



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 3

#### SALE AND DELIVERY OF KNIVES ETC

#### **38 Delivery of bladed products to residential premises etc**

- (1) This section applies if—
  - (a) a person (“the seller”) sells a bladed product to another person (“the buyer”), and
  - (b) the seller and the buyer are not in each other's presence at the time of the sale.
- (2) The seller commits an offence if, for the purposes of supplying the bladed product to the buyer, the seller delivers the bladed product, or arranges for its delivery, to residential premises.
- (3) The seller commits an offence if, for the purposes of supplying the bladed product to the buyer, the seller delivers the bladed product, or arranges for its delivery, to a locker.
- (4) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if—
  - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
  - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (5) In subsection (2) “residential premises” means premises used solely for residential purposes.
- (6) The circumstances where premises are not residential premises for the purposes of that subsection include, in particular, where a person carries on a business from the premises.

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*Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 38. (See end of Document for details)*

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- (7) In subsection (3) “locker” means a lockable container to which the bladed product is delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.
- (8) A person guilty of an offence under this section is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
  - (b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (9) 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 (8)(a) to 51 weeks is to be read as a reference to 6 months.
- (10) This section is subject to section 40 (defences).

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**Commencement Information**

- I1** S. 38 in force at 6.4.2022 for E.W. by S.I. 2022/418, regs. 1(2)(5), **2(b)** (with reg. 3)
- I2** S. 38 in force at 28.6.2022 for S. by S.S.I. 2022/150, reg. **2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 38.