

2022 No. 210

CRIMINAL LAW

**The Offensive Weapons Act 2019 (Prescribed Documents)
(Scotland) (No. 2) Order 2022**

Made - - - - *15th June 2022*

Laid before the Scottish Parliament *17th June 2022*

Coming into force - - *20th September 2022*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 40(10)(c) and 42(8)(c) of the Offensive Weapons Act 2019(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Offensive Weapons Act 2019 (Prescribed Documents) (Scotland) (No. 2) Order 2022 and comes into force on 20 September 2022.

Prescribed documents

2. A United Kingdom photocard driving licence is prescribed for the purposes of sections 40(10)(c) and 42(8)(c) of the Offensive Weapons Act 2019.

KEITH BROWN
A member of the Scottish Government

St Andrew's House,
Edinburgh
15th June 2022

EXPLANATORY NOTE

(This note is not part of the Order)

Section 39(6) of the Offensive Weapons Act 2019 (“the 2019 Act”) makes it an offence for a body corporate to deliver a bladed product (as defined in section 41 of the 2019 Act) to residential premises if, when they deliver it, they do not deliver it into the hands of a person aged 18 or over. Section 40(8) of the 2019 Act provides a defence to this offence where the delivery corporate body believed the delivery was to a person aged 18 or over and that they had taken reasonable steps to establish that person’s age. The reasonable steps which can be taken to establish a person’s age are listed as being shown a passport, a European Union photocard driving licence or such other document as the Scottish Ministers may prescribe.

Section 42(4) of the 2019 Act makes it an offence for a body corporate to deliver a bladed article (as described in section 141A(2) of the Criminal Justice Act 1988) sold by a seller outside the UK if, when they deliver it, they do not deliver it into the hands of a person aged 18 or over. Section 42(6) of the 2019 Act provides a defence to this offence where the delivery corporate body believed the delivery was to a person aged 18 or over and that they had taken reasonable steps to establish that person’s age. The reasonable steps which can be taken to establish a person’s age are listed as being shown a passport, a European Union photocard driving licence or such other document as the Scottish Ministers may prescribe.

This Order prescribes a United Kingdom photocard licence as a document which can be shown to a delivery body corporate as part of the reasonable steps they may take to establish a person’s age.

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