



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—
 - ^{F1}(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 [^{F2}four] years, or a fine, or both.]

Status: Point in time view as at 07/02/2023. 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 19 July 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)

[^{F3}(6ZA) See section 315 of the Sentencing Code for provision about the sentence which a court in England and Wales may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section.]

^{F4}(6A)

^{F4}(6B)

^{F4}(6C)

^{F4}(6D)

^{F4}(6E)

^{F4}(6F)

^{F4}(6G)

(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

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

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(6ZA) inserted (1.12.2020) by **Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 90** (with **Sch. 24 para. 447, Sch. 27**); **S.I. 2020/1236, reg. 2**

F4 S. 139(6A)-(6G) repealed (1.12.2020) by **Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28** (with **ss. 413(4)(5), 416(7), Sch. 27**); **S.I. 2020/1236, reg. 2**

Modifications etc. (not altering text)

C1 S. 139 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by **Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3)** (with **Sch. 1 para. 41**); **S.I. 2012/1236, reg. 2**

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.

Status: Point in time view as at 07/02/2023. This version of this cross heading contains provisions that are prospective.

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(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.

[^{F71}(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.]

[^{F3}(6ZA) See section 315 of the Sentencing Code for provision about the sentence which a court in England and Wales may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section.]

^{F4}(6A)

^{F4}(6B)

^{F4}(6C)

^{F4}(6D)

^{F4}(6E)

^{F4}(6F)

^{F4}(6G)

(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(6ZA) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 90** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F4 S. 139(6A)-(6G) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F71 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.

Status: Point in time view as at 07/02/2023. This version of this cross heading contains provisions that are prospective.

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Modifications etc. (not altering text)

C1 S. 139 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\), ss. 1, 5\(2\)\(3\)](#) (with [Sch. 1 para. 41](#)); [S.I. 2012/1236, reg. 2](#)

[139A ^{F5} **Offence of having article with blade or point (or offensive weapon) on**
[^{F6}education premises]. **E+W**

- (1) Any person who has an article to which section 139 of this Act applies with him on school premises [^{F7}or further education premises] shall be guilty of an offence.
- (2) Any person who has an offensive weapon within the meaning of section 1 of the ^{M1} Prevention of Crime Act 1953 with him on school premises [^{F8}or further education 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.

[^{F9}(5) A person guilty of an offence under subsection (1) or (2) is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F10}the general limit in a magistrates’ court] or to a fine, or to both;
- (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
- (c) on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.

(5ZA) 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 (5)(a) to [^{F11}the general limit in a magistrates’ court] is to be read as a reference to 6 months.]

- ^{F12}(5A)
- ^{F12}(5B)
- ^{F12}(5C)
- ^{F12}(5D)
- ^{F12}(5E)
- ^{F12}(5F)
- ^{F12}(5G)

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[See section 315 of the Sentencing Code for provision about the sentence which a court^{F13}(5ZB) in England and Wales may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section.]

[^{F14}(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—

- (a) in relation to land in England and Wales, section 4 of the Education Act 1996;
- (b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)).]

[In this section and section 139B “further education premises” means—
^{F15}(6A) (a) in relation to England and Wales, land used solely for the purposes of—

- (i) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
- (ii) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),

excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;

- (b) in relation to Northern Ireland, land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution.]

(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 [^{F16} 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

- F5** S. 139A inserted (1.9.1996) by 1996 c. 26, s. 4(1)(4); S.I. 1996/2071, art. 2
- F6** Words in s. 139A heading substituted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(2), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F7** Words in s. 139A(1) inserted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(3), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F8** Words in s. 139A(2) inserted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(4), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F9** S. 139A(5)(5ZA) substituted for s. 139A(5) (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(5), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)

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- F10** Words in s. 139A(5)(a) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F11** Words in s. 139A(5ZA) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F12** S. 139A(5A)-(5G) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F13** S. 139A(5ZB) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 91** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** S. 139A(6) substituted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), **ss. 45(6), 70(1)**; S.I. 2022/418, reg. 2(b) (with reg. 3)
- F15** S. 139A(6A) inserted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), **ss. 45(7), 70(1)**; S.I. 2022/418, reg. 2(b) (with reg. 3)
- F16** 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)

Modifications etc. (not altering text)

- C2** S. 139A modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1, 5(2)(3)** (with Sch. 1 para. 42); S.I. 2012/1236, reg. 2

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).

