

*Status: Point in time view as at 20/12/2017.*

*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)*

## 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.

#### **Commencement Information**

**II** Sch. 1 para. 1 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

#### *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.

#### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

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### *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—
- (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.

#### **Commencement Information**

**I3** Sch. 1 para. 3 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

### *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.

#### **Commencement Information**

**I4** Sch. 1 para. 4 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

### *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.

#### **Commencement Information**

**I5** Sch. 1 para. 5 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

### *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—

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- (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.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

*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)—
    - (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.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

*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.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

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### *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.

#### **Commencement Information**

**I9** Sch. 1 para. 9 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with [art. 4](#))

### *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).

#### **Commencement Information**

**I10** Sch. 1 para. 10 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with [art. 4](#))

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

#### **Commencement Information**

**I11** Sch. 1 para. 11 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with [art. 4](#))

### *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—

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- (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.

#### Commencement Information

**I12** Sch. 1 para. 12 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with **art. 4**)

#### 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.

#### Commencement Information

**I13** Sch. 1 para. 13 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with **art. 4**)

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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.

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with [art. 4](#))

*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.

**Commencement Information**

**I15** Sch. 1 para. 15 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with [art. 4](#))

*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.

**Commencement Information**

**I16** Sch. 1 para. 16 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with [art. 4](#))

*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—

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- (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,
- (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.

#### **Commencement Information**

**I17** Sch. 1 para. 17 in force at 31.12.2016 by [S.S.I. 2016/130](#), [art. 3\(a\)](#) (with [art. 4](#))

#### *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.

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### Commencement Information

**I18** Sch. 1 para. 18 in force at 31.12.2016 by [S.S.I. 2016/130](#), **art. 3(a)** (with [art. 4](#))

### *[<sup>F1</sup>Use or possession of air weapons on service premises*

### Textual Amendments

**F1** Paras. 19, 20 and cross-headings inserted (31.12.2016) by [The Air Weapons Licensing \(Exemptions\) \(Scotland\) Regulations 2016 \(S.S.I. 2016/428\)](#), [regs. 1, 2](#)

19. (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 under the supervision of a person in the armed forces of Her Majesty, and
  - (b) the use or possession occurs while the individual is on service premises.
- (2) In this paragraph—
- “armed forces” means naval, military or air services,
- “service premises” means premises, including any ship or aircraft, used for any purpose of the armed forces of Her Majesty.

### *Use or possession of air weapons on Ministry of Defence Police premises*

20. (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 under the supervision of a member of the Ministry of Defence Police, and
  - (b) the use or possession occurs while the individual is—
    - (i) on premises used for any purpose of the Ministry of Defence Police, and
    - (ii) being trained or assessed in the use of air weapons.
- (2) In this paragraph, “a member of the Ministry of Defence Police” means a person appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987.]



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## SCHEDULE 2

*(introduced by section 87)*

### MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

#### PART 1

##### AMENDMENTS AND REPEALS RELATING TO PART 1

###### *Firearms Act 1968*

- 1 (1) The Firearms Act 1968 is amended as follows.
- (2) In section 3(1) (offences relating to manufacturing, selling or transferring firearms when not a firearms dealer)—
  - (a) immediately following paragraph (a), insert “ or ”,
  - (b) the word “or” immediately following paragraph (b) is repealed,
  - (c) paragraph (c) is repealed.
- (3) In section 21A (firing an air weapon beyond premises), after subsection (1) insert—

“(1A) A person commits an offence if the person—

  - (a) is supervising the use and possession of an air weapon on private premises by a person under the age of 18, and
  - (b) allows the supervised person to fire any missile beyond those premises.”.
  - (4) Section 22(4) (offence for person under 18 to possess an air weapon or ammunition for an air weapon) is repealed.
  - (5) Section 23 (exceptions from section 22(4) of that Act) is repealed.
  - (6) In section 24(4) (supplying firearms to minors), in paragraph (b), for the words from “by” to the end substitute “ the person holds an air weapon certificate granted under section 5 of the Air Weapons and Licensing (Scotland) Act 2015 or the possession is otherwise in accordance with Part 1 of that Act. ”.
  - (7) In section 24ZA (failing to prevent minors from having air weapons), for subsection (2) substitute—

“(2) Subsection (1) does not apply where—

    - (a) the person under the age of 18 holds an air weapon certificate granted under section 5 of the Air Weapons and Licensing (Scotland) Act 2015, or
    - (b) the use or possession of the weapon by the person under the age of 18 is otherwise in accordance with Part 1 of that Act.”.
    - (8) In section 57 (interpretation)—
      - (a) in subsection (3), for “22(4), 22(5), 23(1)” substitute “ 21A(1A) ”,
      - (b) in subsection (4), in the definition of “firearms dealer”, in paragraph (b), for “sells or transfers” substitute “ manufactures, sells, transfers, repairs or tests ”.

