



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 1

AIR WEAPONS

General

38 Transitional arrangements for existing certificate holders

- (1) This section applies where, on the day on which section 2(1) comes into force, a person aged 14 years or more holds a firearm certificate or a shot gun certificate (“the existing certificate”).
- (2) It is not an offence under section 2(1) for the person to use and possess an air weapon without holding an air weapon certificate for the duration of the transitional period.
- (3) The person must, in relation to such use or possession, comply with—
 - (a) any prescribed mandatory conditions which apply to the use and possession of air weapons, and
 - (b) if the person is under the age of 18, the conditions mentioned in section 7(5).
- (4) A person who fails to comply with a condition mentioned in subsection (3) commits an offence.
- (5) But it is not an offence under subsection (4) for a person to fail to comply with a condition mentioned in subsection (3) if—
 - (a) the person is entitled to use or possess an air weapon by virtue of an exemption under schedule 1, and
 - (b) the failure relates to the use or possession of an air weapon in accordance with the exemption.
- (6) 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.

Changes to legislation: There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015, Section 38. (See end of Document for details)

- (7) In this section, the “transitional period” means, in relation to an existing certificate, the period—
- (a) beginning with the day on which section 2(1) comes into force, and
 - (b) ending with (the earlier of)—
 - (i) the day on which the existing certificate is, or falls to be, renewed, or
 - (ii) the day on which the existing certificate is surrendered, cancelled or revoked.
- (8) For the purposes of subsection (7)(b)(i), where a person holds both a firearm certificate and a shot gun certificate, the existing certificate is the certificate which is, or which falls to be, renewed later.
- (9) For the purposes of subsection (7)(b)(ii), where a person holds both a firearm certificate and a shot gun certificate—
- (a) the surrender of one of the certificates does not end the transitional period, but
 - (b) the cancellation or revocation of either certificate ends the transitional period.
- (10) For the purposes of paragraph 16 of schedule 1, this section is to be treated as if it were an exemption under that schedule.

Commencement Information

II S. 38 in force at 31.12.2016 by S.S.I. 2016/130, art. 3(a) (with art. 4)

Changes to legislation:

There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015, Section 38.