



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 1

CORROSIVE PRODUCTS AND SUBSTANCES

Sale and delivery of corrosive products

1 Sale of corrosive products to persons under 18

- (1) A person commits an offence if they sell a corrosive product to a person who is under the age of 18.
- (2) Subject to section 2, it is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (3) Except where section 2 applies, it is a defence for a person (“the accused”) charged in Scotland with an offence under subsection (1) to show that—
 - (a) the accused believed the person to whom the corrosive product was sold (“the purchaser”) to be aged 18 or over, and
 - (b) either the accused had taken reasonable steps to establish the purchaser’s age or no reasonable person could have suspected from the purchaser’s appearance that the purchaser was under the age of 18.
- (4) For the purposes of subsection (3)(b), the accused is to be treated as having taken reasonable steps to establish the purchaser’s age if and only if—
 - (a) the accused was shown any of the documents mentioned in subsection (5), and
 - (b) the document would have convinced a reasonable person.
- (5) Those documents are any document bearing to be—
 - (a) a passport,
 - (b) a European Union photocard driving licence, or

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- (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order.
- (6) The accused is to be taken to have shown a matter mentioned in subsection (3) 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.
- (7) A person guilty of an offence under subsection (1) 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 or Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (8) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (7)(a) to 51 weeks is to be read as a reference to 6 months.
- (9) In Scotland, proceedings for an offence under subsection (1) may be commenced within the period of 12 months beginning with the commission of the offence.
- (10) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (9) as it applies for the purposes of that section.
- (11) Subject to subsection (15), in this section and sections 2 to 4 “corrosive product” means—
 - (a) a substance listed in the first column of Schedule 1, or
 - (b) a product which contains a substance listed in the first column of that Schedule in a concentration higher than the limit set out for that substance in the second column of that Schedule.
- (12) The appropriate national authority may by regulations amend Schedule 1 by adding, modifying or removing a reference to a substance or a concentration limit.
- (13) Before making regulations under subsection (12) the appropriate national authority must consult such persons likely to be affected by the regulations as the authority considers appropriate.
- (14) In this section “the appropriate national authority” means—
 - (a) in relation to England and Wales and Scotland, the Secretary of State, and
 - (b) in relation to Northern Ireland, the Department of Justice in Northern Ireland.
- (15) References to a corrosive product in this section and sections 2 to 4 do not include a substance or product which is contained in a battery.
- (16) See section 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

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

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- (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
 - (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.

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3 Delivery of corrosive products to residential premises etc

- (1) This section applies if—
 - (a) a person (“the seller”) sells a corrosive product to another person (“the buyer”), and
 - (b) the seller and the buyer are not in each other’s presence at the time of the sale.
- (2) The seller commits an offence if, for the purposes of supplying the corrosive product to the buyer, the seller delivers the product, or arranges for its delivery, to residential premises.
- (3) The seller commits an offence if, for the purposes of supplying the corrosive product to the buyer, the seller delivers the product, or arranges for its delivery, to a locker.
- (4) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if—
 - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
 - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (5) In subsection (2) “residential premises” means premises used solely for residential purposes.
- (6) The circumstances where premises are not residential premises for the purposes of that subsection include, in particular, where a person carries on a business from the premises.
- (7) In subsection (3) “locker” means a lockable container to which the corrosive product is 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.
- (8) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under this section to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (9) It is a defence for a person charged in Scotland with an offence under this section to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (10) A person is to be taken to have shown a matter mentioned in subsection (9) 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.
- (11) A person guilty of an offence under this section 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 or Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (12) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (11)(a) to 51 weeks is to be read as a reference to 6 months.

