



Offensive Weapons Act 1996

1996 CHAPTER 26

4 Offence of having article with blade or point (or offensive weapon) on school premises etc.

- (1) After section 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) there is inserted—

“139A Offence of having article with blade or point (or offensive weapon) on school premises.

- (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 ^{M1}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.
- (5) A person guilty of an offence—
- (a) under subsection (1) above shall be liable—
 - (i) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;

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- (ii) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both;
 - (b) under subsection (2) above shall be liable—
 - (i) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding four years, or a fine, or both.
- (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 section 14(5) of the ^{M2}Further and Higher Education Act 1992.
- (7) In the application of this section to Northern Ireland—
- (a) the reference in subsection (2) above to section 1 of the ^{M3}Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the ^{M4}Public Order (Northern Ireland) Order 1987; and
 - (b) the reference in subsection (6) above to section 14(5) of the Further and Higher Education Act 1992 is to be construed as a reference to Article 2(2) of the ^{M5}Education and Libraries (Northern Ireland) Order 1986.

139B Power of entry to search for articles with a blade or point and offensive weapons.

- (1) A constable may enter school premises and search those premises and any person on those premises for—
 - (a) any article to which section 139 of this Act applies, or
 - (b) any offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953,
 if he has reasonable grounds for believing that an offence under section 139A of this Act is being, or has been, committed.
 - (2) If in the course of a search under this section a constable discovers an article or weapon which he has reasonable grounds for suspecting to be an article or weapon of a kind described in subsection (1) above, he may seize and retain it.
 - (3) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this section.
 - (4) In the application of this section to Northern Ireland the reference in subsection (1)(b) above to section 1 of the Prevention of Crime Act 1953 is to be construed as a reference to Article 22 of the Public Order (Northern Ireland) Order 1987.”
- (2) In section 172 of that Act (extent), in subsection (3), for “section 139” there is substituted “ sections 139 to 139B ”.
- (3) After section 49 of the ^{M6}Criminal Law (Consolidation) (Scotland) Act 1995 (offence of having in public place article with blade or point) there is inserted—

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“49A Offence of having article with blade or point (or offensive weapon) on school premises.

- (1) Any person who has an article to which section 49 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 47 of this Act 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.
- (5) A person guilty of an offence—
 - (a) under subsection (1) above shall be liable—
 - (i) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both;
 - (b) under subsection (2) above shall be liable—
 - (i) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding four years, or a fine, or both.
- (6) In this section and section 49B of this Act, “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 section 135(1) of the ^{M7}Education (Scotland) Act 1980.

49B Power of entry to search for articles with a blade or point and offensive weapons.

- (1) A constable may enter school premises and search those premises and any person on those premises for—
 - (a) any article to which section 49 of this Act applies, or
 - (b) any offensive weapon within the meaning of section 47 of this Act,if he has reasonable grounds for suspecting that an offence under section 49A of this Act is being, or has been, committed.

Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 1996, Section 4. (See end of Document for details)

- (2) If in the course of a search under this section a constable discovers an article or weapon which he has reasonable grounds for believing to be an article or weapon of a kind described in subsection (1) above, he may seize it.
- (3) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this section.”
- (4) Subsections (1) to (3) above shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

Extent Information

E1 For extent of s. 4 see s. 7(2).

Subordinate Legislation Made

P1 S. 4(4) power fully exercised (4.8.1996): 1.9.1996 appointed by S.I. 1996/2071, **art. 2**

Commencement Information

I1 S. 4 wholly in force; s. 4(4) in force at Royal Assent see s. 4(4); s. 4(1)-(3) in force at 1.9.1996 by S.I. 1996/2071, **art. 2**

Marginal Citations

M1 1953 c. 14.
M2 1992 c. 13.
M3 1953 c. 14.
M4 S.I. 1987/463 (N.I. 7).
M5 S.I. 1986/594 (N.I. 3).
M6 1995 c. 39.
M7 1980 c. 44.

Changes to legislation:

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