



# Offensive Weapons Act 2019

CHAPTER 17

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Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

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# Offensive Weapons Act 2019

## CHAPTER 17

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# Offensive Weapons Act 2019

## 2019 CHAPTER 17

An Act to make provision for and in connection with offences relating to offensive weapons. [16th May 2019]

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART 1

#### CORROSIVE PRODUCTS AND SUBSTANCES

##### *Sale and delivery of corrosive products*

#### **1 Sale of corrosive products to persons under 18**

- (1) A person commits an offence if they sell a corrosive product to a person who is under the age of 18.
- (2) Subject to section 2, it is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (3) Except where section 2 applies, it is a defence for a person (“the accused”) charged in Scotland with an offence under subsection (1) to show that—
  - (a) the accused believed the person to whom the corrosive product was sold (“the purchaser”) to be aged 18 or over, and
  - (b) either the accused had taken reasonable steps to establish the purchaser’s age or no reasonable person could have suspected from the purchaser’s appearance that the purchaser was under the age of 18.
- (4) For the purposes of subsection (3)(b), the accused is to be treated as having taken reasonable steps to establish the purchaser’s age if and only if—

- (a) the accused was shown any of the documents mentioned in subsection (5), and
  - (b) the document would have convinced a reasonable person.
- (5) Those documents are any document bearing to be –
  - (a) a passport,
  - (b) a European Union photocard driving licence, or
  - (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order.
- (6) The accused is to be taken to have shown a matter mentioned in subsection (3) if –
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (7) A person guilty of an offence under subsection (1) is liable –
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
  - (b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (8) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (7)(a) to 51 weeks is to be read as a reference to 6 months.
- (9) In Scotland, proceedings for an offence under subsection (1) may be commenced within the period of 12 months beginning with the commission of the offence.
- (10) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (9) as it applies for the purposes of that section.
- (11) Subject to subsection (15), in this section and sections 2 to 4 “corrosive product” means –
  - (a) a substance listed in the first column of Schedule 1, or
  - (b) a product which contains a substance listed in the first column of that Schedule in a concentration higher than the limit set out for that substance in the second column of that Schedule.
- (12) The appropriate national authority may by regulations amend Schedule 1 by adding, modifying or removing a reference to a substance or a concentration limit.
- (13) Before making regulations under subsection (12) the appropriate national authority must consult such persons likely to be affected by the regulations as the authority considers appropriate.
- (14) In this section “the appropriate national authority” means –
  - (a) in relation to England and Wales and Scotland, the Secretary of State, and
  - (b) in relation to Northern Ireland, the Department of Justice in Northern Ireland.



- (15) References to a corrosive product in this section and sections 2 to 4 do not include a substance or product which is contained in a battery.
- (16) See section 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

## **2 Defence to remote sale of corrosive products to persons under 18**

- (1) This section applies if –
  - (a) a person (“the seller”) is charged with an offence under section 1 (sale of corrosive products to persons under 18), and
  - (b) the seller was not in the presence of the person (“the buyer”) to whom the product to which the charge relates was sold at the time of the sale.
- (2) For the purposes of subsection (1)(b) the seller was not in the presence of the buyer at the time of the sale if –
  - (a) where the seller is an individual, the seller or a person acting on the seller’s behalf was not in the presence of the buyer at that time;
  - (b) where the seller is not an individual, a person acting on the seller’s behalf was not in the presence of the buyer at that time.
- (3) If the seller is charged with the offence in England and Wales or Northern Ireland, the seller is not to be regarded as having proved that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, they prove that the conditions in subsections (6) to (9) are met.
- (4) If the seller is charged with the offence in Scotland, it is a defence for the seller to show that the conditions in subsections (6) to (9) are met.
- (5) For the purposes of subsection (4) the seller is to be taken to have shown a matter mentioned in subsections (6) to (9) if –
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (6) Condition A is that, at the time the offence is alleged to have been committed –
  - (a) the seller operated a system for checking that persons who bought corrosive products by the same or a similar method of purchase to that used by the buyer were not under the age of 18, and
  - (b) that system was likely to prevent persons under the age of 18 from buying corrosive products by that method.
- (7) Condition B is that when the package containing the corrosive product was dispatched by the seller, it was clearly marked to indicate –
  - (a) that it contained a corrosive product, and
  - (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- (8) Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.
- (9) Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.

- (10) Where the corrosive product was dispatched by the seller to a place from which it was to be collected by the buyer or a person acting on behalf of the buyer, references in subsections (7) and (8) to the final delivery of the product are to be read as its supply to the buyer or a person acting on behalf of the buyer from that place.
- (11) In subsection (9) “locker” means a lockable container to which the package was delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.

### **3 Delivery of corrosive products to residential premises etc**

- (1) This section applies if –
  - (a) a person (“the seller”) sells a corrosive product to another person (“the buyer”), and
  - (b) the seller and the buyer are not in each other’s presence at the time of the sale.
- (2) The seller commits an offence if, for the purposes of supplying the corrosive product to the buyer, the seller delivers the product, or arranges for its delivery, to residential premises.
- (3) The seller commits an offence if, for the purposes of supplying the corrosive product to the buyer, the seller delivers the product, or arranges for its delivery, to a locker.
- (4) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if –
  - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
  - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (5) In subsection (2) “residential premises” means premises used solely for residential purposes.
- (6) The circumstances where premises are not residential premises for the purposes of that subsection include, in particular, where a person carries on a business from the premises.
- (7) In subsection (3) “locker” means a lockable container to which the corrosive product is delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.
- (8) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under this section to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (9) It is a defence for a person charged in Scotland with an offence under this section to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (10) A person is to be taken to have shown a matter mentioned in subsection (9) if –

- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (11) A person guilty of an offence under this section is liable –
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
  - (b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (12) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (11)(a) to 51 weeks is to be read as a reference to 6 months.
- (13) In Scotland, proceedings for an offence under this section may be commenced within the period of 12 months beginning with the commission of the offence.
- (14) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (13) as it applies for the purposes of that section.
- (15) See section 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

#### **4 Delivery of corrosive products to persons under 18**

- (1) This section applies if –
- (a) a person (“the seller”) sells a corrosive product to another person (“the buyer”),
  - (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is outside the United Kingdom at that time,
  - (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver corrosive products for the seller,
  - (d) that person was aware when they entered into the arrangement that it covered the delivery of corrosive products, and
  - (e) that person delivers the corrosive product pursuant to that arrangement.
- (2) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if –
- (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
  - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) For the purposes of subsection (1)(b) a person other than an individual is outside the United Kingdom at any time if the person does not carry on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (4) The person mentioned in subsection (1)(e) commits an offence if, when they deliver the corrosive product, they do not deliver it into the hands of a person aged 18 or over.

- (5) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (4) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (6) It is a defence for a person (“the accused”) charged in Scotland with an offence under subsection (4) to show that—
  - (a) the accused believed the person into whose hands the corrosive product was delivered to be aged 18 or over, and
  - (b) either the accused had taken reasonable steps to establish the person’s age or no reasonable person could have suspected from the person’s appearance that the person was under the age of 18.
- (7) For the purposes of subsection (6)(b), the accused is to be treated as having taken reasonable steps to establish the person’s age if and only if—
  - (a) the accused was shown any of the documents mentioned in subsection (8), and
  - (b) the document would have convinced a reasonable person.
- (8) Those documents are any document bearing to be—
  - (a) a passport,
  - (b) a European Union photocard driving licence, or
  - (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order.
- (9) The accused is to be taken to have shown a matter mentioned in subsection (6) if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (10) A person guilty of an offence under subsection (4) is liable—
  - (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (11) In Scotland, proceedings for an offence under this section may be commenced within the period of 12 months beginning with the commission of the offence.
- (12) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (11) as it applies for the purposes of that section.
- (13) See section 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

## **5 Presumptions in proceedings in Scotland for offence under section 1, 3 or 4**

- (1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 1(1), 3(2) or (3) or 4(4).
- (2) Where—
  - (a) a substance is found in a container (whether open or sealed), and
  - (b) there is on the container a description of the contents of the container,the substance found is to be presumed to be a substance of that description.

- (3) Where an open container is found which—
  - (a) is empty or contains an amount of a substance which is insufficient to allow analysis of it,
  - (b) was sealed at the time it was sold or delivered, and
  - (c) has on it a description of the contents of the container,the container is to be presumed to have contained, at the time it was sold or delivered, a substance of that description.
- (4) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (3) by proving that, at the time of its sale or delivery, the substance in the container was not of the description on the container.
- (5) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.

*Possession of corrosive substances*

**6 Offence of having a corrosive substance in a public place**

- (1) A person commits an offence if they have a corrosive substance with them in a public place.
- (2) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had good reason or lawful authority for having the corrosive substance with them in a public place.
- (3) Without prejudice to the generality of subsection (2), it is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had the corrosive substance with them for use at work.
- (4) It is a defence for a person charged in Scotland with an offence under subsection (1) to show that they had a reasonable excuse or lawful authority for having the corrosive substance with them in a public place.
- (5) Without prejudice to the generality of subsection (4), it is a defence for a person charged in Scotland with an offence under subsection (1) to show that they had the corrosive substance with them for use at work.
- (6) A person is to be taken to have shown a matter mentioned in subsection (4) or (5) if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (7) A person guilty of an offence under subsection (1) is liable—
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;

- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;
  - (d) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both.
- (8) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (7)(a) to 12 months is to be read as a reference to 6 months.
- (9) In this section –
- “corrosive substance” means a substance which is capable of burning human skin by corrosion;
  - “public place”, in relation to England and Wales or Northern Ireland, includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;
  - “public place”, in relation to Scotland, means any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).
- (10) See –
- (a) section 7 for provisions about presumptions as to the content of containers in proceedings in Scotland;
  - (b) sections 8 and 9 for provisions requiring a court in England and Wales to impose an appropriate custodial sentence in certain cases.

## **7 Presumptions in proceedings in Scotland for offence under section 6**

- (1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 6(1).
- (2) Where –
  - (a) a substance is found in a container (whether open or sealed), and
  - (b) there is on the container a description of the contents of the container, the substance found is to be presumed to be a substance of that description.
- (3) Subsection (4) applies where –
  - (a) an open container is found,
  - (b) a substance has been poured out of, or otherwise removed from, the container,
  - (c) the container is empty or contains an amount of the substance mentioned in paragraph (b) which is insufficient to allow analysis of it, and
  - (d) the container has on it a description of its contents.
- (4) The container is to be presumed to have contained, immediately before the action mentioned in paragraph (b) of subsection (3) was taken, a substance of the description mentioned in paragraph (d) of that subsection.
- (5) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (4) by proving that, at the time the offence is

alleged to have been committed, the substance in the container was not of the description on the container.

- (6) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.

## **8 Appropriate custodial sentence for conviction under section 6**

- (1) This section applies where –
- (a) a person is convicted of an offence under section 6(1) by a court in England and Wales, and
  - (b) when the offence was committed, the person –
    - (i) was aged 16 or over, and
    - (ii) had at least one relevant conviction (see section 9).
- (2) The court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which –
- (a) relate to the offence, to the previous offence or to the offender, and
  - (b) would make it unjust to do so in all the circumstances.
- (3) An “appropriate custodial sentence” is –
- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
  - (b) in the case of a person who is aged 16 or 17 when convicted, a detention and training order of at least 4 months.
- (4) In the case of a person aged 16 or 17, in considering whether it is of the opinion mentioned in subsection (2) the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (5) Subsection (6) applies where –
- (a) an appropriate custodial sentence has been imposed on a person under subsection (2), and
  - (b) a relevant conviction which resulted in subsection (2) applying to that person has subsequently been set aside on appeal.
- (6) Notice of appeal against the sentence may be given at any time within the period of 28 days beginning with the day after the day on which the relevant conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).
- (7) This section applies only to an offence committed on or after the day on which this section came into force.
- (8) Where an offence is found to have been committed –
- (a) over a period of two or more days, or
  - (b) at some time during a period of two or more days,
- it is to be taken for the purposes of this section to have been committed on the last of those days.
- (9) Before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (3)(a) to a sentence of imprisonment, in relation to an offender under the age of 21 at the

time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.

## 9 Offence under section 6: relevant convictions

- (1) In section 8 “relevant conviction” means –
  - (a) a conviction for an offence under –
    - (i) section 1 or 1A of the Prevention of Crime Act 1953 (offences relating to offensive weapons),
    - (ii) section 139, 139A or 139AA of the Criminal Justice Act 1988 (offences relating to bladed articles and offensive weapons), or
    - (iii) section 6 of this Act, (a “relevant offence”),
  - (b) a conviction in Scotland, Northern Ireland or a member State other than the United Kingdom for a civilian offence which would have constituted a relevant offence if committed in England and Wales at the time of that conviction,
  - (c) a conviction for an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a relevant offence,
  - (d) a conviction for an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civilian offence (within the meaning of the Act in question) is a relevant offence, or
  - (e) a conviction for a member State service offence which would have constituted a relevant offence if committed in England and Wales at the time of conviction.
- (2) References in subsection (1) to a conviction for an offence are to a conviction for an offence regardless of when it was committed.
- (3) In this section –
 

“civilian offence” means an offence other than –

  - (a) an offence under an enactment mentioned in subsection (1)(c) or (d), or
  - (b) a member State service offence;

“conviction” includes –

  - (a) in relation to an offence under section 42 of the Armed Forces Act 2006, anything which by virtue of section 376(1) and (2) of that Act is to be treated as a conviction, and
  - (b) in relation to an offence under section 42 of the Naval Discipline Act 1957 and a member State service offence, a finding of guilt in respect of the person;

“member State service offence” means an offence which was the subject of proceedings under the law of a member State, other than the United Kingdom, governing all or any of the naval, military or air forces of that State.
- (4) For the purposes of subsection (1)(c) and (d), where the offence was committed by aiding, abetting, counselling or procuring, it must be assumed that the act aided, abetted, counselled or procured was done in England and Wales.
- (5) In this section –



- (a) in subsection (1) –
  - (i) in paragraph (b), for “Scotland, Northern Ireland or a member State other than the United Kingdom” substitute “Scotland or Northern Ireland”,
  - (ii) at the end of paragraph (c) insert “or”, and
  - (iii) omit paragraph (e) and the “or” preceding that paragraph, and
- (b) in subsection (3) –
  - (i) for the definition of “civilian offence” substitute –
    - ““civilian offence” means an offence other than an offence under an enactment mentioned in subsection (1)(c) or (d);”
  - (ii) in the definition of “conviction”, in paragraph (b) omit “and a member State service offence”, and
  - (iii) omit the definition of “member State service offence”.

