



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 1

AIR WEAPONS

General

34 Appeals

- (1) A person aggrieved by a decision of the chief constable under a section listed in subsection (2) may appeal against the decision to the appropriate sheriff.
- (2) The sections are—
 - (a) section 5(1) (grant or renewal of air weapon certificate),
 - (b) section 6(2) (air weapon certificate: conditions),
 - (c) section 7(3)(b) (special requirements and conditions for young person's air weapon certificate),
 - (d) section 10(1) (variation of air weapon certificate),
 - (e) section 11(1)(a) or (2) (revocation of air weapon certificate),
 - (f) section 12(1) (police permits),
 - (g) section 13(1) or (6) (visitor permits),
 - (h) section 14(3)(b) or (4)(b) (visitor permits: young persons),
 - (i) section 15(2) (police and visitor permits: conditions),
 - (j) section 16(1) (police and visitor permits: variation and revocation),
 - (k) section 17(1) or (2) (event permits),
 - (l) section 18(1), (3) or (5) (approval of air weapon clubs),
 - (m) section 19(1) (variation of approval for air weapon clubs),
 - (n) section 29(9)(b) (forfeiture and disposal of air weapons).
- (3) An appeal must be made within the period of 21 days beginning with the date on which the decision appealed against was made.

Status: This is the original version (as it was originally enacted).

- (4) An appeal under this section is to be determined on the merits (and not by way of review).
- (5) The sheriff hearing the appeal may consider any evidence or other matter, whether or not it was available at the time the chief constable made the decision appealed against.
- (6) On determining the appeal, the sheriff may—
 - (a) dismiss the appeal,
 - (b) give the chief constable such direction as the sheriff considers appropriate as respects the matter which is the subject of the appeal.
- (7) The decision of the sheriff may be appealed against only on a point of law.
- (8) In this section, “the appropriate sheriff” means—
 - (a) in a case where the appellant resides in Scotland, a sheriff of the sheriffdom in which the appellant resides, or
 - (b) in a case where the appellant resides outwith Scotland, a sheriff of the sheriffdom of Lothian and Borders, sitting at Edinburgh.