

STATUTORY INSTRUMENTS

1988 No. 2019

CRIMINAL LAW, ENGLAND AND WALES CRIMINAL LAW, NORTHERN IRELAND CRIMINAL LAW, SCOTLAND

[^{F1}The Criminal Justice Act 1988 (Offensive Weapons) Order 1988

Made - - - - *17th November 1988*

Coming into force - - *18th January 1989*

In exercise of the powers conferred upon me by section 141(2) of the Criminal Justice Act 1988^{M1}, a draft of this instrument having been laid before Parliament and having been approved by each House of Parliament, I hereby make the following Order:

F1 Order revoked (S.) (29.9.2005) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Scotland\) Order 2005 \(S.S.I. 2005/483\)](#), **art. 3**

Marginal Citations

M1 1988 c. 33.

1. This Order may be cited as the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 and shall come into force two months after the day on which it is made.

F1 Order revoked (S.) (29.9.2005) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Scotland\) Order 2005 \(S.S.I. 2005/483\)](#), **art. 3**

Commencement Information

I1 Art. 1 in force at 18.1.1989, see art. 1

2. The Schedule to this Order shall have effect.

F1 Order revoked (S.) (29.9.2005) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Scotland\) Order 2005 \(S.S.I. 2005/483\)](#), **art. 3**

Changes to legislation: The Criminal Justice Act 1988 (Offensive Weapons) Order 1988 is up to date with all changes known to be in force on or before 25 November 2023. 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](#)

Commencement Information

I2 Art. 2 in force at 18.1.1989, see art. 1

Home Office

Douglas Hurd
One of Her Majesty's Principal Secretaries of
State

Changes to legislation: The Criminal Justice Act 1988 (Offensive Weapons) Order 1988 is up to date with all changes known to be in force on or before 25 November 2023. 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

SCHEDULE

Article 2

1. Section 141 of the Criminal Justice Act 1988 (offensive weapons) shall apply to the following descriptions of weapons, other than weapons of those descriptions which are antiques for the purposes of this Schedule:

- (a) a knuckleduster, that is, a band of metal or other hard material worn on one or more fingers, and designed to cause injury, and any weapon incorporating a knuckleduster;
- (b) a swordstick, that is, a hollow walking-stick or cane containing a blade which may be used as a sword;
- (c) the weapon sometimes known as a “handclaw”, being a band of metal or other hard material from which a number of sharp spikes protrude, and worn around the hand;
- (d) the weapon sometimes known as a “belt buckle knife”, being a buckle which incorporates or conceals a knife;
- (e) the weapon sometimes known as a “push dagger”, being a knife the handle of which fits within a clenched fist and the blade of which protrudes from between two fingers;
- (f) the weapon sometimes known as a “hollow kubotan”, being a cylindrical container containing a number of sharp spikes;
- (g) the weapon sometimes known as a “footclaw”, being a bar of metal or other hard material from which a number of sharp spikes protrude, and worn strapped to the foot;
- (h) the weapon sometimes known as a “shuriken”, “shaken” or “death star”, being a hard non-flexible plate having three or more sharp radiating points and designed to be thrown;
- (i) the weapon sometimes known as a “balisong” or “butterfly knife”, being a blade enclosed by its handle, which is designed to split down the middle, without the operation of a spring or other mechanical means, to reveal the blade;
- (j) the weapon sometimes known as a “telescopic truncheon”, being a truncheon which extends automatically by hand pressure applied to a button, spring or other device in or attached to its handle;
- (k) the weapon sometimes known as a “blowpipe” or “blow gun”, being a hollow tube out of which hard pellets or darts are shot by the use of breath;
- (l) the weapon sometimes known as a “kusari gama”, being a length of rope, cord, wire or chain fastened at one end to a sickle;
- (m) the weapon sometimes known as a “kyoketsu shoge”, being a length of rope, cord, wire or chain fastened at one end to a hooked knife;
- (n) the weapon sometimes known as a “manrikigusari” or “kusari”, being a length of rope, cord, wire or chain fastened at each end to a hard weight or hand grip;
- [^{F2}(o) a disguised knife, that is any knife which has a concealed blade or concealed sharp point and is designed to appear to be an everyday object of a kind commonly carried on the person or in a handbag, briefcase, or other hand luggage (such as a comb, brush, writing instrument, cigarette lighter, key, lipstick or telephone);]
- [^{F3}(p) a stealth knife, that is a knife or spike, which has a blade, or sharp point, made from a material that is not readily detectable by apparatus used for detecting metal and which is not designed for domestic use or for use in the processing, preparation or consumption of food or as a toy;
- (q) a straight, side-handled or friction-lock truncheon (sometimes known as a baton);]
- [^{F4}(r) a sword with a curved blade of 50 centimetres or over in length; and for the purposes of this sub-paragraph, the length of the blade shall be the straight line distance from the top of the handle to the tip of the blade;]

