



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 5

THREATENING WITH OFFENSIVE WEAPONS

50 Offence of threatening with offensive weapon etc in a public place etc

- (1) Section 1A of the Prevention of Crime Act 1953 (offence of threatening with offensive weapon in public) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1)—
 - (a) in paragraph (b), after “person” insert “(“A”)", and
 - (b) in paragraph (c), for the words from “there” to the end of the paragraph substitute “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.”
- (3) Omit subsection (2).
- (4) Section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon) is amended in accordance with subsections (5) and (6).
- (5) In subsection (1)—
 - (a) in paragraph (b), after “person” insert “(“A”)", and
 - (b) in paragraph (c), for the words from “there” to the end of the paragraph substitute “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.”
- (6) Omit subsection (4).

51 Offence of threatening with offensive weapon etc on further education premises

- (1) Section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon) is amended as follows.

Status: This is the original version (as it was originally enacted).

(2) After subsection (1) insert—

“(1A) A person is guilty of an offence if that person—

- (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.”

(3) After subsection (3) insert—

“(3A) In relation to further education premises this section applies to each of these—

- (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.”

(4) In subsection (5)—

(a) at the appropriate place insert—

““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;”;

(b) for the definition of “school premises” substitute—

““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.”

52 Offence of threatening with an offensive weapon etc in a private place

(1) A person (“A”) commits an offence if—

- (a) while A is in a private place, A unlawfully and intentionally threatens another person (“B”) with an article or substance to which this subsection applies, and
- (b) A does so in such a way that there is an immediate risk of serious physical harm to B.

(2) Subsection (1) applies to an article or substance if it is—

- (a) an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953,
- (b) an article to which section 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) applies, or
- (c) a corrosive substance.

- (3) In the application of subsection (1) to an article within subsection (2)(a) or (b), “private place” means a place other than—
- (a) a public place,
 - (b) a place which is part of school premises, or
 - (c) a place which is part of further education premises.
- (4) In the application of subsection (1) to a corrosive substance, “private place” means a place other than a public place.
- (5) For the purposes of subsection (1) physical harm is serious if it amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861.
- (6) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both.
- (7) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way), the reference in subsection (6)(a) to 12 months is to be read as a reference to 6 months.
- (8) In this section and section 53—
- “corrosive substance” means a substance that is capable of burning human skin by corrosion;
- “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” includes any place to which, at the time in question, the public have or are permitted to have access, whether on payment or otherwise;
- “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.

53 Search for corrosive substance on school or further education premises

- (1) This section applies if a constable has reasonable grounds for suspecting that an offence under section 52, as that section applies to corrosive substances, is being or has been committed on school premises or further education premises.
- (2) The constable may enter and search the premises and any person on them for a corrosive substance.
- (3) If in the course of a search under this section a constable discovers a substance which the constable has reasonable grounds for suspecting to be a corrosive substance, the constable may seize and retain it.

Status: This is the original version (as it was originally enacted).

- (4) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this section.