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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 130**

**The Air Weapons and Licensing (Scotland) Act 2015  
(Commencement No. 3 and Transitional Provisions) Order 2016**

**Transitional provision: the requirement for an air weapon certificate**

4.—(1) Despite article 3(a), it is not an offence under section 2(1) of the Act for a person on or after 31st December 2016 to possess (but not to use, purchase or acquire) an air weapon without holding an air weapon certificate if—

- (a) the person has, before 1st November 2016, made an application for the grant of an air weapon certificate under section 3 of the Act or (as the case may be) a police permit under section 12 of the Act; and
  - (b) the application has, through no failure on the person's part, not yet been finally determined.
- (2) For the purpose of paragraph (1)(b), an application is finally determined when—
- (a) it is granted;
  - (b) it is withdrawn; or
  - (c) it is refused and either—
    - (i) the time limit for appeal against refusal expires without an appeal having been made; or
    - (ii) an appeal against refusal is dismissed or withdrawn and there is no further right of appeal.