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- [^{F5}(s) the weapon sometimes known as a “zombie knife”, “zombie killer knife” or “zombie slayer knife”, being a blade with—
- (i) a cutting edge;
 - (ii) a serrated edge; and
 - (iii) images or words (whether on the blade or handle) that suggest that it is to be used for the purpose of violence.]
- [^{F6}(t) the weapon sometimes known as a “cyclone knife” or “spiral knife” being a weapon with—
- (i) a handle,
 - (ii) a blade with two or more cutting edges, each of which forms a helix, and
 - (iii) a sharp point at the end of the blade.]

- F2** Sch. para. 1(o) inserted (S.) (22.6.2002) by [The Criminal Justice Act 1988 \(Offensive Weapons\) Amendment \(Scotland\) Order 2002 \(S.S.I. 2002/323\)](#), arts. 1(1), **2**
Sch. para. 1(o) inserted (E.W.N.I.) (23.6.2002) by [The Criminal Justice Act 1988 \(Offensive Weapons\) Order 2002 \(S.I. 2002/1668\)](#), arts. 1, **3**
- F3** Sch. para. 1(p)(q) inserted (E.W.N.I.) (5.6.2004) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2004 \(S.I. 2004/1271\)](#), arts. 1, **3**
- F4** Sch. para. 1(r) inserted (E.W.N.I.) (6.4.2008) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2008 \(S.I. 2008/973\)](#), arts. 1(1), **2(2)**
- F5** Sch. para. 1(s) inserted (E.W.) (18.8.2016) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2016 \(S.I. 2016/803\)](#), arts. 1(1), **2(2)**
- F6** Sch. para. 1(t) inserted (14.7.2021 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\)](#), s. **47(3)** (with s. **47(10)**); [S.I. 2021/819](#), reg. **2(e)**

Commencement Information

- I3** Sch. para. 1 in force at 18.1.1989, see art. 1

2. For the purposes of this Schedule, a weapon is an antique if it was manufactured more than 100 years before the date of any offence alleged to have been committed in respect of that weapon under subsection (1) [^{F7}or (1A)] of the said section 141 or section 50(2) or (3) of the Customs and Excise Management Act 1979 ^{M2}(improper importation).]

- F7** Words in Sch. para. 2 inserted (14.7.2021 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\)](#), s. **47(4)** (with s. **47(10)**); [S.I. 2021/819](#), reg. **2(e)**

Commencement Information

- I4** Sch. para. 2 in force at 18.1.1989, see art. 1

Marginal Citations

- M2** [1979 c. 2.](#)

[^{F8}[^{F9}**3.** It shall be a defence for a person charged—

- (a) with an offence under section 141(1) [^{F10}or (1A)] of the Criminal Justice Act 1988; or
- (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

in respect of any conduct of his relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that the weapon in question

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was made before 1954 or was made at any other time according to traditional methods of making swords by hand.]