[139A ^{F5} 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 ^{M1} 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.
- [^{F59}(5) A person guilty of an offence under subsection (1) or (2) shall be liable—

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- (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.]

- ^{F12}(5A)
- ^{F12}(5B)
- ^{F12}(5C)
- ^{F12}(5D)
- ^{F12}(5E)
- ^{F12}(5F)
- ^{F12}(5G)

^{F13}(5ZB) [See section 315 of the Sentencing Code for provision about the sentence which a court in England and Wales may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section.]

[^{F59}(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 ^{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

^{F72}(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

F5 S. 139A inserted (1.9.1996) by 1996 c. 26, s. 4(1)(4); S.I. 1996/2071, art. 2

F12 S. 139A(5A)-(5G) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F13 S. 139A(5ZB) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 91 (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F59 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))

F72 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

Modifications etc. (not altering text)

C2 S. 139A modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3) (with Sch. 1 para. 42); S.I. 2012/1236, reg. 2

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Marginal Citations

- M1 1953 c. 14.
- M2 1953 c. 14.
- M3 S.I. 1987/463 (N.I. 7).

^{F17}139AZA Offences under sections 139 and 139A: previous relevant convictions

.....

Textual Amendments

- F17 S. 139AZA repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F18}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 [^{F19}(“A”)] with the article, and
 - (c) does so in such a way that [^{F20}a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.]

- [A person is guilty of an offence if that person—
- ^{F21}(1A)
 - (a) has an article to which this section applies with them on further education premises,
 - (b) unlawfully and intentionally threatens another person (“A”) with the article, and
 - (c) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.]

(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.

- [In relation to further education premises this section applies to each of these—
- ^{F22}(3A)
 - (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.]

^{F23}(4)

(5) In this section—

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[^{F24}“further education premises” means land used solely for the purposes of—

- (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
- (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),

excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;]

“public place” has the same meaning as in section 139;

[^{F25}“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 section 4 of the Education Act 1996.]

(6) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding [^{F26}the general limit in a magistrates’ court] 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.

[For provision about the sentence which the court may be required to impose where a ^{F27}(6A) person aged 16 or over is convicted of an offence under this section, see section 312 of the Sentencing Code.]

^{F28}(7)

^{F28}(8)

^{F28}(9)

^{F29}(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 [^{F30}the general limit in a magistrates’ court] is to be read as a reference to 6 months.

^{F31}(11)

(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.]

Textual Amendments

- F18** 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)
- F19** Word in s. 139AA(1)(b) inserted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), **ss. 50(5)(a)**, 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F20** Words in s. 139AA(1)(c) substituted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), **ss. 50(5)(b)**, 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F21** S. 139AA(1A) inserted (6.4.2022) by [Offensive Weapons Act 2019](#) (c. 17), **ss. 51(2)**, 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)

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- F22** S. 139AA(3A) inserted (6.4.2022) by Offensive Weapons Act 2019 (c. 17), **ss. 51(3)**, 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F23** S. 139AA(4) omitted (6.4.2022) by virtue of Offensive Weapons Act 2019 (c. 17), **ss. 50(6)**, 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F24** Words in s. 139AA(5) inserted (6.4.2022) by Offensive Weapons Act 2019 (c. 17), **ss. 51(4)(a)**, 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F25** Words in s. 139AA(5) substituted (6.4.2022) by Offensive Weapons Act 2019 (c. 17), **ss. 51(4)(b)**, 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F26** Words in s. 139AA(6)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F27** S. 139AA(6A) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 92** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F28** S. 139AA(7)-(9) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F29** By The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), **5(1)**, **Sch. Pt. 1** it is provided that (28.4.2022) the words "2 May 2022" are substituted for the words "the commencement of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020"
- F30** Words in s. 139AA(10) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F31** S. 139AA(11) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C3** S. 139AA modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

