



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 2

CRIMINAL LAW

Crossbows, knives etc.

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

Status: This is the original version (as it was originally enacted).

(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.”.