



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)—

Status: This is the original version (as it was originally enacted).

- (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 - (b) the words from “if” to the end are repealed.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arrest without warrant person suspected of contravening section 49(1) or 49A(1) or (2)), the following provisions are repealed—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- (a) the word “and” immediately following paragraph (b) is repealed; and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”.