

EXECUTIVE NOTE

THE KNIFE DEALERS (EXCEPTIONS) ORDER 2009 SSI 2009/218

The above instrument is made in exercise of powers conferred on the Scottish Ministers by section 27A(7) and 27A(8)(b) of the Civic Government (Scotland) Act 1982.

Policy objectives

The Custodial Sentences and Weapons (Scotland) Act 2007 gave Ministers the power to establish a licensing scheme for knife dealers. In 2008 a consultation was conducted on draft orders on how the scheme should operate in practice. Following that consultation the draft orders were amended. The Knife Dealers (Exceptions) Order 2009 specifies certain activities and articles that will not form part of the licensing scheme.

The order exempts from licensing the following articles; skean dhu, kirpans and folding pocket knives provided the length of their blade is less than 3.5 inches (8.91 centimetres). None of these weapons are of a type that are generally used in violent incidents and Ministers do not wish to restrict more than is necessary the legitimate uses of knives carried for religious reasons or as part of traditional national costume. Knives with a blade longer than 3.5 inches will however require to be licensed.

The order also exempts fencing teachers from the need to be licensed. Uniquely amongst the sports that involve swords there are professional fencing teachers who are 'carrying on a business' and without this order they would require a licence to lend an item to a pupil. Again, the weapons involved are not of a type to cause concern, so drawing them into the ambit of licensing is unnecessary.

Regulatory Impact

A regulatory impact statement was conducted at the time of the passing of the Custodial Sentences and Weapons (Scotland) Act 2007. It has been updated in light of the regulations. We do not expect the exceptions order to result in additional extra costs for business.

Financial Effects

There will be no cost to the Scottish Government. The cost to local authorities of administering the system, should be recouped this through licensing fees.