



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 1

#### CORROSIVE PRODUCTS AND SUBSTANCES

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

### **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.