



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART XI

#### MISCELLANEOUS

##### *Articles with blades or points and offensive weapons*

#### **139 Offence of having article with blade or point in public place. E+W**

- (1) Subject to subsections (4) and (5) below, any person who has an article to which this section applies with him in a public place shall be guilty of an offence.
- (2) Subject to subsection (3) below, this section applies to any article which has a blade or is sharply pointed except a folding pocketknife.
- (3) This section applies to a folding pocketknife if the cutting edge of its blade exceeds 3 inches.
- (4) It shall be a defence for a person charged with an offence under this section to prove that he had good reason or lawful authority for having the article with him in a public place.
- (5) Without prejudice to the generality of subsection (4) above, it shall be a defence for a person charged with an offence under this section to prove that he had the article with him—
  - (a) for use at work;
  - (b) for religious reasons; or
  - (c) as part of any national costume.
- (6) A person guilty of an offence under subsection (1) above shall be liable—
  - <sup>F1</sup>(a) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding [<sup>F2</sup>four] years, or a fine, or both.]

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**Status:** Point in time view as at 17/07/2015. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Criminal Justice Act 1988, Cross Heading: Articles with blades or points and offensive weapons is up to date with all changes known to be in force on or before 26 June 2024. 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)

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[<sup>F3</sup>(6A) Subsection (6B) applies where—

- (a) a person is convicted of an offence under subsection (1) by a court in England and Wales,
- (b) the offence was committed after this subsection is commenced, and
- (c) when the offence was committed, the person was aged 16 or over and had at least one relevant conviction (see section 139AZA).

(6B) Where this subsection applies, 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.

(6C) In this section “appropriate custodial sentence” means—

- (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 at least 16 but under 18 when convicted, a detention and training order of at least 4 months.

(6D) In considering whether it is of the opinion mentioned in subsection (6B) in the case of a person aged 16 or 17, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).

(6E) Where—

- (a) an appropriate custodial sentence has been imposed on a person under subsection (6B), and
- (b) a relevant conviction without which subsection (6B) would not have applied has been subsequently set aside on appeal,

notice of appeal against the sentence may be given at any time within 28 days from the date on which the conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).

(6F) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.

(6G) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (6C)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.]

(7) In this section “public place” includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise.

(8) This section shall not have effect in relation to anything done before it comes into force.

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#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Northern Ireland only

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#### Textual Amendments

- F1** S. 139(6)(a)(b) substituted (4.7.1996) for words by 1996 c. 26, s.3(1) (with s. 3(2))
- F2** Word in s.139(6)(b) substituted (E.W.) (12.2.2007) by Violent Crime Reduction Act 2006 (c.38), ss. 42(1)(a), 66(2); S.I. 2007/74, art. 2(a)
- F3** S. 139(6A)-(6G) inserted (17.7.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 28(5), 95(1); S.I. 2015/1463, art. 2(a)

### 139 Offence of having article with blade or point in public place. **N.I.**

- (1) Subject to subsections (4) and (5) below, any person who has an article to which this section applies with him in a public place shall be guilty of an offence.
  - (2) Subject to subsection (3) below, this section applies to any article which has a blade or is sharply pointed except a folding pocketknife.
  - (3) This section applies to a folding pocketknife if the cutting edge of its blade exceeds 3 inches.
  - (4) It shall be a defence for a person charged with an offence under this section to prove that he had good reason or lawful authority for having the article with him in a public place.
  - (5) Without prejudice to the generality of subsection (4) above, it shall be a defence for a person charged with an offence under this section to prove that he had the article with him—
    - (a) for use at work;
    - (b) for religious reasons; or
    - (c) as part of any national costume.
- [<sup>F32</sup>(6) A person guilty of an offence under subsection (1) shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or 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, or to a fine, or to both.]

[<sup>F3</sup>(6A) Subsection (6B) applies where—

    - (a) a person is convicted of an offence under subsection (1) by a court in England and Wales,
    - (b) the offence was committed after this subsection is commenced, and
    - (c) when the offence was committed, the person was aged 16 or over and had at least one relevant conviction (see section 139AZA).

(6B) Where this subsection applies, 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.

(6C) In this section “ appropriate custodial sentence ” means—

    - (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;

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- (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (6D) In considering whether it is of the opinion mentioned in subsection (6B) in the case of a person aged 16 or 17, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (6E) Where—
- (a) an appropriate custodial sentence has been imposed on a person under subsection (6B), and
  - (b) a relevant conviction without which subsection (6B) would not have applied has been subsequently set aside on appeal,
- notice of appeal against the sentence may be given at any time within 28 days from the date on which the conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).
- (6F) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (6G) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (6C)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.]
- (7) In this section “public place” includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise.
- (8) This section shall not have effect in relation to anything done before it comes into force.

#### Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F3** S. 139(6A)-(6G) inserted (17.7.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 28(5)**, 95(1); [S.I. 2015/1463](#), **art. 2(a)**
- F32** S. 139(6) substituted (N.I.) (16.7.2008) by [The Criminal Justice \(Northern Ireland\) Order S.I. 2008/1216 \(N.I. 1\)](#), **arts. 1, 90(3)**; [S.R. 2008/293](#), **art. 2**, **Sch. para. 14**.

### [ 139A <sup>F4</sup> Offence of having article with blade or point (or offensive weapon) on school premises. **E+W**

- (1) Any person who has an article to which section 139 of this Act applies with him on school premises shall be guilty of an offence.
- (2) Any person who has an offensive weapon within the meaning of section 1 of the <sup>M1</sup> Prevention of Crime Act 1953 with him on school premises shall be guilty of an offence.

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- (3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.
- (4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him—
- (a) for use at work,
  - (b) for educational purposes,
  - (c) for religious reasons, or
  - (d) as part of any national costume.
- (5) A person guilty of an offence—
- (a) under subsection (1) above shall be liable—
    - (i) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
    - (ii) on conviction on indictment, to imprisonment for a term not exceeding [<sup>F5</sup>four] years, or a fine, or both;
  - (b) under subsection (2) above shall be liable—
    - (i) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
    - (ii) on conviction on indictment, to imprisonment for a term not exceeding four years, or a fine, or both.
- [ Subsection (5B) applies where—
- <sup>F6</sup>(5A) (a) a person is convicted of an offence under subsection (1) or (2) by a court in England and Wales,
- (b) the offence was committed after this subsection is commenced, and
  - (c) when the offence was committed, the person was aged 16 or over and had at least one relevant conviction (see section 139AZA).
- (5B) Where this subsection applies, 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.
- (5C) In this section “ appropriate custodial sentence ” means—
- (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 at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (5D) In considering whether it is of the opinion mentioned in subsection (5B) in the case of a person aged 16 or 17, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (5E) Where—
- (a) an appropriate custodial sentence has been imposed on a person under subsection (5B), and

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- (b) a relevant conviction without which subsection (5B) would not have applied has been subsequently set aside on appeal, notice of appeal against the sentence may be given at any time within 28 days from the date on which the conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).
- (5F) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (5G) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (5C)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.]
- (6) In this section and section 139B, “ school premises ” means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school; and “ school ” has the meaning given by [F7 section 4 of the Education Act 1996 ] .
- (7) In the application of this section to Northern Ireland—
- (a) the reference in subsection (2) above to section 1 of the M2 Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the M3 Public Order (Northern Ireland) Order 1987; and
- (b) the reference in subsection (6) above to [F7 section 4 of the Education Act 1996 ] is to be construed as a reference to Article 2(2) of the M4 Education and Libraries (Northern Ireland) Order 1986. ]

#### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F4** S. 139A inserted (1.9.1996) by 1996 c. 26, s. 4(1)(4); S.I. 1996/2071, art. 2
- F5** Word in s. 139A(5)(a)(ii) substituted (E.W.) (12.2.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. {42(1)(b)}, 66(2); S.I. 2007/74, art. 2(a)
- F6** S. 139A(5A)-(5G) inserted (17.7.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 28(6), 95(1); S.I. 2015/1463, art. 2(a)
- F7** Words in s. 139A(6)(7) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para.69 (with ss. 1(4), 582(3), Sch. 39)

#### Marginal Citations

- M1** 1953 c. 14.
- M2** 1953 c. 14.
- M3** S.I. 1987/463 (N.I. 7).
- M4** S.I. 1986/594 (N.I. 3).

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**[ 139A <sup>F4</sup> Offence of having article with blade or point (or offensive weapon) on school premises. **N.I.****

- (1) Any person who has an article to which section 139 of this Act applies with him on school premises shall be guilty of an offence.
- (2) Any person who has an offensive weapon within the meaning of section 1 of the <sup>M1</sup> Prevention of Crime Act 1953 with him on school premises shall be guilty of an offence.
- (3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.
- (4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him—
  - (a) for use at work,
  - (b) for educational purposes,
  - (c) for religious reasons, or
  - (d) as part of any national costume.
- [<sup>F11</sup>(5) A person guilty of an offence under subsection (1) or (2) shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or 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, or to a fine, or to both.]
- [ Subsection (5B) applies where—
- <sup>F6</sup>(5A)
  - (a) a person is convicted of an offence under subsection (1) or (2) by a court in England and Wales,
  - (b) the offence was committed after this subsection is commenced, and
  - (c) when the offence was committed, the person was aged 16 or over and had at least one relevant conviction (see section 139AZA).
- (5B) Where this subsection applies, 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.
- (5C) In this section “ appropriate custodial sentence ” means—
  - (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 at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (5D) In considering whether it is of the opinion mentioned in subsection (5B) in the case of a person aged 16 or 17, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (5E) Where—
  - (a) an appropriate custodial sentence has been imposed on a person under subsection (5B), and

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(b) a relevant conviction without which subsection (5B) would not have applied has been subsequently set aside on appeal, notice of appeal against the sentence may be given at any time within 28 days from the date on which the conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).

