



# Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

## PART 1

### AIR WEAPONS

#### *Air weapon clubs and recreational shooting facilities*

#### **18 Approval of air weapon clubs**

- (1) The chief constable may, on the application of an air weapon club, grant or renew an approval of the club.
- (2) An application for the grant or renewal of an approval of an air weapon club is valid only if it complies with the requirements of any regulations under section 36 which apply to the application.
- (3) The chief constable may, at any time by giving notice to an approved air weapon club, withdraw the club's approval.
- (4) Every approval of an air weapon club is subject to any prescribed mandatory conditions.
- (5) The chief constable may, when granting or renewing an approval, attach conditions to the approval (and in the case of a renewal, may attach different conditions from those attached to the approval prior to its renewal).
- (6) The chief constable may not attach to an approval a condition which is inconsistent with a prescribed mandatory condition which applies to approvals.

#### **19 Variation of approval**

- (1) The chief constable may, by giving notice in writing to an approved air weapon club—
  - (a) vary the club's approval,
  - (b) attach conditions to the club's approval, or

- (c) vary or revoke a condition attached to the club's approval other than a prescribed mandatory condition which applies to approvals.
- (2) The chief constable may give a notice under subsection (1)—
  - (a) on the application of the approved air weapon club, or
  - (b) of the chief constable's own accord (at any time).
- (3) The chief constable may not attach to an approval a condition which is inconsistent with a prescribed mandatory condition which applies to approvals.

## **20 Duration of approval**

- (1) An approval of an air weapon club expires (unless earlier withdrawn) at the end of the period of 6 years beginning with the date on which the approval is granted or renewed.
- (2) Where an approved air weapon club has applied for the renewal of its approval before its expiry but the chief constable has not, as at the date of its expiry, determined whether or not to grant the renewal, the approval is to continue to have effect until the application is determined.
- (3) The Scottish Ministers may by regulations amend subsection (1) to specify a different period.

## **21 Alignment of club approvals**

- (1) Subsection (2) applies where an air weapon club—
  - (a) is approved as a rifle club under section 15 of the Firearms (Amendment) Act 1988 (“the 1988 Act”), and
  - (b) makes an application for the grant or renewal of an approval under section 18(1) of this Act.
- (2) Where this subsection applies, the club may request that the chief constable grant or renew its approval under section 18(1) of this Act for such shorter period than is provided for in section 20(1) of this Act as is appropriate to secure that it expires on the same day as the club's approval under section 15 of the 1988 Act.
- (3) Subsection (4) applies where a club—
  - (a) is an approved air weapon club, and
  - (b) makes an application for the grant or renewal of an approval as a rifle club under section 15 of the 1988 Act.
- (4) Where this subsection applies, the club may make an application under section 18(1) of this Act for the club's approval to be renewed as from the same day as that on which the club's application for approval under section 15 of the 1988 Act is granted or renewed.

## **22 Power to enter and inspect club premises**

- (1) The chief constable may, for the purposes of ascertaining whether the provisions of this Part or any conditions attached to an approved air weapon club's approval are being complied with, authorise a constable or a member of police staff—
  - (a) to enter any club premises of an approved air weapon club, and

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

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- (b) to inspect those premises and anything on them which is relevant to the purposes for which the authorisation was granted.
- (2) The power of a constable or a member of police staff under subsection (1)(b) to inspect anything on club premises includes power to require any information which is stored in electronic form and accessible from the premises to be produced in a form which is visible and legible.
- (3) A constable or a member of police staff may exercise the powers of entry conferred by this section only at a reasonable time, unless it appears to the constable or member of police staff that the purposes of entering the club premises may be frustrated if the constable or member of police staff seeks to enter at a reasonable time.
- (4) A constable or a member of police staff must, if asked, produce the authorisation before entering any premises under this section.
- (5) The chief constable may delegate the power to grant an authorisation under subsection (1) only to a constable who holds the rank of inspector or above.
- (6) It is an offence for a person to obstruct intentionally a constable or a member of police staff in the exercise of the constable's or member of police staff's powers under an authorisation granted under this section.
- (7) A person who commits an offence under subsection (6) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (8) In this section, "club premises", in relation to an approved air weapon club, means any premises, other than a dwelling, occupied or used by the club.

## **23 Requirements for recreational shooting facilities**

- (1) A person who operates a recreational shooting facility must—
  - (a) hold or (if not an individual) ensure that an individual responsible for the management and operation of the facility holds, an air weapon certificate, and
  - (b) at all times that the facility is in use, display the certificate (or a copy of it) prominently on the facility so as to be capable of being read by anyone considering whether to use the facility.
- (2) It is an offence for a person who operates a recreational shooting facility—
  - (a) to fail to comply with subsection (1)(a), or
  - (b) without reasonable excuse, to fail to comply with subsection (1)(b).
- (3) A person who commits an offence under subsection (2) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (4) In this section, "recreational shooting facility" means—
  - (a) a miniature rifle range or a shooting gallery at which air weapons are used, or
  - (b) a facility for combat games which involve using an air weapon, which is operated with a view to making a profit.
- (5) This section does not apply to an approved air weapon club.