

EXECUTIVE NOTE

THE KNIFE DEALER'S (MISCELLANEOUS) (SCOTLAND) ORDER 2010

SSI 2010/311

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

Policy objectives

The Civic Government (Scotland) Act 1982, as amended by the Custodial Sentences and Weapons (Scotland) Act 2007 provides for a licensing scheme for knife dealers. The Knife Dealers Licensing Scheme came into force on 1 June 2010. The Knife Dealers (Miscellaneous)(Scotland) Order 2010 deals with problems that have emerged for certain sports by specifying certain activities that will be exempt from the need for a licence.. It also corrects an error contained within the Knives etc. (Disposal of Forfeited Property)(Scotland) Order 2010.

The order excludes from the Knife Dealer's Licensing Scheme certain activities associated with certain sports. These changes allow the sports of archery, fencing and certain water sports to continue without being unduly hampered by the licensing scheme. The order excludes several following activities. Firstly, the hiring, offering or exposing for hire or lending of arrows used in the sport of archery by a teacher to a pupil. This means that members of the public can try out the sport by having an initial lesson without having to purchase archery equipment. Secondly, the hiring, offering or exposing for hire, lending or giving of knives used in water sports by a teacher to a pupil but only where the purpose is the safety of the pupil. Thirdly, the order also excludes from licensing the sale or hire of fencing and archery equipment in connection with and in the vicinity of fencing and archery competitions. This allows participants in competitions to purchase equipment during the competition from specialist vendors who attend the competition. The weapons involved are not of a type to cause concern, so allowing these relaxations of licensing are not a cause for concern..

The order also amends article 4(1) of the Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010 (SSI 2010/214) to remove an erroneous reference to recovery orders. This meets the undertaking given by the Scottish Government in their response to the Subordinate Legislation Committee, which was considered by the Committee on the 15th June 2010.

Regulatory Impact

A regulatory impact statement was conducted at the time of the passing of the Custodial Sentences and Weapons (Scotland) Act 2007. We do not expect the 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 these changes should be insignificant.

Criminal Justice Directorate
August 2010