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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends certain provisions of the Firearms Act 1968 (“the 1968 Act”) in consequence of the provisions in Part 1 of the Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”).

Part 1 of the 2015 Act makes it an offence for a person to use, possess, purchase or acquire an air weapon without holding an air weapon certificate. It also makes it an offence to fail to comply with the restrictions placed on transactions involving air weapons (including the manufacture, sale, transfer, repair and testing of air weapons). These offences are subject to certain exemptions.

Article 1 of the Order makes provision as to citation, commencement and extent.

Article 2 of the Order amends section 3 of the 1968 Act to make it an offence in Scotland for a pawnbroker to take in pawn an air weapon. It also amends Part 1 of Schedule 6 to the 1968 Act so that the maximum penalty for this offence, on summary conviction, is 3 months’ imprisonment and/or a fine of level 3 on the standard scale.

Article 3 of the Order amends section 52 of the 1968 Act. Section 52 allows a court, in certain circumstances, to order the forfeiture or disposal of any firearm or ammunition found in the possession of a person convicted before it, and to cancel any firearm certificate or shot gun certificate that the person holds. Article 3 extends the power in section 52 of the 1968 Act to provide that—

- (a) a court in England and Wales may also cancel any air weapon certificate granted to the person under section 5 of the 2015 Act; and
- (b) where a court in Scotland convicts a person of an air weapon offence under the 2015 Act, it may (in addition to its powers under sections 28 and 29 of that Act) order the forfeiture or disposal of any firearm (other than an air weapon) or ammunition found in the person’s possession.

A full regulatory impact assessment has not been produced for this instrument as no, or no significant impact on the private or voluntary sectors is foreseen.