



# Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

## PART 1

### AIR WEAPONS

#### *Offences*

VALID FROM 31/12/2016

#### **30 Failure to keep air weapons secure or to report loss to police**

- (1) It is an offence for a person—
- (a) to fail to take reasonable precautions for the safe custody of an air weapon possessed by the person, or
  - (b) to fail to report as soon as reasonably practicable to the chief constable the loss or theft of an air weapon possessed by the person.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

#### **31 False statements, certificates and permits**

- (1) It is an offence for an individual to knowingly or recklessly make any statement which is false in any material particular for the purposes of procuring (either personally or for another person)—
- (a) the grant, renewal or variation of an air weapon certificate,
  - (b) the grant or variation of a police or visitor permit,
  - (c) the grant of an event permit, or
  - (d) the grant, renewal or variation of an approval of an air weapon club.
- (2) It is an offence for an individual, with a view to purchasing, acquiring or procuring the repair or testing of an air weapon—

*Status: Point in time view as at 01/07/2016. This version of this cross heading contains provisions that are not valid for this point in time.*

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

- (a) to produce a false air weapon certificate, police permit or visitor permit,
  - (b) to produce an air weapon certificate, police permit or visitor permit which has been improperly altered, or
  - (c) to knowingly or recklessly make a statement which is false in a material particular.
- (3) An individual who commits an offence under this section is liable, on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both).

#### Commencement Information

**I1** S. 31(1)(3) in force at 1.7.2016 by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

### 32 Time limit for offences

Section 136 of the Criminal Procedure (Scotland) Act 1995 (time limit for certain offences) applies to an air weapon offence which is triable only summarily as if the references in subsection (1) of that section to 6 months were to 36 months (and subsection (2) of that section were omitted).

#### Commencement Information

**I2** S. 32 in force at 1.7.2016 by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

### 33 Offences by bodies corporate etc.

- (1) Subsection (2) applies where—
- (a) an offence under this Part has been committed by—
    - (i) a body corporate,
    - (ii) a Scottish partnership, or
    - (iii) an unincorporated association other than a Scottish partnership, and
  - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to neglect on the part of—
    - (i) a relevant individual, or
    - (ii) an individual purporting to act in the capacity of a relevant individual.
- (2) The individual (as well as the body corporate, partnership or (as the case may be) association) commits the offence and is liable to be proceeded against and punished accordingly.
- (3) In subsection (1), “relevant individual” means—
- (a) in relation to a body corporate (other than a limited liability partnership)—
    - (i) a director, manager, secretary or similar officer of the body,
    - (ii) where the affairs of the body are managed by its members, a member,
  - (b) in relation to a limited liability partnership, a member,
  - (c) in relation to a Scottish partnership, a partner,

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- (d) in relation to an unincorporated association other than a Scottish partnership, an individual who is concerned in the management or control of the association.

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**Commencement Information**

**I3** S. 33 in force at 1.7.2016 by S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)

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**Changes to legislation:**

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