



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 4

#### POSSESSION ETC OF CERTAIN OFFENSIVE WEAPONS

#### **45 Prohibition on the possession of offensive weapons on further education premises**

- (1) Section 139A of the Criminal Justice Act 1988 (offence of having offensive weapon on school premises) is amended in accordance with subsections (2) to (7).
- (2) In the heading, for “school premises” substitute “education premises”.
- (3) In subsection (1), after “school premises” insert “or further education premises”.
- (4) In subsection (2), after “school premises” insert “or further education premises”.
- (5) For the subsection (5) that has effect in England and Wales and for the subsection (5) that has effect in Northern Ireland substitute—

“(5) A person guilty of an offence under subsection (1) or (2) is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
- (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
- (c) on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.

(5ZA) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (5)(a) to 12 months is to be read as a reference to 6 months.”

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*Status: This is the original version (as it was originally enacted).*

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- (6) For the subsection (6) that has effect in England and Wales and the subsection (6) that has effect in Northern Ireland substitute—

“(6) In this section and section 139B “school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by—

- (a) in relation to land in England and Wales, section 4 of the Education Act 1996;
- (b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 ([SI 1986/594 \(NI 3\)](#)).”

- (7) After subsection (6) insert—

“(6A) In this section and section 139B “further education premises” means—

- (a) in relation to England and Wales, land used solely for the purposes of—
  - (i) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
  - (ii) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),

excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;

- (b) in relation to Northern Ireland, land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 ([SI 1997/1772 \(NI 15\)](#)) excluding any land occupied solely as a dwelling by a person employed at the institution.”

- (8) In section 139B(1) of the Criminal Justice Act 1988 (power of entry to search for offensive weapons) after “school premises” insert “or further education premises”.