



Offensive Weapons Act 2019

2019 CHAPTER 17

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

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- (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—
 - (a) may make different provision for different cases;
 - (b) may make transitional, transitory or saving provision;
 - (c) 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);

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- (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.