



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:

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