



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 3

SALE AND DELIVERY OF KNIVES ETC

42 Delivery of bladed articles to persons under 18

- (1) This section applies if—
 - (a) a person (“the seller”) sells a bladed article to another person (“the buyer”),
 - (b) 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,
 - (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver bladed articles for the seller,
 - (d) that person was aware when they entered into the arrangement that it covered the delivery of bladed articles, and
 - (e) that person delivers the bladed article 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—
 - (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.
- (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.
- (4) The person mentioned in subsection (1)(e) commits an offence if, when they deliver the bladed article, they do not deliver it into the hands of a person aged 18 or over.

Status: This is the original version (as it was originally enacted).

- (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 bladed article 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 this section “bladed article”—
- (a) in relation to England and Wales, means an article to which section 141A of the Criminal Justice Act 1988 applies (as that section has effect in relation to England and Wales);
 - (b) in relation to Scotland, means an article to which section 141A of the Criminal Justice Act 1988 applies (as that section has effect in relation to Scotland and disregarding subsection (3A) of that section);
 - (c) in relation to Northern Ireland, means an article to which Article 54 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) applies.