



Guide to Air Weapon Licensing in Scotland

April 2017

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FOREWORD

Air weapons consistently account for around half of all offences allegedly involving a firearm in Scotland. While the overall number of offences reported is significantly lower than ten years ago, air weapon misuse is particularly associated with antisocial behaviour such as common assaults, reckless conduct with a firearm, vandalism and serious assaults. There are regular reports to the police and in the media of domestic animals and wildlife being targeted, as well as less frequent injuries involving people. Thankfully fatalities are rare, but they can and do occur.

Unlike other firearms and shotguns, there has not been any requirement in the past for people to register low-powered air weapons – defined in the Firearms Act 1968 as an air rifle, air gun or air pistol – or to be licensed to have such a weapon. Part 1 of the Air Weapons and Licensing (Scotland) Act 2015 – “the 2015 Act” - introduced a new system of licensing for low-powered air weapons in Scotland.

The 2015 Act sets out a licensing regime that allows the police to better protect Scottish communities by removing air weapons from those who would misuse them. In summary, it:

- Sets out the air weapons which are to be subject to licensing;
- Broadly follows the principles and practices of existing firearms legislation;
- Enables a fit person to obtain a licence to own, possess and shoot an air weapon in a regulated way, without compromising public safety;
- Ensures appropriate enforcement with penalties to deal with any person who contravenes the new regime.

Advanced licensing opened on 1 July 2016 and the full powers in Part 1 of the 2015 Act came into force on 31 December 2016. It is now a legal requirement for a person to have an air weapons certificate, or in some cases a permit, to use, possess, purchase or acquire an air weapon in Scotland, unless they are otherwise exempt under the legislation.

Air weapons are not banned in Scotland, but the new licensing regime provides a means of ensuring that people can use air weapons in a regulated way without compromising public safety. The Scottish Government believes that this strikes the right balance between protecting communities and allowing legitimate shooting in a safe environment to continue.

The Scottish Government
April 2017

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1. INTRODUCTION

The Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”) introduced a certification regime for air weapons in Scotland. This document provides guidance for the Police Service of Scotland in accordance with section 39 of the Act. It is not a definitive statement of the legislation, and reference should be made to the Act itself.

Link - [Air Weapons and Licensing \(Scotland\) Act 2015](#)

Members of the public, including people applying for or holding an air weapon certificate or permit, may also wish to refer to this guidance.

Background

The Calman Commission on Scottish Devolution reported in 2009 and recommended that powers on air weapons be devolved to Scotland. This was taken forward through the Scotland Act 2012 at Westminster. The Act received Royal Assent on 1 May 2012, with section 10 giving the power to legislate on air weapons to the Scottish Parliament.

The Bill for the 2015 Act was passed by the Scottish Parliament on 25 June 2015 and received Royal Assent on 4 August 2015. As well as introducing a system of licensing for air weapons in Scotland, the Act created a number of new offences related to the use, possession, purchase and acquisition of air weapons by persons who do not hold a certificate or do not act in accordance with the licensing regime.

The Act also sets out the framework through which the Police Service of Scotland may grant an air weapon licence to appropriate individuals. Further detail is set out in secondary legislation, in a series of Scottish Statutory Instruments (SSIs). The most significant of these is The Air Weapons Licensing (Scotland) Regulations 2016. The Regulations set out, amongst other things, the statutory application forms and certificates or permits which are used in the regime, and also the tariff of fees payable on application.

Link - [The Air Weapons Licensing \(Scotland\) Regulations 2016](#)

The 2015 Act is in addition to and does not replace the current UK firearms legislation in respect of firearms, shotguns and high powered air weapons. Reference to the [Home Office Guide on Firearms Licensing Law](#) and any internal police operating procedures will still be relevant and required.

The licensing regime

Since 1 July 2016 a person can apply for the certificates and permits created by the air weapons legislation to the Chief Constable of the Police Service of Scotland ("Police Scotland"), who is the responsible licensing authority. The full powers of the 2015 Act, including offences and penalties, came into effect on 31 December 2016.

All references to the 2015 Act and 1968 Act are to the Air Weapons and Licensing (Scotland) Act 2015 and the Firearms Act 1968 (the principal Firearms Act) respectively. References to the Regulations are to The Air Weapons Licensing (Scotland) Regulations 2016.

2. DEFINITION OF AN AIR WEAPON

Section 1 of the 2015 Act sets out the meaning of “air weapon” for the purposes of the licensing regime.

Generally, only air weapons within the meaning of section 1(3)(b) of the 1968 Act are devolved to the Scottish Parliament and are regulated by Part 1 of the 2015 Act. This does not include a weapon which is prohibited under section 5(1) of the 1968 Act or which has been declared specially dangerous by the Secretary of State.

Against this background the definition of air weapons for the purposes of the 2015 Act covers all air weapons with a muzzle energy exceeding 1 joule (0.74 ft/lbs), but not those required to be held on a firearms certificate under the 1968 Act i.e. air rifles or air guns with a muzzle energy exceeding 12ft/lbs (16.27 joules), or 6ft/lbs (8.13 joules) for an air pistol.

The licensing regime also covers the component parts of such air weapons and any accessory designed or adapted to diminish the sound of their discharge.

Exclusions

There are a number of specific exclusions from the licensing regime. These are:

- Air weapons which are not firearms within the meaning of section 57(1) of the 1968 Act (i.e. those which are not lethal barrelled weapons of any description from which any shot, bullet or other missile can be discharged);
- Air weapons which are not capable of discharging a missile with a muzzle energy of more than 1 joule;
- Airsoft guns, within the meaning of section 57A of the 1968 Act.¹
- Air weapons designed for use only under water, such as spear guns;

In addition, Part 1 does not regulate ammunition for air weapons – i.e. pellets or other missiles.

¹ Section 57A was inserted into the 1968 Act by the Policing and Crime Act 2017 with effect from 2 May 2017. It creates a specific exclusion for certain airsoft guns from the definition of a firearm.

Specific examples of the types of weapon which will not, under normal circumstances, fall within the licensing regime are as follows:

- BB guns are generally designed to fire low energy plastic pellets and are not included in the regime. Some high energy BB guns may, however, be capable of discharging a missile with muzzle energy of more than 1 joule and would therefore fall to be regulated under Part 1 of the 2015 Act. Owners or users should contact Police Scotland for specific advice on such weapons.
- Paintball guns are generally powered by carbon dioxide and are designed to be used in adventure games. The Home Office Guide on Firearms Licensing Law notes that, in proper and normal use, they are unlikely to cause serious injury. As such, they are not considered to be firearms and do not, therefore, fall within the air weapons licensing regime. Paintball guns owned or used for other purposes, or used to fire non-standard ammunition, may need a certificate – such owners or users should contact Police Scotland for advice.
- Certain airsoft guns (used for airsoft skirmishing) are not regarded as firearms for the purposes of the 1968 Act. They are fully automatic airsoft guns with a muzzle energy of 1.3 joules or less, and single shot (or semi-automatic) airsoft guns with a muzzle energy of 2.5 joules or less, which discharge airsoft BB 8 m plastic pellets. Airsoft guns with a muzzle energy which exceeds those levels may require a certificate – owners or users should contact Police Scotland for advice.

3. REQUIREMENT FOR AN AIR WEAPON CERTIFICATE

Section 2 of the 2015 Act sets out the basic requirement to have an air weapon certificate (AWC), subject to a number of exemptions. From 31 December 2016 anybody aged 14 or above, who wishes to use, possess, purchase or acquire an air weapon will require an air weapon certificate (although see the exemptions in Appendix 3).

Section 2 also specifies that failure to comply with this requirement is a criminal offence and any person convicted could be fined and/or imprisoned for up to two years.

Young people – aged 14 to 17 years

Persons aged 14 and over but under 18 years of age cannot purchase, hire, accept as a gift or own an air weapon in their own right. This will be specified as a condition on any air weapon certificate issued to them (see Chapter 8).

