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

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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; ”.

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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. 29A inserted by 2010 asp 13 s. 18(6)
- s. 42A inserted by 2010 asp 13 Sch. 3 para. 6
- s. 45(1)(za)(zb) inserted by 2010 asp 13 Sch. 3 para. 7(2)
- s. 46A inserted by 2010 asp 13 s. 18(7)
- s. 47(3A) inserted by 2010 asp 13 s. 18(8)(c)
- s. 47(8)(a)(b) substituted for words by 2010 asp 13 s. 18(8)(e)
- s. 51(1A) inserted by 2010 asp 13 Sch. 3 para. 9(3)
- Sch. 2 para. 1(4) added by 2010 asp 13 Sch. 3 para. 13(3)(c)
- Sch. 2 para. 7(1A) inserted by 2010 asp 13 Sch. 3 para. 13(8)
- Sch. 3 para. 2A inserted by 2010 asp 13 Sch. 3 para. 14(3)
- Sch. 3 para. 3(3) inserted by 2010 asp 13 Sch. 3 para. 14(4)(b)
- Sch. 3 para. 3A inserted by 2010 asp 13 Sch. 3 para. 14(5)
- Sch. 3 para. 5(4A) inserted by 2010 asp 13 Sch. 3 para. 14(6)(d)
- Sch. 3 para. 5(6) inserted by 2010 asp 13 Sch. 3 para. 14(6)(e)