



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 1

CORROSIVE PRODUCTS AND SUBSTANCES

Sale and delivery of corrosive products

1 Sale of corrosive products to persons under 18

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

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