People who already hold a firearm or shotgun certificate

Under section 38 of the 2015 Act transitional arrangements are in place for individuals who held a current firearm and/or shotgun certificate, issued under the 1968 Act, on 31 December 2016. These certificate holders can continue to use and possess their air weapons without holding an air weapon certificate until their 1968 Act certificates expire. At that point, section 9 of the 2015 Act allows an individual to align their various certificates so that all relevant firearm, shotgun and air weapon licences and certificates expire at the same time - generally after 5 years.

Should an existing certificate holder surrender their certificate(s), or if they are cancelled or revoked, the person would have to apply for an air weapon certificate if they wish to continue to use or possess air weapons.

Similarly, if an existing firearm or shotgun certificate holder decides to purchase or otherwise acquire a new or different air weapon, before their certificate is renewed, they will need to obtain an AWC under the 2015 Act. This is because they will be required to show that certificate to the dealer at the point of sale or transfer.

Exemptions

There are a number of exemptions to the requirement to hold an air weapons certificate. These are listed in schedule 1 to the 2015 Act.

Link - [Air Weapons and Licensing \(Scotland\) Act 2015 - schedule 1](#)

A summary of the exemptions can also be found at Appendix 3.

4. APPLICATIONS FOR THE GRANT OR RENEWAL OF AN AIR WEAPON CERTIFICATE

Air weapons licensing is intended to allow the legitimate possession and use of air weapons by those judged safe to possess and use such weapons. The overarching consideration in all firearms licensing is public safety.

Licensing of firearms and shotguns under the 1968 Act is undertaken by the police. Similarly, air weapon certification is undertaken by the Police Service of Scotland ("Police Scotland") and all Air Weapon Certificates (AWCs) and permits will be determined by and issued under the authority of the Chief Constable of Police Scotland.

Sections 3 and 4 of the 2015 Act set out the process for applying for a certificate. This is supplemented by the Air Weapons Licensing (Scotland) Regulations 2016. The regulations set out the requirements and processes involved in applying for certificates and permits. In addition, they prescribe the various forms to be used, the certificate and permits to be issued, and the fees to be paid on application.

Link - [The Air Weapons Licensing \(Scotland\) Regulations 2016](#)

Application form AWL1

To apply for the grant or renewal of an AWC, an applicant will need to complete and submit the appropriate application form AWL1. A list of all the prescribed forms, certificates and permits relating to air weapons licensing is at Appendix 2 to this document and the application form may also be downloaded from there.

The form can also be accessed online at the Police Scotland website at <http://www.scotland.police.uk/> or via www.airweapon.scot. The form itself includes notes to guide the applicant through the requirements of the process.

Prohibited persons and declaring previous convictions

Under section 21 of the Firearms Act 1968 a person who has been convicted of an offence may be prohibited from possessing firearms. Such a prohibition, whether temporary or permanent, applies to air weapons as it does to other firearms and shotguns.

Whether prohibited or not, an applicant for an air weapon certificate **must** declare any and all previous convictions. The provisions of the Rehabilitation of Offenders Act 1974 do not apply to an application for the grant or renewal of an air weapons certificate. An applicant is therefore not entitled to withhold information about **any** previous conviction, however old or minor, on the grounds that it is "spent" for other purposes. However, an applicant does not have to disclose any offences dealt with by way of a fixed penalty notice or other alternative to prosecution. If in doubt, it is better for the applicant to disclose.

Link - [The Rehabilitation of Offenders Act 1974 \(Exclusions and Exceptions\) \(Scotland\) Amendment \(No.2\) Order 2016](#)

Verifiers

An applicant for the grant or renewal of an air weapon certificate must supply details of one person to act as a verifier. That person must confirm, at Part E of form AWL1, to the best of their knowledge and belief that the information supplied in the application is correct. The verifier must reside in the United Kingdom, have known the applicant for at least 2 years and, in the opinion of the Chief Constable, be of good standing in the community.

Relatives of the applicant, Registered Firearms Dealers, serving police officers, police employees or a member of the Scottish Police Authority may not act as verifiers. If the verifier does not meet the eligibility criteria, the applicant will be asked to provide details of another person who does.

In the case of an applicant aged 14 years or above but under 18 years, the consent of a parent or guardian is required at Part D of the application form.

Where to send the form

Completed forms should be sent, along with the appropriate fee and two identical photographs of the applicant to:

Air Weapons Team
Police Scotland
Clyde Gateway
2 French Street
Dalmarnock
Glasgow
G40 4EH

5. DETERMINING THE APPLICATION

Under the 2015 Act all air weapon certification will be undertaken by the Police Service of Scotland. The decision as to whether to grant, renew or refuse an Air Weapon Certificate (AWC) is a matter for the Chief Constable of the Police Service of Scotland.

Section 5 of the 2015 Act sets out the criteria against which the police will determine any application. The Chief Constable may only grant or renew a certificate if satisfied that the applicant:

- is fit to be entrusted with an air weapon;
- is not prohibited from possessing an air weapon or other firearm under section 21 of the Firearms Act 1968;
- has a good reason for using, possessing, purchasing or acquiring an air weapon; and
- in all the circumstances, can be permitted to possess an air weapon without danger to the public safety or to the peace.

The Scottish Government's aim is that the licensing regime should take an approach which is commensurate with and proportionate to the relative lethality of air weapons and the danger they pose in most circumstances. In line with this, the Government will generally expect the police to take a lighter approach, in most cases, than might be required in the case of a shotgun or firearm application under the 1968 Act. It is expected, therefore, that the majority of air weapon applications can be decided on the basis of routine firearms licensing checks.

The police should also be guided by the information given on the application form, such as the reasons given for possessing and using an air weapon, and their local knowledge, for example of the locality in which a person intends to shoot. If the police deem it necessary, they may elect to undertake further, more detailed enquiries. This may include, for example, a home visit though it is anticipated that this will only be required in a very small number of cases.

In summary, a variety of options are available to Police Scotland in considering an application, including but not limited to:

- Enhanced police system checks
- Home visit/interview with the applicant
- Interview with applicant's family/friends/colleagues
- Inspecting the storage location of the air weapon(s)
- Local enquiry
- Checking land on which a person plans to shoot or club premises to confirm good reason/safety

Assessing suitability

The first test which the police must undertake is an assessment of whether a person is fit to be entrusted with an air weapon. This test broadly replicates the assessment for a firearms certificate in section 27 of the 1968 Act. Reference should be made to the guidance on this aspect given in the [Home Office Guide on Firearms Licensing Law](#).

An assessment of a person's fitness is a judgement made by the police on the available evidence. Amongst other things, the police will assess whether, to their knowledge, the applicant is of intemperate habits or unsound mind, or is otherwise unfit to be entrusted with an air weapon. This assessment may include evidence of alcohol or drug abuse that may indicate that a person is unfit or unsuitable to possess an air weapon due to the possible impairment of judgement and loss of self-control, evidence of aggressive or anti-social behaviour, or evidence of disturbing and unusual behaviour of a kind which gives rise to concern about the future misuse of air weapons.

While the application form AWL1 requires the applicant to declare any known or past medical conditions which might affect their ability to possess and use air weapons safely, there is no requirement or expectation on the police to contact the applicant's GP unless it is deemed appropriate to do so in the circumstances. The onus to report such matters is the responsibility of the applicant and failure to do so, or making a false statement on the application form, is a serious offence under section 31 of the 2015 Act and could lead to a fine and/or imprisonment.

As noted in Chapter 4 above, certain people may be prohibited from possessing any firearm, including air weapons, as a result of previous convictions. The Chief Constable will, however, wish to assess **any** known or suspected criminal involvement when considering an air weapon application.

A single, minor conviction in the past, or minor offences unrelated to firearms or public safety issues should not necessarily lead to a refusal to grant an AWC. A series of convictions, however, or a record of violence including domestic abuse, the misuse or mis-handling of firearms, evidence of association with known criminals or cases where the applicant is found to have knowingly or recklessly made a false statement in order to obtain a certificate will be of particular relevance.

Decisions on applications and revocations should be made on an assessment of all the relevant information and on the specific circumstances of each case. Evidence of previous convictions or intemperate behaviour, for example, might not result in an automatic refusal if, since the conviction, the applicant has led a law-abiding life and shown a capacity to be entrusted to possess a firearm.