## 10 Search for corrosive substances: England and Wales

- (1) Section 1 of the Police and Criminal Evidence Act 1984 (power of constable to stop and search persons, vehicles etc) is amended as follows.
- (2) In subsection (2), after “any article to which subsection (8A) below applies” insert “, any substance to which subsection (8AA) below applies”.
- (3) In subsection (3), after “any article to which subsection (8A) below applies” insert “, any substance to which subsection (8AA) below applies”.
- (4) In subsection (6), after “an article to which subsection (8A) below applies” insert “, a substance to which subsection (8AA) below applies”.
- (5) After subsection (8A) insert –
  - “(8AA) This subsection applies to any substance in relation to which a person has committed, or is committing or is going to commit an offence under section 6 of the Offensive Weapons Act 2019 (offence of having a corrosive substance in a public place).
  - (8AB) In this section references to such a substance include an article which contains such a substance.”

## 11 Search for corrosive substances: Scotland

- (1) This section applies if a constable has reasonable grounds for suspecting that a person –
  - (a) is carrying a corrosive substance, and
  - (b) has committed or is committing an offence under section 6.
- (2) The constable may search the person without warrant, and detain the person for such time as is reasonably required to permit the search to be carried out.
- (3) If in the course of the search the constable finds a substance which the constable reasonably suspects to be a corrosive substance, the constable may seize and retain the substance and any article in which it is contained.
- (4) If a constable detains a person under this section the constable must inform the person of the reason for doing so.

- (5) A person commits an offence if the person—
  - (a) intentionally obstructs a constable in the exercise of the constable’s powers under this section, or
  - (b) conceals a corrosive substance from a constable acting in the exercise of those powers.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) In this section “corrosive substance” has the same meaning as in section 6.

## 12 Search for corrosive substances: Northern Ireland

- (1) Article 3 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (SI 1989/1341 (NI 12)) (power of constable to stop and search persons, vehicles etc) is amended in accordance with subsections (2) to (5).
- (2) In paragraph (2)(a), after “any article to which paragraph (9) applies” insert “, any substance to which paragraph (9ZA) applies”.
- (3) In paragraph (3), after “any article to which paragraph (9) applies” insert “, any substance to which paragraph (9ZA) applies”.
- (4) In paragraph (6), after “an article to which paragraph (9) applies” insert “, a substance to which paragraph (9ZA) applies”.
- (5) After paragraph (9) insert—
  - “(9ZA) This paragraph applies to any substance in relation to which a person has committed, or is committing or is going to commit an offence under section 6 of the Offensive Weapons Act 2019 (offence of having a corrosive substance in a public place).
  - (9ZB) In this Article references to such a substance include an article which contains such a substance.”
- (6) In Schedule 2A to the Police (Northern Ireland) Act 2003 (powers and duties of community support officer), after paragraph 17 insert—

*“Powers in relation to corrosive substances*

- 17A A CSO shall have the powers of a constable under Article 3 of the 1989 Order in relation to any substance to which paragraph (9ZA) of that Article applies.”

*Consequential amendments relating to corrosive products and substances*

## 13 Consequential amendments relating to corrosive products and substances

- (1) In section 1ZA(1)(a) of the Prevention of Crime Act 1953 (offence under section 1: previous relevant convictions)—
  - (a) omit the “or” at the end of sub-paragraph (i), and
  - (b) at the end of sub-paragraph (ii) insert “or  
(iii) section 6 of the Offensive Weapons Act 2019,”.

- (2) In section 37(1A) of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship: effect of provisions requiring imposition of appropriate custodial sentence) –
  - (a) omit the “or” at the end of paragraph (c), and
  - (b) at the end of paragraph (d) insert “or
    - (e) under section 8(2) of the Offensive Weapons Act 2019 (minimum sentences in certain cases of possession of a corrosive substance),”.
- (3) In section 36(2)(b) of the Criminal Justice Act 1988 (review of sentencing in case of failure to impose appropriate custodial sentence) –
  - (a) omit the “or” at the end of sub-paragraph (iii), and
  - (b) at the end of sub-paragraph (iv) insert “; or
    - (v) section 8(2) of the Offensive Weapons Act 2019.”
- (4) In section 139AZA(1)(a) of the Criminal Justice Act 1988 (offences under sections 139 and 139A: previous relevant convictions) –
  - (a) omit the “or” at the end of sub-paragraph (i), and
  - (b) at the end of sub-paragraph (ii) insert “or
    - (iii) section 6 of the Offensive Weapons Act 2019,”.
- (5) In Schedule 9 to the Criminal Procedure (Scotland) Act 1995 (certificates as to proof of certain routine matters) at the end insert –

“The Offensive Weapons Act 2019		
Sections 1(1), 3(2) and (3) and 4(4) (offences relating to sale and delivery of corrosive products)	A person authorised to do so by the Scottish Ministers	In relation to any particular product which is identified in the certificate – (a) the name and Chemical Abstracts Registry number of that product, or (b) the name and Chemical Abstracts Registry number of a substance contained in that product and the concentration of that substance in that product.
Section 6(1) (offence of having corrosive substance in a public place)	A person authorised to do so by the Scottish Ministers	That the particular substance identified in the certificate is a corrosive substance within the meaning of section 6(9) of the Offensive Weapons Act 2019.”

- (6) In section 12(1A) of the Powers of Criminal Courts (Sentencing) Act 2000 (provisions preventing the making of an order for absolute or conditional discharge), after paragraph (f) insert –
  - “(g) section 8(2) of the Offensive Weapons Act 2019.”

- (7) In section 144 of the Criminal Justice Act 2003 (reduction in sentences for guilty pleas) –
- (a) in subsection (3), at the end insert –  
“section 8(2) of the Offensive Weapons Act 2019.”, and
  - (b) in subsection (5), at the end insert –  
“section 8(2) of the Offensive Weapons Act 2019.”

## PART 2

### KNIFE CRIME PREVENTION ORDERS

#### *Knife crime prevention orders made otherwise than on conviction*

#### **14 Knife crime prevention order made otherwise than on conviction**

- (1) A court may make a knife crime prevention order under this section in respect of a person aged 12 or over (the “defendant”) if the following conditions are met.
- (2) The first condition is that a person has, by complaint to the court, applied for a knife crime prevention order under this section in accordance with section 15.
- (3) The second condition is that the court is satisfied on the balance of probabilities that, on at least two occasions in the relevant period, the defendant had a bladed article with them without good reason or lawful authority –
  - (a) in a public place in England and Wales,
  - (b) on school premises, or
  - (c) on further education premises.
- (4) In subsection (3) “the relevant period” means the period of two years ending with the day on which the order is made; but an event may be taken into account for the purposes of that subsection only if it occurred after the coming into force of this section.
- (5) Without prejudice to the generality of subsection (3), a person has good reason for having a bladed article with them in a place mentioned in that subsection if the person has the article with them in that place –
  - (a) for use at work,
  - (b) for educational purposes,
  - (c) for religious reasons, or
  - (d) as part of any national costume.
- (6) The third condition is that the court thinks that it is necessary to make the order –
  - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
  - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
  - (c) to prevent the defendant from committing an offence involving a bladed article.
- (7) A knife crime prevention order under this section is an order which, for a purpose mentioned in subsection (6) –
  - (a) requires the defendant to do anything described in the order;

- (b) prohibits the defendant from doing anything described in the order.
- (8) See also –
- (a) section 21 (which makes further provision about the requirements and prohibitions which may be imposed by a knife crime prevention order under this section),
  - (b) section 22 (which makes further provision about the inclusion of requirements in a knife crime prevention order under this section), and
  - (c) section 23 (which makes provision about the duration of a knife crime prevention order under this section).
- (9) Section 127 of the Magistrates’ Courts Act 1980 (time limits) does not apply to a complaint under this section.
- (10) In this section –
- “court” –
    - (a) in the case of a defendant who is under the age of 18, means a magistrates’ court which is a youth court, and
    - (b) in any other case, means a magistrates’ court which is not a youth court;
  - “further education premises” means land used solely for the purposes of –
    - (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
    - (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;
  - “public place” includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;
  - “school premises” means any land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by section 4 of the Education Act 1996.

## 15 Requirements for application for order under section 14

- (1) An application for a knife crime prevention order under section 14 may be made only by –
- (a) a relevant chief officer of police,
  - (b) the chief constable of the British Transport Police Force, or
  - (c) the chief constable of the Ministry of Defence Police.
- (2) For the purposes of subsection (1)(a) a chief officer of police is a relevant chief officer of police in relation to an application for a knife crime prevention order in respect of a defendant if –
- (a) the defendant lives in the chief officer’s police area, or
  - (b) the chief officer believes that the defendant is in, or is intending to come to, the chief officer’s police area.
- (3) An application for a knife crime prevention order under section 14 made by a chief officer of police for a police area may be made only to a court acting for a local justice area that includes any part of that police area.

- (4) Subsections (5) and (6) apply if a person proposes to apply for a knife crime prevention order under section 14 in respect of a defendant who—
  - (a) is under the age of 18, and
  - (b) will be under that age when the application is made.
- (5) Before making the application the person must consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the person that the defendant lives.
- (6) If it appears to the person that the defendant lives in the area of two or more youth offending teams, the obligation in subsection (5) is to consult such of those teams as the person thinks appropriate.

## **16 Application without notice**

- (1) An application for a knife crime prevention order under section 14 may be made without the applicant giving notice to the defendant.
- (2) Section 15(4) to (6) (consultation requirements) does not apply to an application made without notice.
- (3) If an application is made without notice the court must—
  - (a) adjourn the proceedings and make an interim knife crime prevention order under section 17,
  - (b) adjourn the proceedings without making an interim knife crime prevention order under that section, or
  - (c) dismiss the application.
- (4) If the court acts under subsection (3)(a) or (b), the applicant must comply with section 15(4) to (6) before the date of the first full hearing.
- (5) In this section “full hearing” means a hearing of which notice has been given to the applicant and the defendant in accordance with rules of court.

### *Interim knife crime prevention orders*

## **17 Interim knife crime prevention order: application without notice**

- (1) Where an application for a knife crime prevention order in respect of a defendant is made without notice by virtue of section 16, the court may make an interim knife crime prevention order under this section in respect of the defendant if the first and second conditions are met.
- (2) The first condition is that the proceedings on the knife crime prevention order are adjourned (otherwise than at a full hearing within the meaning of section 16).
- (3) The second condition is that the court thinks that it is necessary to make an interim knife crime prevention order under this section.
- (4) An interim knife crime prevention order under this section is an order which imposes on the defendant such of the prohibitions that may be imposed by a knife crime prevention order under section 14 as the court thinks are required in relation to the defendant.

- (5) An interim knife crime prevention order under this section may not impose on the defendant any of the requirements that may be imposed by a knife crime prevention order under section 14.
- (6) See also –
  - (a) section 21 (which makes further provision about the prohibitions which may be imposed by an interim knife crime prevention order under this section), and
  - (b) section 23 (which makes provision about the duration of an interim knife crime prevention order under this section).

## **18 Interim knife crime prevention order: application not determined**

- (1) This section applies if –
  - (a) an application is made to a court for a knife crime prevention order under section 14 in respect of a defendant,
  - (b) the defendant is notified of the application in accordance with rules of court, and
  - (c) the application is adjourned.
- (2) The court may make an interim knife crime prevention order in respect of the defendant if –
  - (a) the first or second condition is met, and
  - (b) the third condition is met.
- (3) The first condition is that, by the complaint by which the application mentioned in subsection (1) is made, the applicant also applies for an interim knife crime prevention order in respect of the defendant.
- (4) The second condition is that, by complaint to the court, the applicant for the order mentioned in subsection (1) subsequently applies for an interim knife crime prevention order in respect of the defendant.
- (5) The third condition is that the court thinks that it is just to make the order.
- (6) An interim knife crime prevention order under this section is an order which –
  - (a) imposes on the defendant such of the requirements that may be imposed by a knife crime prevention order under section 14 as the court thinks appropriate;
  - (b) imposes on the defendant such of the prohibitions that may be imposed by a knife crime prevention order under that section as the court thinks appropriate.
- (7) See also –
  - (a) section 21 (which makes further provision about the requirements and prohibitions that may be imposed by an interim knife crime prevention order under this section),
  - (b) section 22 (which makes further provision about the inclusion of requirements in an interim knife crime prevention order under this section), and
  - (c) section 23 (which makes provision about the duration of an interim knife crime prevention order under this section).
- (8) Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under this section.

*Knife crime prevention orders made on conviction***19 Knife crime prevention order made on conviction**

- (1) This section applies where –
  - (a) a person aged 12 or over (the “defendant”) is convicted of an offence which was committed after the coming into force of this section, and
  - (b) a court dealing with the defendant in respect of the offence is satisfied on the balance of probabilities that the offence is a relevant offence.
- (2) The court may make a knife crime prevention order under this section in respect of the defendant if the following conditions are met.
- (3) The first condition is that the prosecution applies for a knife crime prevention order to be made under this section.
- (4) The second condition is that the court thinks that it is necessary to make the order –
  - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
  - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
  - (c) to prevent the defendant from committing an offence involving a bladed article.
- (5) A knife crime prevention order under this section is an order which, for a purpose mentioned in subsection (4) –
  - (a) requires the defendant to do anything described in the order;
  - (b) prohibits the defendant from doing anything described in the order.
- (6) See also –
  - (a) section 21 (which makes further provision about the requirements and prohibitions that may be imposed by a knife crime prevention order under this section),
  - (b) section 22 (which makes further provision about the inclusion of requirements in a knife crime prevention order under this section), and
  - (c) section 23 (which makes provision about the duration of a knife crime prevention order under this section).
- (7) The court may make a knife crime prevention order under this section in respect of the defendant only if it is made in addition to –
  - (a) a sentence imposed in respect of the offence, or
  - (b) an order discharging the offender conditionally.
- (8) For the purposes of deciding whether to make a knife crime prevention order under this section the court may consider evidence led by the prosecution and evidence led by the defendant.
- (9) It does not matter whether the evidence would have been admissible in the proceedings in which the defendant was convicted.
- (10) For the purposes of this section an offence is a relevant offence if –
  - (a) the offence involved violence,
  - (b) a bladed article was used, by the defendant or any other person, in the commission of the offence, or



- (c) the defendant or another person who committed the offence had a bladed article with them when the offence was committed.
- (11) In subsection (10) “violence” includes a threat of violence.

