

# **AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015**

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## **EXPLANATORY NOTES**

### **STRUCTURE AND SUMMARY OF THE ACT**

#### ***Schedule 1: Exemptions***

##### ***Paragraph 1 – Approved air weapon clubs***

267. This paragraph exempts members of an air weapon club approved by the Chief Constable under section 18 from the requirement to hold an air weapon certificate, for the purpose of possessing or using an air weapon for target shooting at that club. The air weapon in question may be owned by the club and held on an air weapon certificate issued to the club secretary, or borrowed from elsewhere (for example another club member who holds their own air weapon certificate).
268. Sub-paragraph (b)(i) sets out that this exemption applies while the member is target shooting at other approved air weapon clubs, or at an event or competition, provided that the shooting is in connection with their club membership. Sub-paragraph (b)(ii) also allows possession and use of an air weapon in connection with club target shooting, for example to allow a club member to transport an air weapon owned by the club between shooting venues.
269. Sub-paragraph (c) requires that, where an air weapon club member is aged below 14, they must be supervised by another club member aged 21 or over for this exemption to apply. There is no lower age limit to the application of this exemption.

##### ***Paragraph 2 – Registered firearms dealers and their employees***

270. This paragraph exempts firearms dealers who are registered with the Chief Constable under section 33 of the 1968 Act from requiring to hold an air weapon certificate when carrying out their business.
271. Sub-paragraph (1)(a) extends this exemption to the Registered Firearms Dealer's employees, and sub-paragraph (2) allows this exemption to apply anywhere (i.e. not just at the dealer's usual place of business).
272. Sub-paragraphs (3) and (4) allow for an individual to borrow an air weapon from a Registered Firearms Dealer and use it on land the dealer occupies provided the individual is supervised by the dealer or an employee of the dealer. Where the individual is under 14 then the supervisor must be aged 21 or over.

##### ***Paragraph 3 – Auctioneers***

273. This paragraph exempts auctioneers and their employees from requiring to hold an air weapon certificate when carrying out their business. This exemption only allows the possession, acquisition and purchase of air weapons, not their use.

274. Sub-paragraph (2) extends this exemption to allow an auctioneer (who is not a Registered Firearms Dealer) to sell an air weapon by way of trade or business without committing the offence at section 24, provided that the auctioneer holds a police permit issued under section 12.

***Paragraph 4 - Carriers and warehouse keepers***

275. This paragraph exempts carriers and warehouse keepers, and their employees, from requiring to hold an air weapon certificate when carrying out their business. This exemption only allows the possession of air weapons, not their use, acquisition or purchase.

***Paragraph 5 – Artistic performers***

276. This paragraph allows an individual taking part in a theatrical performance, a rehearsal, or a film production – as defined by sub-paragraph (2) – to possess and use an air weapon without holding an air weapon certificate. This exemption only applies to the performer involved, and only for the duration of the performance. This exemption does not permit purchase or acquisition of an air weapon.

***Paragraph 6 – Cadet corps***

277. This paragraph exempts members of a cadet corps approved under section 54(5)(b) of the 1968 Act, and their instructors, from requiring to hold an air weapon certificate for the purposes of drilling and target shooting with air weapons.

***Paragraph 7 – Bodies corporate etc.***

278. This paragraph exempts corporate bodies from the requirement to hold an air weapon certificate for the purposes of possessing, purchasing or acquiring an air weapon provided that a natural person who is an officer of the body listed in sub-paragraph (2) holds an air weapon certificate (in their capacity as such an officer).

***Paragraph 8 – Holders of police permits***

279. This paragraph sets out the specific exemption that applies to a holder of a permit issued under section 12. Sub-paragraph (2) extends this exemption to allow a permit holder to sell an air weapon by way of trade or business without committing the offence at section 24.

***Paragraph 9 – Holders of visitor permits***

280. This paragraph sets out the specific exemption that applies to a holder of a permit issued under section 13.

***Paragraph 10 – Authorised events***

281. This paragraph sets out the specific exemption that applies to attendees at an event covered by a permit issued under section 17. Sub-paragraph (1)(b) specifies that the attendee must be using the air weapon to engage in an activity at the event for the exemption to apply. Use of an air weapon at an event when not engaging in event activities is therefore not exempted from the section 2(1) offence.

