



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART XI

#### MISCELLANEOUS

##### *Articles with blades or points and offensive weapons*

**[ 139A <sup>F1</sup> Offence of having article with blade or point (or offensive weapon) on <sup>F2</sup>education premises]. **E+W****

- (1) Any person who has an article to which section 139 of this Act applies with him on school premises [<sup>F3</sup>or further education premises] shall be guilty of an offence.
- (2) Any person who has an offensive weapon within the meaning of section 1 of the <sup>M1</sup>Prevention of Crime Act 1953 with him on school premises [<sup>F4</sup>or further education premises] shall be guilty of an offence.
- (3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.
- (4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him—
  - (a) for use at work,
  - (b) for educational purposes,
  - (c) for religious reasons, or
  - (d) as part of any national costume.
- <sup>F5</sup>(5) A person guilty of an offence under subsection (1) or (2) is liable—
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F6</sup>the general limit in a magistrates' court] or to a fine, or to both;

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent N.I. - Northern Ireland extent*  
*Changes to legislation: Criminal Justice Act 1988, Section 139A is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
- (c) on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.

(5ZA) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (5)(a) to [F7 the general limit in a magistrates’ court] is to be read as a reference to 6 months.]

- F8(5A) .....
- F8(5B) .....
- F8(5C) .....
- F8(5D) .....
- F8(5E) .....
- F8(5F) .....
- F8(5G) .....

[ See section 315 of the Sentencing Code for provision about the sentence which a court F9(5ZB) in England and Wales may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section.]

[F10(6) In this section and section 139B “school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by—

- (a) in relation to land in England and Wales, section 4 of the Education Act 1996;
- (b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)).]

[ In this section and section 139B “further education premises” means—

- F11(6A) (a) in relation to England and Wales, land used solely for the purposes of—
  - (i) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
  - (ii) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),
 excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;
- (b) in relation to Northern Ireland, land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution.]

(7) In the application of this section to Northern Ireland—

- (a) the reference in subsection (2) above to section 1 of the M2 Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the M3 Public Order (Northern Ireland) Order 1987; and

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- (b) the reference in subsection (6) above to <sup>F12</sup> section 4 of the Education Act 1996 ] is to be construed as a reference to Article 2(2) of the <sup>M4</sup> Education and Libraries (Northern Ireland) Order 1986. ]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F1** S. 139A inserted (1.9.1996) by 1996 c. 26, s. 4(1)(4); S.I. 1996/2071, art. 2
- F2** Words in s. 139A heading substituted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(2), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F3** Words in s. 139A(1) inserted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(3), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F4** Words in s. 139A(2) inserted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(4), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F5** S. 139A(5)(5ZA) substituted for s. 139A(5) (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(5), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F6** Words in s. 139A(5)(a) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1
- F7** Words in s. 139A(5ZA) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1
- F8** S. 139A(5A)-(5G) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F9** S. 139A(5ZB) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 91 (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F10** S. 139A(6) substituted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(6), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F11** S. 139A(6A) inserted (6.4.2022 for E.W.) by Offensive Weapons Act 2019 (c. 17), ss. 45(7), 70(1); S.I. 2022/418, reg. 2(b) (with reg. 3)
- F12** Words in s. 139A(6)(7) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. 1 para. 69 (with ss. 1(4), 582(3), Sch. 39)

#### Modifications etc. (not altering text)

- C1** S. 139A modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3) (with Sch. 1 para. 42); S.I. 2012/1236, reg. 2

#### Marginal Citations

- M1** 1953 c. 14.  
**M2** 1953 c. 14.  
**M3** S.I. 1987/463 (N.I. 7).  
**M4** S.I. 1986/594 (N.I. 3).

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**[ 139A <sup>F1</sup> Offence of having article with blade or point (or offensive weapon) on school premises. **N.I.****

- (1) Any person who has an article to which section 139 of this Act applies with him on school premises shall be guilty of an offence.
- (2) Any person who has an offensive weapon within the meaning of section 1 of the <sup>M1</sup> Prevention of Crime Act 1953 with him on school premises shall be guilty of an offence.
- (3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.
- (4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him—
  - (a) for use at work,
  - (b) for educational purposes,
  - (c) for religious reasons, or
  - (d) as part of any national costume.

- [<sup>F13</sup>(5) A person guilty of an offence under subsection (1) or (2) shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.]

- <sup>F8</sup>(5A) .....
- <sup>F8</sup>(5B) .....
- <sup>F8</sup>(5C) .....
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[ See section 315 of the Sentencing Code for provision about the sentence which a court <sup>F9</sup>(5ZB) in England and Wales may be required to impose where a person aged 16 or over who has a previous relevant conviction (within the meaning of that section) is convicted of an offence under this section.]

[<sup>F13</sup>(6) In this section and section 139B “ school premises ” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “ school ” has the meaning given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986. ]

- (7) In the application of this section to Northern Ireland—
  - (a) the reference in subsection (2) above to section 1 of the <sup>M2</sup> Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the <sup>M3</sup> Public Order (Northern Ireland) Order 1987; and

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<sup>F14</sup>(b) .....]

#### Extent Information

**E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F1** S. 139A inserted (1.9.1996) by 1996 c. 26, s. 4(1)(4); S.I. 1996/2071, art. 2
- F8** S. 139A(5A)-(5G) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F9** S. 139A(5ZB) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 91 (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F13** S. 139A(5)(6) substituted (5.5.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 52, 111(1) (with Sch. 6 para. 4(2))
- F14** S. 139A(7)(b) repealed (N.I.) (5.5.2011) by Justice Act (Northern Ireland) 2011 (c. 24), s. 111(1), Sch. 8 Pt. 5

#### Modifications etc. (not altering text)

- C1** S. 139A modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3) (with Sch. 1 para. 42); S.I. 2012/1236, reg. 2

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- M1** 1953 c. 14.
- M2** 1953 c. 14.
- M3** S.I. 1987/463 (N.I. 7).

**Status:**

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**Skip to:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 139A(5ZA) words substituted by [2020 c. 17 Sch. 24 para. 443\(1\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)