Red Lion Chambers Webinars

SERIES

The Offensive Weapons Act 2019

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Offensive Weapons in Private

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Overview

- Background to the legislation
- What's new?
- Defences
- Sentencing
- Pros and cons

The Offensive Weapons Act 2019

What's it all about?

- Passed in May 2019 but not enacted until July 2021
- Attempt to bolster authorities in the clampdown on violent crime
- New offences covering corrosive substances
- Knife Crime Prevention Orders

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Key Changes

- s.141 Criminal Justice Act 1988 prevented sale, manufacture, hire etc of a number of weapons
- Weapons listed in the Criminal Justice Act (Offensive Weapons) Order 1988 e.g knuckledusters, curved swords, truncheons
- s.46(1A) OWA 2019 adds new offence criminalising possession of these same weapons in private:
- Defined as:

  in a place other than—

  (a)a public place,

  (b)school premises,

  (c)further education premises, or

  (d)a prison

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Key Changes cont.

- s.47 OWA 2019 amends the list of weapons to include ‘cyclone knives’ and ‘zombie knives’
- · Definition of zombie knives given in the schedule:

being a blade with—

(i)a cutting edge;

(ii)a serrated edge; and

(iii)images or words (whether on the blade or handle) that suggest that it is to be used for the purpose of violence.

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Defences

Under s.46:

- S.7(A) - historical importance
- Ss.8-9 - museums & galleries
- s.11A - educational purposes
- s.11B - theatre, film and TV production

Under CJA 1988 Offensive Weapons Order:

- Antiques i.e. 100 years old
- Para 3 — swords made before 1954 or by hand
- Para 4 — historical re-enactments, sports etc
- Para 5A/B — religious ceremonies

- Crown must disprove once raised

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Sentencing

- Summary only
- Imprisonment for a term not exceeding 51 weeks, to a fine or to both
- No MMS — yet!

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Pros & Cons

Pros

- May assist with reducing violent crime
- Many of the weapons rare
- Limited sentencing power
- No reverse burden

Cons

- Draconian
- Risks criminalising hobbyists, religious people
- No jury trials

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Summary

- ss.46 and 47 OWA 2019 key new provisions
- Summary only offence
- No MMS
- Number of defences
- Burden on Crown to disprove defence
- Experts likely to become increasingly necessary
- Interpretation - historical importance? use for violence?