Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 2

CRIMINAL LAW

Crossbows, knives etc.

35 Sale and hire of crossbows to persons under 18

(1) The Crossbows Act 1987 (c.32) is amended as follows.

(2) In section 1 (sale and letting on hire), the words from "unless" to the end are repealed.

(3) After that section insert—

"**1A Defences**

(1) It is a defence for a person charged with an offence under section 1 (referred to in this section as "the accused") to show that—
  (a) the accused believed the person to whom the crossbow or part was sold or let on hire (referred to in this section as "the purchaser or hirer") to be aged 18 or over, and
  (b) either—
    (i) the accused had taken reasonable steps to establish the purchaser or hirer's age, or
    (ii) no reasonable person could have suspected from the purchaser or hirer's appearance that the purchaser or hirer was under the age of 18.

(2) For the purposes of subsection (1)(b)(i), the accused is to be treated as having taken reasonable steps to establish the purchaser or hirer's age if and only if—
  (a) the accused was shown any of the documents mentioned in subsection (3), and
  (b) the document would have convinced a reasonable person.

(3) Those documents are any document bearing to be—

(a) a passport,

(b) a European Union photocard driving licence, or

(c) such other document, or a document of such other description, as the Scottish Ministers may by order made by statutory instrument prescribe.

(4) A statutory instrument containing an order under subsection (3)(c) is subject to annulment in pursuance of a resolution of the Scottish Parliament.”.

(4) After section 3 insert—

“**3A Test purchasing**

(1) A person under the age of 18 who buys or hires, or attempts to buy or hire, a crossbow or a part of a crossbow does not commit an offence under section 2 or 3 if the person is authorised to do so by the chief constable for the purpose of determining whether an offence is being committed under section 1.

(2) A chief constable may authorise a person under the age of 18 to buy or hire, or attempt to buy or hire, a crossbow or a part of a crossbow only if satisfied that all reasonable steps have been or will be taken to—

(a) ensure the person's safety, and

(b) avoid any risk to the person's welfare.”.

Commencement Information

I1 S. 35 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, **Sch.** (with Sch.)

36 Sale and hire of knives and certain other articles to persons under 18

(1) Section 141A of the Criminal Justice Act 1988 (c.33) (sale of knives and certain articles with blade or point to persons under eighteen) is amended as follows.

(2) In subsection (1), after “sells” insert “ or lets on hire ”.

(3) In subsection (3A), after “sell” insert “ or let on hire ”.

(4) For subsection (4) substitute—

“(4) It is a defence for a person charged with an offence under subsection (1) (referred to in this section as “the accused”) to show that—

(a) the accused believed the person to whom the article was sold or let on hire (referred to in this section as “the purchaser or hirer”) to be of or above the relevant age, and

(b) either—

(i) the accused had taken reasonable steps to establish the purchaser or hirer's age, or

(ii) no reasonable person could have suspected from the purchaser or hirer's appearance that the purchaser or hirer was aged under the relevant age.

(4A) For the purposes of subsection (4)(b)(i), the accused is to be treated as having taken reasonable steps to establish the purchaser or hirer's age if and only if—

(a) the accused was shown any of the documents mentioned in subsection (4B), and

(b) the document would have convinced a reasonable person.

(4B) Those documents are any document bearing to be—

(a) a passport,

(b) a European Union photocard driving licence, or

(c) such other document, or a document of such other description, as the Scottish Ministers may by order prescribe.

(4C) In subsection (4), "the relevant age" is—

(a) in the case where the article is a knife or knife blade designed for domestic use, 16 years, and

(b) in any other case, 18 years.".

Commencement Information

I2 S. 36 in force at 28.3.2011 by S.S.I. 2011/178, art. 2, **Sch.** (with Sch.)

Status:
Point in time view as at 28/03/2011.

Changes to legislation:
There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Crossbows, knives etc..