



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.

- (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—

“(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)”.