
EXPLANATORY NOTE

(This note is not part of the Order)

Section 141 of the Criminal Justice Act 1988 (“section 141”) provides that any person who manufactures, sells or hires or offers for sale or hire, exposes or has in his possession for the purpose of sale or hire, or lends or gives to any other person, a weapon to which that section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both. The importation of any such weapon is prohibited.

The Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (the “1988 Order”) specifies weapons to which section 141 applies. Swords with a curved blade of 50 centimetres or over in length are in the list of specified weapons contained in the 1988 Order. In relation to such swords, this Order widens an existing defence to offences under section 141(1) and section 50(2) or (3) of the Customs and Excise Management Act 1979. This amended defence applies to swords made anywhere in the world either before 1954 or at any other time according to traditional methods of making swords by hand. The Order also creates a new defence where the conduct which gave rise to the offence was undertaken for the purposes of making the weapon available for use in religious ceremonies.