



Carrying of Knives etc. (Scotland) Act 1993

1993 CHAPTER 13

An Act to provide, as respects Scotland, for it to be an offence to have in a public place an article with a blade or point; and for connected purposes. [27th May 1993]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 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 six months or a fine not exceeding the statutory maximum or both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two 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.
- (4) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he had good reason 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 prove that he had the article with him—
 - (a) for use at work;

- (b) for religious reasons; or
 - (c) as part of any national costume.
- (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 443A of the Criminal Procedure (Scotland) Act 1975 (suspension of forfeiture etc, pending appeal)) be disposed of as the court may direct.
- (7) In this section “public place” includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise.

2 Extension of constable’s power to stop, search and arrest without warrant

- (1) Where a constable has reasonable grounds for suspecting that a person has with him an article to which section 1 of this Act applies and has committed or is committing an offence under subsection (1) of that section, the constable may search that person without warrant and detain him for such time as is reasonably required to permit the search to be carried out.
- (2) A constable who detains a person under subsection (1) above shall inform him of the reason for his detention.
- (3) Where a constable has reasonable cause to believe that a person has committed or is committing an offence under section 1(1) of this Act and the constable—
 - (a) having requested that person to give his name or address or both—
 - (i) is not given the information requested; or
 - (ii) is not satisfied that such information as is given is correct; or
 - (b) has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an article to which that section applies might be used,he may arrest that person without warrant.
- (4) Any person who—
 - (a) intentionally obstructs a constable in the exercise of the constable’s powers under subsection (1) above; or
 - (b) conceals from a constable acting in the exercise of those powers an article to which section 1 of this Act applies,shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Where a constable has reasonable cause to believe that a person has committed or is committing an offence under subsection (4) above he may arrest that person without warrant.

3 Citation, commencement and extent

- (1) This Act may be cited as the Carrying of Knives etc. (Scotland) Act 1993.
- (2) This Act shall not have effect in relation to anything done before it comes into force.
- (3) This Act extends to Scotland only.