

# **Report to the Tyne and Wear Trading Standards Joint Committee**

**23 June 2022**

## **An update on the implementation of the Offensive Weapons Act 2019.**

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### **Purpose of the report**

To provide Committee with an update on the issue related to the implementation of the Offensive Weapons Act 2019 (the Act). The relevant provisions of the Act were brought into force on the 6 April 2022.

### **Purpose of the provisions of the Offensive Weapons Act 2019**

1. The Act includes new legislative measures to control the sale of knives and corrosive products, and it introduces new offences relating to their possession and use.
2. The Act creates a new criminal offence of selling a corrosive product to a person under the age of 18. The substances and concentration levels that constitute corrosive products for this purpose are set out in Schedule 1 of the Act. The Act contains a delegated power to amend the Schedule to add, remove or modify substances and concentration levels as required.
3. The Act provides defences that can apply to the offence of selling bladed articles to under 18s, in the case of the remote sales. Remote sales include online sales, mail-order or over the phone sales. The defence requires proof that the seller took all reasonable precautions and exercised due diligence to avoid committing the offence of selling to an under 18 offence. To rely on the defence, as a minimum, all of the conditions set out in section 35 of the Act must be met.
4. The Act provides defences to the offences of delivering, or arranging delivery of, a bladed product to residential premises or to a locker and the offence of delivering bladed products to an under 18 at residential premises unless the seller meets certain conditions (had procedures in place which were likely to ensure that any bladed product would be delivered into the hands of someone over 18 and took all reasonable precautions and exercised all due diligence, to ensure the product was delivered to someone over 18, or the product was designed, manufactured, adapted for the buyer in accordance with their specifications or if the products was for sporting purposes or historical re-enactment).
5. The term “bladed product” is a new term introduced in the Act and is intended to cover a subset of bladed articles and it means an article with a blade that is capable of causing a serious injury to a person which involves cutting that person’s skin.

6. Where the seller is based outside of the UK, the delivery of a bladed product to a person under 18 is a criminal offence for the delivery company that delivers the product on behalf of the overseas seller. There are defences to this offence where the delivery company takes all reasonable precautions and exercises all due diligence to avoid delivering the bladed product into the hands of a person under 18.
7. The Primary Authority scheme, that applies to Trading Standard Authorities, has been extended to cover the sale, delivery etc of knives (including bladed articles and bladed products), corrosive products and other offensive weapons.
8. The Act updates the definition of a flick knife to include those where the mechanism is not within the handle. It also prohibits the possession of flick knives and gravity knives in private. The sale, importation, manufacture, supply, and possession in public is already prohibited.

### **Recommendation**

9. The Committee is asked to note the information. Further information can be sought at: <https://www.gov.uk/government/publications/the-offensive-weapons-act-2019/statutory-guidance-offensive-weapons-act-2019-accessible-version>

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