



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 1

AIR WEAPONS

Permits

12 Police permits

- (1) The chief constable may, on the application of an individual, grant a permit (“a police permit”) authorising the individual—
 - (a) to possess or acquire an air weapon without holding an air weapon certificate, or
 - (b) to sell (or expose for sale) an air weapon in the course of that individual’s business.
- (2) A police permit must not be granted to an individual who is prohibited from possessing an air weapon or other firearm under section 21 of the 1968 Act.
- (3) A police permit expires (unless earlier revoked or cancelled) on the expiry date specified in the permit.
- (4) An application for a police permit is valid only if it complies with the requirements of any regulations under section 36 which apply to the application.

13 Visitor permits

- (1) The chief constable may, on the application of a qualifying visitor, grant a permit (“a visitor permit”) authorising the visitor to use, possess, purchase or acquire an air weapon without holding an air weapon certificate for the period (or a part of it) that the qualifying visitor is in Scotland.
- (2) A person may, on behalf of a group of 2 to 20 qualifying visitors, make an application to the chief constable for each member of the group to be granted a visitor permit.

- (3) The chief constable may grant a visitor permit to some or all of the members of the group.
- (4) The chief constable may grant a visitor permit only if satisfied—
- (a) in the case of an individual application, that the qualifying visitor has a good reason for using, possessing, purchasing or acquiring an air weapon while visiting Scotland,
 - (b) in the case of a group application, that each qualifying visitor is to use and possess an air weapon while visiting Scotland only—
 - (i) for sporting purposes (including shooting live quarry) on private land,
 - (ii) for the purposes of target shooting on private land, or
 - (iii) for the purposes of participating in an event or competition,
 - (c) in every case—
 - (i) that the qualifying visitor can be permitted to possess an air weapon without danger to the public safety or to the peace, and
 - (ii) that the qualifying visitor is not prohibited from possessing an air weapon or other firearm under section 21 of the 1968 Act.
- (5) For the purposes of subsection (4)(b)(i) and (ii) the chief constable may require the applicant to produce evidence that the owner or occupier of the land consents to the visitors' intended use or possession of air weapons on the land.
- (6) Except where section 14 applies, the chief constable must, on granting a visitor permit in respect of a group application, attach to the permit as a condition that the holder of the permit may use and possess an air weapon only for such of the purposes described in subsection (4)(b) as the chief constable may specify in the condition.
- (7) A visitor permit expires (unless earlier revoked or cancelled) on the expiry date specified in the permit.
- (8) No visitor permit is to be granted for a period of longer than 12 months.
- (9) An application for a visitor permit is valid only if it complies with the requirements of any regulations under section 36 which apply to the application.
- (10) For the purposes of this section and section 14—
- “group application” means an application under subsection (2) for visitor permits made by a person on behalf of qualifying visitors in a group,
 - “individual application” means an application under subsection (1) for a visitor permit made by the qualifying visitor,
 - “qualifying visitor” means an individual who is—
 - (a) aged 14 years or more,
 - (b) not ordinarily resident in Scotland, and
 - (c) visiting (or intending to visit) Scotland.

14 Visitor permits: young persons

- (1) This section applies—
- (a) where an individual applicant for a visitor permit is under the age of 18,
 - (b) in respect of any individual who is—
 - (i) under the age of 18, and

Status: This is the original version (as it was originally enacted).

- (ii) on whose behalf a visitor permit is applied for as part of a group application.
- (2) A parent or guardian of the applicant or individual under the age of 18 must consent in the prescribed form and manner to the making of the application.
- (3) The chief constable must, on granting a visitor permit in respect of an individual application, attach to the permit—
 - (a) the condition described in section 7(4), and
 - (b) one or more of the conditions described in subsection (5) of that section.
- (4) The chief constable must, on granting a visitor permit in respect of a group application, attach to the permit—
 - (a) the condition described in section 7(4), and
 - (b) one or more of the conditions described in paragraphs (a) to (c) of subsection (5) of that section.
- (5) It is sufficient, for the purposes of section 13(4)(a), for the chief constable to be satisfied that the applicant has a good reason for using or possessing an air weapon.

15 Police and visitor permits: conditions

- (1) Every police permit and visitor permit is subject to any prescribed mandatory conditions.
- (2) The chief constable may, when granting a police permit or a visitor permit, attach conditions to the permit.
- (3) The chief constable may not attach to a police permit or a visitor permit a condition which is inconsistent with—
 - (a) a prescribed mandatory condition which applies to police permits or, as the case may be, visitor permits, or
 - (b) a condition which must be attached to the permit under this Part.
- (4) It is an offence for the holder of a police permit or a visitor permit to fail to comply with a condition attached to the permit.
- (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.

16 Police and visitor permits: variation and revocation

- (1) The chief constable may, by giving notice to the holder of a police permit or a visitor permit—
 - (a) vary the permit,
 - (b) attach conditions to the permit,
 - (c) vary or revoke a condition attached to the permit other than—
 - (i) a prescribed mandatory condition which applies to the permit, or
 - (ii) a condition which must be attached to a permit under this Part, or
 - (d) revoke the permit.
- (2) The chief constable may give a notice under subsection (1)—
 - (a) on the application of the holder of a police permit or visitor permit, or

- (b) of the chief constable’s own accord (at any time).
- (3) The chief constable may not attach to a police permit or a visitor permit a condition which is inconsistent with—
 - (a) a prescribed mandatory condition which applies to police permits or, as the case may be, visitor permits, or
 - (b) a condition which must be attached to the permit under this Part.
- (4) For the purposes of paragraphs (a) to (c) of subsection (1), the chief constable may by giving notice to the holder of a police permit or a visitor permit require the holder to produce the permit within the period of 21 days beginning with the date on which the notice is given.
- (5) A notice given under subsection (1) which revokes a police permit or a visitor permit must—
 - (a) be given at least 7 days before the date on which the revocation is to take effect, and
 - (b) require the holder of the permit to surrender the permit and any air weapons that the holder possesses by such date as the chief constable may specify in the notice.
- (6) It is an offence for the holder of a police permit or a visitor permit, without reasonable excuse, to fail to comply with a requirement contained in a notice under subsection (1).
- (7) An individual who commits an offence under subsection (6) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (8) In the event that the holder of a police permit or a visitor permit makes an appeal under section 34 against a decision to revoke the holder’s permit—
 - (a) the revocation does not take effect, but
 - (b) the holder must still surrender the permit and any air weapons that the holder possesses in accordance with the requirements of the notice given under subsection (1),pending the determination or withdrawal of the appeal.

17 Event permits

- (1) The chief constable may, on the application of a person (“the organiser”) who is organising or otherwise responsible for an event, grant a permit authorising individuals at the event to borrow, hire, use and possess air weapons while engaging in an event activity without holding an air weapon certificate (“an event permit”).
- (2) The chief constable may, when granting an event permit, attach conditions to it.
- (3) The organiser must ensure that the event permit (or a copy of it) is prominently displayed at the event so as to be capable of being read by any person attending the event.
- (4) It is an offence for the organiser—
 - (a) to fail to comply with a condition attached to the event permit, or
 - (b) without reasonable excuse, to fail to comply with subsection (3).
- (5) A person who commits an offence under subsection (4) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

- (6) An application for an event permit is valid only if it complies with the requirements of any regulations under section 36 which apply to the application.
- (7) For the purposes of this section, an “event activity” is an activity—
 - (a) involving the use and possession of air weapons by individuals, and
 - (b) which has been planned by (or on behalf of) the organiser as part of the event.