139B ^{F32} **Power of entry to search for articles with a blade or point and offensive weapons.**

- (1) A constable may enter school premises [^{F33}or further education premises] and search those premises and any person on those premises for—
- (a) any article to which section 139 of this Act applies, or
 - (b) any offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953,
- if he has reasonable grounds for [^{F34}suspecting] that an offence under section 139A^{F35} 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 [^{F36}—
- (a) 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.]]^{F37}, and

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(b) the reference in subsection (1) to section 139AA is omitted.]

Textual Amendments

- F32** S. 139B inserted (1.9.1996) by 1996 c. 26, s. 4(1)(4); S.I. 1996/2071, art.2
- F33** Words in s. 139B(1) inserted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(8), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F34** 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)
- F35** 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)
- F36** 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)
- F37** 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 ^{M5} Police and Criminal Evidence Act 1984 (powers of constable to stop and search)—

- (a) ^{F38}
- (b) ^{F38}

(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

- F38** 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))

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 [^{F39}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]

[^{F39}(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or to both;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.

[^{F40}(1A) Any person who possesses a weapon to which this section applies in private is guilty of an offence and liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both;
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
- (d) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 4 years, to a fine or to both.

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

(1C) For the purposes of subsection (1A) as it has effect in relation to England and Wales, a person possesses a weapon to which this section applies in private if the person possesses the weapon in a place other than—

- (a) a public place,
- (b) school premises,
- (c) further education premises, or
- (d) a prison.

(1D) For the purposes of subsection (1A) as it has effect in relation to Scotland, a person possesses a weapon to which this section applies in private if the person possesses the weapon on domestic premises.

(1E) For the purposes of subsection (1A) as it has effect in relation to Northern Ireland, a person possesses a weapon to which this section applies in private if the person possesses the weapon in a place other than—

- (a) a public place,
- (b) school premises, or
- (c) further education premises.

(1F) In subsections (1C) to (1E)—

“domestic premises” means 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);

“further education premises”, in relation to England and Wales, means land used solely for the purposes of—

- (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
- (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),

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excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;

“further education premises”, in relation to Northern Ireland, means land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution;

“prison” includes—

- (a) a young offender institution,
- (b) a secure training centre, and
- (c) a secure college;

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

“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—

- (a) in relation to land in England and Wales, section 4 of the Education Act 1996;
- (b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)).]

- (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 ^{M6}Firearms Act 1968; and
 - (b) crossbows.

^{F41}(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) [^{F42}or (1A)] above; or
 - (b) with an offence under section 50(2) or (3) of the ^{M7}Customs and Excise Management Act 1979 (improper importation),to [^{F43}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
 - “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 ^{M8}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.

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- (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 ^{M9}Continental Shelf Act 1964 or any waters within 500 metres of such an installation.
- [^{F44}(7A) It is a defence for a person charged with an offence under subsection (1A) to show that the weapon in question is one of historical importance.]
- (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 [^{F43}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.
- [^{F45}(8A) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the weapon in question only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.]
- (9) [^{F46}If a person acting on behalf of][^{F46}If the operator of, or 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 [^{F43}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.
- [^{F47}(11ZA) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the weapon in question for educational purposes only.]
- [^{F48}(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
 - (b) the relevant weapon is one the importation of which is prohibited,

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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.]

^{F49}(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) [^{F50}or (1A)] 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).

^{F51}[It is a defence for a person charged with an offence under subsection (1A) to show that (11AA) they possessed the weapon in question only 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), [^{F52}(7A), (8), (8A), (9), (11ZA), (11A) or (11AA)] 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.

