
EXPLANATORY NOTE

(This note is not part of the Order)

Section 141(1) of the Criminal Justice Act 1988 (“the 1988 Act”) provides that any person who manufactures, sells or hires, or offers for sale or hire, exposes or has in his or her possession for the purpose of sale or hire, or lends or gives to any other person, a weapon to which that section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both. The import of any such weapon is prohibited by section 141(4) of the 1988 Act.

There are defences under section 141 in respect of weapons which are made available to a museum or gallery or used for cultural, artistic or educational purposes if lent or hired from a museum or gallery, and in respect of weapons used for the purposes of the Crown or of a visiting force as defined in subsection (6) of that section.

This Order specifies the descriptions of weapons to which section 141 of the 1988 Act applies. Antique weapons, which are defined as weapons over 100 years old at the time of the alleged offence, are excluded.

This Order revokes the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 and the Criminal Justice Act 1988 (Offensive Weapons) Amendment (Scotland) Order 2002. It replaces those orders with a single order for Scotland and adds two new categories of weapon, the stealth knife and the straight, side handled or friction lock truncheon to the list of weapons previously specified.

By virtue of article 1(1), the Order comes into force on the day after the day on which it was made.