



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART VI

MISCELLANEOUS AND GENERAL

Offensive weapons

49 Offence of having in public place article with blade or point.

- (1) Subject to subsections (4) and (5) below, any person who has an article to which this section applies with him in a public place shall be guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}twelve] months or a fine not exceeding the statutory maximum or both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding [^{F2}5] years or a fine or both.
- (2) Subject to subsection (3) below, this section applies to any article which has a blade or is sharply pointed.
- (3) This section does not apply to a folding pocketknife if the cutting edge of its blade does not exceed three inches (7.62 centimetres).
- (4) It shall be a defence for a person charged with an offence under subsection (1) above to [^{F3}show that the person had a reasonable excuse] or lawful authority for having the article with him in the public place.
- (5) Without prejudice to the generality of subsection (4) above, it shall be a defence for a person charged with an offence under subsection (1) above to [^{F4}show] that he had the article with him—
 - (a) for use at work;
 - (b) for religious reasons; or
 - (c) as part of any national costume.

Changes to legislation: *Criminal Law (Consolidation) (Scotland) Act 1995, Section 49 is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) Where a person is convicted of an offence under subsection (1) above the court may make an order for the forfeiture of any article to which the offence relates, and any article forfeited under this subsection shall (subject to section 193 of the ^{M1}Criminal Procedure (Scotland) Act 1995 (suspension of forfeiture etc, pending appeal)) be disposed of as the court may direct.

[^{F5}(7) In this section, “public place” has the same meaning as in section 47(4).]

Textual Amendments

- F1** Word in s. 49(1)(a) substituted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), **ss. 73(2)**, 104; S.S.I. 2006/432, **art. 2(d)**
- F2** Word in s. 49(1)(b) substituted (10.3.2016) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **ss. 84(3)**, 117(2); S.S.I. 2016/95, **art. 2** (with **art. 3**)
- F3** Words in s. 49(4) substituted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 37(3)(a)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.
- F4** Word in s. 49(5) substituted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 37(3)(b)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.
- F5** S. 49(7) substituted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 37(3)(c)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

Marginal Citations

- M1** 1995 c.46.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(8) added by [2010 asp 13 s. 200\(2\)\(a\)](#)
- s. 45(6) added by [2010 asp 13 s. 200\(2\)\(c\)](#)
- s. 46(5) added by [2010 asp 13 s. 200\(2\)\(d\)\(ii\)](#)