***Paragraph 11 – Supervised use of air weapons on private land***

282. This paragraph allows a person without an air weapon certificate to borrow an air weapon from an individual who holds a valid air weapon certificate, and to possess and use it while on private land and under the supervision of the certificate holder, or their employee. Any use must be in line with the conditions attached to the relevant air weapon certificate.

283. Sub-paragraph (2)(d) provides that if the borrower is younger than 14, then the supervisor must be aged 21 or over. There is no lower age limit to the application of this exemption.

***Paragraph 12 – Use of air weapons at recreational shooting facilities***

284. This paragraph sets out the specific exemption that applies to participants at a commercial recreational shooting facility which complies with the requirements at section 23. Sub-paragraph (1)(b) specifies that this exemption only applies while the user is on site – thus they cannot remove air weapons from the premises. Sub-paragraph (2) extends this exemption to apply to employees working at the recreational shooting facility.

***Paragraph 13 - Museums***

285. This exemption relates to museums which hold air weapons as part of their collection. Sub-paragraph (1)(b) sets out that, for this exemption to apply, the museum must either hold a museum firearms licence granted under the Schedule to the 1988 Act (which will be the case if it already holds section 1 or 2 firearms), or, if the only firearms held by the museum are air weapons to which section 1 of the 1968 Act does not apply, a responsible person as defined by sub-paragraph (2) must hold an air weapon certificate.
286. Provided that either of these requirements is met the employees of the museum are exempted from requiring individual air weapon certificates to possess, purchase or acquire air weapons in the course of their duties at the museum.

***Paragraph 14 - Air weapons on ships***

287. This exemption applies to the possession and use of air weapons while on board a ship, provided that the air weapons are part of the ship's equipment. This might cover, for example, air weapons for pest control, or an air weapon range on a cruise liner. An air weapon certificate or police permit would be required to remove an air weapon from the ship, or to purchase or acquire new air weapons for it.

***Paragraph 15 – Purchase of air weapons for delivery outwith Scotland***

288. This paragraph sets out the specific exemption that allows someone who does not hold an air weapon certificate to purchase an air weapon in the manner set out in section 24(2) (c), without committing the offence under section 2(1) of purchasing an air weapon without a valid air weapon certificate.

***Paragraph 16 – Loaning of air weapons for exempted purposes***

289. This exemption allows the holder of an air weapon certificate (or a person who does not hold a certificate but is entitled to possess or use an air weapon without committing an offence by virtue of another exemption) to lend or let on hire an air weapon to another individual who does not hold an air weapon certificate, without committing an offence under section 24(1) or (2). Section 24 otherwise limits the lending or letting on hire of air weapons by way of trade or business (or the possession of air weapons for such purposes) to Registered Firearms Dealers. This exemption only applies provided that the recipient of the loaned or hired air weapon will possess or use the air weapon in accordance with one of the exemptions in schedule 1. For example, this would allow an operator of a recreational shooting facility to lend or let on hire air weapons for the purposes of the exemption at paragraph 12, or a theatrical armourer to lend or let on hire air weapons for purposes of the exemption at paragraph 5.

***Paragraph 17 – Public servants carrying out official duties***

290. This paragraph exempts various categories of public servants listed at sub-paragraph (3) from requiring an air weapon certificate. This exemption relates to members of the

police or armed forces who may be required to use or take possession of air weapons in connection with their duties (for example, a police constable seizing an air weapon, or a police forensic examiner testing its muzzle energy). This exemption only applies while the individual is carrying out their role as a public servant, and only when they are required to handle an air weapon in the fulfilment of their duties.

***Paragraph 18 – Holders of certificates or permits with conditions***

291. This paragraph allows an air weapon certificate, visitor or police permit holder to make use of the exemptions in the schedule notwithstanding any condition which may be attached to the certificate or permit. This means that a person who holds, for example, a visitor permit that permits use and possession, can take advantage of the exemption in paragraph 15 to purchase an air weapon for delivery to that person's home country. Or, an air weapon certificate holder whose certificate has a condition limiting them to shooting for pest control purposes could separately be a member of an approved air weapon club, and shoot at the club under the exemption in paragraph 1.