
STATUTORY INSTRUMENTS

2008 No. 2039

The Criminal Justice Act 1988 (Offensive Weapons) (Amendment No. 2) Order 2008

Amendment of the Criminal Justice Act 1988 (Offensive Weapons) Order 1988

2.—(1) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988⁽¹⁾ (which specifies offensive weapons for the purposes of section 141 of the Criminal Justice Act 1988) is amended as follows.

(2) For paragraph 3 substitute—

“3. It shall be a defence for a person charged—

- (a) with an offence under section 141(1) of the Criminal Justice Act 1988; or
- (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979⁽²⁾,

in respect of any conduct of his relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that the weapon in question was made before 1954 or was made at any other time according to traditional methods of making swords by hand.”

(3) After paragraph 5, insert—

“5A. It shall be a defence for a person charged—

- (a) with an offence under section 141(1) of the Criminal Justice Act 1988; or
- (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

in respect of any conduct of his relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that his conduct was for the purpose only of making the weapon available for the purposes of use in religious ceremonies.”

(4) In paragraph 6, for “paragraphs 3 and 4” substitute “paragraphs 3, 4 and 5A”.

⁽¹⁾ S.I. 1988/2019, amended in relation to England and Wales and Northern Ireland by S.I. 2002/1668, 2004/1271 and 2008/973.
⁽²⁾ 1979 c.2. Relevant amendments are section 114 of the Police and Criminal Evidence Act 1984 (c.60), regulation 4(1)(a) of S.I. 1996/2686 and section 12 of the Finance Act 1988 (c.39).