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- (11D) The Secretary of State may by order made by statutory instrument—
- (a) provide for exceptions and exemptions from the offence under subsection (1) [^{F53}or (1A)] above or from the prohibition in subsection (4) above; and
 - (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.
- [^{F54}(12A) An order under this section which has the effect that possession in private of a weapon of a particular description is, or is to become, an offence under subsection (1A) may make provision—
- (a) enabling arrangements to be made for the surrender of weapons of that description;
 - (b) as to the procedure to be followed in relation to the surrender of such weapons;
 - (c) for the payment of compensation in respect of weapons surrendered in accordance with the arrangements;
 - (d) as to the requirements that must be met by a person making a claim for compensation;
 - (e) as to the procedure to be followed in respect of a claim and for the determination of a claim;
 - (f) enabling a person to exercise a discretion in determining whether to make a payment in response to a claim and the amount of such a payment.]
- (13) In the application of this section to Northern Ireland [^{F55}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 ^{M10}Firearms Act 1968 shall be construed as a reference to the ^{M11}Firearms (Northern Ireland) Order [^{F56}2004] .
- [^{F57}(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.

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(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

- F39** 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.
- F40** S. 141(1A)-(1F) inserted (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(2)**, 70(1)(2) (with s. 46(18)(19)); S.I. 2021/819, reg. 2(d)
- F41** 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)
- F42** Words in s. 141(5)(a) inserted (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(3)**, 70(1)(2); S.I. 2021/819, reg. 2(d)
- F43** 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)**
- F44** S. 141(7A) inserted (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(4)**, 70(1)(2); S.I. 2021/819, reg. 2(d)
- F45** S. 141(8A) inserted (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(5)**, 70(1)(2); S.I. 2021/819, reg. 2(d)
- F46** Words in s. 141(9) substituted (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(6)**, 70(1)(2); S.I. 2021/819, reg. 2(d)
- F47** S. 141(11ZA) inserted (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(7)**, 70(1)(2); S.I. 2021/819, reg. 2(d)
- F48** 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.
- F49** 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)**
- F50** Words in s. 141(11A)(a) inserted (E.W.N.I.) (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(8)**, 70(1)(2); S.I. 2021/819, **reg. 2(d)**
- F51** S. 141(11AA) inserted (E.W.N.I.) (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(9)**, 70(1)(2); S.I. 2021/819, **reg. 2(d)**
- F52** Words in s. 141(11C) substituted (E.W.N.I.) (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(10)**, 70(1)(2); S.I. 2021/819, **reg. 2(d)**
- F53** Words in s. 141(11D)(a) inserted (E.W.N.I.) (14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(11)**, 70(1)(2); S.I. 2021/819, reg. 2(d)
- F54** S. 141(12A) inserted (1.1.2021 for S., 14.7.2021 for E.W.) by **Offensive Weapons Act 2019 (c. 17)**, **ss. 46(15)**, 70(1)(2); S.S.I. 2020/410, reg. 2(g); S.I. 2021/819, reg. 2(d)
- F55** 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)
- F56** 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)
- F57** 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)

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Modifications etc. (not altering text)

- C4** 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).

[^{F58}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;
 - (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,

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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

F58 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

141ZB Importation of offensive weapons: prohibition

- (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 weapon subject to the Firearms Act 1968;
 - 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

F59 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\(2\)](#))

F60 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](#)

F61 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](#))

F62 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.

Status: Point in time view as at 07/02/2023. 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 19 July 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)

- (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

- F59** 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\(2\)](#))
- F60** 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**
- F61** 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](#))
- F62** Ss. 141ZB-141ZD inserted (prosp.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 102**, 116

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.

Status: Point in time view as at 07/02/2023. 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 19 July 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)

- (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

- F59** 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\(2\)](#))
- F60** 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](#)
- F61** 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](#))
- F62** Ss. 141ZB-141ZD inserted (prosp.) by [Policing and Crime Act 2009 \(c. 26\), ss. 102, 116](#)

[141A ^{F63} 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 [^{F64}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 ^{M12} Restriction of Offensive Weapons Act 1959, [^{F65}or]
 - ^{F66}(b)
 - (c) an order made by the Secretary of State under this section.
- (4) [^{F67}Subject to section 141B, 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.]