Assessing good reason

An applicant must also be able to demonstrate that he or she has a “good reason” to use, possess, purchase or acquire air weapons. An air weapon certificate may be granted by the Chief Constable if satisfied that the applicant has a good reason and that this will not result in a danger to public safety or to the peace.

It is not possible to list every potential use which might be considered good reason to have an air weapon. However, the Scottish Government believes that the following may be considered good reason, taking account of all the circumstances of the individual case:

- Sporting purposes (including the safe shooting of appropriate live quarry)
- Vermin and pest control
- Target shooting (on private land or at an approved air weapon club)
- Taking part in re-enactments
- Theatrical use – for example a theatrical armourer or a theatre manager
- Collections

Further detail on each of these is set out at Appendix 4.

Evidence to justify good reason could come from:

- Request for written authorities where relevant
- Evidence that the land is suitable for safe shooting
- Evidence of permission to shoot on that land
- Verification of club membership
- Evidence of involvement in a theatre, TV or film production
- Operation of a recreational shooting facility, shooting gallery or stall, etc
- For collectors, membership of a recognised body

As with other firearms, the police will encounter cases not covered here where they may properly judge that good reason is proven. Each case must be judged on its own merits, being mindful of the consistent application of the legislation and the need to provide fair and equitable treatment to all applicants, while maintaining the duty to protect the public from air weapon misuse. Any decision to refuse on grounds of good reason must be reasonable.

The [Home Office Guide on Firearms Licensing Law](#) lists what would be considered good reason for possession of firearms. Further reference may be made to this for air weapons due to the similarities in legislation and enquiries in relation to the grant/renewal of air weapon certificates.

6. GRANTING THE CERTIFICATE

If the Chief Constable is satisfied that the statutory tests set out in the previous Chapters are met, he or she will grant an Air Weapon Certificate (AWC), under section 5 of the 2015 Act.

What the certificate covers

Unlike firearms licensing, an AWC authorises the person to use, possess, purchase and acquire any number of air weapons. Applicants are not required to list the air weapons they possess or intend to possess, and air weapons are not itemised on the certificate. Once issued with a certificate, the holder can possess as many air weapons as they can safely and securely store.

Duration of certificates

As with firearm and shotgun certificates issued under the 1968 Act, an air weapon certificate will normally be valid for a period of 5 years beginning with the date on which the certificate is granted or renewed.

A certificate granted to an individual under the age of 18 will expire when that person attains the age of 18. This is because there are specific conditions and restrictions which apply to certificate holders between the ages of 14 and 17. These are set out at section 7 of the 2015 Act. Most significantly, a young person may not purchase, hire, accept a gift of or own an air weapon. These specific restrictions no longer apply once the person reaches 18 years of age. Their certificate will be timed to expire on their 18th birthday, at which point they are free to apply for and obtain a full AWC.

The application fee for a certificate for a young person is reduced to reflect the shorter duration of the certificate.

Renewals

The onus for applying to renew an air weapon certificate rests with the holder, although Police Scotland will issue reminders to certificate holders 16 weeks prior to the expiry of the current certificate to facilitate early renewal applications. In any event, applications should ideally be made **no less than eight weeks** before the date of expiry.

Under section 8(2) of the 2015 Act, where an individual has applied for the renewal of an air weapon certificate before its expiry but the chief constable has not, as at the date of its expiry, determined whether or not to grant the renewal, the certificate is to continue to have effect until the application is determined.

The test for renewal of an air weapons certificate is the same as the test for the initial grant.

Alignment of certificates

Under section 9 of the 2015 Act a holder of a firearm and/or shotgun certificate may seek to align an AWC with their existing certificates. The person should, at the time of application, request that the AWC should be timed for renewal with the other certificates. The AWC should, if granted or renewed, be issued for a period less than 5 years to enable it to expire on the same date as one or both of the firearm or shotgun certificates determined by the applicant.

Similarly, if an individual already holds an Air Weapons Certificate and thereafter applies for the grant or renewal of a firearm or shotgun certificate they may make an application for the air weapon certificate to be renewed as from the same day as that on which the firearm or shotgun certificate is granted or renewed.

A reduced air weapon application fee of £5.00 is charged in cases where the applicant seeks to align certificates in this way.

Transitional arrangements – “Smoothing”

Part 4 of and schedule 4 of the Air Weapons Licensing (Scotland) Regulations 2016 set out transitional arrangements to accommodate the significant number of applications generated by the new licensing regime and to help “smooth” the peaks and troughs in the firearms licensing cycle generally.

Under these arrangements, the duration of any certificate granted on an application made before 31 December 2016 could last for a period of between 12 and 33 months. Thereafter the certificate will expire and the holder may apply for a renewal under the standard 5 year duration.

The application fee payable in these circumstances was reduced pro rata to the duration of the certificate, as set out in the 2016 Regulations.

Link - [Air Weapons Licensing \(Scotland\) Regulations 2016](#)

These “smoothing” provisions did not apply to applications made by existing firearm or shotgun certificate holders who sought to align their certificates in accordance with section 9 of the 2015 Act, or to applications by young people. Their application and any certificate granted followed the specific arrangements set out for them above.

The statutory smoothing provisions do not apply to any application made on or after 31 December 2016.

7. REFUSALS, REVOCATIONS AND VARIATIONS

Refusal of an application

An application for the grant or renewal of an Air Weapons Certificate (AWC) may be refused if the Chief Constable is of the opinion that the applicant does not meet the criteria specified in Section 5(1) of the 2015 Act, having taken a view on the various tests set out at Chapter 5 above.

Where an application is refused by the Chief Constable, Police Scotland should inform the applicant of the decision, setting out the reasons for refusal, by recorded delivery post. If the applicant possesses air weapons the Police should discuss their disposal with the applicant. The individual may choose to sell their air weapons, either through a registered firearms dealer or privately to an air weapon certificate holder, give them to a certificate holder or dispose of them by handing them over to the police. Police Scotland should seek to reach an agreed outcome with the applicant wherever possible. During such discussions, the police should be satisfied that the weapons are held securely by a fit person.

Revocations

An air weapon certificate may be revoked on the grounds specified in section 11 of the 2015 Act.

The Chief Constable **must** take steps to revoke an AWC if satisfied that the holder can no longer be permitted to possess an air weapon without danger to the public safety or to the peace, or if the person becomes prohibited from having an air weapon or other firearm under section 21 of the 1968 Act.

The Chief Constable **may** decide to revoke the certificate in other circumstances, for example where the holder no longer has good reason to use, possess, purchase or acquire the weapon.

Any information indicating that a certificate holder is no longer suitable to hold a certificate must be substantiated.

Should the decision be taken to revoke the AWC, the certificate holder will be informed of the decision in writing, citing the reasons for the decision to revoke, with at least 7 days' notice before the revocation is to take effect. The certificate holder will then be required to surrender the certificate and any air weapons held.

As above, the police should seek to reach agreement on the disposal of the air weapon(s) prior to the 7 day notice period expiring in order that the certificate holder is not committing any additional offences by being in possession of an air weapon without a valid certificate.

Variations

Under section 10 of the 2015 Act the Chief Constable may, during the period of the certificate (or at its renewal), vary an AWC. Such variation may be to the overall certificate, for example a change of name or address. Alternatively, the Chief Constable may decide to attach additional conditions, or vary or revoke an existing condition (though not a mandatory condition).

The AWC holder may also apply to the police to have the certificate varied. Such application must be made using Form AWL4, as prescribed in the Air Weapons Licensing (Scotland) Regulations 2016, and a fee of £20.00 is payable at the time of application.

The certificate holder may be given notice to produce the AWC within 21 days, so that the revised certificate can be issued.

8. CONDITIONS

Every air weapon certificate (AWC) granted or renewed (and every permit) will be subject to a number of mandatory conditions. In addition, the Chief Constable may decide to attach additional conditions relevant to the circumstances of the individual case. Conditions can be used for simple administrative purposes, such as a requirement to notify Police Scotland in certain circumstances, or to place restrictions on where, how or when a person might use their air weapons.

Adding such conditions to a certificate is in line with existing arrangements for firearms and shotguns under the 1968 Act.

