
STATUTORY INSTRUMENTS

2008 No. 973

The Criminal Justice Act 1988 (Offensive Weapons)(Amendment) 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) In paragraph 1, after sub-paragraph (q) insert—

“(r) a sword with a curved blade of 50 centimetres or over in length; and for the purposes of this sub-paragraph, the length of the blade shall be the straight line distance from the top of the handle to the tip of the blade.”

(3) After paragraph 2 insert—

“**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 in Japan before 1954 or was made in Japan at any other time according to traditional methods of forging swords.

4. 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 the organisation and holding of a permitted activity for which public liability insurance is held in relation to liabilities to third parties arising from or in connection with the organisation and holding of such an activity.

5. For the purposes of paragraph 4—

“historical re-enactment” means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past;

⁽¹⁾ [S.I. 1988/2019](#), amended in relation to England and Wales and Northern Ireland by [S.I. 2002/1668](#) and [2004/1271](#).
⁽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](#)).

“insurance” means a contract of insurance or other arrangement made for the purpose of indemnifying a person or persons named in the contract or under the arrangement;

“permitted activity” means an historical re-enactment or a sporting activity;

“sporting activity” means the practising of a sport which requires the use of a weapon described in paragraph 1(r);

“third parties” includes participants in, and spectators of, a permitted activity and members of the public.

6. For the purposes of paragraphs 3 and 4, a person shall be taken to have shown a matter specified in those paragraphs if—

- (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and
- (b) the contrary is not proved beyond a reasonable doubt.”.