(5F) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.

(5G) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (5C)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.]

[<sup>F11</sup>(6) In this section and section 139B “ school premises ” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “ school ” has the meaning given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986. ]

(7) In the application of this section to Northern Ireland—

(a) the reference in subsection (2) above to section 1 of the <sup>M2</sup> Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the <sup>M3</sup> Public Order (Northern Ireland) Order 1987; and

<sup>F33</sup>(b) .....]

**Extent Information**

**E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales only

**Textual Amendments**

**F4** S. 139A inserted (1.9.1996) by 1996 c. 26, s. 4(1)(4); S.I. 1996/2071, art. 2

**F6** S. 139A(5A)-(5G) inserted (17.7.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 28(6), 95(1); S.I. 2015/1463, art. 2(a)

**F11** S. 139A(5)(6) substituted (5.5.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 52, 111(1) (with Sch. 6 para. 4(2))

**F33** S. 139A(7)(b) repealed (N.I.) (5.5.2011) by Justice Act (Northern Ireland) 2011 (c. 24), s. 111(1), Sch. 8 Pt. 5

**Marginal Citations**

**M1** 1953 c. 14.

**M2** 1953 c. 14.

**M3** S.I. 1987/463 (N.I. 7).

[<sup>F8</sup>**139AZ Offences under sections 139 and 139A: previous relevant convictions**

(1) For the purposes of sections 139 and 139A, “ relevant conviction ” means—

(a) a conviction for an offence under—

- (i) section 1 or 1A of the Prevention of Crime Act 1953, or
- (ii) section 139, 139A or 139AA of this Act,



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- (a “relevant offence”), whenever committed,
  - (b) a conviction in Scotland, Northern Ireland or a member State other than the United Kingdom for a civilian offence, whenever committed, 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, whenever committed, in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a relevant offence,
  - (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, whenever committed, in respect of which the corresponding civil offence (within the meaning of the Act in question) is a relevant offence, and
  - (e) a conviction for a member State service offence, whenever committed, which would have constituted a relevant offence if committed in England and Wales at the time of conviction.
- (2) 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.
- (3) 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.]

#### Textual Amendments

**F8** S. 139AZA inserted (17.7.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. [28\(7\)](#), [95\(1\)](#); S.I. [2015/1463](#), art. [2\(a\)](#)

#### [<sup>F9</sup>139A] **Offence of threatening with article with blade or point or offensive weapon**

- (1) A person is guilty of an offence if that person—
- (a) has an article to which this section applies with him or her in a public place or on school premises,
  - (b) unlawfully and intentionally threatens another person with the article, and
  - (c) does so in such a way that there is an immediate risk of serious physical harm to that other person.

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- (2) In relation to a public place this section applies to an article to which section 139 applies.
- (3) In relation to school premises this section applies to each of these—
  - (a) an article to which section 139 applies;
  - (b) an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953.
- (4) For the purposes of this section physical harm is serious if it amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861.
- (5) In this section—
  - “public place” has the same meaning as in section 139;
  - “school premises” has the same meaning as in section 139A.
- (6) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or 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 or to a fine, or to both.
- (7) Where a person aged 16 or over is convicted of an offence under this section, 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 or to the offender, and
  - (b) would make it unjust to do so in all the circumstances.
- (8) In this section “appropriate custodial sentence” means—
  - (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 at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (9) In considering whether it is of the opinion mentioned in subsection (7) in the case of a person aged under 18, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933.
- (10) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (6)(a) to 12 months is to be read as a reference to 6 months.
- (11) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (8)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.
- (12) If on a person's trial for an offence under this section (whether on indictment or not) the person is found not guilty of that offence but it is proved that the person committed an offence under section 139 or 139A, the person may be convicted of the offence under that section.]

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#### Textual Amendments

- F9** S. 139AA inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), [ss. 142\(2\)](#), 151(1); S.I. 2012/2770, art. 2(a)

### **139B of entry to search for articles with a blade or point and offensive weapons.**

- (1) A constable may enter school premises and search those premises and any person on those premises for—
- any article to which section 139 of this Act applies, or
  - any offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953,
- if he has reasonable grounds for <sup>F14</sup>suspecting] that an offence under section 139A <sup>F15</sup>or 139AA] of this Act is being, or has been, committed.
- (2) If in the course of a search under this section a constable discovers an article or weapon which he has reasonable grounds for suspecting to be an article or weapon of a kind described in subsection (1) above, he may seize and retain it.
- (3) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this section.
- (4) In the application of this section to Northern Ireland<sup>F16</sup>—
- the reference in subsection (1)(b) above to section 1 of the Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the Public Order (Northern Ireland) Order 1987.]<sup>F17</sup>, and
  - the reference in subsection (1) to section 139AA is omitted.]