## **20 Requirement to consult on application for order under section 19**

- (1) This section applies if the prosecution proposes to apply for a knife crime prevention order under section 19 in respect of a defendant who –
- (a) is under the age of 18, and
  - (b) will be under that age when the application is made.
- (2) Before making the application, the prosecution must consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the prosecution that the defendant lives.
- (3) If it appears to the prosecution that the defendant lives in the area of two or more youth offending teams, the obligation in subsection (2) is to consult such of those teams as the prosecution thinks appropriate.

### *Provisions of knife crime prevention order*

## **21 Provisions of knife crime prevention order**

- (1) The only requirements and prohibitions that may be imposed on a defendant by a knife crime prevention order are those which the court making the order thinks are necessary –
- (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
  - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
  - (c) to prevent the defendant from committing an offence involving a bladed article.
- (2) The requirements imposed by a knife crime prevention order on a defendant may, in particular, have the effect of requiring the defendant to –
- (a) be at a particular place between particular times on particular days;
  - (b) be at a particular place between particular times on any day;
  - (c) present themselves to a particular person at a place where they are required to be between particular times on particular days;
  - (d) participate in particular activities between particular times on particular days.
- (3) Section 22 makes further provision about the inclusion of requirements in a knife crime prevention order.
- (4) The prohibitions imposed by a knife crime prevention order on a defendant may, in particular, have the effect of prohibiting the defendant from –
- (a) being in a particular place;
  - (b) being with particular persons;
  - (c) participating in particular activities;
  - (d) using particular articles or having particular articles with them;
  - (e) using the internet to facilitate or encourage crime involving bladed articles.

- (5) References in subsection (4) to a particular place or particular persons, activities or articles include a place, persons, activities or articles of a particular description.
- (6) A knife crime prevention order which imposes prohibitions on a defendant may include exceptions from those prohibitions.
- (7) Nothing in subsections (2) to (6) affects the generality of section 14(7) or section 19(5).
- (8) The requirements or prohibitions which are imposed on the defendant by a knife crime prevention order must, so far as practicable, be such as to avoid –
  - (a) any conflict with the defendant’s religious beliefs, and
  - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment.

## **22 Requirements included in knife crime prevention order etc**

- (1) A knife crime prevention order or interim knife crime prevention order which imposes a requirement on a defendant must specify a person who is to be responsible for supervising compliance with the requirement.
- (2) That person may be an individual or an organisation.
- (3) Before including a requirement, the court must receive evidence about its suitability and enforceability from –
  - (a) the individual to be specified under subsection (1), if an individual is to be specified;
  - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (4) Before including two or more requirements, the court must consider their compatibility with each other.
- (5) It is the duty of a person specified under subsection (1) –
  - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”);
  - (b) to promote the defendant’s compliance with the relevant requirements;
  - (c) if the person considers that the defendant –
    - (i) has complied with all of the relevant requirements, or
    - (ii) has failed to comply with a relevant requirement,to inform the appropriate chief officer of police.
- (6) In subsection (5)(c) “the appropriate chief officer of police” means –
  - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the defendant lives, or
  - (b) if it appears to that person that the defendant lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.
- (7) A defendant subject to a requirement in a knife crime prevention order or interim knife crime prevention order must –
  - (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and

- (b) notify that person of any change of the defendant’s home address.
- (8) The obligations mentioned in subsection (7) have effect as if they were requirements imposed on the defendant by the order.

### **23 Duration of knife crime prevention order etc**

- (1) A knife crime prevention order or an interim knife crime prevention order under section 18 takes effect on the day on which it is made, subject to subsections (6) and (7).
- (2) An interim knife crime prevention order under section 17 takes effect when it is served on the defendant, subject to subsections (6) and (7).
- (3) A knife crime prevention order must specify the period for which it has effect, which must be a fixed period of at least 6 months, and not more than 2 years, beginning with the day on which it takes effect.
- (4) An interim knife crime prevention order under section 17 has effect until the determination of the application mentioned in subsection (1) of that section, subject to section 27 (variation, renewal or discharge).
- (5) An interim knife crime prevention order under section 18 has effect until the determination of the application mentioned in subsection (1) of that section, subject to section 27.
- (6) Subsection (7) applies if a knife crime prevention order or an interim knife crime prevention order is made in respect of –
  - (a) a defendant who has been remanded in or committed to custody by an order of a court,
  - (b) a defendant on whom a custodial sentence has been imposed or who is serving or otherwise subject to such a sentence, or
  - (c) a defendant who is on licence for part of the term of a custodial sentence.
- (7) The order may provide that it does not take effect until –
  - (a) the defendant is released from custody,
  - (b) the defendant ceases to be subject to a custodial sentence, or
  - (c) the defendant ceases to be on licence.
- (8) A knife crime prevention order or an interim knife crime prevention order may specify periods for which particular prohibitions or requirements have effect.
- (9) Where a court makes a knife crime prevention order or an interim knife crime prevention order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.
- (10) In this section “custodial sentence” means –
  - (a) a sentence of imprisonment or any other sentence or order mentioned in section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2003, or
  - (b) a sentence or order which corresponds to a sentence or order within paragraph (a) and which was imposed or made under an earlier enactment.

*Notification requirements***24 Notification requirements**

- (1) Subsection (2) applies if—
  - (a) a knife crime prevention order is made in respect of a defendant (other than an order which replaces an interim knife crime prevention order), or
  - (b) an interim knife crime prevention order is made in respect of a defendant.
- (2) The defendant must notify the information mentioned in subsection (3) to the police within the period of 3 days beginning with the day on which the order takes effect.
- (3) That information is—
  - (a) the defendant's name on the day on which the notification is given and, where the defendant uses one or more other names on that day, each of those names, and
  - (b) the defendant's home address on that day.
- (4) Subsection (5) applies to a defendant who is subject to—
  - (a) a knife crime prevention order, or
  - (b) an interim knife crime prevention order.
- (5) The defendant must notify the information mentioned in subsection (6) to the police within the period of 3 days beginning with the day on which the defendant—
  - (a) uses a name which has not previously been notified to the police under subsection (2) or this paragraph,
  - (b) changes their home address, or
  - (c) decides to live for a period of one month or more at any premises the address of which has not been notified to the police under subsection (2) or this paragraph.
- (6) That information is—
  - (a) in a case within subsection (5)(a), the name which has not previously been notified;
  - (b) in a case within subsection (5)(b), the new home address;
  - (c) in a case within subsection (5)(c), the address at which the defendant has decided to live.
- (7) A defendant gives a notification under subsection (2) or (5) by—
  - (a) attending at a police station in a police area in which the defendant lives, and
  - (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

**25 Offences relating to notification**

- (1) A person commits an offence if the person—
  - (a) fails, without reasonable excuse, to comply with section 24(2) or (5), or
  - (b) notifies to the police, in purported compliance with section 24(2) or (5), any information which the person knows to be false.

- (2) A person guilty of an offence under subsection (1) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.
- (3) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in section (2)(a) to 12 months is to be read as a reference to 6 months.
- (4) A person commits an offence under subsection (1)(a) on the day on which the person first fails, without reasonable excuse, to comply with section 24(2) or (5).
- (5) The person continues to commit the offence throughout any period during which the failure continues.
- (6) But the person may not be prosecuted more than once in respect of the same offence.
- (7) Proceedings for an offence under this section may be commenced in any court having jurisdiction in any place where the person charged with the offence lives or is found.

#### *Supplementary provisions*

### **26 Review of knife crime prevention order**

- (1) This section applies where a court has made a knife crime prevention order in respect of a defendant.
- (2) The court may order the applicant and the defendant to attend one or more review hearings on a specified date or dates.
- (3) Subsection (4) applies if any requirement or prohibition imposed by the knife crime prevention order is to have effect after the end of the period of 1 year beginning with the day on which the order takes effect.
- (4) The court must order the applicant and the defendant to attend a review hearing on a specified date within the last 4 weeks of the 1 year period (whether or not the court orders them to attend any other review hearings).
- (5) A review hearing under this section is a hearing held for the purpose of considering whether the knife crime prevention order should be varied or discharged.
- (6) Subsections (7) to (9) of section 27 (variation, renewal or discharge) apply to the variation of a knife crime prevention order under this section as they apply to the variation of an order under that section.

### **27 Variation, renewal or discharge of knife crime prevention order etc**

- (1) A person within subsection (2) may apply to the appropriate court for—
  - (a) an order varying, renewing or discharging a knife crime prevention order, or

- (b) an order varying or discharging an interim knife crime prevention order.
- (2) Those persons are –
- (a) the defendant;
  - (b) the chief officer of police for a police area in which the defendant lives;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, the chief officer’s police area;
  - (d) if the application for the order was made by a chief officer of police other than one within paragraph (b) or (c), the chief officer by whom the application was made;
  - (e) if the order was made on an application by the chief constable of the British Transport Police Force, that chief constable;
  - (f) if the order was made on an application by the chief constable of the Ministry of Defence Police, that chief constable.
- (3) An application under subsection (1) may be made –
- (a) where the appropriate court is the Crown Court, in accordance with rules of court;
  - (b) in any other case, by complaint.
- (4) Before a person other than the defendant makes an application under subsection (1), the person must notify the persons consulted under section 15(5) or section 20(2).
- (5) Before making a decision on an application under subsection (1), the court must hear –
- (a) the person making the application, and
  - (b) any other person within subsection (2) who wishes to be heard.
- (6) Subject as follows, on an application under subsection (1) –
- (a) the court may make such order varying or discharging the order as it thinks appropriate;
  - (b) in the case of an application under paragraph (a) of that subsection, the court may make such order renewing the order as it thinks appropriate.
- (7) The court may renew a knife crime prevention order, or vary such an order or an interim knife crime prevention order so as to impose an additional prohibition or requirement on a defendant, only if it is satisfied that it is necessary to do so –
- (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
  - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
  - (c) to prevent the defendant from committing an offence involving a bladed article.
- (8) The provisions mentioned in subsection (9) have effect in relation to the renewal of a knife crime prevention order, or the variation of a knife crime prevention order or interim knife crime prevention order so as to impose a new requirement or prohibition, as they have effect in relation to the making of such an order.
- (9) Those provisions are –
- (a) section 21 (provisions of knife crime prevention order),

- (b) section 22 (requirements included in knife crime prevention order etc), and
  - (c) section 23 (duration of knife crime prevention order etc).
- (10) The court may not discharge a knife crime prevention order before the end of the period of 6 months beginning with the day on which the order takes effect without the consent of the defendant and –
- (a) where the application under this section is made by a chief officer of police, that chief officer,
  - (b) if paragraph (a) does not apply but the application for the order was made by a chief officer of police, that chief officer and (if different) each chief officer of police for an area in which the defendant lives, or
  - (c) in any other case, each chief officer of police for an area in which the defendant lives.
- (11) In this section the “appropriate court” means –
- (a) where the Crown Court or the Court of Appeal made the knife crime prevention order or the interim knife crime prevention order, the Crown Court;
  - (b) where an adult magistrates’ court made the order, that court, an adult magistrates’ court for the area in which the defendant lives or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
  - (c) where a youth court made the order and the defendant is under the age of 18, that court, a youth court for the area in which the defendant lives or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;
  - (d) where a youth court made the order and the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant lives or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area.
- (12) In subsection (11) “adult magistrates’ court” means a magistrates’ court that is not a youth court.

## **28 Appeal against knife crime prevention order etc**

- (1) A defendant may appeal to the Crown Court against –
  - (a) the making of a knife crime prevention order under section 14 (order made otherwise than on conviction), or
  - (b) the making of an interim knife crime prevention order.
- (2) A person who applied for a knife crime prevention order under section 14 or an interim knife crime prevention order may appeal to the Crown Court against a refusal to make the order.
- (3) A defendant may appeal against the making of a knife crime prevention order under section 19 (order made on conviction) as if the order were a sentence passed on the defendant for the offence.
- (4) Where an application is made for an order under section 27 (variation, renewal or discharge) –

- (a) the person who made the application may appeal against a refusal to make an order under that section;
  - (b) the defendant may appeal against the making of an order under that section which was made on the application of a person other than the defendant;
  - (c) a person within subsection (2) of that section other than the defendant may appeal against the making of an order under that section which was made on the application of the defendant.
- (5) An appeal under subsection (4) –
- (a) is to be made to the Court of Appeal if the application for the order under section 27 was made to the Crown Court;
  - (b) is to be made to the Crown Court in any other case.
- (6) On an appeal under subsection (1) or (2), or an appeal under subsection (4) to which subsection (5)(b) applies, the Crown Court may make –
- (a) such orders as may be necessary to give effect to its determination of the appeal, and
  - (b) such incidental and consequential orders as appear to it to be appropriate.

## **29 Offence of breaching knife crime prevention order etc**

- (1) A person commits an offence if, without reasonable excuse, the person breaches a knife crime prevention order or an interim knife crime prevention order.
- (2) A person guilty of an offence under subsection (1) is liable –
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.
- (3) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (2)(a) to 12 months is to be read as a reference to 6 months.
- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

## **30 Guidance**

- (1) The Secretary of State may from time to time issue guidance relating to the exercise by a relevant person of functions in relation to knife crime prevention orders and interim knife crime prevention orders.
- (2) In this section “relevant person” means a person who is capable of making an application for a knife crime prevention order or an interim knife crime prevention order.
- (3) A relevant person must have regard to any guidance issued under subsection (1) when exercising a function to which the guidance relates.



- (4) The Secretary of State must arrange for any guidance issued under this section to be published in such manner as the Secretary of State thinks appropriate.

