

POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 (ASP 10)

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Public Order Etc.

Chapter Three: Other Provisions

Offensive Weapons

Section 73 – Increase in maximum term of imprisonment for certain offences

123. This section amends sections 49(1)(a) (penalty on summary conviction for offence of possessing an article with a blade or point in a public place) and 49A(5)(a)(i) (penalty on summary conviction for offence of possessing an article with a blade or point on school premises) of the Criminal Law (Consolidation) (Scotland) Act 1995 by increasing the maximum term of imprisonment on summary conviction from 6 to 12 months. It also amends section 49(1)(b) (penalty on indictment for offence of possessing an article with a blade or point in a public place) and section 49A(5)(a)(ii) (penalty on indictment for offence of possessing an article with a blade or point on school premises) of the Criminal Law (Consolidation) (Scotland) Act 1995 by increasing the maximum term of imprisonment for these offences from 2 to 4 years.

Section 74 – Amendment of requirements for exercise of certain powers of arrest

124. This section amends the following sections of the Criminal Law (Consolidation) (Scotland) Act 1995:
- section 47(3) (power of constable to arrest without warrant person suspected of possessing an offensive weapon in a public place);
 - section 48(3) (power of constable to arrest without warrant person suspected of obstructing search for offensive weapon); and
 - section 50(3) (power of constable to arrest without warrant person suspected of contravening section 49(1) or 49A(1) or (2)).

These amendments widen constables' powers of arrest in relation to offences under:

- section 47(1) (offence of carrying offensive weapon in a public place);
- section 48(2) (offences of obstructing a constable or concealing an offensive weapon from a constable);
- section 49(1) (offence of having in public place article with blade or point); and
- section 49A(1) and (2) (offence of having article with blade or point (or offensive weapon) on school premises).

*These notes relate to the Police, Public Order and Criminal Justice (Scotland)
Act 2006 (asp 10) (asp 10) which received Royal Assent on 4 July 2006*

Section 75 – Sale of knives and articles with blade or point to young persons

125. This section amends section 141A(1) of the Criminal Justice Act 1988 (offence of sale of knives and certain articles with blade or point to persons under sixteen) by increasing the minimum age of persons to whom such items (other than knives designed for domestic use) may be sold, from 16 to 18 years. The amendment also makes clear that swords are included in the list of items to which this provision applies.