

2010 No. 311

LICENCES AND LICENSING

**The Knife Dealer's Licence (Miscellaneous) (Scotland) Order
2010**

<i>Made</i>	- - - -	<i>31st August 2010</i>
<i>Laid before the Scottish Parliament</i>		<i>2nd September 2010</i>
<i>Coming into force</i>		
<i>Articles 2(3) and 3</i>		<i>28th September 2010</i>
<i>Remainder</i>		<i>15th September 2010</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 27A(8)(b) and 27K(7) of the Civic Government (Scotland) Act 1982^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Knife Dealer's Licence (Miscellaneous) (Scotland) Order 2010.

(2) Subject to paragraph (3) this Order comes into force on 15th September 2010.

(3) Articles 2(3) and 3 come into force on 28th September 2010.

(4) In this Order “the Act” means the Civic Government (Scotland) Act 1982.

Exceptions for certain activities

2.—(1) The activities in this article are not to be taken to be businesses for the purposes of section 27A(4) of the Act.

(2) The hiring, offering or exposing for hire, lending or giving of an arrow by a person (A) to another person (B) where—

- (a) A is teaching B the sport of archery; and
- (b) A is qualified to teach B that sport.

(3) The hiring, offering or exposing for hire, lending or giving of a knife by a person (A) to another person (B) where—

- (a) A is teaching B a water sport;
- (b) A is qualified to teach B that sport; and
- (c) the purpose of such hiring, offering or exposing for hire, lending or giving of the knife by A to B is the safety of B whilst B is undertaking that sport.

^(a) 1982 c.45. Sections 27A and 27K were inserted by section 58 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17).

(4) The selling, hiring, offering or exposing for sale, hire, lending or giving of an arrow or a fencing sword but only where that activity is undertaken—

- (a) in connection with a recognised competition; and
- (b) within the vicinity of a recognised competition.

(5) In this article—

“arrow” means an arrow designed or adapted for use in the sport of archery;

“fencing sword” means a sword used in the sport of fencing and which may be classified as a foil, epee or sabre;

“knife” does not include a knife designed for domestic use; and

“recognised competition” means a competition recognised by—

- (a) Scottish Fencing;
- (b) Scottish Archery Association; or
- (c) Scottish Field Archery Association.

Amendment to the Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010

3.—(1) The Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010(a) is amended as follows.

(2) In article 4(1), omit “a recovery order is granted but”.

St Andrew’s House,
Edinburgh
31st August 2010

KENNY MACASKILL
A member of the Scottish Executive

(a) S.S.I. 2010/214.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes exceptions to the requirement for a knife dealer's licence under section 27A of the Civic Government (Scotland) Act 1982 ("the Act").

Article 2 specifies exceptions to the activities which are regarded as a business under section 27A(4) of the Act. Article 2(2) excludes the hiring, offering or exposing for hire, lending or giving of arrows used in the sport of archery by a teacher to a pupil from the definition of a business.

Article 2(3) excludes the hiring, offering or exposing for hire, lending or giving of a knife used in a water sport by a teacher to a pupil from the definition of a business but only where the purpose is the safety of the pupil whilst undertaking a water sport.

Article 2(4) excludes the selling, hiring, offering or exposing for hire, lending or giving of an arrow, used in archery, or a fencing sword where these activities are carried on in connection with a competition recognised by Scottish Fencing, Scottish Archery Association or Scottish Field Archery Association and which take place in the vicinity of that competition.

Article 3 amends article 4(1) of the Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010 to remove an erroneous reference to recovery orders.

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