



SCOTTISH KNIFE LAW

Introduction

This fact sheet is an extra sheet about Scottish knife and offensive weapon laws, it compliments our existing fact sheet "Carrying Knives"

Scottish law has always regarded an attack with an offensive weapon as a serious aggravation of the common law crime of assault. Successive legislation has also introduced tighter and more specific controls to tackle the carrying and sale of knives and target the prevention of crime. A wide range of powers are now in force and there are a range of penalties available to the court, including fines and imprisonment. These powers and penalties are set out in a number of pieces of legislation, as set out below.

1. The Restriction of Offensive Weapons Act 1959 prohibits the manufacture, sale or hire, the exposure or possession for the purposes of sale or hire, or the lending or giving to another person, of a flick-knife or gravity knife. The maximum penalty on summary conviction is imprisonment for a term not exceeding 6 months or a fine not exceeding level 4 (£2500) or both.

2. The Criminal Justice Act 1988 makes it an offence to manufacture, import, sell or hire, expose or possess for the purposes of sale or hire, or lend or give to another person any specified offensive weapon. Fifteen weapons have been specified as offensive weapons in Offensive Weapons Orders under this Act; including sword sticks, push daggers, death stars and butterfly knives. The maximum penalty on summary conviction is 6 months imprisonment and a fine not exceeding level 5 (£5000) or both.

3. The Criminal Law (Consolidation) (Scotland) Act 1995 prohibits the carrying of offensive weapons without 'good reason' The maximum penalty on summary conviction is imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (£5000) or both. The maximum penalty on conviction on indictment is imprisonment for a term not exceeding 4 years, or a fine or both.

4. The Criminal Law (Consolidation) (Scotland) Act 1995 also prohibits the carrying of knives and other articles with blades or points in public places without 'good reason' e.g. for use at work, religious obligation or part of national costume. The maximum penalty on summary conviction is imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (£5000) or both. The maximum penalty on conviction on indictment is imprisonment for a term not exceeding 2 years, or a fine or both. There is an exemption for folding pocket knives with a cutting edge of 3 inches or less which is identical England and Wales legislation.

5. The Knives Act 1997 makes it an offence to market a knife in a way which indicates that it is suitable for combat. The maximum penalty on summary conviction is imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (£5000) or both. The maximum penalty on conviction on indictment is imprisonment for a term not exceeding 2 years, or a fine or both.

6. The Police, Public Order and Criminal Justice (Scotland) Act 2006 raises the age from 16 to 18 years at which a person may purchase a knife, knife blade, razor blade, axes, swords or any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person. The Act allows sales of knives to those aged 16 upwards if the knife or blade is 'designed for domestic use'.

7. The Custodial Sentences & Weapons Act 2007 brings new restrictions for sellers of knives and bladed/pointed items. Sellers will be required to become registered knife dealers. This law is complex and BASC has produced a specific guide to Knife Dealer licensing – see end of fact sheet.

8. The Criminal Justice and Licensing (Scotland) Act 2010 amends the Criminal Justice Act 1988. The amendments provide that a passport, a European Union Photocard driving licence or such other document as the Scottish Ministers may by Order prescribe are valid documents such that, if they are shown to the retailer, would constitute 'reasonable steps' for them to have taken and, therefore, provide them with a defence to any charge in relation to the making of a sale, or hire, to an underage person of knives and certain other bladed or sharply pointed articles.

In conjunction with the Act mentioned above, **The Sale and Hire of Crossbows, Knives and certain other Articles to Children and Young persons (Scotland) Order 2011** prescribes that proof of age cards within the PASS scheme are also acceptable for the purposes of identification at point of sale or hire. The PASS scheme is the UK's national guarantee for proof of age cards and has the backing of the Home Office, the Association of Chief Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute (TSI). The scheme delivers a common standard through its easily recognised hologram logo, which is backed by a robust audit and accreditation process to help protect retailers of age restricted goods, and their employees, against the many false identity cards that are widely available.

For specific information about the Scottish Knife Dealers Licensing Scheme and about carrying, using and selling knives see here -
<http://www.basc.org.uk/en/departments/firearms/knives-advice-and-guidance.cfm>

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