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Justice Committee

Air Weapons Licensing (Exemptions) (Scotland) Regulations 2016



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Justice Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Justice.



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Scottish National Party

Introduction

1. At its meeting on 22 November 2016 the Committee considered the following instrument—

Air Weapons Licensing (Exemptions) (Scotland) Regulations 2016 [draft]

2. The instrument was referred to the Justice Committee as lead committee and was subject to affirmative resolution. The Minister for Community Safety and Legal Affairs, Annabelle Ewing, attended the meeting to give evidence on the instrument and also to move the relevant motion recommending approval of the instrument.¹

Air Weapons Licensing (Exemptions) (Scotland) Regulations 2016 [draft]

3. The instrument is made under section 2(4)(a) of the Air Weapons and Licensing (Scotland) Act 2015. The Regulations create two further, related, exemptions from the requirements of section 2 of the Air Weapons and Licensing (Scotland) Act 2015. 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 Ministry of Defence Police (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 Air Weapon Certificate.

Scrutiny by the Delegated Powers and Law Reform Committee

4. The Delegated Powers and Law Reform Committee considered the draft instrument at its meeting on 1 November 2016 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

5. The Justice Committee considered the draft instrument at its meeting on 22 November 2016, when Annabelle Ewing, Minister for Community Safety and Legal Affairs, attended to give evidence on the instrument.
6. Ms Ewing explained that the new licensing regime for air weapons in Scotland is set out in part 1 of the Air Weapons and Licensing (Scotland) Act 2015. From 31 December this year, it will be an offence for anyone to have or use an air weapon without an air weapon certificate or permit, unless they are otherwise exempt. Schedule 1 to the 2015 act sets out various exemptions, which reflect similar exemptions in the licensing regime for more powerful firearms and

shotguns. That ensures consistency between the two licensing regimes, which is helpful to the police, who are the licensing authority, and to the shooting community.

7. The Committee heard that the purpose of the draft regulations is to add two further exemptions to schedule 1 to the 2015 act, at the request of the Ministry of Defence, and replicate exemptions from the firearms licensing regime under sections 16A and 16B of the Firearms (Amendment) Act 1988.
8. The first exemption covers the possession and use of air weapons by civilians while on service premises and under the supervision of military personnel. The exemption would allow a person to shoot air weapons without holding an air weapons certificate at a properly supervised shooting gallery that is set up as part of an open day, for example, or at a family or community event on service premises.
9. The Minister explained that the second exemption covers the possession and use of air weapons on Ministry of Defence Police premises by people who are undergoing firearms training and assessment under the supervision of Ministry of Defence Police personnel.
10. Ms Ewing moved the motion in the name of Michael Matheson, Cabinet Secretary for Justice: S5M-02262—that the Justice Committee recommends that the Air Weapons Licensing (Exemptions) (Scotland) Regulations 2016 [draft] be approved.
11. The motion was agreed to without debate or division.

Recommendation

12. The Justice Committee recommends to the Parliament that it approve the draft instrument.

¹ Scottish Parliament Justice Committee. *Official Report 22 November 2016* Cols 9-11. Available at: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10643&mode=pdf>

