



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 1

CORROSIVE PRODUCTS AND SUBSTANCES

Possession of corrosive substances

6 Offence of having a corrosive substance in a public place

- (1) A person commits an offence if they have a corrosive substance with them in a public place.
- (2) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had good reason or lawful authority for having the corrosive substance with them in a public place.
- (3) Without prejudice to the generality of subsection (2), it is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had the corrosive substance with them for use at work.
- (4) It is a defence for a person charged in Scotland with an offence under subsection (1) to show that they had a reasonable excuse or lawful authority for having the corrosive substance with them in a public place.
- (5) Without prejudice to the generality of subsection (4), it is a defence for a person charged in Scotland with an offence under subsection (1) to show that they had the corrosive substance with them for use at work.
- (6) A person is to be taken to have shown a matter mentioned in subsection (4) or (5) 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.
- (7) A person guilty of an offence under subsection (1) is liable—

Status: This is the original version (as it was originally enacted).

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;
 - (d) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or to both.
- (8) 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 (7)(a) to 12 months is to be read as a reference to 6 months.
- (9) In this section—
- “corrosive substance” means a substance which is capable of burning human skin by corrosion;
 - “public place”, in relation to England and Wales or Northern Ireland, includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;
 - “public place”, in relation to Scotland, means any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).
- (10) See—
- (a) section 7 for provisions about presumptions as to the content of containers in proceedings in Scotland;
 - (b) sections 8 and 9 for provisions requiring a court in England and Wales to impose an appropriate custodial sentence in certain cases.