
STATUTORY INSTRUMENTS

2020 No. 1480 (C. 41)

CRIMINAL LAW, ENGLAND AND WALES

**The Offensive Weapons Act 2019 (Commencement
No. 1) (England and Wales) Regulations 2020**

Made - - - - 8th December 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 70(1) of the Offensive Weapons Act 2019⁽¹⁾:

Citation and extent

1.—(1) These Regulations may be cited as the Offensive Weapons Act 2019 (Commencement No. 1) (England and Wales) Regulations 2020.

(2) These Regulations extend to England and Wales.

Commencement of section 44 of the Offensive Weapons Act 2019

2. Subsections (1) and (4) of section 44 of the Offensive Weapons Act 2019 (defences to offences relating to dangerous knives) come into force on 10th December 2020 for the purpose of inserting the following provisions into section 1 of the Restriction of Offensive Weapons Act 1959⁽²⁾—

(a) new subsection (3), other than paragraph (b);

(b) new subsections (6) to (8), so far as they apply to subsection (3) of that section.

8th December 2020

Kit Malthouse
Minister of State for Crime and Policing
Home Office

(1) 2019 c. 17.
(2) 1959 c. 37.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations bring subsections (1) and (4) of section 44 of the Offensive Weapons Act 2019 (c. 17) (“the 2019 Act”) into force insofar as they provide a defence for a person charged with an offence under section 1(1) of the Restriction of Offensive Weapons Act 1959 (c. 37) (“the 1959 Act”).

It is an offence under section 1(1) of the 1959 Act for any person to manufacture, sell, hire, lend or give to any other person any knife of a kind described in that section. Section 44(4) of the 2019 Act amends section 1 of the 1959 Act to provide a defence where a person can show that their conduct was only for the purpose of making the knife available to a museum or gallery.

Section 44(2) of the 2019 Act makes it an offence to possess any knife of the kind described in section 1(1) of the 1959 Act.

These Regulation will enable a person to lawfully transfer such knives to a museum or gallery if they wish to do so before the prohibition on their possession by virtue of section 44(2) is commenced.

An impact assessment relating to the 2019 Act, including the provisions relating to the prohibition of knives by virtue of section 44 of the Act, is available at <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0232/IA%20-%20Offensive%20Weapons%20Bill.pdf>