



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART VI

MISCELLANEOUS AND GENERAL

Offensive weapons

48 Search for offensive weapons.

- (1) Where a constable has reasonable grounds for suspecting that any person is carrying an offensive weapon and has committed or is committing an offence under section 47 of this Act, the constable may search that person without warrant, and detain him for such time as is reasonably required to permit the search to be carried out; and he shall inform the person of the reason for such detention.
- (2) Any person who—
 - (a) intentionally obstructs a constable in the exercise of the constable's powers under subsection (1) above; or
 - (b) conceals from a constable acting in the exercise of those powers an offensive weapon,shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) A constable may arrest without warrant any person who he has reason to believe has committed [^{F1}or is committing] an offence under subsection (2) above.
- (4) In this section, "offensive weapon" has the same meaning as in the said section 47.

Status: Point in time view as at 10/03/2016. This version of this provision has been superseded.

Changes to legislation: Criminal Law (Consolidation) (Scotland) Act 1995, Section 48 is up to date with all changes known to be in force on or before 27 May 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)

Textual Amendments

- F1** Words in s. 48(3) inserted (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#) (asp 10), [ss. 74\(3\)](#), 104; S.S.I. 2006/432, [art. 2\(d\)](#)

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