

Offensive Weapons, Bladed Articles & Going Equipped



Learners who have successfully completed this lesson will be able to:

- Explain the legislation relating to Sec 1(1) Prevention of Crime Act 1953
- Explain the legislation relating to Sec 139(1) Criminal Justice Act 1988.
- Explain the legislation relating to Section 25(1) Theft Act 1968

One of the duties of a constable is to prevent crime. We are concerned here with what offences could be committed in future.

'Statutory Preventative Measures' are a means that Parliament has given the police to help them in that duty. Most of these follow a general principle. It is that certain acts that could lead to a criminal offence being committed should themselves be offences.

Some of these offences need proof of criminal intent or unlawful purpose to be complete.

The carrying of weapons has become an issue of considerable concern over the years.

The law has developed in an untidy fashion and in considering the different offences and restrictions, it is important to look at the *particular weapons* covered by each piece of legislation, together with the *particular activity* which parliament was seeking to control.

Having an Offensive Weapon in a Public Place

Sec. 1 Prevention Of Crime Act 1953

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.



The Prevention of Crime Act 1953 was brought into force mainly to prevent people arming themselves with articles capable of causing injury, rather than to deal with them after the injury has been caused.

As a preventative measure it is an offence to have an offensive weapon in a public place.

Having an Offensive Weapon in a Public Place



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.



Lawful authority

Means the lawful authority to carry weapons when required to do so **on duty** as a police officer or member of the armed forces. e.g. a police officer carrying a baton or asp.

Lawful authority does not cover private security firms or door staff at night-clubs.

If someone does not fall into this limited group, they may still have '**reasonable excuse**' for having the weapon. (see next slide)

Having an Offensive Weapon in a Public Place

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.



Reasonable Excuse

Would a reasonable person think it excusable in the circumstances to carry the weapon or article in question?

Self Defence

A person who claims that the article they have with them is for 'self-defence' cannot say they have a 'reasonable excuse' in most cases. If, however, they can prove there was some specific and immediate danger, they may have a reasonable excuse eg a man fears for his safety and picks up a brick to defend himself if the need arises. Normally, this must be a threat to him which is likely to occur almost straight away (before he can escape or get help), but it will very much depend on the circumstances as to the length of time it would be reasonable to keep hold of the brick.

Individuals are not entitled to arm themselves simply because they **may** be attacked by someone for example carrying a weapon around because of the rough nature of a neighbourhood.

If an individual is under constant threat then they must get the help of the police.

Instant Use a woman fears for her safety, picks up a brick and hits a youth who is threatening her. If the incident came about through instant use of an innocent article

which was at hand, then no offence may be committed. (For example, if a butcher using his cleaver quite lawfully is attacked and uses it to defend himself or his property, he would not be guilty of possession of an offensive weapon, because this would be classed as 'instant use'). This is a clearly established principle, which the case of *Ohlson v Hylton* (see below) demonstrates quite well. Perhaps a little more borderline is the case of *C v DPP* [2002] Crim LR 322. In that case the police attended a reported incident of public disorder. When they arrived they approached a young woman with a dog on its lead who was acting in an excited manner. The woman put the dog over a garden wall, but retained the metal chain-link lead which then she used violently against police officers. The Court decided she formed the intent to use the lead as a weapon, as, or just after, she put the dog over the wall. However, because she had almost immediately swung out at the officer, there was an insufficient length of time between the forming of the intent and the use of the article as a weapon to have 'had it with her' intending to use it as an offensive weapon. Perhaps if she had seen the officers some way off, put the dog over the wall and taken a stance swinging the lead over her head shouting, 'come and get me if you dare', there would have been sufficient time for her to have 'had the weapon with her' with intent to injure. It would not need to be more than a few seconds, although every case will have to be judged on its facts. In the circumstances of this particular case, she was not guilty of the offence.

Innocent Reason a martial arts expert taking rice flails and other such weapons to his evening class.