- F8** Sch. paras. 3-6 inserted (E.W.N.I.) (6.4.2008) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2008 \(S.I. 2008/973\)](#), arts. 1(1), **2(3)**
- F9** Sch. para. 3 substituted (1.8.2008) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment No. 2\) Order 2008 \(S.I. 2008/2039\)](#), arts. 1(1), **2(2)**
- F10** Words in Sch. para. 3(a) inserted (14.7.2021 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\)](#), **s. 47(5)** (with [s. 47\(10\)](#)); [S.I. 2021/819](#), reg. 2(e)

4.—[

^{F11}(1)] It shall be a defence for a person charged—

- (a) with an offence under section 141(1) [^{F12}or (1A)] of the Criminal Justice Act 1988; or
- (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

in respect of any conduct of his relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that his conduct was for the purpose only of making the weapon available for the purposes of the organisation and holding of a permitted activity for which public liability insurance is held in relation to liabilities to third parties arising from or in connection with the organisation and holding of such an activity.

[^{F13}(2) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 in respect of any conduct of that person relating to a weapon to which section 141 of that Act applies by virtue of paragraph 1(r) to show that the person's conduct was for the purpose only of participating in a permitted activity of a kind mentioned in sub-paragraph (1).]

- F8** Sch. paras. 3-6 inserted (E.W.N.I.) (6.4.2008) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2008 \(S.I. 2008/973\)](#), arts. 1(1), **2(3)**
- F11** Sch. para. 4 renumbered as Sch. para. 4(1) (14.7.2021 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\)](#), **s. 47(6)(a)** (with [s. 47\(10\)](#)); [S.I. 2021/819](#), reg. 2(e)
- F12** Words in [Sch. para. 4\(1\)\(a\)](#) inserted (14.7.2021 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\)](#), **s. 47(6)(b)** (with [s. 47\(10\)](#)); [S.I. 2021/819](#), reg. 2(e)
- F13** [Sch. para. 4\(2\)](#) inserted (14.7.2021 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\)](#), **s. 47(6)(c)** (with [s. 47\(10\)](#)); [S.I. 2021/819](#), reg. 2(e)

5. For the purposes of paragraph 4—

“historical re-enactment” means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past;

“insurance” means a contract of insurance or other arrangement made for the purpose of indemnifying a person or persons named in the contract or under the arrangement;

“permitted activity” means an historical re-enactment or a sporting activity;

“sporting activity” means the practising of a sport which requires the use of a weapon described in paragraph 1(r);

“third parties” includes participants in, and spectators of, a permitted activity and members of the public.

- F8** Sch. paras. 3-6 inserted (E.W.N.I.) (6.4.2008) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2008 \(S.I. 2008/973\)](#), arts. 1(1), **2(3)**

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[
F14**5A.**—[

F15(1)] It shall be a defence for a person charged—

- (a) with an offence under section 141(1) [F16or (1A)] of the Criminal Justice Act 1988; or
- (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

in respect of any conduct of his relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that his conduct was for the purpose only of making the weapon available for the purposes of use [F17in religious ceremonies][F17for religious reasons].

[
F18(2) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 in respect of a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that the person possessed the weapon for religious reasons only.]]

