schedule (the subject matter of which is described in column 2 of that table).

(2) Where a purpose is specified in column 3 of that table in relation to any provision specified in column 1, that provision comes into force on 1st July 2016 for that purpose only.

Provisions which come into force on 31st December 2016

3. 31st December 2016 is the day appointed for the coming into force of the following provisions of the Act—

- (a) Part 1 (air weapons), including schedule 1 (exemptions), in so far as not already in force;
- (b) section 87 (minor and consequential amendments and repeals), but only for the purpose of giving effect to Part 1 of schedule 2; and
- (c) Part 1 of schedule 2 (which makes minor and consequential amendments and repeals relating to Part 1 of the Act).

Transitional provision: the requirement for an air weapon certificate

4.—(1) Despite article 3(a), it is not an offence under section 2(1) of the Act for a person on or after 31st December 2016 to possess (but not to use, purchase or acquire) an air weapon without holding an air weapon certificate if—

- (a) the person has, before 1st November 2016, made an application for the grant of an air weapon certificate under section 3 of the Act or (as the case may be) a police permit under section 12 of the Act; and
- (b) the application has, through no failure on the person’s part, not yet been finally determined.

- (2) For the purpose of paragraph (1)(b), an application is finally determined when—
- (a) it is granted;
 - (b) it is withdrawn; or
 - (c) it is refused and either—
 - (i) the time limit for appeal against refusal expires without an appeal having been made; or
 - (ii) an appeal against refusal is dismissed or withdrawn and there is no further right of appeal.

Transitional provision: certificates and permits granted before 31st December 2016

5. Where an air weapon certificate, a police permit, a visitor permit or an event permit is granted under Part 1 of the Act before 31st December 2016, it does not take effect until that date (except, where applicable, for the purpose of any earlier variation, revocation or cancellation of the certificate or (as the case may be) permit under that Part).

Transitional provision: certificates and permits revoked before 31st December 2016

6. If, before 31st December 2016, the chief constable gives notice under section 11(3) or 16(1)(d) of the Act that an air weapon certificate, a police permit or (as the case may be) a visitor permit is revoked, the date which may be specified in the notice for the purposes of section 11(4)(b) or (as the case may be) 16(5)(b) must be no earlier than 31st December 2016.

St Andrew's House,
Edinburgh
24th February 2016

MICHAEL MATHESON
A member of the Scottish Government