
EXPLANATORY NOTE

(This note is not part of the Order)

Section 141 of the Criminal Justice Act 1988 (“section 141”) provides that any person who manufactures, sells or hires or offers for sale or hire, exposes or has in his possession for the purpose of sale or hire, or lends or gives to any other person, a weapon to which that section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both. The importation of any such weapon is prohibited.

The Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (the “1988 Order”) specifies descriptions of weapons to which section 141 applies. This Order adds swords with a curved blade of 50 centimetres or over in length to the list of specified weapons contained in the 1988 Order. In relation to such swords, this Order also provides for defences to an offence under section 141(1) and section 50(2) or (3) of the Customs and Excise Management Act 1979. These defences apply in relation to certain swords made in Japan or where the conduct which gave rise to the offence was undertaken for the purposes of certain historical re-enactments and sporting activities. The Order also makes provision for the standard of proof in relation to these defences.