
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Offensive Weapons Act 2019 (c. 17) (“the Act”).

Regulation 2 sets out the provisions which will come into force on 6th April 2022.

Regulation 2(a) brings into force, in England and Wales and Scotland, sections 1 to 4 of the Act, which provide that it is an offence to sell a corrosive product to a person under the age of 18 or, where the sale is made remotely, to deliver a corrosive product to residential premises (for the purpose of supplying it to the buyer) or into the hands of a person aged under 18, and provides a defence in relation to the remote sale of corrosive products to a person under the age of 18. Regulation 2(a) also brings into force section 64(1) to (4), which enables local weights and measures authorities to enforce (within their areas) certain provisions relating to offensive weapons, and Schedule 1 of the Act which sets out a list of substances which are “corrosive products” for the purposes of the Act.

Regulation 2(b) brings into force, in England and Wales, the offence in section 6 of the Act of having a corrosive substance in a public place, and section 10 of the Act, which extends the power in section 1 of the Police and Criminal Evidence Act 1984 (c. 60) of a constable to stop and search persons or vehicles so that it applies to any corrosive substance in relation to which a person has committed, or is going to commit, an offence under section 6 of the Act. Regulation 2(b) also brings into force sections 34(1) and 35 of the Act, which amend section 141A of the Criminal Justice Act 1988 (c. 33) to prohibit the sale of offensive weapons to persons under 18 and modify the defence to that offence for remote sales. It also brings into force sections 38 to 42 of the Act, which set out the offences of delivering bladed products to residential premises, or to persons under 18, and the related definitions and defences, and section 45 which provides that it is an offence to possess an offensive weapon on further education premises. Regulation 2(b) also brings into force Part 5 (sections 50 to 53) of the Act, which sets out offences of threatening with an offensive weapon in a public place, on further education premises or in a private place, and provides a constable with a power to enter and search school or further education premises if they have reasonable grounds for suspecting that an offence of threatening with a corrosive substance is being (or has been) committed.

Regulation 2(c) brings into force, in the UK, an amendment to paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (c. 15) to include the enforcement of offences relating to the sale of offensive weapons (as listed in section 64 of the Act) within the scope of the powers afforded to domestic enforcers (as defined in paragraph 3 of Schedule 5 to the Consumer Rights Act 2015). Regulation 2(c) also brings into force section 65 of the Act, which inserts references to certain offences relating to offensive weapons into the list in Schedule 3 of the Regulatory Enforcement and Sanctions Act 2008 (c. 13) of enactments specified for the purposes of Part 1 of that Act.

Regulation 2(d) brings into force, in the UK, section 66(1) of the Act, which provides a power for the Secretary of State to issue certain guidance in relation to offensive weapons. Section 66(2) and (3) of the Act provide similar powers for the Scottish Ministers and the Department of Justice in Northern Ireland, which are to be brought into force by the Scottish Ministers and the Department for Justice in Northern Ireland. Section 66(4) to (10) makes general provision in relation to these powers to issue guidance, and is brought into force by regulation 2(e) except so far as they convey functions upon either the Scottish Ministers or the Department for Justice in Northern Ireland (see section 70(2)(i) and (3)(l) of the Act).

Regulation 2(e) brings into force section 67 of the Act, which makes certain consequential amendments to the Armed Forces Act 2006 (c. 17). Section 67 is brought into force in the UK, the

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Isle of Man and the British overseas territories (other than Gibraltar), to reflect the extent of the Armed Forces Act 2006.

Regulation 3 makes saving provision in relation to the delivery of corrosive products, bladed products and bladed articles, where a sale of such a product had been completed before sections 3(2) and (3), 4(4), 38(2) and (3), 39(6) and 42(4) came into force, but delivery had not been completed before that date. Regulation 3 states that the offences in those sections of the Act do not apply in these circumstances. Regulation 3(a) and(b) extends to England and Wales and Scotland, and regulation 3(c) to (e) extends to England and Wales.