- (13) In Scotland, proceedings for an offence under this section may be commenced within the period of 12 months beginning with the commission of the offence.
- (14) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (13) as it applies for the purposes of that section.
- (15) See section 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

4 Delivery of corrosive products to persons under 18

- (1) This section applies if—
 - (a) a person (“the seller”) sells a corrosive product to another person (“the buyer”),
 - (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is outside the United Kingdom at that time,
 - (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver corrosive products for the seller,
 - (d) that person was aware when they entered into the arrangement that it covered the delivery of corrosive products, and
 - (e) that person delivers the corrosive product pursuant to that arrangement.
- (2) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if—
 - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
 - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) For the purposes of subsection (1)(b) a person other than an individual is outside the United Kingdom at any time if the person does not carry on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (4) The person mentioned in subsection (1)(e) commits an offence if, when they deliver the corrosive product, they do not deliver it into the hands of a person aged 18 or over.
- (5) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (4) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (6) It is a defence for a person (“the accused”) charged in Scotland with an offence under subsection (4) to show that—
 - (a) the accused believed the person into whose hands the corrosive product was delivered to be aged 18 or over, and
 - (b) either the accused had taken reasonable steps to establish the person’s age or no reasonable person could have suspected from the person’s appearance that the person was under the age of 18.
- (7) For the purposes of subsection (6)(b), the accused is to be treated as having taken reasonable steps to establish the person’s age if and only if—
 - (a) the accused was shown any of the documents mentioned in subsection (8), and

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- (b) the document would have convinced a reasonable person.
- (8) Those documents are any document bearing to be—
 - (a) a passport,
 - (b) a European Union photocard driving licence, or
 - (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order.
- (9) The accused is to be taken to have shown a matter mentioned in subsection (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.
- (10) A person guilty of an offence under subsection (4) is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (11) In Scotland, proceedings for an offence under this section may be commenced within the period of 12 months beginning with the commission of the offence.
- (12) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (11) as it applies for the purposes of that section.
- (13) See section 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.

5 Presumptions in proceedings in Scotland for offence under section 1, 3 or 4

- (1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 1(1), 3(2) or (3) or 4(4).
- (2) Where—
 - (a) a substance is found in a container (whether open or sealed), and
 - (b) there is on the container a description of the contents of the container,the substance found is to be presumed to be a substance of that description.
- (3) Where an open container is found which—
 - (a) is empty or contains an amount of a substance which is insufficient to allow analysis of it,
 - (b) was sealed at the time it was sold or delivered, and
 - (c) has on it a description of the contents of the container,the container is to be presumed to have contained, at the time it was sold or delivered, a substance of that description.
- (4) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (3) by proving that, at the time of its sale or delivery, the substance in the container was not of the description on the container.
- (5) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.

Possession of corrosive substances

6 Offence of having a corrosive substance in a public place

- (1) A person commits an offence if they have a corrosive substance with them in a public place.
- (2) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had good reason or lawful authority for having the corrosive substance with them in a public place.
- (3) Without prejudice to the generality of subsection (2), it is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had the corrosive substance with them for use at work.
- (4) It is a defence for a person charged in Scotland with an offence under subsection (1) to show that they had a reasonable excuse or lawful authority for having the corrosive substance with them in a public place.
- (5) Without prejudice to the generality of subsection (4), it is a defence for a person charged in Scotland with an offence under subsection (1) to show that they had the corrosive substance with them for use at work.
- (6) A person is to be taken to have shown a matter mentioned in subsection (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.
- (7) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;
 - (d) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both.
- (8) 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 (7)(a) to 12 months is to be read as a reference to 6 months.
- (9) In this section—

“corrosive substance” means a substance which is capable of burning human skin by corrosion;

“public place”, in relation to England and Wales or Northern Ireland, includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;

“public place”, in relation to Scotland, means any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).

(10) See—

- (a) section 7 for provisions about presumptions as to the content of containers in proceedings in Scotland;
- (b) sections 8 and 9 for provisions requiring a court in England and Wales to impose an appropriate custodial sentence in certain cases.