#### Textual Amendments

- F10** S. 139B inserted (1.9.1996) by [1996 c. 26, s. 4\(1\)\(4\)](#); S.I. 1996/2071, [art.2](#)
- F11** S. 139A(5)(6) substituted (5.5.2011) by [Justice Act \(Northern Ireland\) 2011](#) (c. 24), [ss. 52](#), 111(1) (with [Sch. 6 para. 4\(2\)](#))
- F12** S. 139A(7)(b) repealed (N.I.) (5.5.2011) by [Justice Act \(Northern Ireland\) 2011](#) (c. 24), s. 111(1), [Sch. 8 Pt. 5](#)
- F13** Words in s. 139A(6)(7) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\)](#), [Sch. 37 Pt. 1 para.69](#) (with [ss. 1\(4\), 582\(3\), Sch. 39](#))
- F14** Word in s. 139B(1) substituted (31.5.2007) by [Violent Crime Reduction Act 2006](#) (c. 38), [ss. 48, 51, 66\(2\)](#), [Sch. 2 para. 13](#); S.I. 2007/858, [art. 3\(c\)-\(e\)](#)
- F15** Words in s. 139B(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 26 para. 6\(2\)](#); S.I. 2012/2770, art. 2(f)
- F16** Words in s. 139B(4) renumbered as s. 139B(4)(a) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 26 para. 6\(3\)\(a\)](#); S.I. 2012/2770, art. 2(f)
- F17** S. 139B(4)(b) and word inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 26 para. 6\(3\)\(b\)](#); S.I. 2012/2770, art. 2(f)

### **140 Extension of constable's power to stop and search.**

- (1) In section 1 of the <sup>M5</sup>Police and Criminal Evidence Act 1984 (powers of constable to stop and search)—

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- (a) <sup>F18</sup> .....
- (b) <sup>F18</sup> .....
- (c) the following subsection shall be inserted after subsection (8)—

“(8A) This subsection applies to any article in relation to which a person has committed, or is committing or is going to commit an offence under section 139 of the Criminal Justice Act 1988.”.

- (2) In section 5(2)(a)(ii) of that Act (annual reports to contain total numbers of searches for offensive weapons) after the word “weapons” there shall be inserted the words “or articles to which section 1(8A) above applies”.

**Textual Amendments**

**F18** S. 140(1)(a)(b) repealed (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); [S.I. 2005/1521](#), [art. 3\(1\)\(cc\)\(ee\)\(i\)](#) (subject to [art. 3\(4\)\(5\)](#))

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**Marginal Citations**

**M5** 1984 c. 60.

**141 Offensive weapons.**

- (1) 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 this section applies shall be guilty of an offence and liable [<sup>F19</sup>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]
  - [<sup>F19</sup>(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.
- (2) The Secretary of State may by order made by statutory instrument direct that this section shall apply to any description of weapon specified in the order except—
  - (a) any weapon subject to the <sup>M6</sup>Firearms Act 1968; and
  - (b) crossbows.
- <sup>F20</sup>(3) .....
- (4) The importation of a weapon to which this section applies is hereby prohibited.
- (5) It shall be a defence for any person charged in respect of any conduct of his relating to a weapon to which this section applies—
  - (a) with an offence under subsection (1) above; or
  - (b) with an offence under section 50(2) or (3) of the <sup>M7</sup>Customs and Excise Management Act 1979 (improper importation),
 to [<sup>F21</sup>show] that his conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force.
- (6) In this section the reference to the Crown includes the Crown in right of Her Majesty’s Government in Northern Ireland; and

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“visiting force” means any body, contingent or detachment of the forces of a country—

- (a) mentioned in subsection (1)(a) of section 1 of the <sup>M8</sup>Visiting Forces Act 1952; or
- (b) designated for the purposes of any provision of that Act by Order in Council under subsection (2) of that section,

which is present in the United Kingdom (including United Kingdom territorial waters) or in any place to which subsection (7) below applies on the invitation of Her Majesty’s Government in the United Kingdom.

