



Prevention of Crime Act 1953

1953 CHAPTER 14 1 and 2 Eliz 2

An Act to prohibit the carrying of offensive weapons in public places without lawful authority or reasonable excuse. [6th May 1953]

[^{F1}1 Prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse.

- (1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding [^{F2}six months] or a fine not exceeding [^{F3}£200], or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding [^{F4}four] years or a fine not exceeding one hundred pounds, or both.
- (2) Where any person is convicted of an offence under subsection (1) of this section the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

[Subsection (2B) applies where—

- ^{F5}(2A) (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced, and
- (b) when the offence was committed, the person was aged 16 or over and had at least one relevant conviction (see section 1ZA).

(2B) Where this subsection applies, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—

- (a) relate to the offence, to the previous offence or to the offender, and
- (b) would make it unjust to do so in all the circumstances.

(2C) In this section “appropriate custodial sentence” means—

- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;

Status: Point in time view as at 17/07/2015.

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- (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (2D) In considering whether it is of the opinion mentioned in subsection (2B) in the case of a person aged 16 or 17, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (2E) Where—
- (a) an appropriate custodial sentence has been imposed on a person under subsection (2B), and
 - (b) a relevant conviction without which subsection (2B) would not have applied has been subsequently set aside on appeal,
- notice of appeal against the sentence may be given at any time within 28 days from the date on which the conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).
- (2F) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (2G) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (2C)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.]
- [A constable may arrest without warrant any person whom he has reasonable cause^{F6}(3) to believe to be committing an offence under subsection (1) of this section, if the constable is not satisfied as to that person's identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used.]
- (4) In this section “ public place ” includes any highway [^{F7} , or in Scotland any road within the meaning of the Roads (Scotland) Act 1984] and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise; and “ offensive weapon ” means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him [^{F8} or by some other person] .]

Textual Amendments

- F1** S. 1 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2) Sch. 5 (with s Sch. 3 para. 1, 3, 6)
- F2** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 46(1)(3), **Sch. 8 para. 16**
- F3** Words substituted by Criminal Justice Act 1967 (c. 80), s. 92, **Sch. 3 Pt. I**
- F4** Word in s. 1(1)(b) substituted (4.7.1996) by 1996 c. 26, s. 2(1) (with s. 2(4))
- F5** S. 1(2A)-(2G) inserted (17.7.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 28(2), 95(1); S.I. 2015/1463, art. 2(a)
- F6** S. 1(3) repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**
- F7** Words inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(1), **Sch. 9 para. 42**
- F8** Words added (E.W.) by Public Order Act 1986 (c. 64, SIF 39:2), s. 40(2), **Sch. 2 para. 2**

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Modifications etc. (not altering text)

C1 S. 1(1)(b) amended by [Criminal Justice Act 1967 \(c. 80\), s. 92\(8\)](#)

[^{F9}1ZA Offence under section 1: previous relevant convictions

- (1) For the purposes of section 1, “relevant conviction” means—
- (a) a conviction for an offence under—
 - (i) section 1 or 1A of this Act, or
 - (ii) section 139, 139A or 139AA of the Criminal Justice Act 1988,(a “relevant offence”), whenever committed,
 - (b) a conviction in Scotland, Northern Ireland or a member State other than the United Kingdom for a civilian offence, whenever committed, which would have constituted a relevant offence if committed in England and Wales at the time of that conviction,
 - (c) a conviction for an offence under section 42 of the Armed Forces Act 2006, whenever committed, in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a relevant offence,
 - (d) a conviction for an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957, whenever committed, in respect of which the corresponding civil offence (within the meaning of the Act in question) is a relevant offence, and
 - (e) a conviction for a member State service offence, whenever committed, which would have constituted a relevant offence if committed in England and Wales at the time of conviction.
- (2) In this section—
- “civilian offence” means an offence other than—
 - (a) an offence under an enactment mentioned in subsection (1)(c) or (d), or
 - (b) a member State service offence;
 - “conviction” includes—
 - (a) in relation to an offence under section 42 of the Armed Forces Act 2006, anything which by virtue of section 376(1) and (2) of that Act is to be treated as a conviction and
 - (b) in relation to an offence under section 42 of the Naval Discipline Act 1957 and a member State service offence, a finding of guilt in respect of the person;
 - “member State service offence” means an offence which was the subject of proceedings under the law of a member State, other than the United Kingdom, governing all or any of the naval, military or air forces of that State.
- (3) For the purposes of subsection (1)(c) and (d), where the offence was committed by aiding, abetting, counselling or procuring, it must be assumed that the act aided, abetted, counselled or procured was done in England and Wales.]

Textual Amendments

F9 S. 1ZA inserted (17.7.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 28\(3\), 95\(1\); S.I. 2015/1463, art. 2\(a\)](#)

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[^{F10}1A Offence of threatening with offensive weapon in public

- (1) A person is guilty of an offence if that person—
 - (a) has an offensive weapon with him or her in a public place,
 - (b) unlawfully and intentionally threatens another person with the weapon, and
 - (c) does so in such a way that there is an immediate risk of serious physical harm to that other person.
- (2) For the purposes of this section physical harm is serious if it amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861.
- (3) In this section “ public place ” and “ offensive weapon ” have the same meaning as in section 1.
- (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.
- (5) Where a person aged 16 or over is convicted of an offence under this section, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—
 - (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (6) In this section “ appropriate custodial sentence ” means—
 - (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
 - (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (7) In considering whether it is of the opinion mentioned in subsection (5) in the case of a person aged under 18, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933.
- (8) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (4)(a) to 12 months is to be read as a reference to 6 months.
- (9) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (6)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.
- (10) If on a person's trial for an offence under this section (whether on indictment or not) the person is found not guilty of that offence but it is proved that the person committed an offence under section 1, the person may be convicted of the offence under that section.]

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Textual Amendments

F10 S. 1A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 142\(1\), 151\(1\)](#); S.I. 2012/2770, art. 2(a)

2 Short title, commencement and extent.

- (1) This Act may be cited as the Prevention of Crime Act 1953.
- (2) This Act shall come into operation on the expiration of one month from the passing thereof.
- (3) This Act [^{F11}extends to England and Wales only].

Textual Amendments

F11 Words in s. 2(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 26 para. 1](#); S.I. 2012/2770, art. 2(f)

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