

POLICY NOTE

THE AIR WEAPONS LICENSING (EXEMPTIONS) (SCOTLAND) REGULATIONS 2016

SSI 2016/428

1. The above instrument is made in exercise of the power conferred by section 2(4)(a) of the Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”). It is subject to the affirmative procedure.

Background

2. Part 1 of the 2015 Act introduces new controls on the use, possession, purchase and acquisition of air weapons, and also on transactions involving air weapons. Under section 2, anyone wishing to use, possess, purchase or acquire an air weapon in Scotland will, from 31 December 2016, be required to hold a valid Air Weapon Certificate (AWC) unless otherwise exempt under schedule 1 of the 2015 Act. Those exempted currently include members of an approved cadet corps or the instructor of such a member (schedule 1, paragraph 6), as well as members of the Ministry of Defence Police (MDP) and persons in Her Majesty’s armed forces who require to deal with air weapons in the course of their duties (schedule 1, paragraph 17(3)(e) and (j) respectively).

Policy Objectives

3. The purpose of the Regulations is to create two further, related, exemptions from the requirements of section 2 of the 2015 Act. The intention is to ensure that (a) individuals who use or possess air weapons on service premises in Scotland while under the supervision of a person in Her Majesty’s armed forces, and (b) individuals who use or possess air weapons on MDP premises in Scotland while being trained or assessed in their use under the supervision of a member of the MDP, are exempt from the requirement to hold an AWC.

4. The proposed additions to schedule 1 of the 2015 Act essentially mirror equivalent firearms licensing exemptions under sections 16A and 16B of the Firearms (Amendment) Act 1988 (“the 1988 Act”). The first is aimed at permitting people to use an air weapon, without holding an AWC, whilst at a supervised open day (or similar event) on service premises. The second allows potential recruits to the MDP to use an air weapon, without holding an AWC, when undergoing firearms training and assessment under MDP supervision.

5. As the exemptions for cadets, members of the MDP and members of Her Majesty’s armed forces under schedule 1 of the 2015 Act reflect equivalent exemptions under the Firearms Act 1968, it is only right that the exemptions under sections 16A and 16B of the 1988 Act should likewise be replicated to ensure consistency.

Consultation

6. There is no statutory requirement to consult before making Regulations under section 2(4)(a) of the 2015 Act. Although no public consultation was carried out in relation to these Regulations, the Scottish Government has consulted with the Ministry of Defence and the Home Office who are both generally supportive of the Regulations.

Impact Assessments and Financial Effects

7. Both an Equality Impact Assessment (EIA) and a Business and Regulatory Impact Assessment (BRIA) were carried out in relation to the Bill for the 2015 Act. The links below show the relevant documentation:

EIA: <http://www.gov.scot/Publications/2014/05/3617>

BRIA: <http://www.gov.scot/Publications/2014/05/7168>

Safer Communities Division
October 2016