7 Presumptions in proceedings in Scotland for offence under section 6

- (1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 6(1).
- (2) Where—
 - (a) a substance is found in a container (whether open or sealed), and
 - (b) there is on the container a description of the contents of the container,the substance found is to be presumed to be a substance of that description.
- (3) Subsection (4) applies where—
 - (a) an open container is found,
 - (b) a substance has been poured out of, or otherwise removed from, the container,
 - (c) the container is empty or contains an amount of the substance mentioned in paragraph (b) which is insufficient to allow analysis of it, and
 - (d) the container has on it a description of its contents.
- (4) The container is to be presumed to have contained, immediately before the action mentioned in paragraph (b) of subsection (3) was taken, a substance of the description mentioned in paragraph (d) of that subsection.
- (5) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (4) by proving that, at the time the offence is alleged to have been committed, the substance in the container was not of the description on the container.
- (6) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.

8 Appropriate custodial sentence for conviction under section 6

- (1) This section applies where—
 - (a) a person is convicted of an offence under section 6(1) by a court in England and Wales, and
 - (b) when the offence was committed, the person—
 - (i) was aged 16 or over, and
 - (ii) had at least one relevant conviction (see section 9).
- (2) The court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—
 - (a) relate to the offence, to the previous offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (3) An “appropriate custodial sentence” is—

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- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
 - (b) in the case of a person who is aged 16 or 17 when convicted, a detention and training order of at least 4 months.
- (4) In the case of a person aged 16 or 17, in considering whether it is of the opinion mentioned in subsection (2) the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (5) Subsection (6) applies where—
- (a) an appropriate custodial sentence has been imposed on a person under subsection (2), and
 - (b) a relevant conviction which resulted in subsection (2) applying to that person has subsequently been set aside on appeal.
- (6) Notice of appeal against the sentence may be given at any time within the period of 28 days beginning with the day after the day on which the relevant conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).
- (7) This section applies only to an offence committed on or after the day on which this section came into force.
- (8) Where an offence is found to have been committed—
- (a) over a period of two or more days, or
 - (b) at some time during a period of two or more days,
- it is to be taken for the purposes of this section to have been committed on the last of those days.
- (9) Before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (3)(a) to a sentence of imprisonment, in relation to an offender under the age of 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.

9 Offence under section 6: relevant convictions

- (1) In section 8 “relevant conviction” means—
- (a) a conviction for an offence under—
 - (i) section 1 or 1A of the Prevention of Crime Act 1953 (offences relating to offensive weapons),
 - (ii) section 139, 139A or 139AA of the Criminal Justice Act 1988 (offences relating to bladed articles and offensive weapons), or
 - (iii) section 6 of this Act,(a “relevant offence”),
 - (b) a conviction in Scotland, Northern Ireland or a member State other than the United Kingdom for a civilian offence which would have constituted a relevant offence if committed in England and Wales at the time of that conviction,
 - (c) a conviction for an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a relevant offence,

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- (d) a conviction for an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civilian offence (within the meaning of the Act in question) is a relevant offence, or
 - (e) a conviction for a member State service offence which would have constituted a relevant offence if committed in England and Wales at the time of conviction.
- (2) References in subsection (1) to a conviction for an offence are to a conviction for an offence regardless of when it was committed.
- (3) In this section—
- “civilian offence” means an offence other than—
 - (a) an offence under an enactment mentioned in subsection (1)(c) or (d), or
 - (b) a member State service offence;
 - “conviction” includes—
 - (a) in relation to an offence under section 42 of the Armed Forces Act 2006, anything which by virtue of section 376(1) and (2) of that Act is to be treated as a conviction, and
 - (b) in relation to an offence under section 42 of the Naval Discipline Act 1957 and a member State service offence, a finding of guilt in respect of the person;
 - “member State service offence” means an offence which was the subject of proceedings under the law of a member State, other than the United Kingdom, governing all or any of the naval, military or air forces of that State.
- (4) For the purposes of subsection (1)(c) and (d), where the offence was committed by aiding, abetting, counselling or procuring, it must be assumed that the act aided, abetted, counselled or procured was done in England and Wales.
- (5) In this section—
- (a) in subsection (1)—
 - (i) in paragraph (b), for “Scotland, Northern Ireland or a member State other than the United Kingdom” substitute “Scotland or Northern Ireland”,
 - (ii) at the end of paragraph (c) insert “or”, and
 - (iii) omit paragraph (e) and the “or” preceding that paragraph, and
 - (b) in subsection (3)—
 - (i) for the definition of “civilian offence” substitute—
 - ““civilian offence” means an offence other than an offence under an enactment mentioned in subsection (1)(c) or (d);”,
 - (ii) in the definition of “conviction”, in paragraph (b) omit “and a member State service offence”, and
 - (iii) omit the definition of “member State service offence”.

