

EXECUTIVE NOTE

The Criminal Justice Act 1988 (Offensive Weapons) (Scotland) Order 2005 (S.S.I. 2005/483)

The above instrument was made in exercise of the powers conferred by section 141(2) of the Criminal Justice Act 1988. The instrument is subject to affirmative resolution procedure.

Policy Objectives

Two previous orders have been made under section 141(2) of the 1988 Act specifying certain descriptions of weapons to which section 141(1) of the 1988 Act applies for Scotland. The purpose of this instrument is to consolidate those orders into a single order for Scotland and at the same time add stealth knives and batons to the list of specified weapons.

Stealth knives are non-metallic hunting or stiletto knives made from a range of materials, such as nylon zytel or high impact plastic. Although they look like conventional knives, they are difficult to detect because they are non metallic.

Although these knives present a general threat because of their portability and concealability, they pose a particular risk to airline security as their material prevents easy detection by metal detectors. Given the increased need for improving airline security, the Scottish Executive and the UK Government consider that it is a priority to legislate to prohibit the manufacture, sale, hire and importation of these knives. Section 47 (prohibition of the carrying of offensive weapons), section 49 (offence of having in public place article with blade or point) and section 49A (offence of having article with blade or point (or offensive weapon) on school premises) of the Criminal Law (Consolidation) (Scotland) Act 1995 already contain offence provisions in relation to possession of such knives.

The Executive considers that as stealth knives appear to have no legitimate purpose, it is undesirable they should be freely available for purchase by the public. By restricting their availability this measure will assist in raising levels of security not only at airports but also at, for example, football grounds, night clubs and courts, where screening arrangements are in place but might fail to detect the items.

We are also banning straight, side-handled or friction-lock truncheons (sometimes known as a baton). Prohibiting the sale, manufacture and import of such truncheons is a matter of public safety. It is an effective way of stopping the supply of wholly unacceptable and dangerous weapons.

Consultation

None. However, The British Airports Authority, among others, has previously drawn UK Ministers' attention to the risks posed by the manufacture, sale and import of disguised knives. The Executive is consulting on measures to increase the restrictions on the sale of knives and to increase penalties for possession of knives. The addition of stealth knives and batons to the list of offensive weapons through this order complements other current actions.

EC Directive on Technical Standards

The Executive considers that the EC Directive on Technical Standards does not apply to the instrument. The Executive takes the view that the Directive is concerned with measures that affect the intrinsic characteristics of a product and is not concerned with instruments of a public order character whereby a product is identified by reference to its technical standards purely for the purposes of prohibiting a particular act involving that product.

Jurisdiction

This Order applies to Scotland only. Equivalent provision for stealth knives and batons has been made by the UK Government for England, Wales and Northern Ireland.

Financial Effects

None.

Scottish Executive Justice Department
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