Offensive Weapons Act 2019

2019 CHAPTER 17

PART 4

POSSESSION ETC OF CERTAIN OFFENSIVE WEAPONS

44 Prohibition on the possession of certain dangerous knives

(1) Section 1 of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons) is amended in accordance with subsections (2) to (4).

(2) After subsection (1) insert—

"(1A) Any person who possesses any knife of a kind described in subsection (1) is guilty of an offence.

(1B) A person guilty of an offence under subsection (1A) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 4 on the standard scale or to both.

(1C) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, subsection (1B)(a) has effect as if the reference to 51 weeks were to 6 months."

(3) In subsection (2), for "any such knife as is described in the foregoing subsection" substitute " any knife of a kind described in subsection (1) ".

(4) After subsection (2) insert—

"(3) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in subsection (1)—

(a) with an offence under subsection (1), or

Changes to legislation: *There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 44. (See end of Document for details)*

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this subsection applies.

(4) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.

(5) If the operator of, or a person acting on behalf of, a museum or gallery to which this subsection applies is charged with hiring or lending a knife of a kind described in subsection (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes.

(6) Subsection (3) or (5) applies to a museum or gallery only if it does not distribute profits.

(7) In this section "museum or gallery" includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.

(8) A person is to be taken to have shown a matter mentioned in subsection (3), (4) or (5) if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt."

(5) Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (manufacture or sale etc of certain knives) is amended in accordance with subsections (6) and (7).

(6) The existing text becomes paragraph (1).

(7) After that paragraph insert—

"(2) Any person who possesses any knife of a kind described in paragraph (1) is guilty of an offence.

(3) A person guilty of an offence under paragraph (2) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months, 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, to a fine or to both.

(4) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in paragraph (1) with an offence under paragraph (1) to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this paragraph applies.

(5) It is a defence for a person charged with an offence under paragraph (2) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.

(6) If the operator of, or a person acting on behalf of, a museum or gallery to which this paragraph applies is charged with hiring or lending a knife of a kind described in paragraph (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes.

(7) Paragraph (4) or (6) applies to a museum or gallery only if it does not distribute profits.

(8) In this Article "museum or gallery" includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.

(9) A person is to be taken to have shown a matter mentioned in paragraph (4), (5) or (6) if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt."

Commencement Information

I1 S. 44(1)(4) in force at 10.12.2020 for specified purposes for E.W. by S.I. 2020/1480, **reg. 2**

I2 S. 44(1)(4) in force at 14.7.2021 for specified purposes for S. by S.I. 2021/819, **reg. 2(c)**

I3 S. 44(1)(4) in force at 14.7.2021 for E.W. in so far as not already in force by S.I. 2021/819, **reg. 2(b)**

I4 S. 44(1)(4) in force at 27.3.2023 for S. in so far as not already in force by S.S.I. 2023/72, **reg. 2(1)(a)**

I5 S. 44(2)(3) in force at 14.7.2021 for E.W. by S.I. 2021/819, **reg. 2(b)**

I6 S. 44(2)(3) in force at 27.3.2023 for S. by S.S.I. 2023/72, **reg. 2(1)(a)**

Changes to legislation:
There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 44.