Mandatory conditions

Under section 6(1) of the 2015 Act mandatory conditions will be applied to any air weapon certificate. Mandatory conditions will likewise be applied to each police permit and visitor permit under section 15(1) of the 2015 Act. The mandatory conditions relevant to each type of certificate or permit are set out in regulation 9 of and schedule 2 to the Air Weapons Licensing (Scotland) Regulations 2016, and appear on the relevant certificates or permits as prescribed in those Regulations. These are also shown at Appendix 5 to this Guide.

Link - <http://www.legislation.gov.uk/ssi/2016/188/contents/made>

Other conditions

The Chief Constable may also attach one or more additional condition(s) to the certificate (or permit). The use of such conditions will depend on the circumstances of the applicant and the use of the air weapon. They may, for example, place restrictions on the type of shooting which might be undertaken, or the land on which a person might shoot. A list of suggested conditions is set out at Appendix 5 to this Guide, but this list is not exhaustive.

An AWC holder has a right to appeal against any (non-mandatory) conditions attached, or any variation of the conditions attached to their certificate.

Young people

Any certificate issued to a person under the age of 18 years will also be subject to the special requirements and conditions set out at section 7 of the 2015 Act. In particular, the certificate must include the mandatory condition at section 7(4), which prohibits them from purchasing, hiring, accepting a gift of or owning an air weapon and, additionally, at least one other condition from section 7(5) of their 2015 Act relating to the proposed use of the air weapon such as target shooting, pest control etc.

The intention of section 7 of the 2015 Act is to better manage and control shooting by young persons, especially where they may be shooting unsupervised. The applicant must clearly indicate on their application the purpose(s) for which they wish to possess and use an air weapon, and the conditions attached to their certificate should reflect that. The young certificate holder may use the air weapon for one or more of the purposes listed at section 7(5) of the 2015 Act, but any or all such purposes must be stated at the time of application, and be clearly permitted according to the conditions on the certificate.

It is open to a young person to seek a variation to these conditions, for example by adding a further allowable purpose, at any stage during the life of the certificate.

9. AIR WEAPON PERMITS

There is a limited range of circumstances where a person may need to possess or otherwise deal with air weapons on a temporary basis without being a certificate holder. In line with existing firearms legislation, the 2015 Act makes provision for such circumstances, by enabling the grant of temporary permits for specific circumstances.

Police Permits

The Chief Constable of Police Scotland may, under section 12 of the 2015 Act, grant a Police Permit to an individual:

- to possess or acquire an air weapon without holding an air weapon certificate; or
- to sell (or expose for sale) an air weapon in the course of that individual's business.

These permits may be issued in circumstances when it would not be appropriate to issue a full air weapon certificate, or to register a person as a firearms dealer under the 1968 Act. The rationale for issuing such a permit would be to authorise the temporary possession of an air weapon by an individual such as a relative or the executor of a deceased person, or the trustee in sequestration (i.e. bankruptcy) proceedings to dispose of any air weapons held to the benefit of that estate, or the creditors, as the case may be. It may also be appropriate to issue a permit to allow a person some time to dispose of an air weapon if a certificate is not to be renewed.

In addition, permits issued to auctioneers would allow them to sell an air weapon without being a registered firearms dealer.

Application should be made using Form AWL2 as prescribed in the 2016 Regulations and the police should complete routine firearms licensing checks to ensure suitability of the applicant. The permit should only be granted if the Chief Constable is satisfied that it would not present a danger to public safety or the peace to do so.

A police permit will allow a person to possess or acquire an air weapon without holding an air weapon certificate. It should not in any circumstances allow use of an air weapon or the purchase of further weapons.

The Chief Constable has the power under sections 15 and 16 of the 2015 Act to attach conditions to the permit and to vary, by a notice to the holder, any condition so attached. The holder may be required to produce the permit to the police within 21 days, beginning with the date on which the notice is given, in order that the permit may be varied.

The police may also, by notice, revoke a Police Permit, giving at least 7 days' notice to the holder and requiring the surrender of the permit and any air weapons held.

Visitor Permits

Sections 13 and 14 of the 2015 Act make provision for temporary Visitor Permits for those who wish to come to Scotland to shoot air weapons, whether they be their own or those borrowed or hired while in the country. Such certificates will be time limited and will last no longer than 12 months.

Application should be made in advance of the visit using Form AWL3 prescribed in the 2016 Regulations. The police should undertake the necessary routine firearms licensing checks to ensure suitability of the applicant and the permit should only be granted if the Chief Constable is satisfied that it would not present a danger to public safety or the peace to do so, and that the visitor is not prohibited from possessing firearms. In addition, the Chief Constable may only grant the permit if satisfied that the person has good reason for using, possessing, purchasing or acquiring air weapons while in the country. Visitors aged 14 or more but under the age of 18 years however may not purchase, accept a gift of or own an air weapon, and are subject to specific conditions regarding the use of air weapons.

The approach to be taken by the police should be a simple, pragmatic regime of checks which are transparent to those coming to Scotland, while providing appropriate reassurance as to the suitability of a person to have access to air weapons. Evidence that the applicant holds a firearms or shotgun certificate granted under the 1968 Act, or a European Firearms Pass can provide strong support for the grant of a temporary permit to visitors.

Visitor Permits will normally only be valid for the duration of the particular visit, in line with the application made. However, if the applicant intends to make regular visits over a short time then a permit may be issued to cover these dates. No visitor permit may last for longer than 12 months.

Persons who visit Scotland regularly over a longer period and wish to use air weapons, for example in order to carry out their business or to take part in competitions, may elect to apply for a full Air Weapon Certificate under section 3 of the 2015 Act, rather than for a temporary permit.

Each visitor permit will be granted along with a number of mandatory conditions, though the Chief Constable may attach additional conditions (see Appendix 5).

The Chief Constable has the power to vary, by a notice to the holder, any condition of the permit. The holder must produce the permit to police within 21 days, beginning with the date on which the notice is given, in order that the permit may be amended. Failure to do so in this way would be grounds for the permit to be revoked.

Group visitor permits

A person may apply for visitor permits on behalf of a group of up to 20 people – for example, a school or club. In the case of groups, any or all individuals may be granted, or refused, a permit to use and possess air weapons. The decision not to grant to one or more individual(s) in the group, detracts in no way from those persons who meet the qualifying criteria and are granted a permit. A group application does not permit the purchase or acquisition of air weapons.

Event Permits

Section 17 of the 2015 Act provides for an event permit. Where an organiser seeks to hold an event where air weapons will be used by attendees, an application can be made to the Chief Constable for the grant of an Event Permit to authorise those attending to borrow, hire, use and possess air weapons while engaging in the actual event activity without holding an air weapon certificate.

The intention is that people attending organised events, for example a fair or local gala, pony club tetrathlon or bicycle biathlon, may compete without necessarily requiring an air weapon certificate. Application can be made by the organiser, or a person otherwise responsible for the event, using Form AWL5 as prescribed in the 2016 Regulations. The application should give full details of the event, the types of uses for air weapons, the land on which shooting will take place, etc. In many cases, the police may already be aware of the event taking place, but they will wish to carry out the necessary routine firearms licensing checks to ensure that appropriate safety is in place for the event, and that the applicant is a fit person to take responsibility for the use of air weapons.

As with other permits, the Chief Constable may attach conditions to the Event Permit if it is granted. Failure to comply with any conditions attached is an offence on the part of the organiser as the responsibility ultimately rests with them.

Individuals attending an authorised event will not require an air weapon certificate, taking advantage of one of the exemptions set out in schedule 1 to the 2015 Act. If granted, the permit (or a copy of it) must be displayed prominently at the event so as to be capable of being read by any person attending the event. It is an offence for the organiser to fail to comply with this requirement without reasonable excuse.

10. AIR WEAPON CLUBS

The Scottish Government believes that air weapon clubs can offer a safe, organised environment where people can use their weapons for target shooting, train and learn from each other and engage in competitions, whether formal or informal.