10 Search for corrosive substances: England and Wales

- (1) Section 1 of the Police and Criminal Evidence Act 1984 (power of constable to stop and search persons, vehicles etc) is amended as follows.

- (2) In subsection (2), after “any article to which subsection (8A) below applies” insert “, any substance to which subsection (8AA) below applies”.
- (3) In subsection (3), after “any article to which subsection (8A) below applies” insert “, any substance to which subsection (8AA) below applies”.
- (4) In subsection (6), after “an article to which subsection (8A) below applies” insert “, a substance to which subsection (8AA) below applies”.
- (5) After subsection (8A) insert—
 - “(8AA) This subsection applies to any substance in relation to which a person has committed, or is committing or is going to commit an offence under section 6 of the Offensive Weapons Act 2019 (offence of having a corrosive substance in a public place).
 - (8AB) In this section references to such a substance include an article which contains such a substance.”

11 Search for corrosive substances: Scotland

- (1) This section applies if a constable has reasonable grounds for suspecting that a person—
 - (a) is carrying a corrosive substance, and
 - (b) has committed or is committing an offence under section 6.
- (2) The constable may search the person without warrant, and detain the person for such time as is reasonably required to permit the search to be carried out.
- (3) If in the course of the search the constable finds a substance which the constable reasonably suspects to be a corrosive substance, the constable may seize and retain the substance and any article in which it is contained.
- (4) If a constable detains a person under this section the constable must inform the person of the reason for doing so.
- (5) A person commits an offence if the person—
 - (a) intentionally obstructs a constable in the exercise of the constable’s powers under this section, or
 - (b) conceals a corrosive substance from a constable acting in the exercise of those powers.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) In this section “corrosive substance” has the same meaning as in section 6.

12 Search for corrosive substances: Northern Ireland

- (1) Article 3 of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([SI 1989/1341 \(NI 12\)](#)) (power of constable to stop and search persons, vehicles etc) is amended in accordance with subsections (2) to (5).
- (2) In paragraph (2)(a), after “any article to which paragraph (9) applies” insert “, any substance to which paragraph (9ZA) applies”.

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- (a) omit the “or” at the end of sub-paragraph (i), and
- (b) at the end of sub-paragraph (ii) insert “or
(iii) section 6 of the Offensive Weapons Act 2019,”.

(5) In Schedule 9 to the Criminal Procedure (Scotland) Act 1995 (certificates as to proof of certain routine matters) at the end insert—

“The Offensive Weapons Act 2019		
Sections 1(1), 3(2) and (3) and 4(4) (offences relating to sale and delivery of corrosive products)	A person authorised to do so by the Scottish Ministers	In relation to any particular product which is identified in the certificate— (a) the name and Chemical Abstracts Registry number of that product, or (b) the name and Chemical Abstracts Registry number of a substance contained in that product and the concentration of that substance in that product.
Section 6(1) (offence of having corrosive substance in a public place)	A person authorised to do so by the Scottish Ministers	That the particular substance identified in the certificate is a corrosive substance within the meaning of section 6(9) of the Offensive Weapons Act 2019.”

(6) In section 12(1A) of the Powers of Criminal Courts (Sentencing) Act 2000 (provisions preventing the making of an order for absolute or conditional discharge), after paragraph (f) insert—

“(g) section 8(2) of the Offensive Weapons Act 2019.”

(7) In section 144 of the Criminal Justice Act 2003 (reduction in sentences for guilty pleas)—

- (a) in subsection (3), at the end insert—
“section 8(2) of the Offensive Weapons Act 2019.”, and
- (b) in subsection (5), at the end insert—
“section 8(2) of the Offensive Weapons Act 2019.”