



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 1

CORROSIVE PRODUCTS AND SUBSTANCES

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—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Cross Heading: Possession of corrosive substances. (See end of Document for details)

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court], 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 [^{F2}2 May 2022] the reference in subsection (7)(a) to [^{F3}the general limit in a magistrates’ court] 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.

Textual Amendments

- F1** Words in s. 6(7)(a) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table
- F2** Words in s. 6(8) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)
- F3** Words in s. 6(8) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

Commencement Information

- I1** S. 6 in force at 6.4.2022 for E.W. by [S.I. 2022/418](#), regs. 1(2)(5), [2\(b\)](#) (with [reg. 3](#))
- I2** S. 6 in force at 28.6.2022 for S. by [S.S.I. 2022/150](#), [reg. 2\(a\)](#)
- I3** S. 6 in force at 6.10.2022 for N.I. by [S.R. 2022/235](#), [art. 2](#)

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).

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- (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.

Commencement Information

I4 S. 7 in force at 1.1.2021 by S.S.I. 2020/410, reg. 2(b)

PROSPECTIVE

F48 **Appropriate custodial sentence for conviction under section 6**

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Textual Amendments

F4 S. 8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

PROSPECTIVE

F59 **Offence under section 6: relevant convictions**

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Textual Amendments

F5 S. 9 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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.”

Commencement Information

I5 S. 10 in force at 6.4.2022 by [S.I. 2022/418](#), regs. 1(2)(5), [2\(b\)](#) (with [reg. 3](#))

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

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- (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.

Commencement Information

16 S. 11 in force at 1.1.2021 by S.S.I. 2020/410, reg. 2(c)

PROSPECTIVE

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.”

Status:

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Changes to legislation:

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