

2009 No. 218

LICENCES AND LICENSING

CRIMINAL LAW

The Knife Dealers (Exceptions) Order 2009

<i>Made</i>	- - - -	<i>3rd June 2009</i>
<i>Laid before the Scottish Parliament</i>		<i>4th June 2009</i>
<i>Coming into force</i>		<i>1st September 2009</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 27A(7) and 27A(8)(b)(a) of the Civic Government (Scotland) Act 1982^(b) and all other powers enabling them to do so.

Citation and interpretation

1. This Order may be cited as the Knife Dealers (Exceptions) Order 2009 and comes into force on 1st September 2009.

Exception for certain articles

2. In section 27A of the Civic Government (Scotland) Act 1982 (knife dealers' licences)–
- (a) in subsection (2)(a), for “those” substitute “folding pocket knives whose blades do not exceed 3.5 inches (8.91 centimetres) in length or knives”,
 - (b) after subsection (2)(a) insert–
 - “(aa) daggers (other than kirpans or skean dhùs whose blades do not exceed exceed 3.5 inches (8.91 centimetres) in length);”.

Exceptions for certain businesses

3.—(1) Where a person (A) is teaching another person (B) the sport of fencing, the hiring, offering or exposing for hire, lending or giving of a fencing sword by A to B is not to be taken to be a business for the purposes of section 27A(4) of the Civic Government (Scotland) Act 1982 but only where A is qualified to teach B in the sport.

(a) Section 27A was inserted by section 58 of the Custodial Sentences and Weapons (Scotland) Act 2007, (asp 17).
(b) 1982 c.45.

(2) In this Article “fencing sword” means a sword used in the sport of fencing and which may be classified as a foil, épée or sabre.

St Andrew’s House,
Edinburgh
3rd June 2009

KENNY MACASKILL
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes exceptions to the requirement for a knife dealers' licence under section 27A of the Civic Government (Scotland) Act 1982.

Article 2 specifies the classes of article which are to be excepted from the list of articles under section 27A(2) of the 1982 Act. This includes folding pocket knives. It also adds 'daggers' as a class of article and makes exceptions for kirpans and skean dhus within this class. Article 2 applies only where the article's blade does not exceed 3.5 inches (8.91 centimetres) in length.

Article 3 specifies the exceptions to the meaning of business under section 27A(4) of the 1982 Act. It removes the hiring, offering or exposing for hire, lending or giving of fencing weapons from the meaning of 'business' but only where the purpose is for teaching the sport of fencing.

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