

Status: Point in time view as at 01/07/2016.

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

VALID FROM 31/12/2016

SCHEDULE 1

(introduced by section 2(3))

EXEMPTIONS

Approved air weapon clubs

- 1 It is not an offence under section 2(1) for an individual (“A”) to use or possess an air weapon without holding an air weapon certificate if—
- (a) A is a member of an approved air weapon club,
 - (b) the use or possession occurs while A is engaged as such a member—
 - (i) in target shooting at the club, another approved air weapon club, an event or competition, or
 - (ii) in connection with such target shooting, and
 - (c) where A is under the age of 14, A's use and possession of an air weapon is supervised by another club member aged 21 years or more.

Registered firearms dealers and their employees

- 2 (1) It is not an offence under section 2(1) for an individual to use, possess, purchase or acquire an air weapon without holding an air weapon certificate if—
- (a) the individual is carrying on business as a registered firearms dealer or is the employee of a registered firearms dealer, and
 - (b) the possession occurs in the ordinary course of the business as such a dealer.
- (2) For the purposes of sub-paragraph (1), it is irrelevant whether the use, possession, purchase or acquisition of the air weapon occurs at a place—
- (a) which is not a place of business of the registered firearms dealer, or
 - (b) which the dealer has not registered as a place of business under section 33 or 37 of the 1968 Act.
- (3) It is not an offence under section 2(1) for an individual (“A”) to—
- (a) borrow an air weapon from a registered firearms dealer, and
 - (b) use and possess the weapon on land occupied by the dealer,
- without holding an air weapon certificate, if the conditions in sub-paragraph (4) are complied with.
- (4) The conditions are—
- (a) A uses and possesses the air weapon under the supervision of the registered firearm dealer or an employee of the dealer (“the supervisor”), and
 - (b) where A is under the age of 14, the supervisor is aged 21 years or more.

Auctioneers

- 3 (1) It is not an offence under section 2(1) for an individual to possess, acquire or purchase an air weapon without holding an air weapon certificate if—

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- (a) the individual is carrying on business as an auctioneer or is the employee of an auctioneer, and
- (b) the possession occurs in the ordinary course of the business as an auctioneer.

- (2) It is not an offence under section 24 for an individual (“A”) who is an auctioneer (but not a registered firearms dealer) in the course of A's business as such an auctioneer to sell (or expose for sale) by auction an air weapon if A holds a police permit granted by the chief constable under section 12.

Carriers and warehouse keepers

- 4 It is not an offence under section 2(1) for an individual to possess an air weapon without holding an air weapon certificate if—

- (a) the individual is carrying on business as a carrier or warehouse keeper or is the employee of a carrier or warehouse keeper, and
- (b) the possession occurs in the ordinary course of the business as a carrier or warehouse keeper.

Artistic performers

- 5 (1) It is not an offence under section 2(1) for an individual to use or possess an air weapon without holding an air weapon certificate while the individual is taking part in an activity listed in sub-paragraph (2).

- (2) The activities are—

- (a) a theatrical performance or a rehearsal of such a performance,
- (b) the production of a film for cinema, television or other genuine and prearranged artistic purpose.

Cadet corps

- 6 (1) It is not an offence under section 2(1) for an individual to use or possess an air weapon without holding an air weapon certificate if—

- (a) the individual is a member of an approved cadet corps or the instructor of such a member, and
- (b) the use or possession occurs while the individual is engaged in drill or target shooting exercises as such a member or instructor.

- (2) In this paragraph “approved cadet corps” means a cadet corps which has been approved by the Secretary of State under section 54(5)(b) of the 1968 Act.

Bodies corporate etc.

- 7 (1) It is not an offence under section 2(1) for a person who is not an individual (“the entity”) to possess, purchase or acquire an air weapon without holding an air weapon certificate if an officer of the entity holds an air weapon certificate in the officer's capacity as such an officer.

- (2) For the purposes of sub-paragraph (1), a reference to an officer of the entity is a reference to—

- (a) in relation to a body corporate (other than a limited liability partnership)—

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- (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,
- (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.

Holders of police permits

- 8
- (1) It is not an offence under section 2(1) for an individual who holds a police permit under section 12 to possess or acquire an air weapon without holding an air weapon certificate if the permit authorises the possession or acquisition.
 - (2) It is not an offence under section 24 for an individual who holds a police permit under section 12 to sell (or expose for sale) an air weapon, in the course of the holder's business, if the permit authorises the sale.

Holders of visitor permits

- 9
- It is not an offence under section 2(1) for an individual who holds a visitor permit under section 13 to use, possess, purchase or acquire an air weapon without holding an air weapon certificate if the permit authorises the use, possession, purchase or, as the case may be, acquisition.

Authorised events

- 10
- (1) It is not an offence under section 2(1) for an individual to borrow, hire, use or possess an air weapon without holding an air weapon certificate while the individual is—
 - (a) at an event in respect of which an event permit has been granted by the chief constable under section 17, and
 - (b) engaging in an event activity.
 - (2) In this paragraph, “event activity” has the meaning given in section 17(7).

Supervised use of air weapons on private land

- 11
- (1) It is not an offence under section 2(1) for an individual (“A”) to—
 - (a) borrow an air weapon from the occupier of private land, and
 - (b) use and possess the weapon on that land,without holding an air weapon certificate, if the conditions in sub-paragraph (2) are complied with.
 - (2) The conditions are—
 - (a) A uses and possesses the air weapon under the supervision of the occupier of the land or an employee or agent of the occupier (“the supervisor”),
 - (b) the supervisor holds an air weapon certificate,
 - (c) A complies with any conditions attached to the supervisor's certificate so far as relevant to the use and possession of the air weapon by A, and

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- (d) where A is under the age of 14, the supervisor is aged 21 years or more.

