



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 1

CORROSIVE PRODUCTS AND SUBSTANCES

Sale and delivery of corrosive products

4 Delivery of corrosive products to persons under 18

- (1) This section applies if—
- a person (“the seller”) sells a corrosive product to another person (“the buyer”),
 - the seller and the buyer are not in each other’s presence at the time of the sale and the seller is outside the United Kingdom at that time,
 - before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver corrosive products for the seller,
 - that person was aware when they entered into the arrangement that it covered the delivery of corrosive products, and
 - that person delivers the corrosive product pursuant to that arrangement.
- (2) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if—
- where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
 - where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) For the purposes of subsection (1)(b) a person other than an individual is outside the United Kingdom at any time if the person does not carry on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.

Status: This is the original version (as it was originally enacted).

- (4) The person mentioned in subsection (1)(e) commits an offence if, when they deliver the corrosive product, they do not deliver it into the hands of a person aged 18 or over.
- (5) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (4) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (6) It is a defence for a person (“the accused”) charged in Scotland with an offence under subsection (4) to show that—
 - (a) the accused believed the person into whose hands the corrosive product was delivered to be aged 18 or over, and
 - (b) either the accused had taken reasonable steps to establish the person’s age or no reasonable person could have suspected from the person’s appearance that the person was under the age of 18.
- (7) For the purposes of subsection (6)(b), the accused is to be treated as having taken reasonable steps to establish the person’s age if and only if—
 - (a) the accused was shown any of the documents mentioned in subsection (8), and
 - (b) the document would have convinced a reasonable person.
- (8) 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 prescribe by order.
- (9) The accused is to be taken to have shown a matter mentioned in subsection (6) 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.
- (10) A person guilty of an offence under subsection (4) is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (11) In Scotland, proceedings for an offence under this section may be commenced within the period of 12 months beginning with the commission of the offence.
- (12) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (11) as it applies for the purposes of that section.
- (13) See section 5 for provisions about presumptions as to the content of containers in proceedings in Scotland.