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

- F63** S. 141A inserted (1.1.1997) by [1996 c. 26, s. 6\(1\)\(3\); S.I. 1996/3063, art.2](#)

Status: Point in time view as at 07/02/2023. 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 19 July 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)

- F64** 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\(j\)](#)
- F65** Word in s. 141A(3)(a) inserted (1.1.2022 for S., 6.4.2022 for E.W.) by [Offensive Weapons Act 2019 \(c. 17\), ss. 34\(1\)\(a\), 70\(1\)\(2\)](#); S.S.I. 2020/410, [reg. 2\(e\)](#); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F66** S. 141A(3)(b) and word omitted (1.1.2022 for S., 6.4.2022 for E.W.) by virtue of [Offensive Weapons Act 2019 \(c. 17\), ss. 34\(1\)\(b\), 70\(1\)\(2\)](#); S.S.I. 2020/410, [reg. 2\(e\)](#); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))
- F67** Words in s. 141A(4) substituted (E.W.) (6.4.2022) by [Offensive Weapons Act 2019 \(c. 17\), ss. 35\(2\), 70\(1\)](#); S.I. 2022/418, [reg. 2\(b\)](#) (with [reg. 3](#))

Modifications etc. (not altering text)

- C5** S. 141A(1) excluded (1.1.1997) by [S.I. 1996/3064, art.2](#)

Marginal Citations

- M12** 1959 c. 37.

[141A ^{F63}^{F73} **Sale of knives and certain articles with blade or point to persons under eighteen**] **S**

(1) [^{F74}Subject to subsection (3A) below]Any person who sells[^{F75}or lets on hire] to a person under the age of [^{F76}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, ^{F77} . . .

[any sword; and]]
^{F78}(ba)

(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 ^{M12}Restriction of Offensive Weapons Act 1959, [^{F79}or]

^{F80}(b)

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

[^{F81}(3A) [^{F82}Except where section 141C applies, it] is not an offence under subsection (1) to sell [^{F83}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.]

[^{F84}(4) [^{F85} Except where section 141C applies, it] is a defence for a person charged 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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- (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,
 - [^{F86}(aa) a UK driving licence,]
 - (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

- F63** S. 141A inserted (1.1.1997) by 1996 c. 26, s. 6(1)(3); S.I. 1996/3063, art.2
- F73** 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)
- F74** 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)
- F75** 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.
- F76** 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)
- F77** 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)
- F78** 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)
- F79** Word in s. 141A(3)(a) inserted (1.1.2021 for S., 6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 34(1)(a), 70(1)(2); S.S.I. 2020/410, reg. 2(e); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F80** S. 141A(3)(b) and word omitted (1.1.2021 for S., 6.4.2022 for E.W.) by virtue of Offensive Weapons Act 2019 (c. 17), ss. 34(1)(b), 70(1)(2); S.S.I. 2020/410, reg. 2(e); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F81** 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)

Status: Point in time view as at 07/02/2023. This version of this cross heading contains provisions that are prospective.

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- F82** Words in s. 141A(3A) substituted (S.) (1.1.2021) by [Offensive Weapons Act 2019 \(c. 17\)](#), **ss. 36(2)**, 70(2); S.S.I. 2020/410, reg. 2(f)
- F83** 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.
- F84** 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.
- F85** Words in s. 141A(4) substituted (S.) (1.1.2021) by [Offensive Weapons Act 2019 \(c. 17\)](#), **ss. 36(2)**, 70(2); S.S.I. 2020/410, reg. 2(f)
- F86** S. 141A(4B)(aa) inserted (S.) (31.12.2020) by [The Licensing \(Amendment\) \(EU Exit\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/6\)](#), regs. 1, **4(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C5** S. 141A(1) excluded (1.1.1997) by [S.I. 1996/3064](#), **art.2**

Marginal Citations

- M12** 1959 c. 37.