### **31 Piloting**

- (1) The Secretary of State may exercise the power in section 70(1) so as to bring all of the provisions of this Part into force for all purposes and in relation to the whole of England and Wales only if the following conditions are met.
- (2) The first condition is that the Secretary of State has brought some or all of the provisions of this Part into force only –
  - (a) for one or more specified purposes, or
  - (b) in relation to one or more specified areas in England and Wales.
- (3) The second condition is that the Secretary of State has laid before Parliament a report on the operation of some or all of the provisions of this Part –
  - (a) for one or more of those purposes, or
  - (b) in relation to one or more of those areas.
- (4) Regulations under section 70(1) which bring any provision of this Part into force only for a specified purpose or in relation to a specified area may –
  - (a) provide for that provision to be in force for that purpose or in relation to that area for a specified period;
  - (b) make transitional or saving provision in relation to that provision ceasing to be in force at the end of the specified period.
- (5) Regulations containing provision by virtue of subsection (4)(a) may be amended by subsequent regulations under section 70(1) so as to continue any provision of this Part in force for the specified purpose or in relation to the specified area for a further specified period.
- (6) In this section “specified” means specified in regulations under section 70(1).
- (7) References in this section to this Part do not include section 30 or this section (which by virtue of section 70(5)(a) come into force on the day on which this Act is passed).

### **32 Consequential amendments**

- (1) In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions) after paragraph (ff) insert –
  - “(fg) to have the conduct of applications for orders under section 19 of the Offensive Weapons Act 2019 (knife crime prevention orders made on conviction);”.
- (2) In the Criminal Legal Aid (General) Regulations 2013 (SI 2013/9), in regulation 9 (criminal proceedings) after paragraph (ub) insert –
  - “(uc) proceedings under Part 2 of the Offensive Weapons Act 2019 in relation to a knife crime prevention order or an interim knife crime prevention order;”.
- (3) The amendment made by subsection (2) is without prejudice to any power to make an order or regulations amending or revoking the regulations mentioned in that subsection.

**33 Interpretation of Part**

- (1) In this Part—
- “applicant” means an applicant for a knife crime prevention order;
  - “bladed article” means an article to which section 139 of the Criminal Justice Act 1988 applies;
  - “defendant”—
    - (a) in relation to a knife crime prevention order under section 14 (order made otherwise than on conviction), has the meaning given by subsection (1) of that section;
    - (b) in relation to a knife crime prevention order under section 19 (order made on conviction), has the meaning given by subsection (1) of that section;
  - “harm” includes physical and psychological harm;
  - “home address”, in relation to a defendant, means—
    - (a) the address of the defendant’s sole or main residence, or
    - (b) if the defendant has no such residence, the address or location of a place where the defendant can regularly be found and, if there is more than one such place, such one of those places as the defendant may select.
- (2) A reference in this Part to a knife crime prevention order which is not expressed as a reference to an order under section 14 or 19 is a reference to an order under either of those sections.
- (3) A reference in this Part to an interim knife crime prevention order which is not expressed as a reference to an order under section 17 or 18 is a reference to an order under either of those sections.

**PART 3**

## SALE AND DELIVERY OF KNIVES ETC

**34 Sale etc of bladed articles to persons under 18**

- (1) In section 141A of the Criminal Justice Act 1988 (sale etc of bladed articles to persons under 18), in subsection (3) (articles to which the section does not apply)—
- (a) at the end of paragraph (a) insert “or”, and
  - (b) omit paragraph (b) and the “or” at the end of that paragraph.
- (2) In Article 54 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (sale of bladed articles to persons under 18), in paragraph (3) (articles to which the Article does not apply)—
- (a) at the end of sub-paragraph (a) insert “or”, and
  - (b) omit sub-paragraph (b) and the “or” at the end of that sub-paragraph.

**35 Defence to sale of bladed articles to persons under 18: England and Wales**

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 141A (sale of bladed articles to persons under 18) as that section has effect in England and Wales, in subsection (4), for “It” substitute “Subject to section 141B, it”.

- (3) After section 141A insert –

**“141B Limitations on defence to offence under section 141A: England and Wales**

- (1) This section applies if –
  - (a) a person (“the seller”) is charged with an offence under section 141A (sale of bladed articles to persons under 18), and
  - (b) the seller was not in the presence of the person (“the buyer”) to whom the article to which the charge relates was sold at the time of the sale.
- (2) For the purposes of subsection (1)(b) the seller was not in the presence of the buyer at the time of the sale if –
  - (a) where the seller is an individual, the seller or a person acting on the seller’s behalf was not in the presence of the buyer at that time;
  - (b) where the seller is not an individual, a person acting on the seller’s behalf was not in the presence of the buyer at that time.
- (3) The seller is not to be regarded as having proved that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, they prove that the following conditions are met.
- (4) Condition A is that, at the time the offence is alleged to have been committed –
  - (a) the seller operated a system for checking that persons who bought articles to which section 141A applied by the same or a similar method of purchase to that used by the buyer were not under the age of 18, and
  - (b) that system was likely to prevent persons under the age of 18 from buying such articles by that method.
- (5) Condition B is that when the package containing the article was dispatched by the seller, it was clearly marked to indicate –
  - (a) that it contained an article with a blade or which was sharply pointed (as the case may be), and
  - (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- (6) Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.
- (7) Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.
- (8) Where the article to which section 141A applied was dispatched by the seller to a place from which it was to be collected by the buyer or a person acting on behalf of the buyer, references in subsections (5) and (6) to the final delivery of the article are to be read as its supply to the buyer or a person acting on behalf of the buyer from that place.
- (9) In subsection (7) “locker” means a lockable container to which the package was delivered with a view to its collection by the buyer, or a

person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.”

### 36 Defence to sale etc of bladed articles to persons under 18: Scotland

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 141A (sale or letting on hire of bladed articles to persons under 18) as that section has effect in Scotland, in each of subsections (3A) and (4), for “It” substitute “Except where section 141C applies, it”.
- (3) After section 141B (inserted by section 35(3)) insert—

#### “141C Defence to offence under section 141A where remote sale or letting on hire: Scotland

- (1) This section applies if—
  - (a) a person (“the accused”) is charged with an offence under section 141A (sale or letting on hire of bladed articles to persons under 18), and
  - (b) the accused was not in the presence of the person (“the recipient”) to whom the article to which the charge relates was sold or let on hire at the time of the sale or letting on hire.
- (2) For the purposes of subsection (1)(b) the accused was not in the presence of the recipient at the time of the sale or letting on hire if—
  - (a) where the accused is an individual, the accused or a person acting on the accused’s behalf was not in the presence of the recipient at that time;
  - (b) where the accused is not an individual, a person acting on the accused’s behalf was not in the presence of the recipient at that time.
- (3) It is a defence for the accused to show that the conditions in subsections (5) to (8) are met.
- (4) The accused is to be taken to have shown a matter mentioned in subsections (5) to (8) if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (5) Condition A is that, at the time the offence is alleged to have been committed—
  - (a) the accused operated a system for checking that persons who bought or hired articles to which section 141A applied by the same or a similar method of purchase or hire to that used by the recipient were not under the age of 18, and
  - (b) that system was likely to prevent persons under the age of 18 from buying or hiring such articles by that method.
- (6) Condition B is that when the package containing the article was dispatched by the accused, it was clearly marked to indicate—
  - (a) that it contained an article with a blade or which was sharply pointed (as the case may be), and

- (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- (7) Condition C is that the accused took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.
- (8) Condition D is that the accused did not deliver the package, or arrange for its delivery, to a locker.
- (9) Where the article to which section 141A applied was dispatched by the accused to a place from which it was to be collected by the recipient or a person acting on behalf of the recipient, references in subsections (6) and (7) to the final delivery of the article are to be read as its supply to the recipient, or a person acting on behalf of the recipient, from that place.
- (10) In subsection (8) “locker” means a lockable container to which the package was delivered with a view to its collection by the recipient, or a person acting on behalf of the recipient, in accordance with arrangements made between the accused and the recipient.”
- (4) In section 172(4) (provisions which extend only to Scotland) after the entry for section 141ZA insert –
  - “section 141C;”.

### **37 Defence to sale of bladed articles to persons under 18: Northern Ireland**

- (1) The Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) is amended as follows.
- (2) In Article 54 (sale of bladed articles to persons under 18), in paragraph (4), for “It” substitute “Subject to Article 54A, it”.
- (3) After that Article insert –

#### **“54A Limitations on defence to offence under Article 54**

- (1) This Article applies if –
  - (a) a person (“the seller”) is charged with an offence under Article 54 (sale of bladed articles to persons under 18), and
  - (b) the seller was not in the presence of the person (“the buyer”) to whom the article to which the charge relates was sold at the time of the sale.
- (2) For the purposes of paragraph (1)(b) the seller was not in the presence of the buyer at the time of the sale if –
  - (a) where the seller is an individual, the seller or a person acting on the seller’s behalf was not in the presence of the buyer at that time;
  - (b) where the seller is not an individual, a person acting on the seller’s behalf was not in the presence of the buyer at that time.
- (3) The seller is not to be regarded as having proved that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, they prove that the following conditions are met.

- (4) Condition A is that, at the time the offence is alleged to have been committed –
  - (a) the seller operated a system for checking that persons who bought articles to which Article 54 applied by the same or a similar method of purchase to that used by the buyer were not under the age of 18, and
  - (b) that system was likely to prevent persons under the age of 18 from buying such articles by that method.
- (5) Condition B is that when the package containing the article was dispatched by the seller, it was clearly marked to indicate –
  - (a) that it contained an article with a blade or which was sharply pointed (as the case may be), and
  - (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- (6) Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.
- (7) Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.
- (8) Where the article to which Article 54 applied was dispatched by the seller to a place from which it was to be collected by the buyer or a person acting on behalf of the buyer, references in paragraphs (5) and (6) to the final delivery of the article are to be read as its supply to the buyer or a person acting on behalf of the buyer from that place.
- (9) In paragraph (7) “locker” means a lockable container to which the package was delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.”

### **38 Delivery of bladed products to residential premises etc**

- (1) This section applies if –
  - (a) a person (“the seller”) sells a bladed product to another person (“the buyer”), and
  - (b) the seller and the buyer are not in each other’s presence at the time of the sale.
- (2) The seller commits an offence if, for the purposes of supplying the bladed product to the buyer, the seller delivers the bladed product, or arranges for its delivery, to residential premises.
- (3) The seller commits an offence if, for the purposes of supplying the bladed product to the buyer, the seller delivers the bladed product, or arranges for its delivery, to a locker.
- (4) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if –
  - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
  - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.

- (5) In subsection (2) “residential premises” means premises used solely for residential purposes.
- (6) The circumstances where premises are not residential premises for the purposes of that subsection include, in particular, where a person carries on a business from the premises.
- (7) In subsection (3) “locker” means a lockable container to which the bladed product is delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.
- (8) A person guilty of an offence under this section is liable –
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
  - (b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (9) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (8)(a) to 51 weeks is to be read as a reference to 6 months.
- (10) This section is subject to section 40 (defences).

### **39 Delivery of bladed products to persons under 18**

- (1) This section applies if –
  - (a) a person (“the seller”) sells a bladed product to another person (“the buyer”),
  - (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is within the United Kingdom at that time,
  - (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver bladed products for the seller,
  - (d) that person was aware when they entered into the arrangement that it covered the delivery of bladed products, and
  - (e) that person delivers the bladed product to residential premises pursuant to that arrangement.
- (2) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if –
  - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
  - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) For the purposes of subsection (1)(b) a person other than an individual is within the United Kingdom at any time if the person carries on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (4) In subsection (1)(e) “residential premises” means premises used solely for residential purposes.

- (5) The circumstances where premises are not residential premises for the purposes of subsection (1)(e) include, in particular, where a person carries on a business from the premises.
- (6) The person mentioned in subsection (1)(e) commits an offence if, when they deliver the bladed product, they do not deliver it into the hands of a person aged 18 or over.
- (7) A person guilty of an offence under subsection (6) is liable –
  - (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (8) This section is subject to section 40 (defences).

#### **40 Defences to offence under section 38 or 39**

- (1) It is a defence for a person charged with an offence under section 38 to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) It is a defence for a person (“the seller”) charged with an offence under section 38(2) of delivering a bladed product to residential premises to prove that –
  - (a) at the time the offence is alleged to have been committed, the seller had procedures in place which were likely to ensure that any bladed product delivered by the seller to residential premises would be delivered into the hands of a person aged 18 or over, and
  - (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product to which the charge relates would be delivered into the hands of a person aged 18 or over.
- (3) It is a defence for a person (“the seller”) charged with an offence under section 38(2) of arranging for the delivery of a bladed product to residential premises to prove that –
  - (a) the arrangement required the person with whom it was made to have procedures in place which were likely to ensure that any bladed products delivered to residential premises pursuant to the arrangement would be delivered into the hands of a person aged 18 or over, and
  - (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product to which the charge relates would be delivered into the hands of a person aged 18 or over.
- (4) It is a defence for a person charged with an offence under section 38 to prove that the bladed product was designed or manufactured for the buyer in accordance with specifications provided by the buyer.
- (5) It is a defence for a person charged with an offence under section 38 to prove that –
  - (a) the bladed product was adapted for the buyer before its delivery in accordance with specifications provided by the buyer, and
  - (b) the adaptations were made to enable or facilitate the use of the product by the buyer or its use for a particular purpose.



- (6) It is a defence for a person charged with an offence under section 38 to prove that they reasonably believed that the buyer bought the bladed product for use for relevant sporting purposes or for the purposes of historical re-enactment.
- (7) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under section 39 to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (8) It is a defence for a person (“the accused”) charged in Scotland with an offence under section 39 to show that –
  - (a) the accused believed the person into whose hands the bladed product was delivered to be aged 18 or over, and
  - (b) either the accused had taken reasonable steps to establish the person’s age or no reasonable person could have suspected from the person’s appearance that the person was under the age of 18.
- (9) For the purposes of subsection (8)(b), the accused is to be treated as having taken reasonable steps to establish the person’s age if and only if –
  - (a) the accused was shown any of the documents mentioned in subsection (10), and
  - (b) the document would have convinced a reasonable person.
- (10) Those documents are any document bearing to be –
  - (a) a passport,
  - (b) a European Union photocard driving licence, or
  - (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order.
- (11) In the application of this section to Scotland references to a person proving a matter are to be read as references to a person showing a matter.
- (12) A person is to be taken to have shown a matter for the purposes of subsection (8) or (11) if –
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (13) The appropriate national authority may by regulations provide for other defences to an offence under section 38 or 39.
- (14) In this section –
  - “the appropriate national authority” means –
    - (a) in relation to England and Wales, the Secretary of State,
    - (b) in relation to Scotland, the Scottish Ministers, and
    - (c) in relation to Northern Ireland, the Department of Justice in Northern Ireland;
  - “the buyer” has the same meaning as in section 38;
  - “historical re-enactment” means a presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past;
  - “residential premises” has the same meaning as in section 38.
- (15) For the purposes of this section a bladed product is used by a person for relevant sporting purposes if and only if –

- (a) the product is used by the person to participate in a competitive sport involving combat between individuals, and
- (b) use of the product is an integral part of that sport.