There is already a network of air gun clubs around Scotland, some of which are associated with rifle clubs, miniature rifle clubs or muzzle-loading pistol clubs (“rifle clubs”) approved by Ministers under the provisions of the Firearms (Amendment) Act 1988, while some are stand-alone clubs in their own right. With the introduction of the new licensing regime, Scottish Ministers believe that the establishment of new clubs, or expansion of existing clubs, should be facilitated and encouraged wherever possible and appropriate.

Section 18 of the 2015 Act introduces the new class of approved air weapon clubs in Scotland. This allows a club to apply to the Chief Constable for approval of the club under a process broadly similar to the approval of rifle clubs. Application should be made on Form AWL6 as prescribed by the Air Weapons Licensing (Scotland) Regulations 2016. A fee of £45.00 is payable on application and, if granted, the approval will last for 6 years as set out in section 20 of the 2015 Act.

Under the terms of section 18 of the 2015 Act, the Chief Constable must, when granting an approval, attach a number of mandatory conditions to the approval. He may attach further conditions relevant to the circumstances of the individual case. Under section 19 of the 2015 Act, the police may vary the club’s approval at any time, by giving notice in writing. Alternatively, the club may apply to the police for a variation to the terms of the approval. Such variations may simply be to amend a name or address, or to change the types of shooting taking place at the club.

What is an approved club?

It is not necessary for a club to have approved status under the legislation. However, if an application is granted, members of that club can use or possess air weapons without holding a personal air weapon certificate (AWC) when engaged in target shooting at the club, another approved air weapon club, an event or competition, or in connection with such target shooting. A club member under 14 years of age must be supervised by another club member aged 21 years or over. This exemption from the general requirement to hold an AWC is set out at section 2(3) and paragraph 1 of schedule 1 to the 2015 Act.

While approved club status allows members to undertake target shooting activities without holding an individual AWC, the club should have at least one current certificate holder who will be responsible for the storage, safe-keeping and use of air weapons for club purposes.

Criteria for approval

Responsibility for approving an air weapon club rests with the Chief Constable of Police Scotland. The process for considering each application should broadly follow the procedures for rifle clubs, but should be proportionate to the relative power and lethality of the weapons to be used. In many cases the police will wish to visit a club's premises, whether it has a range or not to take a view of the safety and storage arrangements. There is no requirement for a full range inspection to be undertaken by, for example, the National Rifle Association or the National Small-bore Rifle Association, though clubs may decide to have such a check carried out as a matter of good practice from a health and safety standpoint.

The minimum criteria against which the police will assess the suitability of an air weapon club for approval are set out at Appendix 7 to this Guide.

Aligning with a rifle club

Under section 21 of the 2015 Act, where an air weapon club is already approved as a rifle club under the Firearms (Amendment) Act 1988 and seeks approval under the 2015 Act, the club may request the approval under the 2015 Act is for a shorter period than 6 years so that it can be aligned to expire at the same time as the rifle club approval.

Similarly, where an air weapon club is already approved under the 2015 Act and seeks approval as a rifle club, the club may apply to have its air weapon club approval renewed so as to align with the period of the rifle club approval.

Power to enter and inspect club premises

Under section 22 of the 2015 Act the Chief Constable may, for the purposes of ascertaining compliance with the club approval and any conditions attached to it, authorise a constable or a member of police staff:

- to enter any club premises of an approved air weapon club, and
- to inspect those premises and anything on them which is relevant to the purposes for which the authorisation was granted

This power should be exercised at a reasonable time unless it appears to the police that the purpose of entry would be frustrated by doing so. Information which is stored in electronic form and accessible from the premises can be required to be produced in a form which is visible and legible.

It is an offence for a person to obstruct intentionally a constable or a member of police staff exercising their powers of entry.

11. REQUIREMENTS FOR RECREATIONAL SHOOTING FACILITIES

The term “recreational shooting facility” is defined at section 23 of the 2015 Act as:

- A miniature rifle range or a shooting gallery at which air weapons are used; or
- A facility for combat games which involve using an air weapon

which is operated with a view to making a profit.

Any person who operates a recreational shooting facility of this type, whether it is a permanent feature such as a combat games site, or a temporary or travelling stall at a show or gala, must be licensed to use, possess, purchase or acquire air weapons. They should, therefore, hold or (if not an individual) ensure that the individual responsible for the management and operation of the facility holds, an air weapon certificate.

In addition, at all times that the facility is in use, the operator must display the certificate (or a copy of it) prominently on the facility so as to be capable of being read by anyone considering whether to use air guns at the facility.

Failure to comply with these requirements is an offence and could lead to a fine and/or imprisonment of up to 6 months.

12. AIR WEAPONS TRANSACTIONS

Sections 24 and 25 of the 2015 Act set out various restrictions on transactions involving air weapons in Scotland.

The Scottish Government has, as far as possible, sought to avoid imposing any significant new burdens on registered firearms dealers (RFDs) and others involved in the manufacture, sale, transfer, repair or test of air weapons by way of trade or business.

Section 24(1) of the 2015 Act makes it clear that people involved in such transactions, by way of trade or business, must be an RFD. Under paragraph 2 of schedule 1 to the 2015 Act, RFDs and their employees are exempt from the general requirement to hold an air weapon certificate (AWC), whilst carrying on the business of the dealership. Existing law around RFDs, and the requirements on them regarding matters such as storage and security, etc are well established and already cover air weapons in many respects.

Sales and transfers of air weapons are regulated by section 24(2) of the 2015 Act. This requires the person selling or transferring the air weapon – whether they are an RFD or a private seller – to satisfy themselves that the person purchasing or acquiring the air weapon is entitled to do so, either because they are an RFD, hold an AWC or are otherwise exempt from the requirement to hold an AWC. Similar requirements are in place for people manufacturing, repairing or testing an air weapon for another person, under section 24(3) of the 2015 Act.

Section 24(2)(c) of the 2015 Act specifically allows an RFD to sell an air weapon to someone without requiring to see an AWC or evidence that an exemption applies, provided that the air weapon in question will be sent out of Great Britain, or to an RFD in England or Wales, without first coming into the possession of the purchaser. Where the purchaser is an individual (as opposed to, for example, a corporate body) the individual must be aged 18 or over for this provision to apply. For example, an overseas visitor to Scotland who does not hold a visitor permit allowing purchase might have an RFD export an air weapon directly to their home country.

Section 25 of the 2015 Act requires that commercial sales of air weapons are carried out face-to-face – this mirrors the requirements of section 32 of the Violent Crime Reduction Act 2006. This applies to all sales by way of trade or business, except those between two RFDs, and to those where the sale is concluded outside Great Britain (for example mail order sales). This provides a reasonable level of control over commercial transactions, by ensuring that there are checks at the point of sale or transfer that the individual buyer holds a valid AWC or is otherwise entitled to purchase an air weapon without holding one.

Pawning

Pawning of air weapons is not directly regulated by the 2015 Act. However, The Air Weapons and Licensing (Scotland) Act 2015 (Consequential Provisions) Order 2017 was passed by the UK Parliament in March 2017. The Order amended section 3 of the Firearms Act 1968 by adding sections 3(7) and 3(8), which make it an offence for a pawnbroker in Scotland to take an air weapon in pawn. This puts air weapons onto the same footing as firearms and shotguns under section 3(6) of the 1968 Act.

In practice, pawnbrokers should not have been taking air weapons in pawn since the Violent Crime Reduction Act 2006 introduced changes to the 1968 Act. Those earlier changes made it an offence for anyone other than an RFD to sell or transfer an air weapon by way of trade or business.

13. ENFORCEMENT

Sections 26 to 29 of the 2015 Act make provision for the enforcement of the air weapons licensing regime.

Warrants

At section 26, Police Scotland may apply to a Sheriff for a warrant if they have reasonable grounds for suspecting that an air weapon offence has been committed, or is about to be committed, or that there is a danger to the public. Amongst other things, a warrant granted would enable the police to seize anything relevant found on the premises searched. In particular, consideration should be given to the immediate seizure of all air weapons or, alternatively, to putting in place a risk management plan which would prevent access to them. This action would be on the grounds of public safety until the situation can be reviewed and assessed.

