

These notes relate to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10) (asp 10) which received Royal Assent on 4 July 2006

POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 (ASP 10)

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Public Order Etc.

Chapter Three: Other Provisions

Offensive Weapons

Section 74 – Amendment of requirements for exercise of certain powers of arrest

124. This section amends the following sections of the Criminal Law (Consolidation) (Scotland) Act 1995:

- section 47(3) (power of constable to arrest without warrant person suspected of possessing an offensive weapon in a public place);
- section 48(3) (power of constable to arrest without warrant person suspected of obstructing search for offensive weapon); and
- section 50(3) (power of constable to arrest without warrant person suspected of contravening section 49(1) or 49A(1) or (2)).

These amendments widen constables' powers of arrest in relation to offences under:

- section 47(1) (offence of carrying offensive weapon in a public place);
- section 48(2) (offences of obstructing a constable or concealing an offensive weapon from a constable);
- section 49(1) (offence of having in public place article with blade or point); and
- section 49A(1) and (2) (offence of having article with blade or point (or offensive weapon) on school premises).