



# Criminal Law (Consolidation) (Scotland) Act 1995

## 1995 CHAPTER 39

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Offensive weapons*

#### **[<sup>F1</sup>49A Offence of having article with blade or point (or offensive weapon) on school premises.**

- (1) Any person who has an article to which section 49 of this Act applies with him on school premises shall be guilty of an offence.
- (2) Any person who has an offensive weapon within the meaning of section 47 of this Act with him on school premises shall be guilty of an offence.
- (3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to [<sup>F2</sup>show that the person had a reasonable excuse] or lawful authority for having the article or weapon with him on the premises in question.
- (4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to [<sup>F3</sup>show] that he had the article or weapon in question with him—
  - (a) for use at work,
  - (b) for educational purposes,
  - (c) for religious reasons, or
  - (d) as part of any national costume.
- (5) A person guilty of an offence—
  - (a) under subsection (1) above shall be liable—

**Changes to legislation:** *Criminal Law (Consolidation) (Scotland) Act 1995, Section 49A is up to date with all changes known to be in force on or before 11 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) View outstanding changes*

- (i) on summary conviction to imprisonment for a term not exceeding [<sup>F4</sup>twelve] months, or a fine not exceeding the statutory maximum, or both;
  - (ii) on conviction on indictment, to imprisonment for a term not exceeding [<sup>F5</sup>5] years, or a fine, or both;
  - (b) under subsection (2) above shall be liable—
    - (i) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
    - (ii) on conviction on indictment, to imprisonment for a term not exceeding [<sup>F6</sup>5] years, or a fine, or both.
- (6) In this section and section 49B of this Act, “school premises” means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by section 135(1) of the <sup>M1</sup>Education (Scotland) Act 1980.]

#### Textual Amendments

- F1** Ss. 49A, 49B inserted (1.9.1996) by 1996 c. 26, s. 4(3)(4); S.I. 1996/2071, art. 2
- F2** Words in s. 49A(3) substituted (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 37(4)(a), 206(1); S.S.I. 2010/413, art. 2, Sch.
- F3** Word in s. 49A(4) substituted (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 37(4)(b), 206(1); S.S.I. 2010/413, art. 2, Sch.
- F4** Word in s. 49A(5)(a)(i) substituted (1.9.2006) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), ss. 73(4), 104; S.S.I. 2006/432, art. 2(d)
- F5** Word in s. 49A(5)(a)(ii) substituted (10.3.2016) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 84(4)(a), 117(2); S.S.I. 2016/95, art. 2 (with art. 3)
- F6** Word in s. 49A(5)(b)(ii) substituted (10.3.2016) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 84(4)(b), 117(2); S.S.I. 2016/95, art. 2 (with art. 3)

#### Marginal Citations

- M1** 1980 c. 44.

**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. 30(8) added by [2010 asp 13 s. 200\(2\)\(a\)](#)
- s. 45(6) added by [2010 asp 13 s. 200\(2\)\(c\)](#)
- s. 46(5) added by [2010 asp 13 s. 200\(2\)\(d\)\(ii\)](#)