

**2009 No. 217**

**LICENCES AND LICENSING**

**CRIMINAL LAW**

**The Knife Dealers (Licence Conditions) 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 section 27C(1) and (2)(a) of the Civic Government (Scotland) Act 1982 and all other powers enabling them to do so.

**Citation and commencement**

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

**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(b) in a transaction with a dealer; and

“transaction” means where an article is sold, hired, offered or exposed for sale or hire, lent or given to the customer by 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 mandatory conditions as 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 eighteen 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

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

(b) Section 27A was inserted by section 58 of the Custodial Sentences and Weapons (Scotland) Act 2007. Section 27A(2) was amended by S.S.I. 2009/218.

(c) a full description of the article sold, hired, offered or exposed for sale or hire, lent or given to the customer.

(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 at the point of entry to the premises, the point of sale or counter and in a position which is readily visible to customers;

(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) In addition to the conditions specified in article 3, a licensing authority must attach to the licence the additional mandatory conditions in paragraphs (2) and (3) where the dealer is carrying on business as a dealer in swords.

(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.

*KENNY MACASKILL*

A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
3rd June 2009

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order requires local authorities to attach mandatory conditions to knife dealers' licences granted or renewed under section 27C of the Civic Government (Scotland) Act 1982.

Article 3 specifies the mandatory conditions that must be attached to all knife dealers' licences granted or renewed by a local authority. These are the identity of the customer and the means by which the customer's identity was verified; proof that the customer was at least eighteen years of age at the time of the transaction and the means by which the customer's age was established or an explanation why it was considered unnecessary for proof of age to be established; and a full description of the article which was sold, hired, offered or exposed for sale or hire, lent or given to the customer. The records must be kept for 3 years.

Article 4 requires local authorities to attach additional mandatory conditions to a licence where the dealer is carrying on a business in swords. These are that a knife dealer must take all reasonable steps to establish from the customer and confirm the intended use of any sword; and that the knife dealer must make and retain records for a period of at least 3 years on the enquiries made of the customer as to the intended use of the sword.

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