



# Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

## PART 2

### PUBLIC ORDER ETC.

## CHAPTER 3

### OTHER PROVISIONS

#### *Offensive weapons*

#### **73 Increase in maximum term of imprisonment for certain offences**

- (1) The Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) is amended as follows.
- (2) In section 49(1)(a) (penalty on summary conviction for offence of possessing an article with a blade or point in a public place) for “six” there is substituted “ twelve ”.
- (3) In section 49(1)(b) (penalty on indictment for offence of possessing an article with a blade or point in a public place), for “two” there is substituted “ four ”.
- (4) In section 49A(5)(a)(i) (penalty on summary conviction for offence of possessing an article with a blade or point on school premises) for “six” there is substituted “ twelve ”.
- (5) In section 49A(5)(a)(ii) (penalty on indictment for offence of possessing an article with a blade or point on school premises), for “two” there is substituted “ four ”.

#### **74 Amendment of requirements for exercise of certain powers of arrest**

- (1) The Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) is amended as follows.
- (2) In section 47(3) (power of constable to arrest without warrant person suspected of possessing an offensive weapon in a public place)—

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**Changes to legislation:** Police, Public Order and Criminal Justice (Scotland) Act 2006, Cross Heading: Offensive weapons is up to date with all changes known to be in force on or before 16 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (a) after “believe” where first occurring there is inserted “ to have committed or ”; and
  - (b) the words from “if” to the end are repealed.
- (3) In section 48(3) (power of constable to arrest without warrant person suspected of obstructing search for offensive weapon), after “committed” there is inserted “ or is committing ”.
- (4) In section 50(3) (power of constable to arrest without warrant person suspected of contravening section 49(1) or 49A(1) or (2)), the following provisions are repealed—
- (a) paragraph (a) and the words “and the constable” immediately preceding it; and
  - (b) paragraph (b).

## **75 Sale of knives and articles with blade or point to young persons**

- (1) Section 141A of the Criminal Justice Act 1988 (c. 33) (sale of knives etc. to persons under 16) is amended as follows.
- (2) In subsection (1)—
- (a) at the beginning there is inserted “ Subject to subsection (3A) below ”; and
  - (b) for “sixteen” there is substituted “ eighteen ”.
- (3) In subsection (2)—
- (a) the word “and” immediately following paragraph (b) is repealed; and
  - (b) after that paragraph there is inserted—
    - “(ba) any sword; and”.
- (4) After subsection (3) there is inserted—
- “(3A) It is not an offence under subsection (1) to sell a knife or knife blade to a person if—
- (a) the person is aged 16 or over; and
  - (b) the knife or blade is designed for domestic use.”.
- (5) The side note to that section becomes “ “Sale of knives and certain articles with blade or point to persons under eighteen ”.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)