

EXECUTIVE NOTE

THE KNIVES ETC. (DISPOSAL OF FORFEITED PROPERTY) (SCOTLAND) ORDER 2010 SSI 2010/214

The above instrument is made in exercise of powers conferred on the Scottish Ministers by section 27K(7) of the Civic Government (Scotland) Act 1982 (c.45) (“the 1982 Act”).

Policy objectives

Section 58 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17) inserted sections 27A-27S into the 1982 Act that 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 Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010 sets out how property that is forfeited under the scheme is dealt with.

This instrument will allow for the destruction or disposal of forfeited property by the police after six months, where no recovery order has been made under section 27K(3) of the 1982 Act. Exceptionally, where the property is determined by the relevant authority to be an artefact of special interest it may be given or sold to a museum (or similar institution). The instrument also provides that the court may, on the application of the Lord Advocate (in practice through procurators fiscal) direct that the property can be disposed of by any other person. It is thought that this will only happen rarely.

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 order to result in 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 through licensing fees.

Criminal Justice Directorate
May 2010