



Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

PART 3

WEAPONS

Swords

61 Sale etc. of swords

- (1) The Criminal Justice Act 1988 (c. 33) is amended in accordance with subsections (2) and (3).
- (2) After section 141 insert—

“141ZA Application of section 141 to swords: further provision

- (1) This section applies where the Scottish Ministers make an order under subsection (2) of section 141 directing that the section shall apply to swords.
- (2) The Scottish Ministers may include in the order provision for or in connection with modifying section 141 in its application to swords.
- (3) The Scottish Ministers may in particular—
 - (a) provide for defences (including in particular defences relating to religious, cultural or sporting purposes) to offences;
 - (b) increase the penalties specified in subsection (1) of section 141 (or that subsection as modified) so as to make a person liable—
 - (i) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine or both;
 - (ii) on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or both;
 - (c) create an offence (punishable on summary conviction only and subject to a penalty which is no greater than that mentioned in

Status: This is the original version (as it was originally enacted).

subsection (6)) relating to the provision, without reasonable excuse, of false information by a person acquiring a sword in circumstances specified in the order.

- (4) In making provision under subsection (3)(a) the Scottish Ministers may make provision for or in connection with—
- (a) the granting, and revocation, by them of authorisations in relation to the acquisition of swords;
 - (b) enabling them to specify conditions in such authorisations;
 - (c) requiring persons to whom authorisations are granted to comply with such conditions;
 - (d) making it an offence (punishable on summary conviction only and subject to a penalty which is no greater than that mentioned in subsection (6)) to fail to comply with any such conditions.
- (5) Defences specified under subsection (3)(a) may relate to swords in general or to a class, or classes, of sword specified in the order.
- (6) The penalty is—
- (a) imprisonment for a term not exceeding 12 months; or
 - (b) a fine not exceeding level 5 on the standard scale,
- or both.
- (7) The power conferred by subsection (2) is without prejudice to the generality of the power conferred by section 141(11G).”.
- (3) In subsection (4) of section 172 (extent), after “124” insert—
- “section 141ZA;”.