#### **41 Meaning of “bladed product” in sections 38 to 40**

- (1) Subject to subsections (2) to (4), in sections 38 to 40 “bladed product” means an article which –
  - (a) is or has a blade, and
  - (b) is capable of causing a serious injury to a person which involves cutting that person’s skin.
- (2) In sections 38 to 40 so far as they apply to England and Wales, “bladed product” does not include an article described in –
  - (a) section 1 of the Restriction of Offensive Weapons Act 1959, or
  - (b) an order made by the Secretary of State under section 141A(3)(c) of the Criminal Justice Act 1988.
- (3) In sections 38 to 40 so far as they apply to Scotland, “bladed product” does not include an article described in –
  - (a) section 1 of the Restriction of Offensive Weapons Act 1959,
  - (b) an order made by the Secretary of State under section 141A(3)(c) of the Criminal Justice Act 1988 which applies to Scotland, or
  - (c) an order made by the Scottish Ministers under section 141A(3)(c) of that Act.
- (4) In sections 38 to 40 so far as they apply to Northern Ireland, “bladed product” does not include an article described in –
  - (a) Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)), or
  - (b) an order under Article 54 of that Order.

#### **42 Delivery of bladed articles to persons under 18**

- (1) This section applies if –
  - (a) a person (“the seller”) sells a bladed article to another person (“the buyer”),
  - (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is outside the United Kingdom at that time,
  - (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver bladed articles for the seller,
  - (d) that person was aware when they entered into the arrangement that it covered the delivery of bladed articles, and
  - (e) that person delivers the bladed article pursuant to that arrangement.
- (2) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if –
  - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
  - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.

- (3) For the purposes of subsection (1)(b) a person other than an individual is outside the United Kingdom at any time if the person does not carry on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (4) The person mentioned in subsection (1)(e) commits an offence if, when they deliver the bladed article, they do not deliver it into the hands of a person aged 18 or over.
- (5) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (4) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (6) It is a defence for a person (“the accused”) charged in Scotland with an offence under subsection (4) to show that –
  - (a) the accused believed the person into whose hands the bladed article was delivered to be aged 18 or over, and
  - (b) either the accused had taken reasonable steps to establish the person’s age or no reasonable person could have suspected from the person’s appearance that the person was under the age of 18.
- (7) For the purposes of subsection (6)(b), the accused is to be treated as having taken reasonable steps to establish the person’s age if and only if –
  - (a) the accused was shown any of the documents mentioned in subsection (8), and
  - (b) the document would have convinced a reasonable person.
- (8) Those documents are any document bearing to be –
  - (a) a passport,
  - (b) a European Union photocard driving licence, or
  - (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order.
- (9) The accused is to be taken to have shown a matter mentioned in subsection (6) if –
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (10) A person guilty of an offence under subsection (4) is liable –
  - (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (11) In this section “bladed article” –
  - (a) in relation to England and Wales, means an article to which section 141A of the Criminal Justice Act 1988 applies (as that section has effect in relation to England and Wales);
  - (b) in relation to Scotland, means an article to which section 141A of the Criminal Justice Act 1988 applies (as that section has effect in relation to Scotland and disregarding subsection (3A) of that section);
  - (c) in relation to Northern Ireland, means an article to which Article 54 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) applies.

**PART 4**

## POSSESSION ETC OF CERTAIN OFFENSIVE WEAPONS

**43 Amendments to the definition of “flick knife”**

- (1) In section 1 of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons), in subsection (1), for paragraph (a) substitute –
- “(a) any knife which has a blade which opens automatically –
- (i) from the closed position to the fully opened position, or
  - (ii) from a partially opened position to the fully opened position,
- by manual pressure applied to a button, spring or other device in or attached to the knife, and which is sometimes known as a “flick knife” or “flick gun”; or”.
- (2) In Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (manufacture or sale etc of certain knives), in paragraph (1), for the first sub-paragraph (a) substitute –
- “(a) any knife which has a blade which opens automatically –
- (i) from the closed position to the fully opened position, or
  - (ii) from a partially opened position to the fully opened position,
- by manual pressure applied to a button, spring or other device in or attached to the knife, and which is sometimes known as a “flick knife” or “flick gun”; or”.

**44 Prohibition on the possession of certain dangerous knives**

- (1) Section 1 of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons) is amended in accordance with subsections (2) to (4).
- (2) After subsection (1) insert –
- “(1A) Any person who possesses any knife of a kind described in subsection (1) is guilty of an offence.
- (1B) A person guilty of an offence under subsection (1A) is liable –
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 4 on the standard scale or to both.
- (1C) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, subsection (1B)(a) has effect as if the reference to 51 weeks were to 6 months.”
- (3) In subsection (2), for “any such knife as is described in the foregoing subsection” substitute “any knife of a kind described in subsection (1)”.

- (4) After subsection (2) insert –
- “(3) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in subsection (1) –
- (a) with an offence under subsection (1), or
  - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,
- to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this subsection applies.
- (4) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.
- (5) If the operator of, or a person acting on behalf of, a museum or gallery to which this subsection applies is charged with hiring or lending a knife of a kind described in subsection (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes.
- (6) Subsection (3) or (5) applies to a museum or gallery only if it does not distribute profits.
- (7) In this section “museum or gallery” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.
- (8) A person is to be taken to have shown a matter mentioned in subsection (3), (4) or (5) if –
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.”
- (5) Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (manufacture or sale etc of certain knives) is amended in accordance with subsections (6) and (7).
- (6) The existing text becomes paragraph (1).
- (7) After that paragraph insert –
- “(2) Any person who possesses any knife of a kind described in paragraph (1) is guilty of an offence.
- (3) A person guilty of an offence under paragraph (2) is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both.
- (4) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in paragraph (1) with an offence under paragraph (1) to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this paragraph applies.

- (5) It is a defence for a person charged with an offence under paragraph (2) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.
- (6) If the operator of, or a person acting on behalf of, a museum or gallery to which this paragraph applies is charged with hiring or lending a knife of a kind described in paragraph (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes.
- (7) Paragraph (4) or (6) applies to a museum or gallery only if it does not distribute profits.
- (8) In this Article “museum or gallery” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.
- (9) A person is to be taken to have shown a matter mentioned in paragraph (4), (5) or (6) if –
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.”

#### **45 Prohibition on the possession of offensive weapons on further education premises**

- (1) Section 139A of the Criminal Justice Act 1988 (offence of having offensive weapon on school premises) is amended in accordance with subsections (2) to (7).
- (2) In the heading, for “school premises” substitute “education premises”.
- (3) In subsection (1), after “school premises” insert “or further education premises”.
- (4) In subsection (2), after “school premises” insert “or further education premises”.
- (5) For the subsection (5) that has effect in England and Wales and for the subsection (5) that has effect in Northern Ireland substitute –
  - “(5) A person guilty of an offence under subsection (1) or (2) is liable –
    - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
    - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
    - (c) on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.
- (5ZA) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way)

the reference in subsection (5)(a) to 12 months is to be read as a reference to 6 months.”

- (6) For the subsection (6) that has effect in England and Wales and the subsection (6) that has effect in Northern Ireland substitute –

“(6) In this section and section 139B “school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by –

- (a) in relation to land in England and Wales, section 4 of the Education Act 1996;
- (b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)).”

- (7) After subsection (6) insert –

“(6A) In this section and section 139B “further education premises” means –

- (a) in relation to England and Wales, land used solely for the purposes of –
  - (i) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
  - (ii) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),

excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;

- (b) in relation to Northern Ireland, land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution.”

- (8) In section 139B(1) of the Criminal Justice Act 1988 (power of entry to search for offensive weapons) after “school premises” insert “or further education premises”.

#### **46 Prohibition on the possession of offensive weapons**

- (1) Section 141 of the Criminal Justice Act 1988 (offensive weapons) is amended in accordance with subsections (2) to (16).

- (2) After subsection (1) insert –

“(1A) Any person who possesses a weapon to which this section applies in private is guilty of an offence and liable –

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both;

- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
  - (d) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 4 years, to a fine or to both.
- (1B) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, subsection (1A)(a) has effect as if the reference to 51 weeks were to 6 months.
- (1C) For the purposes of subsection (1A) as it has effect in relation to England and Wales, a person possesses a weapon to which this section applies in private if the person possesses the weapon in a place other than –
- (a) a public place,
  - (b) school premises,
  - (c) further education premises, or
  - (d) a prison.
- (1D) For the purposes of subsection (1A) as it has effect in relation to Scotland, a person possesses a weapon to which this section applies in private if the person possesses the weapon on domestic premises.
- (1E) For the purposes of subsection (1A) as it has effect in relation to Northern Ireland, a person possesses a weapon to which this section applies in private if the person possesses the weapon in a place other than –
- (a) a public place,
  - (b) school premises, or
  - (c) further education premises.
- (1F) In subsections (1C) to (1E) –
- “domestic premises” means premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling);
  - “further education premises”, in relation to England and Wales, means land used solely for the purposes of –
    - (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
    - (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),
 excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;
  - “further education premises”, in relation to Northern Ireland, means land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution;
  - “prison” includes –



- (a) a young offender institution,
- (b) a secure training centre, and
- (c) a secure college;

“public place” includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;

“school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by –

- (a) in relation to land in England and Wales, section 4 of the Education Act 1996;
- (b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)).”

- (3) In subsection (5)(a), after “subsection (1)” insert “or (1A)”.
- (4) After subsection (7) insert –  
“(7A) It is a defence for a person charged with an offence under subsection (1A) to show that the weapon in question is one of historical importance.”
- (5) After subsection (8) insert –  
“(8A) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the weapon in question only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.”
- (6) In subsection (9), for “If a person acting on behalf of” substitute “If the operator of, or a person acting on behalf of,”.
- (7) After subsection (11) insert –  
“(11ZA) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the weapon in question for educational purposes only.”
- (8) In subsection (11A)(a) (as inserted by the Violent Crime Reduction Act 2006), after “subsection (1)” insert “or (1A)”.
- (9) After subsection (11A) (as inserted by the Violent Crime Reduction Act 2006) insert –  
“(11AA) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the weapon in question only for one or more of the purposes specified in subsection (11B).”
- (10) In subsection (11C) (as inserted by the Violent Crime Reduction Act 2006), for “(8), (9) or (11A)” substitute “(7A), (8), (8A), (9), (11ZA), (11A) or (11AA)”.
- (11) In subsection (11D) (as inserted by the Violent Crime Reduction Act 2006), in paragraph (a), after “subsection (1)” insert “or (1A)”.
- (12) In subsection (11A) (as inserted by the Custodial Sentences and Weapons (Scotland) Act 2007), after “subsection (1)” insert “or (1A)”.

- (13) After subsection (11A) (as inserted by the Custodial Sentences and Weapons (Scotland) Act 2007) insert –
- “(11AA) It is a defence for a person charged with an offence under subsection (1A) to show that the person possessed the weapon in question only for one or more of the purposes specified in subsection (11B).”
- (14) In subsection (11F) (as inserted by the Custodial Sentences and Weapons (Scotland) Act 2007), for “(8), (9) or (11A)” substitute “(7A), (8), (8A), (9), (11ZA), (11A) or (11AA)”.
- (15) After subsection (12) insert –
- “(12A) An order under this section which has the effect that possession in private of a weapon of a particular description is, or is to become, an offence under subsection (1A) may make provision –
- (a) enabling arrangements to be made for the surrender of weapons of that description;
  - (b) as to the procedure to be followed in relation to the surrender of such weapons;
  - (c) for the payment of compensation in respect of weapons surrendered in accordance with the arrangements;
  - (d) as to the requirements that must be met by a person making a claim for compensation;
  - (e) as to the procedure to be followed in respect of a claim and for the determination of a claim;
  - (f) enabling a person to exercise a discretion in determining whether to make a payment in response to a claim and the amount of such a payment.”
- (16) In subsection (14)(a) after “subsection (1)” insert “or (1A)”.
- (17) In Article 29(1)(l) of the Magistrates’ Courts (Northern Ireland) Order 1981 (SI 1981/1675 (NI 26)) after “141(1)” insert “or (1A)”.
- (18) Subsection (19) applies if the subsections (11A) and (11B) which are inserted by section 60(1)(b) of the Custodial Sentences and Weapons (Scotland) Act 2007 into section 141 of the Criminal Justice Act 1988 are not in force when subsection (2) comes into force in relation to Scotland.
- (19) Until the coming into force of those subsections (11A) and (11B), section 141 has effect in relation to Scotland as if after subsection (11) there were inserted –
- “(11A) Where a person is charged with an offence under subsection (1A) in respect of conduct of the person relating to a weapon to which this section applies, it is a defence to show that the person’s conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).
- (11AA) It is a defence for a person charged with an offence under subsection (1A) to show that the person possessed the weapon in question only for one or more of the purposes specified in subsection (11B).
- (11B) Those purposes are –
- (a) the purposes of theatrical performances and of rehearsals for such performances;

- (b) the production of films (as defined in section 5B of the Copyright, Designs and Patents Act 1988);
- (c) the production of television programmes (as defined in section 405(1) of the Communications Act 2003).”