- (7) This subsection applies to any place on, under or above an installation in a designated area within the meaning of section 1(7) of the <sup>M9</sup>Continental Shelf Act 1964 or any waters within 500 metres of such an installation.
  - (8) It shall be a defence for any person charged in respect of any conduct of his relating to a weapon to which this section applies—
    - (a) with an offence under subsection (1) above; or
    - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,to <sup>F21</sup>show] that the conduct in question was only for the purposes of making the weapon available to a museum or gallery to which this subsection applies.
  - (9) If a person acting on behalf of a museum or gallery to which subsection (8) above applies is charged with hiring or lending a weapon to which this section applies, it shall be a defence for him to <sup>F21</sup>show] that he had reasonable grounds for believing that the person to whom he lent or hired it would use it only for cultural, artistic or educational purposes.
  - (10) Subsection (8) above applies to a museum or gallery only if it does not distribute profits.
  - (11) 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.
- <sup>F22</sup>(11A) Subject to subsection (11C), where a person is charged with an offence under subsection (1) above in respect of conduct of his relating to a weapon to which this section applies, it shall be a defence to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).
- (11B) Those purposes are—
    - (a) the purposes of theatrical performances and of rehearsals for such performances;
    - (b) the production of films (as defined in section 5B of the Copyright, Designs and Patents Act 1988 (c. 48));
    - (c) the production of television programmes (as defined in section 405(1) of the Communications Act 2003 (c. 21)).
  - (11C) Where—
    - (a) a person is charged with an offence under subsection (1) above in respect of conduct of his relating to a weapon to which this section applies (a “relevant weapon”), and

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- (b) the relevant weapon is one the importation of which is prohibited, subsection (11A) does not apply unless the condition in subsection (11D) is satisfied.
- (11D) The condition is that there is in force as respects Scotland provision to the effect that it is a defence for a person (“A”) charged with a relevant offence in respect of A’s conduct relating to a relevant weapon to show that A’s conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).
- (11E) In subsection (11D), “relevant offence” means an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (c. 2) (penalty for improper importation of goods).
- (11F) For the purposes of this section, a person shall be taken to have shown a matter specified in subsection (5), (8), (9) or (11A) above 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 a reasonable doubt.
- (11G) The Scottish Ministers may by order made by statutory instrument modify the application of this section in relation to any description of weapon specified in the order.
- (11H) An order under subsection (11G) may make different provision for different purposes.
- (11J) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.]
- [<sup>F23</sup>(11A) It shall be a defence for a person charged in respect of conduct of his relating to a weapon to which this section applies—
- (a) with an offence under subsection (1) above, or
  - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,
- to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).
- (11B) Those purposes are—
- (a) the purposes of theatrical performances and of rehearsals for such performances;
  - (b) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 – see section 5B of that Act);
  - (c) the production of television programmes (within the meaning of the Communications Act 2003 – see section 405(1) of that Act).
- (11C) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (5), (8), (9) or (11A) 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.
- (11D) The Secretary of State may by order made by statutory instrument—
- (a) provide for exceptions and exemptions from the offence under subsection (1) above or from the prohibition in subsection (4) above; and

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- (b) provide for it to be a defence in proceedings for such an offence, or for an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, to show the matters specified or described in the order.
- (11E) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.]
- (12) This section shall not have effect in relation to anything done before it comes into force.
- (13) In the application of this section to Northern Ireland [<sup>F24</sup>in subsection (2) above the reference to the Secretary of State shall be construed as a reference to the Department of Justice in Northern Ireland and the reference] to the <sup>M10</sup>Firearms Act 1968 shall be construed as a reference to the <sup>M11</sup>Firearms (Northern Ireland) Order [<sup>F25</sup>2004] .
- [<sup>F26</sup>(14) In the application of this section to Northern Ireland, the power under subsection (11D) above to provide by order—
- (a) for exceptions and exemptions from the offence under subsection (1) above; and
- (b) for it to be a defence in proceedings for such an offence to show the matters specified or described in the order,
- is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State).
- (15) Any power of the Department of Justice in Northern Ireland to make an order under this section shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).
- (16) No order shall be made by the Department of Justice under this section unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (17) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (16) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.]]

#### Textual Amendments

- F19** Words in s. 141(1) substituted (N.I.) (16.7.2008) by The Criminal Justice (Northern Ireland) Order S.I. 2008/1216 (N.I. 1), arts. 1, **90(5)**; S.R. 2008/293, **art. 2**, Sch.
- F20** S. 141(3) repealed (S.) (1.11.2007) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), ss. 66(2), 67, **Sch. 5**; S.S.I. 2007/431, **art. 3** Sch. and s. 141(3) repealed (E.W.N.I.) (1.4.2008) by Violent Crime Reduction Act 2006 (c. 38), ss. 65, 66(2), **Sch. 5**; S.I. 2008/791, arts. 2(e)
- F21** Word in s. 141(5)(8)(9) substituted (S.) (1.11.2007) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), **s. 60(1)(a)**; S.S.I. 2007/431, **art. 3**, Sch. and the same word in s. 141(5)(8)(9) substituted (E.W.N.I.) (6.4.2008) by Violent Crime Reduction Act 2006 (c. 38), ss. 43(3), 51, 66(2), Sch. 2 para. 11(2); S.I. 2008/791, **art. 3(a)(c)**
- F22** S. 141(11A)-(11J) inserted (S.) (1.11.2007 for purpose of inserting subsections (11F) to (11J) and otherwise prosp. for inserting (11A) to (11E)) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), **ss. 60(2)**, 67; S.S.I. 2007/431, **art. 3**, Sch.
- F23** S. 141(11A)-(11E) inserted (E.W.N.I.) (1.4.2008 for purpose of inserting (11D) and (11E) and 6.4.2008 in so far as not already in force) by Violent Crime Reduction Act 2006 (c. 38), ss. 43(4), 51, 66(2), **Sch. 2 para. 11(3)**; S.I. 2008/791, arts. 2(c), **3(c)**

