



# Prevention of Crime Act 1953

## 1953 CHAPTER 14 1 and 2 Eliz 2

### [<sup>F1</sup>1] **Prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse.**

- (1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding [<sup>F2</sup>six months] or a fine not exceeding [<sup>F3</sup>£200], or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding [<sup>F4</sup>four] years or a fine not exceeding one hundred pounds, or both.
- (2) Where any person is convicted of an offence under subsection (1) of this section the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

[ Subsection (2B) applies where—

- <sup>F5</sup>(2A) (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced, and
- (b) when the offence was committed, the person was aged 16 or over and had at least one relevant conviction (see section 1ZA).

(2B) Where this subsection applies, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—

- (a) relate to the offence, to the previous offence or to the offender, and
- (b) would make it unjust to do so in all the circumstances.

(2C) In this section “appropriate custodial sentence” means—

- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
- (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least 4 months.

*Status: Point in time view as at 17/07/2015. This version of this provision has been superseded.*

*Changes to legislation: Prevention of Crime Act 1953, Section 1 is up to date with all changes known to be in force on or before 18 July 2023. 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)*

- (2D) In considering whether it is of the opinion mentioned in subsection (2B) in the case of a person aged 16 or 17, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (2E) Where—
- (a) an appropriate custodial sentence has been imposed on a person under subsection (2B), and
  - (b) a relevant conviction without which subsection (2B) would not have applied has been subsequently set aside on appeal,
- notice of appeal against the sentence may be given at any time within 28 days from the date on which the conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).
- (2F) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (2G) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (2C)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.]
- [ A constable may arrest without warrant any person whom he has reasonable cause <sup>F6</sup>(3) to believe to be committing an offence under subsection (1) of this section, if the constable is not satisfied as to that person's identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used.]
- (4) In this section “ public place ” includes any highway [<sup>F7</sup> , or in Scotland any road within the meaning of the Roads (Scotland) Act 1984 ] and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise; and “ offensive weapon ” means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him [<sup>F8</sup> or by some other person ] . ]

#### Textual Amendments

- F1** S. 1 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2) Sch. 5 (with s Sch. 3 para. 1, 3, 6)
- F2** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 46(1)(3), **Sch. 8 para. 16**
- F3** Words substituted by Criminal Justice Act 1967 (c. 80), s. 92, **Sch. 3 Pt. I**
- F4** Word in s. 1(1)(b) substituted (4.7.1996) by 1996 c. 26, s. 2(1) (with s. 2(4))
- F5** S. 1(2A)-(2G) inserted (17.7.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 28(2), 95(1); S.I. 2015/1463, art. 2(a)
- F6** S. 1(3) repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**
- F7** Words inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(1), **Sch. 9 para. 42**
- F8** Words added (E.W.) by Public Order Act 1986 (c. 64, SIF 39:2), s. 40(2), **Sch. 2 para. 2**

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

- C1** S. 1(1)(b) amended by Criminal Justice Act 1967 (c. 80), s. 92(8)

**Status:**

Point in time view as at 17/07/2015. This version of this provision has been superseded.

**Changes to legislation:**

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