



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 5

#### THREATENING WITH OFFENSIVE WEAPONS

#### **52 Offence of threatening with an offensive weapon etc in a private place**

- (1) A person (“A”) commits an offence if—
  - (a) while A is in a private place, A unlawfully and intentionally threatens another person (“B”) with an article or substance to which this subsection applies, and
  - (b) A does so in such a way that there is an immediate risk of serious physical harm to B.
- (2) Subsection (1) applies to an article or substance if it is—
  - (a) an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953,
  - (b) an article to which section 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) applies, or
  - (c) a corrosive substance.
- (3) In the application of subsection (1) to an article within subsection (2)(a) or (b), “private place” means a place other than—
  - (a) a public place,
  - (b) a place which is part of school premises, or
  - (c) a place which is part of further education premises.
- (4) In the application of subsection (1) to a corrosive substance, “private place” means a place other than a public place.
- (5) For the purposes of subsection (1) physical harm is serious if it amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861.
- (6) A person guilty of an offence under subsection (1) is liable—

*Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 52. (See end of Document for details)*

- (a) on summary conviction, to imprisonment for a term not exceeding [<sup>F1</sup>the general limit in a magistrates’ court], to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both.
- (7) In relation to an offence committed before [<sup>F2</sup> May 2022], the reference in subsection (6)(a) to [<sup>F3</sup>the general limit in a magistrates’ court] is to be read as a reference to 6 months.
- (8) In this section and section 53—
- “corrosive substance” means a substance that is capable of burning human skin by corrosion;
  - “further education premises” means land used solely for the purposes of—
    - (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
    - (b) 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;
  - “public place” includes any place to which, at the time in question, the public have or are permitted to have access, whether on payment or otherwise;
  - “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 section 4 of the Education Act 1996.

#### Textual Amendments

- F1** Words in s. 52(6)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table
- F2** Words in s. 52(7) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 52(7) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

#### Commencement Information

- I1** S. 52 in force at 6.4.2022 by [S.I. 2022/418](#), regs. 1(2)(5), **2(b)** (with reg. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 52.