

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 141(1) of the Criminal Justice Act 1988 (“the 1988 Act”) provides that any person who manufactures, sells or hires, or offers for sale or hire, exposes or has in his or her possession for the purpose of sale or hire, or lends or gives to any other person, a weapon to which that section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both. The import of any such weapon is prohibited by section 141(4) of the 1988 Act.

There are defences under section 141 in respect of weapons which are made available to a museum or gallery or used for cultural, artistic or educational purposes if lent or hired from a museum or gallery, and in respect of weapons used for the purposes of the Crown or of a visiting force as defined in subsection (6) of that section.

This Order specifies the descriptions of weapons to which section 141 of the 1988 Act applies. Antique weapons, which are defined as weapons over 100 years old at the time of the alleged offence, are excluded.

This Order revokes the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 and the Criminal Justice Act 1988 (Offensive Weapons) Amendment (Scotland) Order 2002. It replaces those orders with a single order for Scotland and adds two new categories of weapon, the stealth knife and the straight, side handled or friction lock truncheon to the list of weapons previously specified.

By virtue of article 1(1), the Order comes into force on the day after the day on which it was made.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Criminal Justice Act 1988 (Offensive Weapons) (Scotland) Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. para. 2 words inserted by [2019 c. 17 s. 47\(13\)](#)

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

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

- sch. para. 1(s) inserted by [S.S.I. 2022/218 art. 2](#)
- Sch. para. 1(r) inserted by [2019 c. 17 s. 47\(12\)](#)