
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Justice Act 1988 (Offensive Weapons) (Scotland) Order 2005 (“the 2005 Order”).

Section 141(1) of the Criminal Justice Act 1988 (“the 1988 Act”) makes it an offence to manufacture, sell or hire, or offer for sale or hire, expose or have in a person’s possession for the purpose of sale or hire, or lend or give to any other person, a weapon to which that section applies. Section 46 of the Offensive Weapons Act 2019 will amend section 141 of the 1988 Act to make it an offence to possess a weapon to which section 141 of the 1988 Act applies on domestic premises. The schedule of the 2005 Order specifies the descriptions of weapons to which section 141 of the 1988 Act applies.

Article 2 of this Order adds the weapon sometimes known as a “zombie knife”, “zombie killer knife”, or “zombie slayer knife” to the descriptions of weapons set out in the schedule of the 2005 Order.

Article 3 provides that the Scottish Ministers may make arrangements for the surrender of zombie knives at designated police stations. The Chief Constable of Police Scotland will designate police stations at which zombie knives can be surrendered .

Article 4 makes 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 article 3(1). It also makes provision as to eligibility for compensation.

Article 5 provides for police officers accepting the surrendered items to issue a receipt. Article 6 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 the schedule setting out the claim form to be used). Article 7 provides for determination of claims and payments 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 section 48 of the Offensive Weapons Act 2019 for which compensation is claimed under the Surrender of Offensive Weapons (Compensation) (Scotland) Regulations 2022.