



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 1

CORROSIVE PRODUCTS AND SUBSTANCES

Sale and delivery of corrosive products

2 Defence to remote sale of corrosive products to persons under 18

- (1) This section applies if—
 - (a) a person (“the seller”) is charged with an offence under section 1 (sale of corrosive products to persons under 18), and
 - (b) the seller was not in the presence of the person (“the buyer”) to whom the product to which the charge relates was sold at the time of the sale.
- (2) For the purposes of subsection (1)(b) the seller was not in the presence of the buyer at the time of the sale if—
 - (a) where the seller is an individual, the seller or a person acting on the seller's behalf was not in the presence of the buyer at that time;
 - (b) where the seller is not an individual, a person acting on the seller's behalf was not in the presence of the buyer at that time.
- (3) If the seller is charged with the offence in England and Wales or Northern Ireland, the seller is not to be regarded as having proved that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, they prove that the conditions in subsections (6) to (9) are met.
- (4) If the seller is charged with the offence in Scotland, it is a defence for the seller to show that the conditions in subsections (6) to (9) are met.
- (5) For the purposes of subsection (4) the seller is to be taken to have shown a matter mentioned in subsections (6) to (9) if—
 - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

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- (b) the contrary is not proved beyond reasonable doubt.
- (6) Condition A is that, at the time the offence is alleged to have been committed—
 - (a) the seller operated a system for checking that persons who bought corrosive products by the same or a similar method of purchase to that used by the buyer were not under the age of 18, and
 - (b) that system was likely to prevent persons under the age of 18 from buying corrosive products by that method.
- (7) Condition B is that when the package containing the corrosive product was dispatched by the seller, it was clearly marked to indicate—
 - (a) that it contained a corrosive product, and
 - (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- (8) Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.
- (9) Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.
- (10) Where the corrosive product was dispatched by the seller to a place from which it was to be collected by the buyer or a person acting on behalf of the buyer, references in subsections (7) and (8) to the final delivery of the product are to be read as its supply to the buyer or a person acting on behalf of the buyer from that place.
- (11) In subsection (9) “locker” means a lockable container to which the package was delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.

Commencement Information

II S. 2 in force at 6.4.2022 for E.W.S. by S.I. 2022/418, regs. 1(2)(4), 2(a) (with reg. 3)

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