

# **AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015**

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## **EXPLANATORY NOTES**

### **STRUCTURE AND SUMMARY OF THE ACT**

#### ***Schedule 2: Minor and Consequential Amendments and Repeals***

#### **Part 1 – Amendments and Repeals Relating to Part 1**

##### ***Paragraph 1 – Firearms Act 1968 (c.27)***

292. This paragraph amends various provisions of the Firearms Act 1968 as it applies in Scotland. Sub-paragraph (2) repeals the offence limiting sales of air weapons to Registered Firearms Dealers, as this requirement is recreated by section 24 of the Act. Sub-paragraph (8)(b) also extends the definition of Firearms Dealer to include anyone who manufactures, repairs or tests air weapons by way of trade or business. This brings the definition of Firearms Dealers in Scotland in line with the commercial offences being introduced at section 24 of the Act. Sub-paragraph (9) amends Schedule 4 to the 1968 Act so that Registered Firearms Dealers in Scotland are required to record the full range of air weapon transactions (sale, transfer, manufacture, repair or test) in their register of transactions, in the same way as for more powerful firearms.
293. Sub-paragraphs (3) to (8) amend and repeal various provisions relating to use of air weapons by young people, as these provisions are superseded by the creation of an air weapons licensing regime. Sub-paragraph (10) amends the table of offences and penalties in Schedule 6 to the 1968 Act accordingly.

##### ***Paragraph 2 – Criminal Procedure (Scotland) Act 1995 (c.46)***

294. This paragraph inserts a new provision in Schedule 9 to the Criminal Procedure (Scotland) Act 1995, which lists a number of statutory offences in relation to which certain routine matters may be proved by certificate (rather than by oral evidence at trial). It allows a constable or a person employed by the Scottish Police Authority to certify that an accused individual held, or (as the case may be) did not hold, an air weapon certificate at the time of an alleged offence under Part 1, and for this to be used as sufficient evidence of that fact in criminal proceedings relating to the offence.

##### ***Paragraph 3 – Violent Crime Reduction Act 2006 (c.38)***

295. This paragraph repeals section 32 of the Violent Crime Reduction Act 2006 in Scotland, which is restated by section 25 of the Act.

## **Part 2 – Amendments Relating to Part 2**

### ***Paragraph 4 – Licensing (Scotland) Act 2005***

296. **Paragraph 4** deals with minor amendments to the 2005 Act. For example, it inserts reference to section 24A of the 2005 Act (power to request antisocial behaviour report) into section 29(4) of the 2005 Act (application to vary premises licence). A Licensing Board, when determining an application for a ‘major’ variation to a premises licence, will now be able to request that a chief constable provides it with a report on all cases, complaints or representations made regarding antisocial behaviour on or in the vicinity of the premises in question.
297. This paragraph also removes a spent reference in section 57(5) of the 2005 Act (notification of application to chief constable and Licensing Standards officer) to the previously repealed section 57(2) of that Act.