A report must be submitted to the local Firearms & Explosives Licensing Centre together with all relevant reports/statements and supporting evidence where:

- Any offence is committed under Part 1 of the 2015 Act
- Any accident or incident occurs involving the misuse or suspected misuse of an air weapon by a certificate holder, or
- A certificate holder is charged with any offence or has come to the adverse attention of the Police for any other reason.

Production of an air weapon certificate

Section 27 of the 2015 Act provides that a constable may demand from any person believed to be in possession of an air weapon that they produce their Air Weapon Certificate or other evidence to show that they are entitled to have such a weapon in their possession.

If the person fails to produce the certificate or such evidence the constable may seize any air weapon found and require the person to provide their name and address.

Cancellation of an air weapon certificate

Section 28 of the 2015 Act makes provision to enable a court to cancel an AWC held by a person who is:

- convicted of an offence under Part 1 of the 2015 Act, an offence under the Firearms Act 1968, or an offence for which the person is sentenced to imprisonment or to detention in a young offenders institution; or
- subject to a particular court order/disposal which precludes the person from possessing, carrying or using an air weapon or other firearm.

The police should, following notification of this decision, notify the certificate holder and require the surrender of the certificate within 21 days.

Forfeiting and disposing of air weapons

Section 29 of the 2015 Act makes provision, where a person is convicted of an air weapon offence, for the forfeiture or disposal of any air weapons found in that person's possession. The court may make an order for forfeiture or disposal as it thinks fit. The police may seize and detain any air weapon which is or could be the subject of such an order.

Alternatively, the Chief Constable may apply to a Sheriff for an order to dispose (by any means the Chief Constable considers fit) of any air weapon(s) seized and detained by a constable under Part 1 of the 2015 Act.

Where the air weapon is to be disposed of as a result of an order under this section, Police Scotland should seek to reach an agreed disposal with the applicant wherever possible. During such discussions, the police should be satisfied that the weapons are held securely by a fit person.

14. STORAGE OF AIR WEAPONS

Under section 30 of the 2015 Act, it is an offence for a person to fail to take reasonable precautions for the safe custody of air weapons in their possession, or to fail to report the loss or theft of an air weapon to the police as soon as reasonably practicable.

This is in line with pre-existing law on the safe custody of air weapons. The Crime and Security Act 2010 amended the Firearms Act 1968 in February 2011 to make it an offence for a person in possession of an air weapon to fail to take “reasonable precautions” to prevent someone under the age of 18 from gaining unauthorised access to it. A defence is provided where a person can show he had reasonable grounds for believing the other person to be aged 18 or over.

The issue of reasonable precautions has wider implications in considering more general security over air weapons. Different considerations will apply depending on whether an air weapon is in use or not. In many cases, when not in use an existing, suitably robust, lockable cupboard may provide sufficient security to avoid unauthorised access to the weapon.

Alternatively, owners may use a locking device (such as a security cord) by which an air weapon can be attached to the fabric of a building, in a secure cupboard or to another fixed feature.

While these arrangements are specifically aimed at ensuring compliance with the 2011 Act, they provide good principles for ensuring the security of air weapons more generally.

An air weapon owner may choose to store air weapons in an existing gun cabinet, provided this does not compromise security of other firearms.

Current Home Office guidance on the storage of air weapons is available at the link below and should be referred to by the police and applicants who wish to possess air weapons in Scotland.

Link - [Air Weapons Safety](#)

15. APPEALS

The 2015 Act sets out the decisions and determinations which fall to the Chief Constable of Police Scotland.

Section 34 of the 2015 Act provides a right of appeal to a Sheriff for any person who is aggrieved by a decision of the Chief Constable under any of the following sections

They are:

- section 5(1) - grant or renewal of air weapon certificate
- section 6(2) - air weapon certificate: conditions
- section 7(3)(b) - special requirements and conditions for young person's air weapon certificate
- section 10(1) - variation of air weapon certificate
- section 11(1)(a) or (2) - revocation of air weapon certificate
- section 12(1) - police permits
- section 13(1) or (6) - visitor permits
- section 14(3)(b) or (4)(b) - visitor permits: young persons
- section 15(2) - police and visitor permits: conditions
- section 16(1) - police and visitor permits: variation and revocation
- section 17(1) or (2) - event permits
- section 18(1), (3) or (5) - approval of air weapon clubs
- section 19(1) - variation of approval for air weapon clubs
- section 29(9)(b) - forfeiture and disposal of air weapons




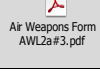








Any appeal must be made within the period of 21 days of the date on which the decision was made.

An appeal under this section is to be determined on the merits of the case and not by way of review of the decision. The Sheriff may consider any evidence or other matter, whether or not it was available at the time the decision was made and may either dismiss the appeal or give the Chief Constable such direction as the Sheriff considers appropriate as respects the matter which is the subject of the appeal.

The decision of the Sheriff may be appealed against, but only on a point of law.

Appendix 1 – AIR WEAPON LICENSING FORMS

The Air Weapons Licensing (Scotland) Regulations 2016 prescribe the various application forms, certificates, permits and approvals required under the air weapons licensing regime. The following table summarises the relevant documents.

<i>Form number</i>	<i>Subject matter</i>	<i>Form</i>
AWL1	Application for the grant or renewal of an air weapon certificate	
AWL1a	Air weapon certificate	
AWL2	Application for the grant of a police permit	
AWL2a	Police permit	
AWL3	Application for the grant of a visitor permit	
AWL3a	Visitor permit	
AWL4	Application for the variation of an air weapon certificate, a police permit or a visitor permit	
AWL5	Application for the grant of an event permit	
AWL5a	Event permit	
AWL6	Application for the grant or renewal of an approval of an air weapon club	
AWL6a	Approval of an air weapon club	
AWL7	Application for the variation of an approved air weapon club's approval	

Forms can also be accessed, downloaded and printed for completion at the Police Scotland website at <http://www.scotland.police.uk/>. They may also be found at www.airweapon.scot.

The forms include notes to guide the applicant through the requirements of the process.

Appendix 2 – AIR WEAPON LICENSING FEES

Under the terms of section 35 of the Air Weapons and Licensing (Scotland) Act 2015 every application must be accompanied by the relevant fee, and is not valid until that fee is paid.

Fees will not be refunded if an application is unsuccessful.

The table of fees is set out at schedule 3 of the Air Weapons Licensing (Scotland) Regulations 2016.

Application	Fee
1. Application for the grant of an air weapon certificate made under section 3(1)— (a) where the applicant is aged 18 years or more (b) where the applicant is aged 17 years (c) where the applicant is aged 16 years (d) where the applicant is aged 15 years (e) where the applicant is aged 14 years	£72.00 £12.50 £25.00 £37.50 £50.00
2. Application for the renewal of an air weapon certificate made under section 3(1)	£48.00
3. Application for the grant or renewal of an air weapon certificate made under section 3(1), seeking alignment with the applicant's firearm or shot gun certificate in accordance with section 9(2) or (4)	£5.00
4. Application for the variation of an air weapon certificate made under section 10(2)	£20.00
5. Application for the grant of a police permit made under section 12(1)	£15.00
6. Application for the grant of a visitor permit made under section 13(1)— (a) in the case of an individual application (b) in the case of a group application made on behalf of - (i) 2 qualifying visitors (ii) 3 qualifying visitors (iii) 4 qualifying visitors (iv) 5 to 20 qualifying visitors	£20.00 £40.00 £60.00 £80.00 £100.00
7. Application for the variation of a police permit or a visitor permit made under section 16(2)	£5.00
8. Application for the grant of an event permit made under section 17(1)	£40.00
9. Application for the grant of an approval of an air weapon club made under section 18(1)	£45.00
10. Application for the renewal of an approval of an air weapon club made under section 18(1)	£45.00
11. Application for the grant or renewal of an approval of an air weapon club made under section 18(1), seeking alignment with the club's approval as a rifle club in accordance with section 21(2) or (4)	£30.00

Function	Fee
1. Replacing an air weapon certificate which has been damaged, destroyed, lost or stolen	£4.00
2. Replacing a police permit, a visitor permit or an event permit which has been damaged, destroyed, lost or stolen	£4.00
3. Replacing an approval of an air weapon club which has been damaged, destroyed, lost or stolen	£4.00

Appendix 3 – EXEMPTIONS FROM THE REQUIREMENT TO HOLD A CERTIFICATE

There are a number of exemptions to the requirement to have an air weapons certificate. These are detailed in schedule 1 of the 2015 Act.

