



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 4

POSSESSION ETC OF CERTAIN OFFENSIVE WEAPONS

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 ”.
- (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 [F12 May 2022] 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—

Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 45. (See end of Document for details)

- “(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 ”.

Textual Amendments

- F1** Words in s. 45(5) 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](#)

Commencement Information

- II** S. 45 in force at 6.4.2022 for E.W. by [S.I. 2022/418](#), regs. 1(2)(5), **2(b)** (with [reg. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 45.