[^{F68} 141B] Limitations on defence to offence under section 141A: England and Wales

- (1) This section applies if—
 - (a) a person (“the seller”) is charged with an offence under section 141A (sale of bladed articles to persons under 18), and
 - (b) the seller was not in the presence of the person (“the buyer”) to whom the article to which the charge relates was sold at the time of the sale.
- (2) For the purposes of 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) 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 following conditions are met.
- (4) Condition A is that, at the time the offence is alleged to have been committed—
 - (a) the seller operated a system for checking that persons who bought articles to which section 141A applied by the same or a similar method of purchase to that used by the buyer were not under the age of 18, and
 - (b) that system was likely to prevent persons under the age of 18 from buying such articles by that method.
- (5) Condition B is that when the package containing the article was dispatched by the seller, it was clearly marked to indicate—
 - (a) that it contained an article with a blade or which was sharply pointed (as the case may be), and
 - (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.

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- (6) Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.
- (7) Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.
- (8) Where the article to which section 141A applied was dispatched by the seller to a place from which it was to be collected by the buyer or a person acting on behalf of the buyer, references in subsections (5) and (6) to the final delivery of the article are to be read as its supply to the buyer or a person acting on behalf of the buyer from that place.
- (9) In subsection (7) “locker” means a lockable container to which the package was delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.]

Textual Amendments

F68 S. 141B inserted (E.W.) (6.4.2022) by [Offensive Weapons Act 2019 \(c. 17\)](#), ss. **35(3)**, 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)

[^{F69}141C] Defence to offence under section 141A where remote sale or letting on hire: Scotland

- (1) This section applies if—
 - (a) a person (“the accused”) is charged with an offence under section 141A (sale or letting on hire of bladed articles to persons under 18), and
 - (b) the accused was not in the presence of the person (“the recipient”) to whom the article to which the charge relates was sold or let on hire at the time of the sale or letting on hire.
- (2) For the purposes of subsection (1)(b) the accused was not in the presence of the recipient at the time of the sale or letting on hire if—
 - (a) where the accused is an individual, the accused or a person acting on the accused's behalf was not in the presence of the recipient at that time;
 - (b) where the accused is not an individual, a person acting on the accused's behalf was not in the presence of the recipient at that time.
- (3) It is a defence for the accused to show that the conditions in subsections (5) to (8) are met.
- (4) The accused is to be taken to have shown a matter mentioned in subsections (5) to (8) if—
 - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (5) Condition A is that, at the time the offence is alleged to have been committed—
 - (a) the accused operated a system for checking that persons who bought or hired articles to which section 141A applied by the same or a similar method of purchase or hire to that used by the recipient were not under the age of 18, and

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- (b) that system was likely to prevent persons under the age of 18 from buying or hiring such articles by that method.
- (6) Condition B is that when the package containing the article was dispatched by the accused, it was clearly marked to indicate—
 - (a) that it contained an article with a blade or which was sharply pointed (as the case may be), and
 - (b) that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- (7) Condition C is that the accused 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.
- (8) Condition D is that the accused did not deliver the package, or arrange for its delivery, to a locker.
- (9) Where the article to which section 141A applied was dispatched by the accused to a place from which it was to be collected by the recipient or a person acting on behalf of the recipient, references in subsections (6) and (7) to the final delivery of the article are to be read as its supply to the recipient, or a person acting on behalf of the recipient, from that place.
- (10) In subsection (8) “locker” means a lockable container to which the package was delivered with a view to its collection by the recipient, or a person acting on behalf of the recipient, in accordance with arrangements made between the accused and the recipient.]

Textual Amendments

F69 S. 141C inserted (S.) (1.1.2021) by [Offensive Weapons Act 2019 \(c. 17\)](#), ss. **36(3)**, 70(2); S.S.I. 2020/410, reg. 2(f)

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 ^{M13} 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 [^{F70}subsection (1)(c)] above are—

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- (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

F70 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 07/02/2023. 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 19 July 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.