



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART VI

MISCELLANEOUS AND GENERAL

Offensive weapons

49 Offence of having in public place article with blade or point.

- (1) Subject to subsections (4) and (5) below, any person who has an article to which this section applies with him in a public place shall be guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}twelve] months or a fine not exceeding the statutory maximum or both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding [^{F2}four] years or a fine or both.
- (2) Subject to subsection (3) below, this section applies to any article which has a blade or is sharply pointed.
- (3) This section does not apply to a folding pocketknife if the cutting edge of its blade does not exceed three inches (7.62 centimetres).
- (4) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he had good reason or lawful authority for having the article with him in the public place.
- (5) Without prejudice to the generality of subsection (4) above, it shall be a defence for a person charged with an offence under subsection (1) above to prove that he had the article with him—
 - (a) for use at work;
 - (b) for religious reasons; or
 - (c) as part of any national costume.

Status: Point in time view as at 01/09/2006. This version of this provision has been superseded.

Changes to legislation: *Criminal Law (Consolidation) (Scotland) Act 1995, Section 49 is up to date with all changes known to be in force on or before 28 April 2024. 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)

- (6) Where a person is convicted of an offence under subsection (1) above the court may make an order for the forfeiture of any article to which the offence relates, and any article forfeited under this subsection shall (subject to section 193 of the ^{M1}Criminal Procedure (Scotland) Act 1995 (suspension of forfeiture etc, pending appeal)) be disposed of as the court may direct.
- (7) In this section “public place” includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise.

Textual Amendments

- F1** Word in s. 49(1)(a) substituted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 73\(2\)](#), 104; S.S.I. 2006/432, [art. 2\(d\)](#)
- F2** Word in s. 49(1)(b) substituted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 73\(3\)](#), 104; S.S.I. 2006/432, [art. 2\(d\)](#)
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Marginal Citations

- M1** 1995 c.46.

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