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- F24** Words in s. 141(13) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 31(2)** (with arts. 28-31)
- F25** Word in s. 141(13) substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 81, 82, **Sch. 7 para. 11**; S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)
- F26** S. 141(14)-(17) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 31(3)** (with arts. 28-31)

#### Modifications etc. (not altering text)

- C1** S. 141 applied (S.) (29.9.2005) by [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Scotland\) Order 2005 \(S.S.I. 2005/483\)](#), art. 2, **Sch.**

#### Marginal Citations

- M6** 1968 c. 27.  
**M7** 1979 c. 2.  
**M8** 1952 c. 67.  
**M9** 1964 c. 29.  
**M10** 1968 c. 27.  
**M11** S.I. 1981/155 (N.I. 2).

### [<sup>F27</sup>141Z] **Application of section 141 to swords: further provision**

- (1) This section applies where the Scottish Ministers make an order under subsection (2) of section 141 directing that the section shall apply to swords.
- (2) The Scottish Ministers may include in the order provision for or in connection with modifying section 141 in its application to swords.
- (3) The Scottish Ministers may in particular—
  - (a) provide for defences (including in particular defences relating to religious, cultural or sporting purposes) to offences;
  - (b) increase the penalties specified in subsection (1) of section 141 (or that subsection as modified) so as to make a person liable—
    - (i) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine or both;
    - (ii) on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or both;
  - (c) create an offence (punishable on summary conviction only and subject to a penalty which is no greater than that mentioned in subsection (6)) relating to the provision, without reasonable excuse, of false information by a person acquiring a sword in circumstances specified in the order.
- (4) In making provision under subsection (3)(a) the Scottish Ministers may make provision for or in connection with—
  - (a) the granting, and revocation, by them of authorisations in relation to the acquisition of swords;
  - (b) enabling them to specify conditions in such authorisations;
  - (c) requiring persons to whom authorisations are granted to comply with such conditions;



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- (d) making it an offence (punishable on summary conviction only and subject to a penalty which is no greater than that mentioned in subsection (6)) to fail to comply with any such conditions.
- (5) Defences specified under subsection (3)(a) may relate to swords in general or to a class, or classes, of sword specified in the order.
- (6) The penalty is—
  - (a) imprisonment for a term not exceeding 12 months; or
  - (b) a fine not exceeding level 5 on the standard scale, or both.
- (7) The power conferred by subsection (2) is without prejudice to the generality of the power conferred by section 141(11G).]

#### Textual Amendments

**F27** S. 141ZA inserted (S.) (1.11.2007) by [Custodial Sentences and Weapons \(Scotland\) Act 2007 \(asp 17\)](#), ss. **61(2)**, **67**; S.S.I. 2007/431, **art. 3**, Sch.

PROSPECTIVE

#### **Importation of offensive weapons: prohibition**

**F28** **141ZB**

- (1) The importation of an offensive weapon is prohibited, subject to section 141ZC.
- (2) In this section “offensive weapon” means a weapon of a description specified in an order made by the Secretary of State for the purposes of this subsection.
- (3) The Secretary of State may not specify any of the following under subsection (2)—
  - (a) a weapon subject to the Firearms Act 1968;
  - (b) a crossbow.
- (4) Orders under this section are to be made by statutory instrument.
- (5) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) In the application of this section to Northern Ireland the reference in subsection (3) to the Firearms Act 1968 is to be construed as a reference to the Firearms (Northern Ireland) Order 2004.

#### Textual Amendments

**F11** S. 139A(5)(6) substituted (5.5.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), ss. **52**, 111(1) (with Sch. 6 para. 4(2))

**F12** S. 139A(7)(b) repealed (N.I.) (5.5.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(1), **Sch. 8 Pt. 5**

**F13** Words in s. 139A(6)(7) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), **Sch. 37 Pt. I para.69** (with ss. 1(4), 582(3), Sch. 39)

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**F28** Ss. 141ZB-141ZD inserted (prosp.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 102**, 116