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(9) In Schedule 4 (particulars to be entered by firearms dealer in register of transactions)

- (a) in Part 1, in the note, after “2” insert “ or 3 ”,
- (b) in Part 2, for the note substitute— “ *Notes: This Part does not apply in relation to Scotland. In this Part “air weapon” includes any component of, or accessory to, an air weapon.* ”,
- (c) the heading of Part 2 becomes— “ PARTICULARS RELATING TO AIR WEAPONS: ENGLAND AND WALES ”,
- (d) after that Part insert—

**“PART 3**

PARTICULARS RELATING TO AIR WEAPONS: SCOTLAND

*Notes: This Part applies in relation to Scotland. In this Part “air weapon” includes any component of, or accessory to, an air weapon.*

- 1 The quantities and description of air weapons manufactured and the dates of manufacture.
- 2 The quantities and description of air weapons purchased or acquired with the names and addresses of the sellers or transferors and the date of each transaction.
- 3 The quantities and description of air weapons accepted for sale, repair, testing, cleaning, storage, destruction, or any other purposes, with the names and addresses of the transferors and the date of each transaction.
- 4 The quantities and description of air weapons sold or transferred with the names and addresses of the purchasers or transferees and the date of each transaction.
- 5 The quantities and description of air weapons in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.”.

(10) In Schedule 6 (prosecution and punishment of offences)—

- (a) in the table in Part 1 (punishments)—
  - (i) in the entry for section 21A (person making improper use of air weapon), in the first column, for “21A” substitute “21A(1) and (1A)”,
  - (ii) the entry for section 22(4) is repealed,
  - (iii) the entry for section 23(1) is repealed,
- (b) in Part 2 (supplementary provisions as to trial and punishment of offences)—
  - (i) in paragraph 7, for “21A, 22(3) or (4), 23(1)” substitute “ 21A(1), 21A(1A), 22(3) ”,
  - (ii) in paragraph 8, for “21A, 22(3) or (4), 23(1),” substitute “ 21A(1), 21A(1A), 22(3), ”.

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**Commencement Information**

**I19** Sch. 2 para. 1 in force at 31.12.2016 by S.S.I. 2016/130, art. 3(c)

*Criminal Procedure (Scotland) Act 1995*

- 2 In Schedule 9 to the Criminal Procedure (Scotland) Act 1995 (certificates as to proof of certain routine matters), at the end of the table insert—

“The Air Weapons and Licensing (Scotland) Act 2015	A constable or a person employed by the Scottish Police Authority, if the constable or person is authorised to do so by the chief constable of the Police Service of Scotland.	In relation to a person identified in the certificate, that on the date specified in the certificate the person held, or as the case may be, did not hold, an air weapon certificate (within the meaning of Part 1 of that Act).”.
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**Commencement Information**

**I20** Sch. 2 para. 2 in force at 31.12.2016 by S.S.I. 2016/130, art. 3(c)

*Violent Crime Reduction Act 2006*

- 3 Section 32 of the Violent Crime Reduction Act 2006 (sales of air weapons by way of trade or business to be face to face) is repealed.

**Commencement Information**

**I21** Sch. 2 para. 3 in force at 31.12.2016 by S.S.I. 2016/130, art. 3(c)

**PART 2**

AMENDMENTS RELATING TO PART 2

*Licensing (Scotland) Act 2005*

- 4 (1) The 2005 Act is amended as follows.
- (2) In section 28(2) (period of effect of premises licence), for “34(1)” substitute “33(1)”.
- (3) In section 29(4) (application to vary premises licence), for “and 22” substitute “, 22 and 24A”.
- (4) In section 35 (variation on transfer), in each of subsections (1) and (3)(b), the words “or 34(1)” are repealed.
- (5) In section 37 (review of premises licence on Licensing Board's initiative)—

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- (a) in subsection (3), for “subsection” where second occurring substitute “section”;
- (b) in subsection (4)—
  - (i) in paragraph (a), for “subsection” substitute “section”;
  - (ii) in paragraph (b), for “subsection” substitute “section”.
- (6) In section 49(1)(c) (Licensing Board's duty to update premises licence), the words “or 34(1)” are repealed.
- (7) In section 57 (notification of occasional licence application to chief constable and Licensing Standards officer), in subsection (5)—
  - (a) for “Subsections (2) and (3) have” substitute “Subsection (3) has”;
  - (b) for “references” where first occurring substitute “reference”;
  - (c) for “references” where second occurring substitute “a reference”.

**Commencement Information**

**I22** Sch. 2 para. 4(1)(3)(5)(7) in force at 15.5.2017 by [S.S.I. 2017/119](#), [art. 2](#), [sch.](#)

**PART 3**

AMENDMENTS RELATING TO PART 3

*Civic Government (Scotland) Act 1982*

- 5 (1) The 1982 Act is amended as follows.
- (2) In Schedule 1 (licensing: further provisions as to the general system)—
- (a) in paragraph 5—
    - (i) the sub-paragraph (2A) which was inserted by section 172(6)(d) of the Criminal Justice and Licensing (Scotland) Act 2010 is renumbered as sub-paragraph (2ZA),
    - (ii) in the sub-paragraph (2A) which was inserted by paragraph 11(6)(b)(ii) of Schedule 1 to the Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006, SSI 2006/475, for “(1)(b)” substitute “(1A)(b)”;
  - (b) in paragraph 7(3), for “(2), (2A)” substitute “(1A), (2), (2ZA), (2A)”.

**Commencement Information**

**I23** Sch. 2 para. 5 in force at 20.12.2017 by [S.S.I. 2017/424](#), [art. 2\(c\)](#)

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Point in time view as at 20/12/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015.