



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 3

#### SALE AND DELIVERY OF KNIVES ETC

#### **35 Defence to sale of bladed articles to persons under 18: England and Wales**

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 141A (sale of bladed articles to persons under 18) as that section has effect in England and Wales, in subsection (4), for “It” substitute “Subject to section 141B, it”.
- (3) After section 141A insert—

#### **“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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (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.”