PROSPECTIVE

### **141ZC Prohibition on importation of offensive weapons: exceptions**

- (1) The importation of a weapon is not prohibited by section 141ZB if one of the following exceptions applies.
- (2) Exception 1 is that the weapon is imported for the purposes only of functions carried out on behalf of—
  - (a) the Crown, or
  - (b) a visiting force.
- (3) Exception 2 is that the weapon is imported for the purposes only of making it available to a museum or gallery which does not distribute profits.
- (4) Exception 3 is that the weapon is imported for the purposes only of making it available for one or more of the following—
  - (a) theatrical performances;
  - (b) rehearsals of theatrical performances;
  - (c) the production of films;
  - (d) the production of television programmes.
- (5) In subsection (4)—
  - “ films ” has the meaning given by section 5B of the Copyright, Designs and Patents Act 1988;
  - “ television programmes ” has the meaning given by section 405 of the Communications Act 2003.
- (6) The Secretary of State may by order provide for further exceptions from the prohibition on importation of weapons under section 141ZB.
- (7) Orders under this section are to be made by statutory instrument.
- (8) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (9) Expressions used in this section and in section 141 have the same meaning in this section as in that section.

#### **Textual Amendments**

- F11** S. 139A(5)(6) substituted (5.5.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), **ss. 52**, 111(1) (with [Sch. 6 para. 4\(2\)](#))
- F12** S. 139A(7)(b) repealed (N.I.) (5.5.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(1), **Sch. 8 Pt. 5**
- F13** Words in s. 139A(6)(7) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), **Sch. 37 Pt. I para.69** (with [ss. 1\(4\)](#), [582\(3\)](#), [Sch. 39](#))
- F28** Ss. 141ZB-141ZD inserted (prosp.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 102**, 116

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PROSPECTIVE

### 141ZD Prohibition on importation of offensive weapons: burdens of proof

- (1) This section applies for the purposes of proceedings for an offence under the Customs and Excise Management Act 1979 relating to a weapon the importation of which is prohibited by section 141ZB above.
- (2) An exception conferred by or under section 141ZC is to be taken not to apply unless sufficient evidence is adduced to raise an issue with respect to the exception.
- (3) Where sufficient evidence is adduced to raise an issue with respect to an exception, it is to be taken to apply unless the contrary is proved beyond a reasonable doubt.]]]]]]

#### Textual Amendments

- F11** S. 139A(5)(6) substituted (5.5.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\), ss. 52, 111\(1\)](#) (with [Sch. 6 para. 4\(2\)](#))
- F12** S. 139A(7)(b) repealed (N.I.) (5.5.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\), s. 111\(1\), Sch. 8 Pt. 5](#)
- F13** Words in s. 139A(6)(7) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\), Sch. 37 Pt. I para.69](#) (with [ss. 1\(4\), 582\(3\), Sch. 39](#))
- F28** Ss. 141ZB-141ZD inserted (prosp.) by [Policing and Crime Act 2009 \(c. 26\), ss. 102, 116](#)

### [ 141A <sup>F29</sup> Sale of knives and certain articles with blade or point to persons under sixteen. **E+W**

- ( 1 ) Any person who sells to a person under the age of [<sup>F30</sup>eighteen] years an article to which this section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.
- (2) Subject to subsection (3) below, this section applies to—
  - (a) any knife, knife blade or razor blade,
  - (b) any axe, and
  - (c) any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person.
- (3) This section does not apply to any article described in—
  - (a) section 1 of the <sup>M12</sup> Restriction of Offensive Weapons Act 1959,
  - (b) an order made under section 141(2) of this Act, or
  - (c) an order made by the Secretary of State under this section.
- (4) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (5) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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### Extent Information

- E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

### Textual Amendments

- F29** S. 141A inserted (1.1.1997) by 1996 c. 26, s. 6(1)(3); S.I. 1996/3063, art.2  
**F30** Word in s. 141A(1) substituted (E.W.) (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 43(2), 66(2); S.I. 2007/2180, art. 3(j)

### Modifications etc. (not altering text)

- C2** S. 141A(1) excluded (1.1.1997) by S.I. 1996/3064, art.2

### Marginal Citations

- M12** 1959 c. 37.

## [ 141A <sup>F29</sup><sup>F34</sup> Sale of knives and certain articles with blade or point to persons under eighteen] **S**

( 1 ) <sup>F35</sup>Subject to subsection (3A) below]Any person who sells<sup>F36</sup>or lets on hire] to a person under the age of <sup>F37</sup>eighteen] years an article to which this section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.

(2) Subject to subsection (3) below, this section applies to—

(a) any knife, knife blade or razor blade,

(b) any axe, <sup>F38</sup> . . .

<sup>F39</sup>(ba) [ any sword; and]]

(c) any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person.

(3) This section does not apply to any article described in—

(a) section 1 of the <sup>M12</sup>Restriction of Offensive Weapons Act 1959,

(b) an order made under section 141(2) of this Act, or

(c) an order made by the Secretary of State under this section.

<sup>F40</sup>(3A) It is not an offence under subsection (1) to sell <sup>F41</sup>or let on hire]a knife or knife blade to a person if—

(a) the person is aged 16 or over; and

(b) the knife or blade is designed for domestic use.]

