



# Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

## PART 3

### CIVIC LICENSING

#### *Miscellaneous and general*

#### **80 Conditions for Part 3 licences**

- (1) The 1982 Act is amended as follows.
- (2) After section 45D (as inserted by section 77 of this Act) insert—

*“Conditions of licences granted under this Part*

#### **45E Mandatory licence conditions**

- (1) The Scottish Ministers may by order prescribe conditions to which licences granted by local authorities under this Part are to be subject.
- (2) Different conditions may be prescribed under subsection (1)—
  - (a) in respect of different licences or different types of licence,
  - (b) otherwise for different purposes, circumstances or cases.
- (3) An order under subsection (1) is subject to the affirmative procedure.
- (4) Subsection (1) does not affect any other power of the Scottish Ministers under this Act or any other enactment to prescribe conditions—
  - (a) to which licences granted by local authorities under this Part are to be subject, or
  - (b) to be imposed by local authorities in granting or renewing licences under this Part.

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*Changes to legislation: There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015, Section 80. (See end of Document for details)*

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- (5) The following conditions are referred to in this Part as “mandatory conditions”—
- (a) conditions prescribed under subsection (1),
  - (b) conditions prescribed under any power referred to in subsection (4), and
  - (c) conditions imposed, or required to be imposed, by any provision of this Part.
- (6) In this section and section 45F, references to licences granted by local authorities include references to—
- (a) licences renewed by local authorities, and
  - (b) licences deemed by virtue of section 45D to have been granted or renewed by local authorities.

#### **45F Standard licence conditions**

- (1) A local authority may determine conditions to which licences granted by them under this Part are to be subject.
  - (2) Conditions determined under subsection (1) are referred to in this Part as “standard conditions”.
  - (3) Different conditions may be determined under subsection (1)—
    - (a) in respect of different licences or different types of licence,
    - (b) otherwise for different purposes, circumstances or cases.
  - (4) A local authority must publish, in such manner as they think appropriate, any standard conditions determined by them.
  - (5) Standard conditions have no effect—
    - (a) unless they are published, and
    - (b) so far as they are inconsistent with any mandatory conditions.
  - (6) Subsection (1) is subject to paragraph 9(1A) of Schedule 2.”.
- (3) In paragraph 9 of Schedule 2 (disposal of applications for licences)—
- (a) in sub-paragraph (1)—
    - (i) in paragraph (a), the word “unconditionally” is repealed,
    - (ii) paragraph (b) is repealed,
  - (b) after sub-paragraph (1) insert—
 

“(1A) In granting or renewing a licence under sub-paragraph (1)(a), a local authority may (either or both)—

    - (a) disapply or vary any standard conditions,
    - (b) impose conditions in addition to any mandatory or standard conditions to which the licence is subject.”,
  - (c) in sub-paragraph (2)—
    - (i) for “sub-paragraph” where first occurring substitute “ sub-paragraphs (2ZA) and ”,
    - (ii) for “(1)” substitute “ (1A)(b) ”,
  - (d) after sub-paragraph (2) insert—

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- “(2ZA) A variation made under sub-paragraph (1A)(a) or a condition imposed under sub-paragraph (1A)(b) has no effect in so far as it is inconsistent with any mandatory condition to which the licence is subject.”,
- (e) in sub-paragraph (2A), for “(1)” substitute “ (1A)(b) ”.

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**Commencement Information**

- I1** S. 80(1)(2) in force at 1.12.2015 for specified purposes by S.S.I. 2015/382, art. 2, **Sch.**
- I2** S. 80(1)(2) in force at 1.11.2016 in so far as not already in force by S.S.I. 2016/307, art. 2, **sch.**
- I3** S. 80(3) in force at 1.11.2016 by S.S.I. 2016/307, art. 2, **sch.**

**Changes to legislation:**

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