
STATUTORY INSTRUMENTS

2021 No. 819 (C. 46)

CRIMINAL LAW

**The Offensive Weapons Act 2019
(Commencement No. 1) Regulations 2021**

Made - - - - *7th July 2021*

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, interpretation and extent

1.—(1) These Regulations may be cited as the Offensive Weapons Act 2019 (Commencement No. 1) Regulations 2021.

(2) This regulation and regulation 2(h) and (i) extend to England and Wales, Scotland and Northern Ireland.

(3) Regulation 2(a) and (f) extends to England and Wales and Scotland.

(4) Regulation 2(b), (d) and (e) extends to England and Wales.

(5) Regulation 2(c) extends to Scotland.

(6) Regulation 2(g) extends to Northern Ireland.

Provisions coming into force on 14th July 2021

2. The following provisions of the Offensive Weapons Act 2019 come into force on 14th July 2021—

(a) section 43(1) (amendments to the definition of “flick knife”);

(b) section 44(2) to (4) (prohibitions on the possession of certain dangerous knives), so far as not already in force, and section 44(1) so far as it applies to that provision;

(c) section 44(4) (prohibition on the possession of certain dangerous knives) so far as it makes provision in relation to an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979⁽²⁾, and section 44(1) so far as it applies to that provision;

(d) section 46(2) to (11) and (15) (prohibition on the possession of offensive weapons), and section 46(1) so far as it applies to that provision;

⁽¹⁾ 2019 c. 17.

⁽²⁾ 1979 c. 2. Section 44(2) and (3) was amended by section 114(1) of the Police and Criminal Evidence Act 1984 (c. 60). Section 50(2) was also amended by paragraph 44(1) and (2) of Schedule 7 to the Taxation (Cross-border Trade) Act 2018 (c. 22).

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- (e) section 47(3) to (10) (prohibition on the possession of offensive weapons: supplementary), and section 47(1) so far as it applies to that provision;
- (f) section 54 (prohibition of certain firearms etc: England and Wales and Scotland) so far as it is not already in force⁽³⁾;
- (g) section 55 (prohibition of certain firearms etc: Northern Ireland) so far as it is not already in force;
- (h) section 56 (consequential amendments relating to sections 54 and 55);
- (i) Schedule 2 (consequential amendments relating to sections 54 and 55)⁽⁴⁾.

7th July 2021

Kit Malthouse
Minister of State
Home Office

⁽³⁾ Section 54(6) was repealed, in relation to England and Wales, by section 413 of, and Schedule 29 to, the Sentencing Act 2020 (c. 17).

⁽⁴⁾ Schedule 2 was amended by section 413 of, and Schedule 28 to, the Sentencing Act 2020.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Offensive Weapons Act 2019 (c. 17) (“the Act”).

Regulation 2 sets out the provisions which will come into force on 14th July 2021, so far as not already in force.

Regulation 2(a) brings into force, in England and Wales and Scotland, section 43(1) of the Act, which amends the definition of a “flick knife” in section 1 of the Restriction of Offensive Weapons Act 1959 (c. 37) (“the 1959 Act”). Regulation 2(b) brings into force, in England and Wales, section 44(2) to (4) of the Act (and section 44(1) so far as it relates to that provision). Section 44(2) to (4) amends section 1 of the 1959 Act by inserting provisions which prohibit the possession of flick and gravity knives, subject to various defences. Regulation 2(c) brings into force, in Scotland, section 44(4) (and section 44(1) so far as it relates to section 44(4)) so far as it introduces defences to offences of importation of such knives.

Regulation 2(d) and (e) brings into force, in England and Wales, section 46(2) to (11) and (15) (and section 46(1) so far as it relates to that provision) and section 47(3) to (10) (and section 47(1) so far as it relates to that provision) of the Act. Those sections prohibit the possession of offensive weapons (meaning weapons to which section 141 of the Criminal Justice Act 1988 (c. 33) applies) in private, subject to defences. The provisions also add knives known as “cyclone knives” to the list of offensive weapons in the Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (S.I. 1988/2019).

Regulation 2(f) brings into force, in England, Wales and Scotland section 54 of the Act (so far as it is not already in force), which prohibits the possession of certain rapid firing rifles and bump stock. Regulation 2(g) brings into force section 55 of the Act (so far as it is not already in force), which makes equivalent prohibition in Northern Ireland. Regulation 2(h) and (i) bring into force section 56 and Schedule 2 to the Act which make consequential amendments to other Acts relating to sections 54 and 55 of the Act.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Offensive Weapons Act 2019 have been brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 5 (in relation to Scotland)	1st January 2021	S.S.I. 2020/410
Section 7 (in relation to Scotland)	1st January 2021	S.S.I. 2020/410
Section 11 (in relation to Scotland)	1st January 2021	S.S.I. 2020/410
Section 13(5) (in relation to Scotland)	1st January 2021	S.S.I. 2020/410
Sections 14 to 29 (in relation to England and Wales) (partially)	5th July 2021	S.I. 2021/762

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 32 and 33 (in relation to England and Wales) (partially)	5th July 2021	S.I. 2021/762
Section 34(1) (in relation to Scotland)	1st January 2021	S.S.I. 2020/410
Section 36 (in relation to Scotland)	1st January 2021	S.S.I. 2020/410
Section 44(1) and (4) (in relation to England and Wales) (partially)	10th December 2020	S.I. 2020/1480
Section 46(15) (in relation to Scotland)	1st January 2021	S.S.I. 2020/410
Section 66 (in relation to Scotland)	1st January 2021	S.S.I. 2020/410
