

2013 No. 22

CRIMINAL LAW

The Knife Dealers (Licence Conditions) (Scotland) Order 2013

Made - - - - *28th January 2013*

Coming into force - - *29th January 2013*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3A(1) and (2) and 27C of the Civic Government (Scotland) Act 1982^(a) and all other powers enabling them to do so^(b).

In accordance with section 3A(3) of that Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and application

1.—(1) This Order may be cited as the Knife Dealers (Licence Conditions) (Scotland) Order 2013 and comes into force on the day after the day on which it is made.

(2) Articles 3 and 4 apply only to knife dealers' licences granted or renewed by a licensing authority after this Order comes into force.

Interpretation

2. In this Order, "customer" means a person who buys, hires, borrows or otherwise acquires any article listed in section 27A(2) of the Civic Government (Scotland) Act 1982 from a dealer

Mandatory conditions for all knife dealers' licences

3.—(1) In granting or renewing a knife dealer's licence, a licensing authority must attach to the licence the conditions specified in paragraphs (2) to (4).

(2) The dealer must make detailed written records on the day of the transaction with a customer and retain such records for a period of 3 years from that date stating the following information—

- (a) the identity of the customer and the means by which the customer's identity was verified;
- (b) the steps taken to establish that the customer was at least 18 years of age at the time of the transaction (including any proof of age or identity sought or the means by which the customer's age was verified or reasons why such verification was not sought because it was unnecessary); and
- (c) a full description of the article sold, hired, lent or given to the customer.

(a) 1982 c.45; section 3A was inserted by section 172(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) and section 27C was amended by section 172(4) of that Act.
(b) The powers to make this Order are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). The Order is subject to the affirmative procedure by virtue of section 33(3) of that Act.

(3) The dealer must ensure that any article listed in section 27A(2) of the Civic Government (Scotland) Act 1982 or display of such articles is not visible from the street or any public entrance to the premises.

(4) The dealer must display a notice which must—

- (a) be displayed at all times in a position which is readily visible to customers at—
 - (i) the entry to the premises; and
 - (ii) the point of sale or counter;
- (b) be at least A4 size and on which the lettering must be legible and no smaller than 5 mm in height; and
- (c) contain the following wording—
 - (i) it is an offence to sell to a person under the age of 18 any knife or knife blade (except if the person is aged 16 or over and the knife or blade is designed for domestic use);
 - (ii) it is also an offence to sell to a person under the age of 18 any razor blade, axe, sword or other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury; and
 - (iii) a customer may be asked to provide details of his/her age and identity (which may be recorded or copied and kept for inspection for up to 3 years).

Mandatory additional conditions for swords

4.—(1) Where a knife dealer's licence permits carrying on business as a dealer in swords, a licensing authority must also attach to the licence the conditions specified in paragraphs (2) and (3).

(2) The dealer must take all reasonable steps to establish from the customer, and confirm, the intended use of any sword.

(3) The dealer must make detailed written records on the day of the transaction with a customer and retain such records for a period of 3 years from that date stating the enquiries made of the customer or other persons or bodies as to the intended use of any sword.

Revocation

5. The Knife Dealers (Licence Conditions) Order 2009(a) is revoked.

KENNY MACASKILL

A member of the Scottish Government

St Andrew's House,
Edinburgh
28th January 2013

(a) S.S.I. 2009/217.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the conditions that a licensing authority must attach to a knife dealer's licence granted or renewed by the authority under the Civic Government (Scotland) Act 1982.

Article 3 specifies the conditions that must be attached to all knife dealers' licences granted or renewed by a licensing authority. These include requiring the dealer to record the identity of the customer and the means by which the customer's identity was verified, the steps taken to establish that the customer was at least 18 years of age and a full description of the article sold, hired, lent or given to the customer. The records must be kept for 3 years.

Article 4 requires a licensing authority to attach additional conditions to knife dealers' licences which permit carrying on business as a dealer in swords. These are that the dealer must take all reasonable steps to establish and confirm the intended use of any sword, and must keep a record for 3 years of the enquiries made of the customer as to the intended use of the sword.

Article 5 revokes the Knife Dealers (Licence Conditions) Order 2009.