



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART VI

MISCELLANEOUS AND GENERAL

Offensive weapons

47 Prohibition of the carrying of offensive weapons.

- (1) Any person who ^{F1} . . . has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding [^{F25}] years or a fine, or both.

[^{F3}(1A) It is a defence for a person charged with an offence under subsection (1) to show that the person had a reasonable excuse or lawful authority for having the weapon with the person in the public place.]

- (2) Where any person is convicted of an offence under subsection (1) above the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

^{F4}(3)

[^{F5}(4) In this section—

“offensive weapon” means any article—

- (a) made or adapted for use for causing injury to a person, or
- (b) intended, by the person having the article, for use for causing injury to a person by—

Changes to legislation: *Criminal Law (Consolidation) (Scotland) Act 1995, Section 47 is up to date with all changes known to be in force on or before 22 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (i) the person having it, or
 - (ii) some other person,
- “public place” means any place other than—
- (a) domestic premises,
 - (b) school premises (within the meaning of section 49A(6)),
 - (c) a prison (within the meaning of section 49C(7)),
- “domestic premises” means premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).]

Textual Amendments

- F1** Words in s. 47(1) repealed (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 37(2)(a)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.
- F2** Word in s. 47(1)(b) substituted (10.3.2016) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **ss. 84(2)**, 117(2); S.S.I. 2016/95, **art. 2** (with **art. 3**)
- F3** S. 47(1A) inserted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 37(2)(b)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.
- F4** S. 47(3) repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **sch. 2 para. 12(b)**; S.S.I. 2017/345, **art. 3**, sch.
- F5** S. 47(4) substituted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 37(2)(c)**, 206(1); S.S.I. 2010/413, **art. 2**, Sch.

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

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

- s. 30(8) added by [2010 asp 13 s. 200\(2\)\(a\)](#)
- s. 45(6) added by [2010 asp 13 s. 200\(2\)\(c\)](#)
- s. 46(5) added by [2010 asp 13 s. 200\(2\)\(d\)\(ii\)](#)