

2016 No. 428

ARMS AND AMMUNITION

CRIMINAL LAW

**The Air Weapons Licensing (Exemptions) (Scotland)
Regulations 2016**

Made - - - - *13th December 2016*

Coming into force - - *31st December 2016*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 2(4)(a) of the Air Weapons and Licensing (Scotland) Act 2015^(a) and all other powers enabling them to do so.

In accordance with section 85(2) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Air Weapons Licensing (Exemptions) (Scotland) Regulations 2016 and come into force on 31st December 2016.

Amendment of schedule 1 of the Air Weapons and Licensing (Scotland) Act 2015

2. In schedule 1 of the Air Weapons and Licensing (Scotland) Act 2015 (exemptions), after paragraph 18 insert—

“Use or possession of air weapons on service premises

19.—(1) It is not an offence under section 2(1) for an individual to use or possess an air weapon without holding an air weapon certificate if—

- (a) the individual is under the supervision of a person in the armed forces of Her Majesty, and
- (b) the use or possession occurs while the individual is on service premises.

(2) In this paragraph—

“armed forces” means naval, military or air services,

“service premises” means premises, including any ship or aircraft, used for any purpose of the armed forces of Her Majesty.

Use or possession of air weapons on Ministry of Defence Police premises

20.—(1) It is not an offence under section 2(1) for an individual to use or possess an air weapon without holding an air weapon certificate if—

- (a) the individual is under the supervision of a member of the Ministry of Defence Police, and
- (b) the use or possession occurs while the individual is—
 - (i) on premises used for any purpose of the Ministry of Defence Police, and
 - (ii) being trained or assessed in the use of air weapons.

(2) In this paragraph, “a member of the Ministry of Defence Police” means a person appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987^(a).”.

St Andrew’s House,
Edinburgh
13th December 2016

MICHAEL MATHESON
A member of the Scottish Government

(a) 1987 c.4. There are amendments to section 1 which are not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend schedule 1 of the Air Weapons and Licensing (Scotland) Act 2015 (“the Act”), by extending the list of exemptions from the requirement to hold an air weapon certificate.

Section 2(1) of the Act makes it an offence for a person to use, possess, purchase or acquire an air weapon without holding an air weapon certificate. Schedule 1 of the Act sets out various exemptions from this offence, some of which replicate existing exemptions from the firearms licensing regime under the Firearms Act 1968 (c.27). These include certain exemptions for members of an approved cadet corps, members of the Ministry of Defence Police and persons in Her Majesty’s armed forces.

The Regulations amend schedule 1 of the Act so as to further exempt—

- (a) individuals who use or possess air weapons on service premises, while under the supervision of a person in Her Majesty’s armed forces (this largely replicates the exemption in section 16A of the Firearms (Amendment) Act 1988 (c.45)); and
- (b) individuals who use or possess air weapons on Ministry of Defence Police premises, while being trained or assessed in their use under the supervision of a member of the Ministry of Defence Police (this replicates the exemption in section 16B of the Firearms (Amendment) Act 1988).

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