Use of air weapons at recreational shooting facilities

- 12 (1) It is not an offence under section 2(1) for an individual (“A”) to borrow, hire, use or possess an air weapon without holding an air weapon certificate at a recreational shooting facility, if—
- (a) A reasonably believes that an individual who is responsible for the management and operation of the facility holds an air weapon certificate, and
 - (b) A's use or possession occurs only while A is at the facility.
- (2) It is not an offence under section 2(1) for an individual (“B”) to use or possess an air weapon without holding an air weapon certificate at a recreational shooting facility, if—
- (a) B reasonably believes that an individual who is responsible for the management and operation of the recreational shooting facility holds an air weapon certificate, and
 - (b) B is an employee of the operator of the facility and is acting in the ordinary course of the employer's business as such an operator.
- (3) In this paragraph, “recreational shooting facility” means—
- (a) a miniature rifle range or a shooting gallery at which air weapons are used, or
 - (b) a facility for combat games which involve an air weapon, which is operated with a view to making a profit.

Museums

- 13 (1) It is not an offence under section 2(1) for an individual who is responsible for the management of a museum or is an employee of the museum to possess, purchase or acquire an air weapon without holding an air weapon certificate if—
- (a) the possession, purchase or acquisition is for the purposes of the museum, and
 - (b) either—
 - (i) there is a museum firearms licence in force in respect of the museum, or
 - (ii) an individual mentioned in sub-paragraph (2) holds an air weapon certificate.
- (2) The individuals are—
- (a) an individual responsible for the management of the museum, or
 - (b) a curator at the museum.
- (3) In this paragraph—
- (a) a reference to an individual responsible for the management of the museum is a reference to a member of the board of trustees or the governing body or an individual exercising corresponding functions,
 - (b) “museum firearms licence” means a licence granted under the Schedule to the Firearms (Amendment) Act 1988.

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Air weapons on ships

- 14 It is not an offence under section 2(1) for a person to use and possess an air weapon without holding an air weapon certificate while on board a ship if the weapon is part of the equipment of the ship.

Purchase of air weapons for delivery outwith Scotland

- 15 It is not an offence under section 2(1) for an individual to purchase an air weapon from a registered firearms dealer without holding an air weapon certificate if—
- (a) the purchaser is aged 18 years or more, and
 - (b) the weapon is to be delivered to a place outwith Great Britain, or to a registered firearms dealer in England or Wales, without first coming into the purchaser's possession.

Loaning of air weapons for exempted purposes

- 16 (1) It is not an offence under section 24(1) or (2) for a person listed in sub-paragraph (2) to lend or to let on hire an air weapon to an individual (“A”), who does not hold an air weapon certificate, for the purpose of A's using and possessing the weapon in accordance with an exemption under this schedule.
- (2) The persons are—
- (a) a holder of an air weapon certificate, or
 - (b) a person who—
 - (i) does not hold an air weapon certificate, but
 - (ii) is entitled to use or possess an air weapon without committing an offence by virtue of an exemption under this schedule.

Public servants carrying out official duties

- 17 (1) It is not an offence under this Part for a person listed in sub-paragraph (3) to carry out an activity listed in sub-paragraph (2) without holding an air weapon certificate, if the carrying out of the activity is for or in connection with the person's duties.
- (2) The activities are the use, possession, purchase, acquisition, manufacture, testing, repair, sale, transfer or disposal of an air weapon.
- (3) The persons are—
- (a) a constable,
 - (b) a member of police staff,
 - (c) a police cadet appointed under section 25 of the Police and Fire Reform (Scotland) Act 2012,
 - (d) a person providing forensic services in pursuance of section 31 of the Police and Fire Reform (Scotland) Act 2012,
 - (e) a member of the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987,
 - (f) a member of the British Transport Police,
 - (g) a member of the Civil Nuclear Constabulary,
 - (h) a civilian officer of the British Transport Police or the Civil Nuclear Constabulary,

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- (i) a member of any other police force while executing a warrant or otherwise acting in Scotland by virtue of any enactment conferring powers on the member in Scotland,
- (j) a person in the armed forces of Her Majesty,
- (k) a member of the armed forces of another country when that member is serving with the armed forces of Her Majesty,
- (l) the Queen's and Lord Treasurer's Remembrancer (or a person authorised to act on the Remembrancer's behalf).

(4) In this paragraph “armed forces” means naval, military or air services.

Holders of certificates or permits with conditions

- 18 (1) It is not an offence under section 6(4) for a holder of an air weapon certificate to fail to comply with a condition attached to the holder's certificate if the conditions in sub-paragraph (2) are complied with.
- (2) The conditions are—
- (a) that the holder of the certificate would be entitled to use, possess, purchase or, as the case may be, acquire an air weapon by virtue of an exemption under this schedule if the holder did not hold the certificate, and
 - (b) that the failure relates to the use, possession, purchase or, as the case may be, acquisition of an air weapon in accordance with the exemption.
- (3) It is not an offence under section 15(4) for a holder of a police permit or a visitor permit to fail to comply with a condition attached to the holder's permit if the conditions in sub-paragraph (4) are complied with.
- (4) The conditions are—
- (a) that the holder of the permit is entitled to use, possess, purchase or, as the case may be, acquire an air weapon by virtue of an exemption under this schedule, and
 - (b) that the failure relates to the use, possession, purchase or, as the case may be, acquisition of an air weapon in accordance with the exemption.

SCHEDULE 2

(introduced by section 87)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

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