EXECUTIVE NOTE

THE SALE AND HIRE OF CROSSBOWS, KNIVES AND CERTAIN OTHER ARTICLES TO CHILDREN AND YOUNG PERSONS (SCOTLAND) ORDER 2011

SSI 2011/129

The above instrument is made in exercise of the powers conferred on Scottish Ministers by section 1A(3)(c) of the Crossbows Act 1987(**1**) and section 141A(4B)(c) of the Criminal Justice Act 1988(**2**). The instrument is made under the anticipatory exercise of these powers (sections 35 and 36 of the Criminal Justice and Licensing (Scotland) Act 2010 will come into force on the same date as the coming into force date of the Order). The instrument is subject to negative resolution procedure.

Policy objectives

The Scottish Government aims to achieve consistency in the proof of age provisions set out in legislation around the full range of age-restricted products. This is prompted by the need to provide clarity for retailers who need to know what documents they should have sight of in order to prove a purchasers age and also by the need for robust arrangements that only allow reliable forms of identification to be acceptable by retailers when young people buy such products.

The Criminal Justice and Licensing (Scotland) Act 2010, at sections 35 and 36, amended the Crossbows Act 1987 and the Criminal Justice Act 1988. The amendments provide that a passport, a European Union Photocard driving licence or such other document as the Scottish Ministers may by Order prescribe are valid documents such that, if they are shown to the retailer, would constitute 'reasonable steps' for them to have taken and, therefore, provide them with a defence to any charge in relation to the making of a sale, or hire, to an underage person of knives, crossbows and certain other bladed or sharply pointed articles.

The purpose of this Order is to prescribe a PASS card as also being acceptable for those purposes (a PASS card being a photographic identity card bearing the national Proof of Age Standards Scheme hologram.) The PASS scheme is the UK's national guarantee for proof of age cards and has the backing of the Home Office, the Association of Chief Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute (TSI). The scheme delivers a common standard through its easily recognised logo, which is backed by a robust audit and accreditation process to help protect retailers of age restricted goods, and their employees, against the many false identity cards that are widely available..

Regulatory Impact

Regulatory Impact was considered in association with the Criminal Justice and Licensing (Scotland) Act 2010 which provided the framework for these changes. It concluded that there are no financial impacts on business, charities and the voluntary

(**1**) 1987 c.32; section 1A was inserted by the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), section 35(3).
(**2**) 1988 c.33; section 141A was relevantly amended by the Criminal Justice and Licensing (Scotland) Act 2010, section 36.

sector from these changes. Retailers and enforcement bodies will be made aware of this Order.

Financial Effects

The instrument is not expected to have any significant financial effects on Scottish Government, local government or on business. Therefore, there is no requirement for a Business and Regulatory Impact Assessment to be undertaken.

Justice Directorate
February 2011