



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 3

SALE AND DELIVERY OF KNIVES ETC

PROSPECTIVE

37 Defence to sale of bladed articles to persons under 18: Northern Ireland

- (1) The Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) is amended as follows.
- (2) In Article 54 (sale of bladed articles to persons under 18), in paragraph (4), for “It” substitute “ Subject to Article 54A, it ”.
- (3) After that Article insert—

“54A Limitations on defence to offence under Article 54

- (1) This Article applies if—
 - (a) a person (“the seller”) is charged with an offence under Article 54 (sale of bladed articles to persons under 18), and
 - (b) the seller was not in the presence of the person (“the buyer”) to whom the article to which the charge relates was sold at the time of the sale.
- (2) For the purposes of paragraph (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) 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

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 37. (See end of Document for details)

offence unless, as a minimum, they prove that the following conditions are met.

- (4) 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 articles to which Article 54 applied 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 such articles by that method.
- (5) Condition B is that when the package containing the article was dispatched by the seller, it was clearly marked to indicate—
 - (a) that it contained an article with a blade or which was sharply pointed (as the case may be), and
 - (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- (6) 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.
- (7) Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.
- (8) Where the article to which Article 54 applied 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 paragraphs (5) and (6) to the final delivery of the article are to be read as its supply to the buyer or a person acting on behalf of the buyer from that place.
- (9) In paragraph (7) “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.”

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