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| F8 | Sch. paras. 3-6 inserted (E.W.N.I.) (6.4.2008) by The Criminal Justice Act 1988 (Offensive Weapons) (Amendment) Order 2008 (S.I. 2008/973) , arts. 1(1), 2(3) |
| F14 | Sch. para. 5A inserted (1.8.2008) by The Criminal Justice Act 1988 (Offensive Weapons) (Amendment No. 2) Order 2008 (S.I. 2008/2039) , arts. 1(1), 2(3) |
| F15 | Sch. para. 5A renumbered as Sch. para. 5A(1) (14.7.2021 for E.W.) by Offensive Weapons Act 2019 (c. 17) , s. 47(7)(a) (with s. 47(10)); S.I. 2021/819 , reg. 2(e) |
| F16 | Words in Sch. para. 5A(1)(a) inserted (14.7.2021 for E.W.) by Offensive Weapons Act 2019 (c. 17) , s. 47(7)(b)(i) (with s. 47(10)); S.I. 2021/819 , reg. 2(e) |
| F17 | Words in Sch. para. 5A(1) substituted (14.7.2021 for E.W.) by Offensive Weapons Act 2019 (c. 17) , s. 47(7)(b)(ii) (with s. 47(10)); S.I. 2021/819 , reg. 2(e) |
| F18 | Sch. para. 5A(2) inserted (14.7.2021 for E.W.) by Offensive Weapons Act 2019 (c. 17) , s. 47(7)(c) (with s. 47(10)); S.I. 2021/819 , reg. 2(e) |

[
F19**5B.**—(1) Sub-paragraph (2) applies to—

- (a) a person charged with an offence under section 141(1) or (1A) of the Criminal Justice Act 1988 in respect of any conduct of the person relating to a curved sword, and
- (b) a person charged with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 in respect of any conduct of the person relating to a curved sword.

(2) It is a defence for the person to show that the person's conduct was for the purpose only of making the sword available for presentation by a Sikh to another person at a religious ceremony or other ceremonial event.

(3) It is a defence for a person charged with an offence under section 141(1) of the Criminal Justice Act 1988 of giving a curved sword to another person to show that the person's conduct consisted of the presentation of the sword by a Sikh to another person at a religious ceremony or other ceremonial event.

(4) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 of possession of a curved sword in private to show that—

- (a) the person was a Sikh at the time the offence is alleged to have been committed and possessed the sword for the purpose only of presenting it to another person at a religious ceremony or other ceremonial event, or

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(b) the sword was presented to the person by a Sikh at a religious ceremony or other ceremonial event.

(5) In this paragraph—

“curved sword” means a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r);

“Sikh” means a follower of the Sikh religion.]

F8 Sch. paras. 3-6 inserted (E.W.N.I.) (6.4.2008) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2008 \(S.I. 2008/973\)](#), arts. 1(1), **2(3)**

F19 Sch. para. 5B inserted (14.7.2021 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\)](#), s. **47(8)** (with s. **47(10)**); [S.I. 2021/819](#), reg. 2(e)

6. For the purposes of [F20 paragraphs 3, 4 [F21, 5A and 5B]], a person shall be taken to have shown a matter specified in those paragraphs if—

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

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

F8 Sch. paras. 3-6 inserted (E.W.N.I.) (6.4.2008) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2008 \(S.I. 2008/973\)](#), arts. 1(1), **2(3)**

F20 Words in Sch. para. 6 substituted (1.8.2008) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment No. 2\) Order 2008 \(S.I. 2008/2039\)](#), arts. 1(1), **2(4)**

F21 Words in Sch. para. 6 substituted (14.7.2021 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\)](#), s. **47(9)** (with s. **47(10)**); [S.I. 2021/819](#), reg. 2(e)

EXPLANATORY NOTE

(This note is not part of the Order)

Section 141 of the Criminal Justice Act 1988 provides that any person who manufactures, sells or hires or offers for sale or hire, exposes or has in his possession for the purpose of sale or hire, or lends or gives to any other person, a weapon to which that section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both. The importation of any such weapon is prohibited.

There are defences under the section in respect of weapons which are made available to a museum or gallery or used for cultural, artistic or educational purposes if lent or hired from a museum or gallery, and in respect of weapons used for the purposes of the Crown or of a visiting force as defined in subsection (6) of that section.

This Order specifies descriptions of weapons to which section 141 of the Criminal Justice Act 1988 applies. Antique weapons, which are defined as weapons over 100 years old at the time of an alleged offence, are excluded.

By virtue of article 1 the Order comes into force two months after it is made.

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. para. 1(s) inserted by [2019 c. 17 s. 47\(2\)](#)