

2022 No. 418 (C. 15)

CRIMINAL LAW

**The Offensive Weapons Act 2019 (Commencement No. 2 and
Saving Provision) Regulations 2022**

Made - - - -

31st March 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 70(1) and (6) of the Offensive Weapons Act 2019(a).

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Offensive Weapons Act 2019 (Commencement No. 2 and Saving Provision) Regulations 2022.

(2) In these Regulations, “the Act” means the Offensive Weapons Act 2019.

(3) This Regulation extends to England and Wales, Scotland and Northern Ireland, but so far as it relates to regulation 2(e) it also extends to the Isle of Man and the British overseas territories except Gibraltar.

(4) Regulations 2(a) and 3(a) and (b) extend to England and Wales and Scotland.

(5) Regulations 2(b) and 3(c) to (e) extend to England and Wales.

(6) Regulation 2(c) and (d) extends to England and Wales, Scotland and Northern Ireland.

(7) Regulation 2(e) extends to England and Wales, Scotland, Northern Ireland, the Isle of Man and the British overseas territories except Gibraltar.

Provisions coming into force on 6th April 2022

2. The following provisions of the Act come into force on 6th April 2022—

- (a) Sections 1 to 4 (sale and delivery of corrosive products), 64(1) to (4) (enforcement of offences relating to sale etc. of offensive weapons) and Schedule 1 (corrosive products);
- (b) Sections 6 (offence of having a corrosive substance in a public place), 10 (search for corrosive substances: England and Wales), 34(1) (sale etc of bladed articles to persons under 18), 35 (defence to sale of bladed articles to persons under 18: England and Wales), 38 to 42 (delivery of bladed products and articles, defences and definitions), 45 (prohibition on the possession of offensive weapons on further education premises) and 50 to 53 (threatening with offensive weapons);
- (c) Section 64(5) and 65 (Application of Regulatory Enforcements and Sanctions Act 2008);
- (d) Section 66(1) (guidance on offences relating to offensive weapons etc) and (4) to (10), except so far as it confers functions on the Scottish Ministers or the Department of Justice in Northern Ireland;

- (e) Section 67 (consequential amendments relating to armed forces).

Saving provision

- 3.** Notwithstanding the commencement of the Act in regulation 2(a) and (b)—
- (a) section 3(2) and (3) of the Act (delivery of corrosive products to residential premises etc) does not apply where, before 6th April 2022, the seller arranges for the delivery of a corrosive product and the delivery has not taken place by that date;
 - (b) section 4(4) of the Act (delivery of corrosive products to persons under 18) does not apply where the sale referred to in section 4(1)(a) of the Act takes place before 6th April 2022 and the person mentioned in section 4(1)(e) of the Act has not delivered the corrosive product by that date;
 - (c) section 38(2) and (3) of the Act (delivery of bladed products to residential premises etc) does not apply where, before 6th April 2022, the seller arranges for the delivery of a bladed product and the delivery has not taken place by that date;
 - (d) section 39(6) of the Act (delivery of bladed products to persons under 18) does not apply where the sale referred to in section 39(1)(a) of the Act takes place before 6th April 2022 and the person referred to in section 39(1)(e) of the Act has not delivered the bladed product by that date;
 - (e) section 42(4) of the Act (delivery of bladed articles to persons under 18) does not apply where the sale referred to in section 42(1)(a) of the Act takes place before 6th April 2022 and the person referred to in section 42(1)(e) of the Act has not delivered the bladed article by that date.

Kit Malthouse
Minister of State
Home Office

31st March 2022

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 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.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Offensive Weapons Act 2019 have been brought into force by commencement regulations made before these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 5 (in relation to Scotland)	1 January 2021	S.S.I. 2020/410
Section 7 (in relation to Scotland)	1 January 2021	S.S.I. 2020/410
Section 11 (in relation to Scotland)	1 January 2021	S.S.I. 2020/410
Section 13(5) (in relation to Scotland)	1 January 2021	S.S.I. 2020/410
Sections 14 to 29 (in relation to England and Wales) (partially)	5 July 2021	S.I. 2021/762
Sections 32 and 33 (in relation to England and Wales) (partially)	5 July 2021	S.I. 2021/762
Section 34(1) (in relation to Scotland)	1 January 2021	S.S.I. 2020/410
Section 36 (in relation to Scotland)	1 January 2021	S.S.I. 2020/410
Section 43(1) (in relation to England and Wales and Scotland)	14 July 2021	S.I. 2021/819

Section 44(1) and (4) (in relation to England and Wales) (partially)	10 December 2020	S.I. 2020/1480
Section 44(1) (in relation to England and Wales) (partially)	14 July 2021	S.I. 2021/819
Section 44(2) to (4) (in relation to England and Wales) (so far as not already in force)	14 July 2021	S.I. 2021/819
Section 44(4) (in relation to Scotland) (partially)	14 July 2021	S.I. 2021/819
Section 46(1) (in relation to England and Wales) (partially)	14 July 2021	S.I. 2021/819
Section 46(2) to (11) and (15) (in relation to England and Wales)	14 July 2021	S.I. 2021/819
Section 46(15) (in relation to Scotland)	1 January 2021	S.S.I. 2020/410
Section 47(1) (in relation to England and Wales) (partially)	14 July 2021	S.I. 2021/819
Section 47(3) to (10) (in relation to England and Wales)	14 July 2021	S.I. 2021/819
Section 54 (so far as not already in force)	14 July 2021	S.I. 2021/819
Section 55 (so far as not already in force)	14 July 2021	S.I. 2021/819
Section 56	14 July 2021	S.I. 2021/819
Section 66 (in relation to Scotland)	1 January 2021	S.S.I. 2020/410
Schedule 2	14 July 2021	S.I. 2021/819

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£4.90

<http://www.legislation.gov.uk/id/uksi/2022/418>

ISBN 978-0-34-823434-3



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