



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 8

#### MISCELLANEOUS

### CHAPTER 2

#### OTHER

#### *Border controls*

PROSPECTIVE

## **102 Prohibition on importation of offensive weapons**

(1) After section 141ZA of the Criminal Justice Act 1988 (c. 33) insert—

### **“141ZB Importation of offensive weapons: prohibition**

- (1) The importation of an offensive weapon is prohibited, subject to section 141ZC.
- (2) In this section “offensive weapon” means a weapon of a description specified in an order made by the Secretary of State for the purposes of this subsection.
- (3) The Secretary of State may not specify any of the following under subsection (2)—
  - (a) a weapon subject to the Firearms Act 1968;
  - (b) a crossbow.
- (4) Orders under this section are to be made by statutory instrument.

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 102. (See end of Document for details)*

- (5) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) In the application of this section to Northern Ireland the reference in subsection (3) to the Firearms Act 1968 is to be construed as a reference to the Firearms (Northern Ireland) Order 2004.

#### **141ZC Prohibition on importation of offensive weapons: exceptions**

- (1) The importation of a weapon is not prohibited by section 141ZB if one of the following exceptions applies.
- (2) Exception 1 is that the weapon is imported for the purposes only of functions carried out on behalf of—
  - (a) the Crown, or
  - (b) a visiting force.
- (3) Exception 2 is that the weapon is imported for the purposes only of making it available to a museum or gallery which does not distribute profits.
- (4) Exception 3 is that the weapon is imported for the purposes only of making it available for one or more of the following—
  - (a) theatrical performances;
  - (b) rehearsals of theatrical performances;
  - (c) the production of films;
  - (d) the production of television programmes.
- (5) In subsection (4)—
  - “films” has the meaning given by section 5B of the Copyright, Designs and Patents Act 1988;
  - “television programmes” has the meaning given by section 405 of the Communications Act 2003.
- (6) The Secretary of State may by order provide for further exceptions from the prohibition on importation of weapons under section 141ZB.
- (7) Orders under this section are to be made by statutory instrument.
- (8) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (9) Expressions used in this section and in section 141 have the same meaning in this section as in that section.

#### **141ZD Prohibition on importation of offensive weapons: burdens of proof**

- (1) This section applies for the purposes of proceedings for an offence under the Customs and Excise Management Act 1979 relating to a weapon the importation of which is prohibited by section 141ZB above.

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*Status: This version of this provision is prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 102. (See end of Document for details)

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- (2) An exception conferred by or under section 141ZC is to be taken not to apply unless sufficient evidence is adduced to raise an issue with respect to the exception.
- (3) Where sufficient evidence is adduced to raise an issue with respect to an exception, it is to be taken to apply unless the contrary is proved beyond a reasonable doubt.”
- (2) Subsection (3) applies where in any proceedings—
  - (a) a person (“the defendant”) is charged in respect of the same conduct with—
    - (i) an offence under any provision of the Customs and Excise Management Act 1979 by virtue of the prohibition on importation in section 141(4) of the Criminal Justice Act 1988 as it had effect before its repeal by this Act (“the old offence”), and
    - (ii) an offence under that provision of the 1979 Act by virtue of the prohibition on importation in section 141ZB(1) of the 1988 Act (“the new offence”),
  - (b) the only thing preventing the defendant from being found guilty of the new offence is the fact that it has not been proved beyond a reasonable doubt that the conduct took place after the commencement of this section, and
  - (c) the only thing preventing the defendant from being found guilty of the old offence is the fact that it has not been proved beyond a reasonable doubt that the conduct took place before the commencement of this section.
- (3) For the purpose of determining the guilt of the defendant it is to be conclusively presumed that the conduct took place after the commencement of this section.
- (4) A reference in subsection (2) to an offence includes a reference to—
  - (a) aiding, abetting, counselling or procuring the commission of the offence,
  - (b) conspiracy to commit the offence,
  - (c) an attempt to commit the offence,
  - (d) incitement to commit the offence, and
  - (e) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 102.