#### 47 Prohibition on the possession of offensive weapons: supplementary

- (1) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (SI 1988/2019) is amended in accordance with subsections (2) to (9).
- (2) In paragraph 1, after paragraph (r) insert –
  - “(s) the weapon sometimes known as a “zombie knife”, “zombie killer knife” or “zombie slayer knife”, being a blade with –
    - (i) a cutting edge;
    - (ii) a serrated edge; and
    - (iii) images or words (whether on the blade or handle) that suggest that it is to be used for the purpose of violence.”
- (3) In paragraph 1, after paragraph (s) insert –
  - “(t) the weapon sometimes known as a “cyclone knife” or “spiral knife” being a weapon with –
    - (i) a handle,
    - (ii) a blade with two or more cutting edges, each of which forms a helix, and
    - (iii) a sharp point at the end of the blade.”
- (4) In paragraph 2, after “subsection (1)” insert “or (1A)”.
- (5) In paragraph 3(a), after “section 141(1)” insert “or (1A)”.
- (6) In paragraph 4 –
  - (a) the existing text becomes sub-paragraph (1),
  - (b) in that sub-paragraph, in paragraph (a), after “section 141(1)” insert “or (1A)”, and
  - (c) after that sub-paragraph insert –
    - “(2) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 in respect of any conduct of that person relating to a weapon to which section 141 of that Act applies by virtue of paragraph 1(r) to show that the person’s conduct was for the purpose only of participating in a permitted activity of a kind mentioned in sub-paragraph (1).”
- (7) In paragraph 5A –
  - (a) the existing text becomes sub-paragraph (1),
  - (b) in that sub-paragraph –
    - (i) in paragraph (a), after “section 141(1)” insert “or (1A)”, and
    - (ii) in the words following paragraph (b) for “in religious ceremonies” substitute “for religious reasons”, and
  - (c) after that sub-paragraph insert –
    - “(2) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 in respect of a weapon to which section 141 of the Criminal Justice Act

1988 applies by virtue of paragraph 1(r) to show that the person possessed the weapon for religious reasons only.”

- (8) After paragraph 5A insert –
- “5B (1) Sub-paragraph (2) applies to –
- (a) a person charged with an offence under section 141(1) or (1A) of the Criminal Justice Act 1988 in respect of any conduct of the person relating to a curved sword, and
  - (b) a person charged with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 in respect of any conduct of the person relating to a curved sword.
- (2) It is a defence for the person to show that the person’s conduct was for the purpose only of making the sword available for presentation by a Sikh to another person at a religious ceremony or other ceremonial event.
- (3) It is a defence for a person charged with an offence under section 141(1) of the Criminal Justice Act 1988 of giving a curved sword to another person to show that the person’s conduct consisted of the presentation of the sword by a Sikh to another person at a religious ceremony or other ceremonial event.
- (4) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 of possession of a curved sword in private to show that –
- (a) the person was a Sikh at the time the offence is alleged to have been committed and possessed the sword for the purpose only of presenting it to another person at a religious ceremony or other ceremonial event, or
  - (b) the sword was presented to the person by a Sikh at a religious ceremony or other ceremonial event.
- (5) In this paragraph –
- “curved sword” means a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r);
- “Sikh” means a follower of the Sikh religion.”
- (9) In paragraph 6, for “and 5A” substitute “, 5A and 5B”.
- (10) The amendments made by subsections (2) to (9) are without prejudice to any power to make an order under section 141 of the Criminal Justice Act 1988 amending or revoking the order mentioned in subsection (1).
- (11) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons) (Scotland) Order 2005 (SSI 2005/483) is amended as follows.
- (12) In paragraph 1, after paragraph (q) insert –
- “(r) the weapon sometimes known as a “cyclone knife” or “spiral knife” being a weapon with –
- (i) a handle,
  - (ii) a blade with two or more cutting edges, each of which forms a helix, and
  - (iii) a sharp point at the end of the blade.”
- (13) In paragraph 2, after “subsection (1)” insert “or (1A)”.

- (14) The amendments made by subsections (12) and (13) are without prejudice to any power to make an order under section 141 of the Criminal Justice Act 1988 amending or revoking the order mentioned in subsection (11).

#### **48 Surrender of prohibited offensive weapons**

- (1) The Secretary of State may make such arrangements as the Secretary of State thinks fit to secure the orderly surrender at designated police stations in England and Wales of weapons the possession of which will become unlawful by virtue of –
- (a) section 44 (by itself or in combination with section 43), or
  - (b) section 46 (by itself or in combination with section 47).
- (2) The Scottish Ministers may make such arrangements as they think fit to secure the orderly surrender at designated police stations in Scotland of weapons the possession of which will become unlawful by virtue of –
- (a) section 44 (by itself or in combination with section 43), or
  - (b) section 46 (by itself or in combination with section 47).
- (3) The Department of Justice in Northern Ireland may make such arrangements as it thinks fit to secure the orderly surrender at designated police stations in Northern Ireland of weapons the possession of which will become unlawful by virtue of –
- (a) section 44 (by itself or in combination with section 43), or
  - (b) section 46 (by itself or in combination with section 47).
- (4) The chief officer of police for any area may designate any police station in the chief officer's area as being suitable for the receipt of –
- (a) surrendered weapons, or
  - (b) surrendered weapons of a particular description.
- (5) The Chief Constable of the Police Service of Northern Ireland may designate any police station in Northern Ireland as being suitable for the receipt of –
- (a) surrendered weapons, or
  - (b) surrendered weapons of a particular description.

#### **49 Payments in respect of surrendered offensive weapons**

- (1) Subsection (2) applies if the Secretary of State makes arrangements for the surrender of weapons under section 48(1).
- (2) The Secretary of State must by regulations provide for payments to be made in respect of weapons which are surrendered in accordance with the arrangements.
- (3) Subsection (4) applies if the Scottish Ministers make arrangements for the surrender of weapons under section 48(2).
- (4) The Scottish Ministers must by regulations provide for payments to be made in respect of weapons which are surrendered in accordance with the arrangements.
- (5) Subsection (6) applies if the Department of Justice in Northern Ireland makes arrangements for the surrender of weapons under section 48(3).

- (6) The Department of Justice in Northern Ireland must by regulations provide for payments to be made in respect of weapons which are surrendered in accordance with the arrangements.
- (7) Regulations under subsection (2), (4) or (6) must provide that a payment may only be made to a person making a claim which meets –
  - (a) condition A, and
  - (b) condition B or C.
- (8) Condition A is that possession of the weapon to which the claim relates will become unlawful by virtue of section 44 (by itself or in combination with section 43) or section 46 (by itself or in combination with section 47).
- (9) Condition B is that the person making the claim owned the weapon on the relevant date.
- (10) Condition C is that on or before the relevant date the person making the claim had contracted to acquire the weapon.
- (11) The provision that may be made by regulations under subsection (2), (4) or (6) includes –
  - (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of weapons surrendered within a period specified in the regulations;
  - (b) provision about the procedure to be followed in respect of claims and for the determination of claims (including any time within which claims must be made, any evidence and other information to be provided in support of a claim and the burden of proof in relation to a claim);
  - (c) provision enabling a person to exercise a discretion in determining –
    - (i) whether to make a payment in response to a claim, and
    - (ii) the amount of such a payment.
- (12) In this section “the relevant date” –
  - (a) in relation to a weapon to which section 141 of the Criminal Justice Act 1988 is to apply by virtue of section 47(3) or (12) of this Act, means 22nd January 2019;
  - (b) in any other case, means 20th June 2018.

## PART 5

### THREATENING WITH OFFENSIVE WEAPONS

#### **50 Offence of threatening with offensive weapon etc in a public place etc**

- (1) Section 1A of the Prevention of Crime Act 1953 (offence of threatening with offensive weapon in public) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1) –
  - (a) in paragraph (b), after “person” insert “(“A””, and
  - (b) in paragraph (c), for the words from “there” to the end of the paragraph substitute “a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.”

- (3) Omit subsection (2).
- (4) Section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon) is amended in accordance with subsections (5) and (6).
- (5) In subsection (1) –
  - (a) in paragraph (b), after “person” insert “(“A””, and
  - (b) in paragraph (c), for the words from “there” to the end of the paragraph substitute “a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.”
- (6) Omit subsection (4).

## **51 Offence of threatening with offensive weapon etc on further education premises**

- (1) Section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon) is amended as follows.
- (2) After subsection (1) insert –

“(1A) A person is guilty of an offence if that person –

  - (a) has an article to which this section applies with them on further education premises,
  - (b) unlawfully and intentionally threatens another person (“A”) with the article, and
  - (c) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.”
- (3) After subsection (3) insert –

“(3A) In relation to further education premises this section applies to each of these –

  - (a) an article to which section 139 applies;
  - (b) an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953.”
- (4) In subsection (5) –
  - (a) at the appropriate place insert –

““further education premises” means land used solely for the purposes of –

    - (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
    - (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;”;
  - (b) for the definition of “school premises” substitute –

““school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling

by a person employed at the school; and “school” has the meaning given by section 4 of the Education Act 1996.”

## 52 Offence of threatening with an offensive weapon etc in a private place

- (1) A person (“A”) commits an offence if –
  - (a) while A is in a private place, A unlawfully and intentionally threatens another person (“B”) with an article or substance to which this subsection applies, and
  - (b) A does so in such a way that there is an immediate risk of serious physical harm to B.
- (2) Subsection (1) applies to an article or substance if it is –
  - (a) an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953,
  - (b) an article to which section 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) applies, or
  - (c) a corrosive substance.
- (3) In the application of subsection (1) to an article within subsection (2)(a) or (b), “private place” means a place other than –
  - (a) a public place,
  - (b) a place which is part of school premises, or
  - (c) a place which is part of further education premises.
- (4) In the application of subsection (1) to a corrosive substance, “private place” means a place other than a public place.
- (5) For the purposes of subsection (1) physical harm is serious if it amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861.
- (6) A person guilty of an offence under subsection (1) is liable –
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both.
- (7) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way), the reference in subsection (6)(a) to 12 months is to be read as a reference to 6 months.
- (8) In this section and section 53 –
 

“corrosive substance” means a substance that is capable of burning human skin by corrosion;

“further education premises” means land used solely for the purposes of –

  - (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
  - (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),

excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;



“public place” includes any place to which, at the time in question, the public have or are permitted to have access, whether on payment or otherwise;

“school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by section 4 of the Education Act 1996.

### **53 Search for corrosive substance on school or further education premises**

- (1) This section applies if a constable has reasonable grounds for suspecting that an offence under section 52, as that section applies to corrosive substances, is being or has been committed on school premises or further education premises.
- (2) The constable may enter and search the premises and any person on them for a corrosive substance.
- (3) If in the course of a search under this section a constable discovers a substance which the constable has reasonable grounds for suspecting to be a corrosive substance, the constable may seize and retain it.
- (4) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this section.

## **PART 6**

### **FIREARMS**

### **54 Prohibition of certain firearms etc: England and Wales and Scotland**

- (1) The Firearms Act 1968 is amended as follows.
- (2) In section 5 (weapons subject to general prohibition), in subsection (1), after paragraph (af) insert—
  - “(ag) any rifle with a chamber from which empty cartridge cases are extracted using—
    - (i) energy from propellant gas, or
    - (ii) energy imparted to a spring or other energy storage device by propellant gas,other than a rifle which is chambered for .22 rim-fire cartridges;”.
- (3) In section 5(1), for the “and” at the end of paragraph (b) substitute—
  - “(ba) any device (commonly known as a bump stock) which is designed or adapted so that—
    - (i) it is capable of forming part of or being added to a self-loading lethal barrelled weapon (as defined in section 57(1B) and (2A)), and
    - (ii) if it forms part of or is added to such a weapon, it increases the rate of fire of the weapon by using the recoil from the weapon to generate repeated pressure on the trigger; and”.

- (4) In section 5(2), after “including,” insert “in the case of weapons, any devices falling within subsection (1)(ba) of this section and,”.
- (5) In section 5(2A)(a), after “weapon” insert “, device”.
- (6) In section 51A(1)(a) (minimum sentences for certain offences under section 5), in each of sub-paragraphs (i) and (iii), after “(af)” insert “, (ag), (ba)”.
- (7) In Schedule 6 (prosecution and punishment of offences) in Part 1 (table of punishments) –
  - (a) in the entry for section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c), in the first column, after “(af)” insert “, (ag), (ba)”,
  - (b) in the entry for section 19, in the third column, for “or (af)” substitute “, (af), (ag) or (ba)”, and
  - (c) in the entry for section 20(1), in the third column, for “or (af)” substitute “, (af), (ag) or (ba)”.
- (8) The amendments made by subsection (6) apply only in relation to –
  - (a) an offence under section 5(1)(ag) or (ba) of the Firearms Act 1968 which is committed after the coming into force of subsection (6), and
  - (b) an offence under a provision listed in section 51A(1A) of that Act in respect of a firearm specified in section 5(1)(ag) or (ba) of that Act which is committed after the coming into force of subsection (6).

## 55 Prohibition of certain firearms etc: Northern Ireland

- (1) The Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) is amended as follows.
- (2) In Article 45 (weapons subject to general prohibition), in paragraph (1), after sub-paragraph (e) insert –
  - “(ea) any rifle with a chamber from which empty cartridge cases are extracted using –
    - (i) energy from propellant gas, or
    - (ii) energy imparted to a spring or other energy storage device by propellant gas,
 other than a rifle which is chambered for .22 rimfire cartridges;”.
- (3) In Article 45(1), for the “and” at the end of sub-paragraph (f) substitute –
  - “(fa) any device (commonly known as a bump stock) which is designed or adapted so that –
    - (i) it is capable of forming part of or being added to a self-loading firearm, and
    - (ii) if it forms part of or is added to such a firearm, it increases the rate of fire of the firearm by using the recoil from the firearm to generate repeated pressure on the trigger; and”.
- (4) In Article 2(2) (interpretation), in the definition of “prohibited weapon” and “prohibited ammunition”, after “including,” insert “in the case of weapons, any devices falling within paragraph (1)(fa) of that Article and,”.
- (5) In Article 70(1)(a) (minimum sentence for certain offences), in each of heads (ii) and (iv), after “(e)” insert “, (ea), (fa)”.
- (6) In Schedule 5 (table of punishments) –

- (a) in the entry for Article 45(1)(a), (aa), (b), (c), (d), (e) and (g), in the first column, after “(e)” insert “, (ea), (fa)”,
  - (b) in the entry for Article 61(1), in the third column, for “or (e)” substitute “, (e), (ea) or (fa)”, and
  - (c) in the entry for Article 62(1), in the third column, for “or (e)” substitute “, (e), (ea) or (fa)”.
- (7) The amendments made by subsection (5) apply only in relation to –
- (a) an offence under Article 45(1)(ea) or (fa) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) which is committed after the coming into force of subsection (5), and
  - (b) an offence under a provision listed in Article 70(1A) of that Order in respect of a firearm specified in Article 45(1)(ea) or (fa) of that Order which is committed after the coming into force of subsection (5).

