



Criminal Justice Act 1988

1988 CHAPTER 33

PART XI

MISCELLANEOUS

Articles with blades or points and offensive weapons

[^{F1}139A] Offence of threatening with article with blade or point or offensive weapon

- (1) A person is guilty of an offence if that person—
- (a) has an article to which this section applies with him or her in a public place or on school premises,
 - (b) unlawfully and intentionally threatens another person [^{F2}(“A”)] with the article, and
 - (c) does so in such a way that [^{F3}a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.]
- [A person is guilty of an offence if that person—
- ^{F4}(1A) (a) has an article to which this section applies with them on further education premises,
- (b) unlawfully and intentionally threatens another person (“A”) with the article, and
 - (c) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.]
- (2) In relation to a public place this section applies to an article to which section 139 applies.
- (3) In relation to school premises this section applies to each of these—
- (a) an article to which section 139 applies;

Changes to legislation: Criminal Justice Act 1988, Section 139AA is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953.

[In relation to further education premises this section applies to each of these—

- ^{F5}(3A) (a) an article to which section 139 applies;
- (b) an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953.]

^{F6}(4)

(5) In this section—

[^{F7}“further education premises” means land used solely for the purposes of

- (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
- (b) 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;]

“ public place ” has the same meaning as in section 139;

[^{F8}“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 section 4 of the Education Act 1996.]

(6) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding [^{F9}the general limit in a magistrates’ court] 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.

[For provision about the sentence which the court may be required to impose where a

^{F10}(6A) person aged 16 or over is convicted of an offence under this section, see section 312 of the Sentencing Code.]

^{F11}(7)

^{F11}(8)

^{F11}(9)

^{F12}(10) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (6)(a) to [^{F13}the general limit in a magistrates’ court] is to be read as a reference to 6 months.

^{F14}(11)

(12) 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 139 or 139A, the person may be convicted of the offence under that section.]

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Textual Amendments

- F1** S. 139AA inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), [ss. 142\(2\)](#), 151(1); S.I. 2012/2770, art. 2(a)
- F2** Word in s. 139AA(1)(b) inserted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), [ss. 50\(5\)\(a\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F3** Words in s. 139AA(1)(c) substituted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), [ss. 50\(5\)\(b\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F4** S. 139AA(1A) inserted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), [ss. 51\(2\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F5** S. 139AA(3A) inserted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), [ss. 51\(3\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F6** S. 139AA(4) omitted (6.4.2022) by virtue of [Offensive Weapons Act 2019](#) (c. 17), [ss. 50\(6\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F7** Words in s. 139AA(5) inserted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), [ss. 51\(4\)\(a\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F8** Words in s. 139AA(5) substituted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), [ss. 51\(4\)\(b\)](#), 70(1); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F9** Words in s. 139AA(6)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022](#) (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), [regs. 1\(2\)](#), 2(1), [Sch. Pt. 1](#)
- F10** S. 139AA(6A) inserted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 24 para. 92](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)
- F11** S. 139AA(7)-(9) repealed (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)
- F12** 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](#) it is provided that (28.4.2022) the words “2 May 2022” are substituted for the words “the commencement of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020”
- F13** Words in s. 139AA(10) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022](#) (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), [regs. 1\(2\)](#), 2(1), [Sch. Pt. 1](#)
- F14** S. 139AA(11) repealed (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

Modifications etc. (not altering text)

- C1** S. 139AA modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, [ss. 3](#), 5(2)(3) and 2020 c. 17, [ss. 2](#), 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020](#) (c. 9), [ss. 1](#), 5(2)(3); S.I. 2012/1236, [reg. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)