

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 44 and 46 of the Offensive Weapons Act 2019 (“the Act”) amend various pieces of legislation with the effect that it becomes an offence to possess certain dangerous knives and offensive weapons. Section 48 of the Act allows the Scottish Ministers to make arrangements for the surrender of such items.

These Regulations provide for a scheme of compensation to be payable to persons surrendering certain prohibited knives and offensive weapons with a value of £30 or more.

Regulation 2 and schedule 1 make provision as to the standard level of compensation payments which are to be made in respect of weapons surrendered in accordance with arrangements made under section 48 of the Act.

Regulation 3 makes provision as to eligibility for compensation. Regulation 4 provides for police officers accepting the surrendered items to issue a receipt. Regulation 5 provides for a claim to be submitted where the item has been surrendered, and for a claim form to be transmitted to the Scottish Ministers (with schedule 2 setting out the claim form to be used). Regulation 6 provides for determination of claims and payment by the Scottish Ministers. No payment is due for claims amounting to less than £30. In determining the value of a claim, the Scottish Ministers may take into account weapons surrendered under arrangements made under Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) (Scotland) Order 2022 for which compensation is claimed under that Order.

The standard level of compensation for a weapon, as specified in schedule 1, is the amount of compensation payable unless the person claiming the compensation contends that the value exceeds the standard level of compensation payable. If no standard level of compensation is specified for the weapon surrendered, or if the person claims that the value exceeds the standard level, valuation evidence must be submitted and the level of compensation payable is to be determined by the Scottish Ministers.