



New South Wales

Summary Offences (General) Amendment (Knives) Regulation 1998

under the

Summary Offences Act 1988

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Summary Offences Act 1988*.

J W Shaw
Attorney General

Explanatory note

The object of this Regulation is to amend the *Summary Offences (General) Regulation 1995* as a consequence of the enactment of the *Crimes Legislation Amendment (Police and Public Safety) Act 1998*.

The amendments:

- (a) exempt certain knives and blades from the operation of section 11F of the *Summary Offences Act 1988* which creates an offence of selling knives to children under the age of 16 years, and
- (b) provide for penalties for certain new offences under that Act when dealt with by way of penalty notice and prescribe short descriptions for those offences, and
- (c) renumber references to certain sections of that Act.

This Regulation is made under the *Summary Offences Act 1988*, including sections 11F, 29A and 35 (the general regulation-making power).

Summary Offences (General) Amendment (Knives) Regulation 1998

1 Name of Regulation

This Regulation is the *Summary Offences (General) Amendment (Knives) Regulation 1998*.

2 Commencement

This Regulation commences on 1 July 1998.

3 Amendment of Summary Offences (General) Regulation 1995

The *Summary Offences (General) Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Part 2A, heading

Insert "and penalty notices" after "offences".

[2] Clause 10B

Insert after clause 10A:

10B Penalty notices: custody of knives in public place or school and failure to comply with police directions

For the purposes of section 29A (1) of the Act, the amount prescribed is:

- (a) 5 penalty units in respect of an offence under section 11C of the Act, and
- (b) 2 penalty units in respect of an offence under section 28F of the Act.

[3] Clause 11A

Omit the clause. Insert instead:

11A Exempt knives

Section 11F of the Act does not apply to:

- (a) plastic knives that are designed for eating purposes, or
- (b) any blades, other than knife blades or blades forming part of any of the following:
 - (i) machetes,
 - (ii) cleavers,
 - (iii) swords.

[4] Schedule 2 Prescribed expressions

Omit "Section 10 (1)". Insert instead "Section 11B (1)"

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Schedule 1 Amendments

[5] Schedule 2

Omit "Section 28 (1)". Insert instead "Section 11A".

[6] Schedule 2

Insert in Columns 1 and 2 in appropriate numerical order (after the renumbering effected by items [4] and [5]):

Section 11C (1)	custody of knife in public place/school
Section 28F (6)	fail/refuse to comply with police direction