



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 4

#### POSSESSION ETC OF CERTAIN OFFENSIVE WEAPONS

#### **47 Prohibition on the possession of offensive weapons: supplementary**

- (1) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (SI 1988/2019) is amended in accordance with subsections (2) to (9).
- (2) In paragraph 1, after paragraph (r) insert—
  - “(s) the weapon sometimes known as a “zombie knife”, “zombie killer knife” or “zombie slayer knife”, being a blade with—
    - (i) a cutting edge;
    - (ii) a serrated edge; and
    - (iii) images or words (whether on the blade or handle) that suggest that it is to be used for the purpose of violence.”
- (3) In paragraph 1, after paragraph (s) insert—
  - “(t) the weapon sometimes known as a “cyclone knife” or “spiral knife” being a weapon with—
    - (i) a handle,
    - (ii) a blade with two or more cutting edges, each of which forms a helix, and
    - (iii) a sharp point at the end of the blade.”
- (4) In paragraph 2, after “subsection (1)” insert “or (1A)”.
- (5) In paragraph 3(a), after “section 141(1)” insert “or (1A)”.
- (6) In paragraph 4—
  - (a) the existing text becomes sub-paragraph (1),
  - (b) in that sub-paragraph, in paragraph (a), after “section 141(1)” insert “or (1A)”, and

*Status: Point in time view as at 27/03/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 47. (See end of Document for details)*

(c) after that sub-paragraph insert—

“(2) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 in respect of any conduct of that person relating to a weapon to which section 141 of that Act applies by virtue of paragraph 1(r) to show that the person's conduct was for the purpose only of participating in a permitted activity of a kind mentioned in sub-paragraph (1).”

(7) In paragraph 5A—

- (a) the existing text becomes sub-paragraph (1),
- (b) in that sub-paragraph—
  - (i) in paragraph (a), after “section 141(1)” insert “or (1A)”, and
  - (ii) in the words following paragraph (b) for “in religious ceremonies” substitute “for religious reasons”, and
- (c) after that sub-paragraph insert—

“(2) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 in respect of a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) to show that the person possessed the weapon for religious reasons only.”

(8) After paragraph 5A insert—

“5B

- (1) Sub-paragraph (2) applies to—
  - (a) a person charged with an offence under section 141(1) or (1A) of the Criminal Justice Act 1988 in respect of any conduct of the person relating to a curved sword, and
  - (b) a person charged with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 in respect of any conduct of the person relating to a curved sword.
- (2) It is a defence for the person to show that the person's conduct was for the purpose only of making the sword available for presentation by a Sikh to another person at a religious ceremony or other ceremonial event.
- (3) It is a defence for a person charged with an offence under section 141(1) of the Criminal Justice Act 1988 of giving a curved sword to another person to show that the person's conduct consisted of the presentation of the sword by a Sikh to another person at a religious ceremony or other ceremonial event.
- (4) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 of possession of a curved sword in private to show that—
  - (a) the person was a Sikh at the time the offence is alleged to have been committed and possessed the sword for the purpose only of presenting it to another person at a religious ceremony or other ceremonial event, or
  - (b) the sword was presented to the person by a Sikh at a religious ceremony or other ceremonial event.
- (5) In this paragraph—

*Status: Point in time view as at 27/03/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 47. (See end of Document for details)*

“curved sword” means a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r);

“Sikh” means a follower of the Sikh religion.”

- (9) In paragraph 6, for “and 5A” substitute “, 5A and 5B”.
- (10) The amendments made by subsections (2) to (9) are without prejudice to any power to make an order under section 141 of the Criminal Justice Act 1988 amending or revoking the order mentioned in subsection (1).
- (11) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons) (Scotland) Order 2005 (SSI 2005/483) is amended as follows.
- (12) In paragraph 1, after paragraph (q) insert—
- “(r) the weapon sometimes known as a “cyclone knife” or “spiral knife” being a weapon with—
- (i) a handle,
- (ii) a blade with two or more cutting edges, each of which forms a helix, and
- (iii) a sharp point at the end of the blade.”
- (13) In paragraph 2, after “subsection (1)” insert “or (1A)”.
- (14) The amendments made by subsections (12) and (13) are without prejudice to any power to make an order under section 141 of the Criminal Justice Act 1988 amending or revoking the order mentioned in subsection (11).

#### **Commencement Information**

- I1** S. 47(1) in force at 14.7.2021 for specified purposes for E.W. by S.I. 2021/819, **reg. 2(e)**
- I2** S. 47(3)-(10) in force at 14.7.2021 for E.W. by S.I. 2021/819, **reg. 2(e)**
- I3** S. 47(11) in force at 28.6.2022 by S.S.I. 2022/150, **reg. 2(h)**
- I4** S. 47(12) in force at 28.6.2022 by S.S.I. 2022/150, **reg. 2(h)**
- I5** S. 47(13) in force at 27.3.2023 by S.S.I. 2023/72, **reg. 2(1)(c)**
- I6** S. 47(14) in force at 28.6.2022 for specified purposes by S.S.I. 2022/150, **reg. 2(h)**
- I7** S. 47(14) in force at 27.3.2023 in so far as not already in force by S.S.I. 2023/72, **reg. 2(1)(c)**

**Status:**

Point in time view as at 27/03/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 47.