
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 85

**The Air Weapons and Licensing (Scotland) Act 2015
(Commencement No. 2 and Transitional Provisions) Order 2016**

Transitional provision: section 72 of the 2015 Act.

6.—(1) Where a person who, on or after 1st September 2016, would not require a metal dealers licence or itinerant metal dealers licence but for the commencement of section 72 of the 2015 Act, does anything for which such a licence is required, that person is not guilty of an offence under section 7(1) of the 1982 Act for failure to have such a licence if—

- (a) that person has, before 1st June 2016, applied to the licensing authority for the grant of a metal dealers licence or itinerant metal dealers licence; and
- (b) the application has, through no failure on the part of that person, not been finally determined.

(2) For the purposes of paragraph (1)(b), an application is finally determined when—

- (a) it is granted;
- (b) it is withdrawn; or
- (c) it is refused by the licensing authority and either—
 - (i) the period of 28 days specified in paragraph 18(4) of Schedule 1 to the 1982 Act expires without an appeal against the refusal being made to the sheriff; or
 - (ii) an appeal against a refusal is withdrawn or dismissed and there is no further right of appeal.