## **56 Consequential amendments relating to sections 54 and 55**

Schedule 2 contains consequential amendments relating to sections 54 and 55.

## **57 Surrender of prohibited firearms etc**

- (1) The Secretary of State may make such arrangements as the Secretary of State thinks fit to secure –
- (a) the orderly surrender at designated police stations of firearms the possession of which will become unlawful by virtue of section 54 or 55;
  - (b) the orderly surrender at designated police stations or other places of ancillary equipment.
- (2) The chief officer of police for any area may designate any police station in the chief officer’s area as being suitable for the receipt of –
- (a) surrendered firearms or ancillary equipment, or
  - (b) surrendered firearms or ancillary equipment of a particular description.
- (3) The Chief Constable of the Police Service of Northern Ireland may designate any police station in Northern Ireland as being suitable for the receipt of –
- (a) surrendered firearms or ancillary equipment, or
  - (b) surrendered firearms or ancillary equipment of a particular description.
- (4) In this section “ancillary equipment” has the meaning given by section 60(2).

## **58 Payments in respect of surrendered firearms other than bump stocks**

- (1) This section applies to firearms of the kind referred to in –
- (a) the paragraph to be inserted into section 5(1) of the Firearms Act 1968 by section 54(2), or
  - (b) the sub-paragraph to be inserted into Article 45(1) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) by section 55(2).
- (2) This section applies if the Secretary of State makes arrangements under section 57 for the surrender of firearms to which this section applies.

- (3) The Secretary of State must by regulations provide for payments to be made in respect of such firearms which are surrendered in accordance with the arrangements.
- (4) Regulations under subsection (3) must provide that a payment may only be made to a person making a claim which meets –
  - (a) condition A, and
  - (b) condition B or C.
- (5) Condition A is that possession of the firearm to which the claim relates will become unlawful by virtue of section 54 or 55.
- (6) Condition B is that the person making the claim had and was entitled to have the firearm in their possession on or immediately before 20th June 2018 by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer.
- (7) Condition C is that –
  - (a) on or before 20th June 2018 the person making the claim had contracted to acquire the firearm, and
  - (b) that person was entitled to have the firearm in their possession after that date by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer.
- (8) The provision that may be made by regulations under subsection (3) includes –
  - (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of firearms surrendered within a period specified in the regulations;
  - (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims;
  - (c) provision enabling a person to exercise a discretion in determining –
    - (i) whether to make a payment in response to a claim, and
    - (ii) the amount of such a payment.

## **59 Payments in respect of prohibited firearms which are bump stocks**

- (1) This section applies to firearms of the kind referred to in –
  - (a) the paragraph to be inserted into section 5(1) of the Firearms Act 1968 by section 54(3), or
  - (b) the sub-paragraph to be inserted into Article 45(1) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) by section 55(3).
- (2) This section applies if the Secretary of State makes arrangements under section 57 for the surrender of firearms to which this section applies.
- (3) The Secretary of State must by regulations provide for payments to be made in respect of such firearms which are surrendered in accordance with the arrangements.
- (4) Regulations under subsection (3) must provide that a payment may only be made to a person making a claim which meets –
  - (a) condition A,
  - (b) condition B or C, and

- (c) condition D.
- (5) Condition A is that possession of the firearm to which the claim relates will become unlawful by virtue of section 54 or 55.
- (6) Condition B is that the person making the claim had the firearm in their possession on or immediately before 20th June 2018.
- (7) Condition C is that on or before 20th June 2018 the person making the claim had contracted to acquire the firearm.
- (8) Condition D is that the person making the claim did not import the firearm into the United Kingdom on or after 4th December 2017.
- (9) The provision that may be made by regulations under subsection (3) includes—
  - (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of firearms surrendered within a period specified in the regulations;
  - (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims;
  - (c) provision enabling a person to exercise a discretion in determining—
    - (i) whether to make a payment in response to a claim, and
    - (ii) the amount of such a payment.

## **60 Payments in respect of ancillary equipment**

- (1) The Secretary of State may by regulations provide for payments to be made in respect of ancillary equipment of any description specified in the regulations.
- (2) In subsection (1) “ancillary equipment” means equipment, other than prohibited ammunition, which—
  - (a) is designed or adapted for use in connection with firearms prohibited by virtue of section 54 or 55, and
  - (b) has no practicable use in connection with any firearm which is not a prohibited weapon.
- (3) Regulations under subsection (1) must provide that a payment may only be made to a person making a claim which meets—
  - (a) condition A, and
  - (b) where the claim is made in respect of ancillary equipment which is ammunition, condition B.
- (4) Condition A is that the person making the claim had the ancillary equipment to which the claim relates in their possession—
  - (a) on or immediately before 20th June 2018, or
  - (b) after that date because they purchased it by virtue of a contract entered into on or before that date.
- (5) Condition B is that the possession of the ammunition by the person making the claim was, at all material times, lawful by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer.
- (6) Regulations under subsection (1) may require, as a condition of eligibility for receipt of payments in respect of any equipment—

- (a) the surrender (whether to the police or any other person) of that equipment in accordance with the regulations within a period specified in the regulations,
  - (b) the disposal of that equipment by way of sale within a period so specified, or
  - (c) either such surrender or such disposal of the equipment within a period so specified.
- (7) The provision that may be made by regulations under subsection (1) includes –
- (a) other provision restricting eligibility for receipt of payments, including provision restricting eligibility to claims made in respect of ancillary equipment surrendered or disposed of within a period specified in the regulations;
  - (b) provision about the procedure to be followed (including any time within which claims must be made and the provision of information) in respect of claims and for the determination of claims;
  - (c) provision enabling a person to exercise a discretion in determining –
    - (i) whether to make a payment in response to a claim, and
    - (ii) the amount of such a payment.

## 61 Conditions applying to certain firearms: England and Wales and Scotland

- (1) The Firearms Act 1968 is amended as follows.
- (2) After section 27 insert –
 

**“27A Conditions for storage etc of certain firearms**

  - (1) This section applies to a firearm if it is a rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged.
  - (2) The Secretary of State must by rules under section 53 prescribe conditions –
    - (a) subject to which a firearm certificate relating to a firearm to which this section applies must be granted or renewed, and
    - (b) which impose requirements as to the storage of a firearm to which this section applies and as to the security measures to be taken when such a firearm is in transit.
  - (3) Before making rules under section 53 which prescribe conditions of the kind mentioned in subsection (2) the Secretary of State must consult such persons likely to be affected by the rules as the Secretary of State considers appropriate.”
- (3) In section 53 (rules for implementing the Act) –
  - (a) the existing text becomes subsection (1), and
  - (b) at the end of that subsection insert –
    - “(2) A statutory instrument containing (whether alone or with other provision) rules under this section which prescribe conditions of the kind mentioned in section 27A(2) (conditions for storage etc of certain firearms) is subject to annulment in pursuance of a resolution of either House of Parliament.”

## **62 Conditions applying to certain firearms: Northern Ireland**

- (1) The Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) is amended as follows.
- (2) In Article 6 (conditions), after paragraph (3) insert –  
“(3A) Paragraphs (1) and (2) are subject to Article 6A (conditions for storage etc of certain firearms) and regulations under that Article.”
- (3) After Article 6 insert –  
**“6A Conditions for storage etc of certain firearms**
  - (1) This Article applies to a firearm if it is a rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged.
  - (2) The Department of Justice must by regulations prescribe conditions –
    - (a) subject to which a firearm certificate relating to a firearm to which this Article applies must be granted, and
    - (b) which impose requirements as to the storage of a firearm to which this Article applies and as to the security measures to be taken when such a firearm is in transit.
  - (3) If a firearm certificate is granted subject to conditions prescribed under paragraph (2), that certificate may not be varied so as to vary or revoke those conditions.
  - (4) Before making regulations under paragraph (2) the Department of Justice must consult such persons likely to be affected by the regulations as the Department considers appropriate.”
- (4) In Article 11 (variation of firearm certificate), after paragraph (1) insert –  
“(1A) Paragraph (1) is subject to Article 6A (conditions for storage etc of certain firearms) and regulations under that Article.”

## **63 Interpretation of Part**

- (1) Any expression used in this Part as it applies in relation to England and Wales and Scotland and which is defined in the Firearms Act 1968 has the same meaning as in that Act.
- (2) Any expression used in this Part as it applies in relation to Northern Ireland and which is defined in the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) has the same meaning as in that Order.

## **PART 7**

### **ENFORCEMENT**

## **64 Enforcement of offences relating to sale etc of offensive weapons**

- (1) A local weights and measures authority may enforce within its area a provision listed in subsection (2).
- (2) The provisions mentioned in subsection (1) are –

- (a) section 1(1) of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons),
  - (b) section 1 of the Crossbows Act 1987 (sale etc of crossbows to persons under 18),
  - (c) section 141(1) of the Criminal Justice Act 1988 (offensive weapons),
  - (d) section 141A of that Act (sale etc of bladed articles to persons under 18),
  - (e) section 1 of the Knives Act 1997 (unlawful marketing of knives),
  - (f) section 2 of that Act (publication of unlawful marketing material relating to knives),
  - (g) section 1 of this Act (sale of corrosive products to persons under 18),
  - (h) section 3 of this Act (delivery of corrosive products to residential premises etc),
  - (i) section 4 of this Act (delivery of corrosive products to persons under 18),
  - (j) section 38 of this Act (delivery of bladed products to residential premises etc),
  - (k) section 39 of this Act (delivery of bladed products to persons under 18), and
  - (l) section 42 of this Act (delivery of bladed articles to persons under 18).
- (3) For the investigatory powers available to a local weights and measures authority for the purposes of enforcing a provision listed in subsection (2), see Schedule 5 to the Consumer Rights Act 2015.
- (4) Nothing in this section is to be construed as authorising a local weights and measures authority to bring proceedings in Scotland for an offence.
- (5) In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate place insert “section 64 of the Offensive Weapons Act 2019.”

## 65 Application of Regulatory Enforcement and Sanctions Act 2008

In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (relevant enactments for the purposes of relevant functions to which Parts 1 and 2 of that Act apply) at the appropriate places insert –

“Criminal Justice Act 1988, sections 141(1) and 141A”;

“Offensive Weapons Act 2019, sections 1, 3, 4, 38, 39 and 42”;

“Restriction of Offensive Weapons Act 1959, section 1(1)”.

## PART 8

### SUPPLEMENTARY

## 66 Guidance on offences relating to offensive weapons etc

- (1) The Secretary of State may from time to time issue guidance about –
- (a) section 1 of the Prevention of Crime Act 1953 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse),
  - (b) section 1 of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons) as it has effect in relation to –



- (i) England and Wales, or
    - (ii) the importation of a knife to which that section applies into any other part of the United Kingdom,
  - (c) section 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) as it has effect in relation to England and Wales,
  - (d) section 139A of that Act (offence of having article with blade or point (or offensive weapon) on educational premises) as it has effect in relation to England and Wales,
  - (e) section 141 of that Act (offensive weapons) as it has effect in relation to England and Wales,
  - (f) section 141A of that Act (sale of bladed articles to persons under 18) as it has effect in relation to England and Wales,
  - (g) section 141B of that Act (limitations on defence to offence under section 141A: England and Wales),
  - (h) any of sections 1 to 4 of this Act (sale and delivery of corrosive products) as they have effect in relation to England and Wales or Scotland,
  - (i) section 6 of this Act (offence of having a corrosive substance in a public place) as it has effect in relation to England and Wales, or
  - (j) any of sections 38 to 42 of this Act (sale and delivery of knives etc) as they have effect in relation to England and Wales.
- (2) The Scottish Ministers may from time to time issue guidance about –
- (a) section 1 of the Restriction of Offensive Weapons Act 1959 as it has effect in relation to Scotland and other than in relation to the importation of a knife to which that section applies,
  - (b) section 141 of the Criminal Justice Act 1988 as it has effect in relation to Scotland,
  - (c) section 141A of that Act as it has effect in relation to Scotland,
  - (d) section 141C of that Act (defence to offence under section 141A where remote sale or letting on hire: Scotland),
  - (e) section 6 of this Act as it has effect in relation to Scotland, or
  - (f) any of sections 38 to 42 of this Act as they have effect in relation to Scotland.
- (3) The Department of Justice in Northern Ireland may from time to time issue guidance about –
- (a) Article 22 of the Public Order (Northern Ireland) Order 1987 (SI 1987/463 (NI 7)) (carrying of offensive weapon in public place),
  - (b) section 139 of the Criminal Justice Act 1988 as it has effect in relation to Northern Ireland,
  - (c) section 139A of that Act as it has effect in relation to Northern Ireland,
  - (d) section 141 of that Act as it has effect in relation to Northern Ireland,
  - (e) Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (manufacture or sale of certain knives),
  - (f) Article 54 or 54A of that Order (sale of bladed articles to persons under 18),
  - (g) any of sections 1 to 4 of this Act as they have effect in relation to Northern Ireland,
  - (h) section 6 of this Act as it has effect in relation to Northern Ireland, or

- 
- (i) any of sections 38 to 42 of this Act as they have effect in relation to Northern Ireland.
  - (4) A national authority who issues guidance under this section may from time to time revise it.
  - (5) Subsection (6) applies if a national authority proposes to issue guidance under this section—
    - (a) on a matter on which the authority has not previously issued such guidance, or
    - (b) which the authority considers to be substantially different from guidance previously issued under this section.
  - (6) Before the national authority issues the guidance, the authority must consult such persons likely to be affected by it as the authority considers appropriate.
  - (7) A national authority must arrange for any guidance issued by the authority under this section to be published in such manner as the authority thinks appropriate.
  - (8) This section does not permit a national authority to give guidance to a court or tribunal.
  - (9) In this section “national authority” means—
    - (a) the Secretary of State,
    - (b) the Scottish Ministers, or
    - (c) the Department of Justice in Northern Ireland.
  - (10) Until the coming into force of the repeal of section 141(4) of the Criminal Justice Act 1988 (ban on importation of weapons) by paragraph 119(2) of Schedule 7 to the Policing and Crime Act 2009, this section has effect as if—
    - (a) subsection (1)(e) referred to section 141 of the Criminal Justice Act 1988 as it has effect in relation to—
      - (i) England and Wales, or
      - (ii) the importation of a weapon to which that section applies into any other part of the United Kingdom;
    - (b) subsection (2)(b) referred to that section as it has effect in relation to Scotland and other than in relation to the importation of a weapon to which that section applies, and
    - (c) subsection (3)(d) referred to that section as it has effect in relation to Northern Ireland and other than in relation to the importation of a weapon to which that section applies.