Link - [Air Weapons and Licensing \(Scotland\) Act 2015 - schedule 1](#)

In brief these exemptions include:

- People using air weapons at or in connection with an approved air weapon club
- Registered firearms dealers and their employees
- Auctioneers
- Carriers and warehouse keepers
- Artistic performers engaged in a theatrical performance or rehearsal, or in a cinema, television or similar production
- Members of an approved cadet corps
- Bodies corporate – where an officer of the organisation (eg a director, manager or secretary) holds an AWC in their capacity as such,
- Holders of police permits – issued under section 12 of the 2015 Act
- Holders of visitor permits – issued under section 13 of the 2015 Act
- People using air weapons at authorised events – where an event permit has been issued under section 17 of the 2015 Act
- People using air weapons on private land under the supervision of an AWC holder
- People using air weapons at recreational shooting facilities, such as shooting galleries or combat games venues
- Museums
- Air weapons on ships
- Purchase of air weapons for delivery outwith Scotland
- Loaning of air weapons for exempted purposes
- Public servants carrying out official duties - paragraph 17 of the schedule lists those specific public servants who do not require to have an AWC while engaged in their duties
- Holders of certificates or permits with conditions using, possessing, purchasing or acquiring an air weapon in accordance with one of the exemptions set out above
- People using or possessing air weapons on service premises
- People using or possessing air weapons on Ministry of Defence Police premises

Many of the exemptions listed above will have an equivalent provision within the 1968 Act and other firearms legislation. Police Scotland should refer to the Home Office Guide for further information.

Appendix 4 – GOOD REASON

For the purposes of determining an AWC application, the Scottish Government believes that the following may be considered good reason to use or possess an air weapon, taking account of all the circumstances of the individual case:

Sporting Purposes: Shooting for sporting purposes may take many forms, from shooting as part of an organised competition, for example at targets, to shooting live quarry over land. It will be for the applicant to determine the appropriate weapon type and ammunition for particular quarry.

Vermin and pest control: Pest control would be a good reason to have a certificate, provided it would not cause any risk to the public. This may be as part of a business, or a person's employment, or may be undertaken by an individual because of an established pest problem. As above, is the responsibility of the shooter to determine what is appropriate to be used for a humane kill.

Target Shooting: Air weapon users may undertake target shooting, whether formal or informal, on private land provided that this can be done safely and without danger to the public. The applicant should specify the land over which they intend to or have permission to shoot regularly, providing the full address of that land (though this does not restrict their ability to shoot elsewhere where permission is also given). The land need not be owned or rented by the applicant, nor need they have regular or automatic access to it. Farmers and landowners may, for example, allow air weapon owners to shoot on their land, on a formal or informal basis.

Whether the shooting takes place on open land, such as a farm or in woodland, or in a residential garden it is the applicant's responsibility to ensure that appropriate measures are in place to protect people and animals from harm. The applicant should therefore, at Part B of application form AWL1, provide sufficient detail about the arrangements in place to provide assurance to the Chief Constable that shooting may be undertaken safely. This may, for example, include details of precautions taken such as the erection of backstops or other measures to prevent or contain ricochets or missed shots.

"Plinking" is a term often used by those who use air weapons and refers to informal target shooting undertaken at standard or non-standard targets, such as cans and bottles, often in built-up areas. As above, where shooting is undertaken in a confined space, such as a domestic garden, it is incumbent on the shooter to consider if this can be done safely, and to provide evidence of this in support of their application. Shooting in areas to which the public have unrestricted access, such as communal gardens or similar areas is not acceptable.

It should be emphasised that land is not intrinsically "safe" or "unsafe" and any person using an air weapon should exercise discretion in deciding whether to shoot in particular circumstances. However, in considering whether a person

has “good reason” to use an air weapon for target shooting, the police will wish to be satisfied that the applicant has considered and taken appropriate precautions to ensure the safety of others. While the police may, in a number of cases, wish to seek further information from the applicant, it is expected that most cases will be determined on the basis of a properly evidenced application. It is expected that a home or land visit will be deemed necessary only in a very small number of cases.

Many applicants may state that their reason for applying for a certificate is to target shoot at an air weapon club (whether or not this is an approved club under the terms of the Air Weapons and Licensing (Scotland) Act 2015). The applicant should normally provide evidence of membership of such a club.

Re-enactments: Re-enactors may use imitation and de-activated firearms which are unlikely to be subject to certification. If in doubt, they should contact the police.

Theatrical Use: Individuals may use or possess an air weapon without holding a certificate while taking part in a theatrical performance or rehearsal of a performance. However, the air weapons themselves should be provided by, and remain the responsibility of a named individual such as a theatrical armourer or a theatre manager who holds an air weapon certificate in their own right. Theatrical performance should be interpreted broadly to mean a theatre, film or TV production, or a similar pre-arranged performance, and the rehearsals associated with such performances. The police, in determining the application under this use, should seek evidence from the applicant that the production in question is pre-planned and programmed. Internet productions are less likely to be accepted as good reason for having air weapons.

Collectors: The collecting of air weapons by a genuinely interested collector should be accepted as a “good reason” for the grant of a certificate. There should be no blanket policy to prevent the collecting of modern air weapons (though collectable air weapons are more likely to be of a historical nature).

Appendix 5 – CONDITIONS

Regulation 9 of the Air Weapons Licensing (Scotland) Regulations 2016 prescribes mandatory conditions which must be attached to certain certificates, permits or approvals.

These are set out in schedule 2 to the 2016 Regulations:

Prescribed Mandatory Conditions

1. For the purpose of section 6(1) of the 2015 Act - air weapons certificates - the prescribed mandatory conditions are that the holder of an air weapon certificate must:

- (a) on receipt of the certificate, sign it in ink; and
- (b) as soon as reasonably practicable, notify the chief constable of any change of the address specified on the certificate.

2. For the purpose of section 15(1) of the 2015 Act – police and visitor permits - the prescribed mandatory conditions are that the holder of a police permit or visitor permit must:

- (a) on receipt of the permit, sign it in ink; and
- (b) as soon as reasonably practicable, notify the chief constable of any change of the address specified on the permit.

3. For the purpose of section 18(4) of the 2015 Act – air weapon club approvals - the prescribed mandatory conditions are that:

- (a) the club secretary or other officer named on an approved air weapon club's approval must, on receipt of the approval, sign it in ink;
- (b) the approved air weapon club must, as soon as reasonably practicable, notify the chief constable of any change of the club's address; and
- (c) the approved air weapon club's approval (or a copy of it) must be prominently displayed at the club premises, at all times that target shooting is taking place there, so as to be capable of being read by anyone using the club's facilities.

Other conditions

The Chief Constable may also attach one or more “discretionary” conditions to the certificate (or permit). A list of suggested conditions is set out below:

Air Weapon Certificates

Condition Description:

Condition Text:

(a) The air weapon held under authorisation provided by this certificate must at all times (except in the circumstances set out in paragraph (b) below), be stored securely so as to prevent, so far as is reasonably practicable, access to the air weapon by an unauthorised person.

(b) Where an air weapon held under authorisation provided by this certificate is in use or the holder of the certificate has the air weapon with him/her for the purposes of cleaning, repairing or testing it or for some other purpose connected with its use, transfer or sale, or the air weapon is in transit to or from a place in connection with its use or any such purpose, reasonable precautions must be taken for the safe custody of the air weapon.

Condition Description: General Condition

Condition Text: The air weapon shall be used for the safe shooting of all lawful quarry, and for zeroing and practice on ranges and land, over which the holder has lawful authority to shoot.

Condition Description: Target Shooting - Club

Condition Text: The air weapon shall be used for target shooting, only whilst a member of <<CLUB>> is in attendance, and only on ranges suitable for the safe use of that class of air weapon and with adequate financial arrangements in place to meet any injury or damage claim.

