

EXECUTIVE NOTE

THE KNIFE DEALER'S LICENCE (HISTORICAL RE-ENACTMENT EVENTS) (SCOTLAND) ORDER 2011

SSI 2011/263

The above instrument is made in exercise of powers conferred on the Scottish Ministers by section 27A (8) (b), 27S (1) and 27S (2) 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, but this scheme has caused problems for certain historical re-enactment events. The Knife Dealer's Licensing (Historical Re-enactment) (Scotland) Order 2011 addresses these problems. The Order specifies certain activities, connected to historical re-enactment events, that will be exempt from the need for a knife dealer's licence. These changes allow such historical re-enactment events to continue without being unduly hampered.

A previous Statutory Instrument, The Knife Dealer's Licence (Miscellaneous) (Scotland) Order 2010 (SSI 2010/311), exempts from the knife dealer's licence requirements the hiring, offering or exposing for hire, lending or giving of an arrow where a qualified teacher gives an arrow to a pupil in the sport of archery. At historical re-enactment events it is common for competitors, in an archery competition, to purchase their arrows from traders. As such, the Knife Dealer's Licensing (Historical Re-enactment) (Scotland) Order 2011 permits the sale of arrows, by traders without a licence, where it is done in connection with a historical re-enactment event and it is done within the immediate vicinity of the event.

In addition, it is common for members of the public to be allowed to try and take part in living history events which use period bows. The Knife Dealer's Licensing (Historical Re-enactment) (Scotland) Order 2011 will allow teachers at historical re-enactment events to lend or give an arrow to a pupil without being caught by the licensing scheme.

Finally, the Order also excludes from licensing the sale or hire of articles in connection with and in the vicinity of re-enactment, heritage or history events where the public are charged an entrance fee. This allows participants at the event to purchase equipment from vendors who attend. Such traders sell specialist, historically accurate blunt weapons which are sold primarily to re-enactors, museums, theatre and film companies. The additional financial burden of requiring a licence on what are small specialist craft workers is likely to lead to their withdrawal from living history events in Scotland significantly reducing their attraction and viability. They are not the type of weapons which drove the policy for adopting the knife licensing regime so allowing these relaxations of licensing are not a cause for concern.

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
May 2011