## **67 Consequential amendments relating to armed forces**

- (1) Part 2 of Schedule 1 to the Armed Forces Act 2006 (criminal conduct offences that may be dealt with at a summary hearing only with permission) is amended as follows.
- (2) After paragraph 14 insert—
  - “14A An offence under section 1(1A) of the Restriction of Offensive Weapons Act 1959 (possession of flick knife, flick gun or gravity knife).”

- (3) After paragraph 16 insert –
- “16A An offence under section 141(1A) of the Criminal Justice Act 1988 (possession of certain offensive weapons).”
- (4) After paragraph 20 insert –
- “21 An offence under section 1(1) of the Offensive Weapons Act 2019 (sale of corrosive product to person under 18).
- 22 An offence under section 3(2) or (3) of the Offensive Weapons Act 2019 (delivery of corrosive product to residential premises or locker).
- 23 An offence under section 6(1) of the Offensive Weapons Act 2019 (possession of a corrosive substance in a public place).
- 24 An offence under section 38(2) or (3) of the Offensive Weapons Act 2019 (delivery of bladed product to residential premises or locker).”

## 68 Regulations and orders

- (1) Any power or duty of the Secretary of State to make regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under this Act made by the Secretary of State may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) An order made by the Scottish Ministers under section 1(5)(c), 4(8)(c), 40(10)(c) or 42(8)(c) is subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (4) Regulations made by the Scottish Ministers under section 40(13) or 49(4) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (5) Any power or duty of the Department of Justice in Northern Ireland to make regulations or an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).
- (6) No regulations may be made by the Department of Justice under this Act unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (7) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (6) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (8) Regulations or an order under this Act –
- may make different provision for different cases;
  - may make transitional, transitory or saving provision;
  - may make incidental, supplementary or consequential provision.
- (9) Subsections (2) and (8) do not apply to regulations or an order under section 70.

**69 Extent**

- (1) The following provisions of this Act extend to England and Wales, Scotland and Northern Ireland –
  - (a) sections 1 to 4;
  - (b) section 6;
  - (c) subsection (4) of section 36, and subsection (1) of that section so far as relating to subsection (4) of that section;
  - (d) sections 38 to 42;
  - (e) section 43(1);
  - (f) subsection (3) of section 44, and subsection (1) of that section so far as relating to subsection (3) of that section;
  - (g) subsection (4) of section 44, so far as it makes provision in relation to an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, and subsection (1) of that section so far as relating to that provision made by subsection (4);
  - (h) subsections (2) to (7) and (15) of section 46, and subsection (1) of that section so far as relating to subsections (2) to (7) and (15) of that section;
  - (i) sections 48 and 49;
  - (j) sections 57 to 60;
  - (k) section 63;
  - (l) section 64(5);
  - (m) section 65;
  - (n) section 66;
  - (o) section 68;
  - (p) this section;
  - (q) sections 70 and 71;
  - (r) Schedule 1;
  - (s) paragraphs 1 to 6 of Schedule 2, and section 56 so far as relating to those paragraphs.
- (2) The following provisions of this Act extend to England and Wales and Scotland only –
  - (a) section 34(1);
  - (b) subsection (2) of section 44, and subsection (1) of that section so far as relating to subsection (2) of that section;
  - (c) subsection (4) of section 44, so far as it makes provision in relation to an offence under section 1(1) or (1A) of the Restriction of Offensive Weapons Act 1959, and subsection (1) of that section so far as relating to that provision made by subsection (4);
  - (d) section 54;
  - (e) section 61;
  - (f) section 64(1) to (4);
  - (g) paragraphs 10 and 12 of Schedule 2, and section 56 and paragraph 9 of that Schedule so far as relating to paragraphs 10 and 12 of that Schedule.
- (3) The following provisions of this Act extend to England and Wales and Northern Ireland only –
  - (a) section 13(3);
  - (b) section 45;

- (c) subsections (8) to (11) and (16) of section 46, and subsection (1) of that section so far as relating to subsections (8) to (11) and (16) of that section;
  - (d) subsections (3) to (10) of section 47, and subsection (1) of that section so far as relating to subsections (3) to (9) of that section.
- (4) The following provisions of this Act extend to England and Wales only –
  - (a) sections 8 to 10;
  - (b) section 13(1), (2), (4), (6) and (7);
  - (c) Part 2;
  - (d) section 35;
  - (e) Part 5;
  - (f) paragraphs 7 and 8 of Schedule 2, and section 56 so far as relating to those paragraphs.
- (5) The following provisions of this Act extend to Scotland only –
  - (a) section 5;
  - (b) section 7;
  - (c) section 11;
  - (d) section 13(5);
  - (e) subsections (2) and (3) of section 36, and subsection (1) of that section so far as relating to subsections (2) and (3) of that section;
  - (f) subsections (12) to (14), (18) and (19) of section 46, and subsection (1) of that section so far as relating to subsections (12) to (14) of that section;
  - (g) section 47(11) to (14).
- (6) The following provisions extend to Northern Ireland only –
  - (a) section 12;
  - (b) section 34(2);
  - (c) section 37;
  - (d) section 43(2);
  - (e) section 44(5) to (7);
  - (f) section 46(17);
  - (g) subsection (2) of section 47, and subsection (1) of that section so far as relating to subsection (2) of that section;
  - (h) section 55;
  - (i) section 62;
  - (j) paragraphs 11 and 13 of Schedule 2, and section 56 and paragraph 9 of that Schedule so far as relating to paragraphs 11 and 13 of that Schedule.
- (7) Section 67 extends to –
  - (a) England and Wales, Scotland and Northern Ireland,
  - (b) the Isle of Man, and
  - (c) the British overseas territories.
- (8) The power under section 384(1) of the Armed Forces Act 2006 may be exercised so as to extend to any of the Channel Islands any of the amendments of Schedule 1 to that Act made by section 67 of this Act (with or without modifications).

- (9) The power under section 384(2) of the Armed Forces Act 2006 may be exercised so as to modify Schedule 1 to that Act as amended by section 67 as that section extends to the Isle of Man or the British overseas territories.

## **70 Commencement**

- (1) Subject to section 31 and subsections (2), (3) and (5), this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2) The following provisions come into force, so far as extending to Scotland, on such day as the Scottish Ministers may by regulations appoint –
- (a) sections 5 to 7;
  - (b) section 11;
  - (c) section 13(5);
  - (d) section 34(1);
  - (e) section 36;
  - (f) sections 38 to 42;
  - (g) section 44 except so far as it makes provision in relation to an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979;
  - (h) sections 46 and 47;
  - (i) section 66 so far as it confers functions on the Scottish Ministers.
- (3) The following provisions come into force, so far as extending to Northern Ireland, on such day as the Department of Justice in Northern Ireland may by order appoint –
- (a) sections 1 to 4;
  - (b) section 6;
  - (c) section 12;
  - (d) section 34(2);
  - (e) sections 37 to 42;
  - (f) section 43(2);
  - (g) section 44(5) to (7);
  - (h) sections 45 and 46;
  - (i) section 47 except so far as it makes provision in relation to a defence for a person charged with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979;
  - (j) sections 48 and 49 so far as they confer functions on the Department of Justice in Northern Ireland or the Chief Constable of the Police Service of Northern Ireland;
  - (k) section 62;
  - (l) section 66 so far as it confers functions on the Department of Justice in Northern Ireland;
  - (m) Schedule 1.
- (4) Different days may be appointed under subsection (1), (2) or (3) for different purposes or areas.
- (5) The following provisions of this Act come into force on the day on which this Act is passed –
- (a) sections 30 and 31;

- (b) sections 48 and 49 except so far as they confer functions on the Department of Justice in Northern Ireland or the Chief Constable of the Police Service of Northern Ireland;
  - (c) section 54(1);
  - (d) subsection (2) of section 54 so far as it has the effect of prohibiting –
    - (i) the purchase or acquisition of a weapon of a kind referred to in that subsection, or
    - (ii) the manufacture, sale or transfer, or purchase or acquisition for sale or transfer, of such a weapon;
  - (e) subsection (3) of section 54 so far as it has the effect of prohibiting –
    - (i) the purchase or acquisition of a device of a kind referred to in that subsection, or
    - (ii) the manufacture, sale or transfer, or purchase or acquisition for sale or transfer, of such a device;
  - (f) subsection (4) of section 54 so far as it has the effect of prohibiting the manufacture, sale or transfer, or purchase or acquisition for sale or transfer, of a device of a kind referred to in that subsection;
  - (g) section 54(5) and (7)(a);
  - (h) section 55(1);
  - (i) subsection (2) of section 55 so far as it has the effect of prohibiting the purchase or acquisition, or manufacture, sale or transfer, of a weapon of a kind referred to in that subsection;
  - (j) subsection (3) of section 55 so far as it has the effect of prohibiting the purchase or acquisition, or manufacture, sale or transfer, of a device of a kind referred to in that subsection;
  - (k) section 55(6)(a);
  - (l) sections 57 to 61;
  - (m) section 63;
  - (n) section 68;
  - (o) section 69;
  - (p) this section;
  - (q) section 71.
- (6) The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act other than –
- (a) a provision mentioned in subsection (2) so far as the provision extends to Scotland, or
  - (b) a provision mentioned in subsection (3) so far as the provision extends to Northern Ireland.
- (7) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act mentioned in subsection (2) so far as the provision extends to Scotland.
- (8) The Department of Justice in Northern Ireland may by order make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act mentioned in subsection (3) so far as the provision extends to Northern Ireland.

**71 Short title**

This Act may be cited as the Offensive Weapons Act 2019.



## SCHEDULES

### SCHEDULE 1

Section 1

#### CORROSIVE PRODUCTS

1 This is the table referred to in section 1(11) –

<i>Name of substance and Chemical Abstracts Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight)</i>
Ammonium hydroxide (CAS RN 1336-21-6)	10% w/w
Formic acid (CAS RN 64-18-6)	10% w/w
Hydrochloric acid (CAS RN 7647-01-0)	10% w/w
Hydrofluoric acid (CAS RN 7664-39-3)	0% w/w
Nitric acid (CAS RN 7697-37-2)	3% w/w
Phosphoric acid (CAS RN 7664-38-2)	70% w/w
Sodium hydroxide (CAS RN 1310-73-2)	12% w/w
Sodium hypochlorite (CAS RN 7681-52-9)	10% w/w
Sulfuric acid (CAS RN 7664-93-9)	15% w/w

### SCHEDULE 2

Section 56

#### CONSEQUENTIAL AMENDMENTS RELATING TO SECTIONS 54 AND 55

*Customs and Excise Management Act 1979 (c. 2)*

- 1 The Customs and Excise Management Act 1979 is amended as follows.
- 2 In section 50(5A) (penalty for improper importation of certain firearms) –
  - (a) in paragraph (a), after “(af)” insert “, (ag), (ba)”, and
  - (b) in paragraph (b), after “(e)” insert “, (ea), (fa)”.
- 3 In section 68(4A) (penalty for offence in relation to exportation of certain firearms) –
  - (a) in paragraph (a), after “(af)” insert “, (ag), (ba)”, and

- (b) in paragraph (b), after “(e)” insert “, (ea), (fa)”.
- 4 In section 170(4A) (penalty for customs offences relating to certain firearms) –
- (a) in paragraph (a), after “(af)” insert “, (ag), (ba)”, and
- (b) in paragraph (b), after “(e)” insert “, (ea), (fa)”.
- 5 An amendment made by any of paragraphs 2(a), 3(a) and 4(a) applies only in relation to an offence in relation to a firearm of a kind specified in section 5(1)(ag) or (ba) of the Firearms Act 1968 which is committed after the coming into force of the amendment.
- 6 An amendment made by any of paragraphs 2(b), 3(b) and 4(b) applies only in relation to an offence in relation to a firearm of a kind specified in Article 45(1)(ea) or (fa) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) which is committed after the coming into force of the amendment.

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 7 (1) Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences: power to detain for specified period) is amended as follows.
- (2) In subsection (1A)(a)(i), after “(af)” insert “, (ag), (ba)”.
- (3) In subsection (1B)(a), after “(af)” insert “, (ag), (ba)”.
- 8 The amendments made by paragraph 7 apply only in relation to –
- (a) an offence under section 5(1)(ag) or (ba) of the Firearms Act 1968 which is committed after the coming into force of paragraph 7, and
- (b) an offence under a provision listed in section 51A(1A)(b), (e) or (f) of that Act in respect of a firearm specified in section 5(1)(ag) or (ba) of that Act which is committed after the coming into force of paragraph 7.

*Violent Crime Reduction Act 2006 (c. 38)*

- 9 The Violent Crime Reduction Act 2006 is amended as follows.
- 10 In section 29(3)(b) (offence in England and Wales and Scotland of using someone to mind a weapon: penalties in cases involving certain firearms) for “mentioned in section 5(1)(a) to (af) or (c)” substitute “specified in section 5(1)(a) to (ag) or (ba)”.
- 11 In paragraph 2(3)(b) of Schedule 2 (offence in Northern Ireland of using someone to mind a weapon: penalties in cases involving certain firearms) for “mentioned in Article 3(1)(a) or 45(1)(a), (aa), (b), (c), (d), (e) or (g) or (2)(a)” substitute “specified in Article 3(1)(a) or 45(1)(a), (aa), (b), (c), (d), (e), (ea) or (fa) or (2)(a)”.
- 12 The amendment made by paragraph 10 applies only in relation to an offence under section 28 of the Violent Crime Reduction Act 2006 which is committed after the coming into force of paragraph 10.
- 13 The amendment made by paragraph 11 applies only in relation to an offence under paragraph 1 of Schedule 2 to the Violent Crime Reduction Act 2006 which is committed after the coming into force of paragraph 11.



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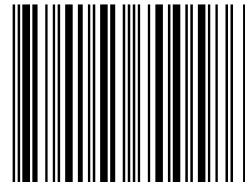
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