Condition Description: Target Shooting

Condition Text: The air weapon shall be used only for target shooting on ranges suitable for the safe use of that class of air weapon and with adequate financial arrangements in place to meet any injury or damage claim.

Condition Description: Recreation

Condition Text: The air weapon shall be used only for recreational target shooting on land suitable for the safe use of that class of firearm which would not create a danger to others, and on which the holder has lawful authority to shoot.

Condition Description: Collection – Not to be fired.

Condition Text: The air weapon must be possessed, purchased or acquired by the holder of the certificate only for the purpose of its being kept or exhibited as part of a collection. Not to be fired.

Condition Description: Collections - To Be Fired

Condition Text: The air weapon must be possessed, purchased or acquired by the holder of the certificate only for the purpose of its being kept or exhibited as part of a collection. The weapon may also be used for target shooting, on ranges which are legally and safely constructed and maintained.

Condition Description: Historical Re-enactment

Condition Text: The air weapon shall be used only in connection with displays, battle re-enactments and demonstrations under the supervision of appointed officers of the <<FREETEXT>>.

Condition Description: Theatrical Use

Condition Text: The air weapon shall be used only in a theatrical or television performance or rehearsal of such a performance or the production of a film. The holder of this certificate shall recover the air weapon(s) after each performance, rehearsal or production in which the air weapon(s) is/are being used by persons taking part.

Condition Description: Treating Animals

Condition Text: The air weapon shall be used only in connection with the purpose of tranquillising or otherwise treating an animal.

Condition Description: Employment

Condition Text: The holder of this certificate may use air weapon that is the property of <<FREETEXT>>, only in connection with the certificate holder's employment. The weapon may also be used for relevant training purposes, as well as zeroing and practice on ranges and land over which the holder has lawful authority to shoot, when attributed to their employment.

Condition Description: Employment –Not to be Fired

Condition Text: The holder of this certificate may possess air weapon that is the property of <<FREETEXT>>, only in connection with the certificate holder's employment. May not be fired.

Visitor Permits

Condition Description: Mandatory

Condition Text: The holder of this permit must, on written request, return the permit to the chief officer of police without delay.

Condition Description: Target Shooting

Condition Text: The air weapon to which this permit relates shall be used only at [place of event/use or event(s)] [name of event(s)/competition(s)] or target shooting on ranges suitable for the safe use of that class of air weapon and with adequate financial arrangements in place to meet any injury or damage claim.

Condition Description: Land

Condition Text: The air weapon to which this permit relates shall be used only on [land over which shooting is to take place].

Condition Description: Land Enhanced

Condition Text: The air weapon to which this permit relates shall be used only on [land over which shooting is to take place] and on other land over which the holder has lawful authority to shoot.

Appendix 6 – OFFENCES

Below is a summary of the offences under the Air Weapons and Licensing (Scotland) Act 2015. For full details, please refer to the 2015 Act itself.

Section	Offence
Section 2(1)	Using, possessing, purchasing or acquiring an air weapon without holding a valid Air Weapon Certificate
Section 6(4)	Failure to comply with a condition attached to an Air Weapon Certificate
Section 11(5)	Failure to comply with a revocation notice given under section 11(3), without reasonable excuse
Section 15(4)	Failure to comply with a condition attached to a police permit or a visitor permit
Section 16(6)	Failure to comply with a revocation notice given under section 16(1), without reasonable excuse
Section 17(4)	Failure to – <ul style="list-style-type: none"> • comply with a condition attached to an event permit; or • prominently display the permit (or copy) at the event, without reasonable excuse
Section 22(6)	Obstruction of a constable or member of police staff in the exercise of their powers under an authorisation granted under section 22
Section 23(2)	Failure by the operator of a recreational shooting facility to – <ul style="list-style-type: none"> • hold, or (if not an individual) ensure that an individual responsible for the management or operation of the facility holds, an Air Weapon Certificate; or • prominently display the certificate (or copy) at the facility, without reasonable excuse
Section 24(1)	Undertaking certain transactions in relation to air weapons, by way of trade or business, without being a registered firearms dealer
Section 24(2)	Failure to comply with the restrictions on selling or transferring air weapons to another person
Section 24(3)	Failure to comply with the restrictions on manufacturing, repairing or testing air weapons for another person
Section 25(2)	Failure by a seller to comply with the requirement for commercial sales of air weapons to be carried out in person (face-to-face)
Section 26(4)	Obstruction of a constable or member of police staff in the exercise of their powers under a warrant granted under section 26
Section 27(3)	Failure to provide a constable with name and address when required to do so under section 27, or providing a false name or address
Section 28(4)	Failure to comply with a requirement to surrender an Air Weapon Certificate within the 21 days, following cancellation of the certificate, without reasonable excuse
Section 30(1)	Failure to – <ul style="list-style-type: none"> • take reasonable precautions for the safe custody of an air weapon; or • report as soon as reasonably practicable the theft or loss of an air weapon
Section 31(1)	Knowingly or recklessly making a false statement for the purposes of procuring: the grant, renewal or variation of an Air Weapon Certificate; the grant or variation of a police or visitor permit; the grant of an even permit, or the grant, renewal or variation of an approval of an air weapon club

Section	Offence
Section 31(2)	With a view to purchasing, acquiring or procuring the repair or testing of an air weapon – <ul style="list-style-type: none"> • producing an Air Weapon Certificate or a police or visitor permit which is false or has been improperly altered; or • knowingly or recklessly making a statement which is false.
Section 38(4)	Failure to comply with any of the conditions mentioned in section 38(3), which restrict the use or possession of air weapons for the purposes of the transitional arrangements set out for existing firearm or shot gun certificate holders in section 38

In addition, The Air Weapons and Licensing (Scotland) Act 2015 (Consequential Provisions) Order 2017 amended section 3 of the Firearms Act 1968, creating a new offence where a pawnbroker in Scotland takes an air weapon in pawn. This puts air weapons onto the same footing as firearms and shotguns under section 3(6) of the 1968 Act.

Appendix 7 – CRITERIA FOR APPROVING AN AIR WEAPON CLUB

The following criteria should be considered by air weapon clubs seeking approved status under section 18 of the Air Weapons and Licensing (Scotland) Act 2015.

The Chief Constable of Police Scotland, as the responsible authority for determining approved status, should consider each application against these criteria. Clubs should not be granted approval unless they meet the criteria set out below.

The criteria are:

1. the club is a genuine air weapon target shooting club with a written constitution;
2. the principal officers of the club are responsible people who can be entrusted with the proper administration of the club. The club must appoint a member to act as a liaison officer with the police;
3. the club has regular use of ranges, whether indoor or outdoor, where shooting can be carried out safely and securely;
4. the security arrangements for the storage of club air weapons are considered satisfactory;
5. if using shared premises, suitable and robust arrangements should be in place to ensure that members of the air weapon club do not have access to more powerful weapons used by, for example, an approved rifle club;
6. the club should have in place adequate financial arrangements, such as insurance cover, to meet any injury or damage claims arising out of the activities of the club;
7. the club has at least 5 members at the time of application and at all times whilst approved unless, exceptionally, the Chief Constable determines that there are special circumstances which justify a lesser number;
8. the club will maintain a register of the attendance of all members together with the competitions, if any, in which they took part;
9. members, prospective members and guests must sign a declaration that they are not prohibited from possessing an air weapon by virtue of section 21 of the Firearms Act 1968 (which applies to persons who have served a term of imprisonment/detention);
10. guests must be supervised on a one-to-one basis at all times by a full club member when handling air weapons.

Appendix 8 – ABBREVIATIONS USED IN THIS GUIDE

“the 1968 Act” – the Firearms Act 1968

“the 2015 Act” – the Air Weapons and Licensing (Scotland) Act 2015

“the 2016 Regulations” – the Air Weapons and Licensing (Scotland) Regulations 2016

“FEO” – a Firearms Enquiry Officer

PSOS – the Police Service of Scotland

Police Scotland – the Police Service of Scotland

“RFD” – a registered firearms dealer

Note

Within the meaning of “air weapon” as set out in section 1 of the 2015 Act, and Chapter 2 of this guidance, the term air weapon means “air rifle, air gun or air pistol”.