<sup>F42</sup>(4) It is a defence for a person charged <sup>F43</sup>with an offence under subsection (1) (referred to in this section as “ the accused ”) to show that—

(a) the accused believed the person to whom the article was sold or let on hire (referred to in this section as “ the purchaser or hirer ”) to be of or above the relevant age, and

(b) either—

(i) the accused had taken reasonable steps to establish the purchaser or hirer's age, or

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**Changes to legislation:** Criminal Justice Act 1988, Cross Heading: Articles with blades or points and offensive weapons is up to date with all changes known to be in force on or before 26 June 2024. 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)

- (ii) no reasonable person could have suspected from the purchaser or hirer's appearance that the purchaser or hirer was aged under the relevant age.
- (4A) For the purposes of subsection (4)(b)(i), the accused is to be treated as having taken reasonable steps to establish the purchaser or hirer's age if and only if—
- (a) the accused was shown any of the documents mentioned in subsection (4B), and
  - (b) the document would have convinced a reasonable person.
- (4B) 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 by order prescribe.
- (4C) In subsection (4), “the relevant age” is—
- (a) in the case where the article is a knife or knife blade designed for domestic use, 16 years, and
  - (b) in any other case, 18 years.]
- (5) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Extent Information

- E6** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F29** S. 141A inserted (1.1.1997) by 1996 c. 26, s. 6(1)(3); S.I. 1996/3063, art.2
- F34** S. 141A sidenote substituted (S.) (1.9.2006) by virtue of Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), ss. 75(5), 104; S.S.I. 2006/432, art. 2(d)
- F35** Words in s. 141A(1) inserted (S.) (1.9.2006) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), ss. 75(2)(a), 104; S.S.I. 2006/432, art. 2(d)
- F36** Words in s. 141A(1) inserted (S.) (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 36(2), 206(1); S.S.I. 2011/178, art. 2, Sch.
- F37** Word in s. 141A(1) substituted (S.) (1.9.2006) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), ss. 75(2)(b), 104; S.S.I. 2006/432, art. 2(d)
- F38** Word in s. 141A(2) repealed (S.) (1.9.2006) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), ss. 75(3)(a), 104; S.S.I. 2006/432, art. 2(d)
- F39** S. 141A(2)(ba) inserted (S.) (1.9.2006) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), ss. 75(3)(b), 104; S.S.I. 2006/432, art. 2(d)
- F40** S. 141A(3A) inserted (S.) (1.9.2006) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), ss. 75(4), 104; S.S.I. 2006/432, art. 2(d)
- F41** Words in s. 141A(3A) inserted (S.) (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 36(3), 206(1); S.S.I. 2011/178, art. 2, Sch.
- F42** S. 141A(4)-(4C) substituted (S.) (28.3.2011) for s. 141A(4) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 36(4), 206(1); S.S.I. 2011/178, art. 2, Sch.

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#### Modifications etc. (not altering text)

**C2** S. 141A(1) excluded (1.1.1997) by [S.I. 1996/3064](#), [art.2](#)

#### Marginal Citations

**M12** 1959 c. 37.

## 142 Power of justice of the peace to authorise entry and search of premises for offensive weapons.

- (1) If on an application made by a constable a justice of the peace (including, in Scotland, the sheriff) is satisfied that there are reasonable grounds for believing—
- (a) that there are on premises specified in the application—
    - (i) knives such as are mentioned in section 1(1) of the <sup>M13</sup> Restriction of Offensive Weapons Act 1959; or
    - (ii) weapons to which section 141 above applies; and
  - (b) that an offence under section 1 of the Restriction of Offensive Weapons Act 1959 or section 141 above has been or is being committed in relation to them; and
  - (c) that any of the conditions specified in subsection (3) below applies,
- he may issue a warrant authorising a constable to enter and search the premises.
- (2) A constable may seize and retain anything for which a search has been authorised under subsection (1) above.
- (3) The conditions mentioned in [<sup>F31</sup>subsection (1)(c)] above are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
  - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the knives or weapons to which the application relates;
  - (c) that entry to the premises will not be granted unless a warrant is produced;
  - (d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.
- (4) Subsection (1)(a)(i) shall be omitted in the application of this section to Northern Ireland.

#### Textual Amendments

**F31** Words in s. 142(3) substituted (S.) (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), ss. 101, 104, [Sch. 6 para. 2](#); [S.S.I. 2006/432](#), [art. 2\(g\)\(h\)](#) and said words substituted (E.W.N.I.) (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 14](#); [S.I. 2007/709](#), [art. 3\(o\)](#) (subject to arts. 6 and 7)

#### Marginal Citations

**M13** 1959 c. 37.

**Status:**

Point in time view as at 17/07/2015. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

Criminal Justice Act 1988, Cross Heading: Articles with blades or points and offensive weapons is up to date with all changes known to be in force on or before 26 June 2024. 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.