



Offensive Weapons Act 2019

2019 CHAPTER 17

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 subparagraph (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).

Status: This is the original version (as it was originally enacted).

(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”.

Status: This is the original version (as it was originally enacted).

- (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

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(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—

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- “(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—

Status: This is the original version (as it was originally enacted).

“(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

Status: This is the original version (as it was originally enacted).

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”.

Status: This is the original version (as it was originally enacted).

- (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.