Forgetfulness the straight forward fact that the accused forgot he had the weapon with him is not in itself a reasonable excuse (*R v McCalla* (1988)) *R* (On the application of *Bayliss*) *v* *DPP* (2003) and *R v Tsap* (2008)(see below). However, in very specific circumstances, forgetfulness may be a factor the court can consider as a reasonable excuse for possession of an offensive weapon. As to something in their possession which originally came into their possession in circumstances outside their control eg a taxi driver finds a cosh in the back of his taxi, hides it under the seat intending to dispose of it later but forgets about it (*R v Glidewell* 1999);

Examples of Case Law involving 'reasonable excuse':

Ohlson v Hylton 1975 – People having tools with them in course of their trade – *may* have reasonable excuse...

Evans v Hughes 1972 – *Not* reasonable to have a weapon with you as a precaution in case attacked...therefore, claiming that they have the article for self defence is not a reasonable excuse. Can not arm yourself when going to football match

Malnik v DPP 1989 – But *may* however be reasonable to have weapon if you have grounds to anticipate unprovoked or unlawful attack i.e. can prove a specific and immediate danger

Not reasonable excuses

Ignorance - as to the nature of an object (e.g. thinking an extendible baton is an aerial (*R v Densu* [1998] 1 Cr. App. R. 400)) is not a reasonable excuse. (If the defence wish to claim that they had reasonable excuse or lawful authority, then they

must satisfy the Court on the balance of probabilities. Officers should anticipate the possibility of such a defence arising and attempt to neutralise it through evidence or interview).

Possession to commit suicide - a woman with a broken milk bottle (which the court deemed to be an offensive weapon in the circumstances) who intended to use it to commit suicide, did not have a reasonable excuse for its possession (Bryan v Mott [1976] Crim LR 64).

Having an Offensive Weapon in a Public Place

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.



Proof whereof shall lie on him:

The burden of proof is on the defendant regarding the defence of lawful authority or reasonable excuse. If a person is found with a cosh in their pocket and claims they have reasonable excuse to carry it, they must prove that reasonable excuse.

Having an Offensive Weapon in a Public Place

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.



Has with him

Implies that there must be some form of immediate control over the item.

The offender **knowingly** has the article in their possession eg in their hand, being carried in a bag or in a coat pocket. It could also include an article that was in the glove box of a car or on the seat next to them. It would not apply if the article was in the boot of a car parked 50 metres away.

Where the term is used there is a need to prove:

- a **knowledge** of the existence of the article; and
- that the article is '**to hand and ready for use**' (as well as holding the item, it may, for example, ◦(i) be in the offender's pocket or backpack;
◦(ii) in the offender's car parked on a side road next to a house targeted for a break in; or
◦(iii) hidden a few feet away under a bush). It does not always have to be physically on the offender's person and it will be for a jury to decide if s/he had it with him at the time of the offence.

An officer would need to look at the reason why the defendant has the offensive weapon with them:-

Ohlson v Hylton 1975 – the defendant had a bag of tools with him which he used in the course of his trade. He produced a hammer from the bag to use to hit someone. The court held that, as the defendant had formed the intention to use the hammer as an offensive weapon **after it came into his possession**, the offence was not made out – **this is known as instant arming**. This judgement is looking as to whether the hammer was an offensive weapon – if the defendant has used the hammer on someone, it would most likely be an assault

R v Edmonds 1963 – It is possible for **more than one person** to have the same weapon with them, provided it can be shown that they knew of its existence in the hands of the other person

Having an Offensive Weapon in a Public Place

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.



Public Place

'This includes any *highway* and any other premises or place which at the material time the public have or are permitted to have access to whether on payment or otherwise'

Highway means: Street, pavement, footpaths etc

Place to which public have access on payment or otherwise covers:

A cinema during showing hours

A sports ground during the time spectators are admitted

Shops, banks, pubs etc, during opening hours but only on public side of the counter.

Public parks or gardens

Communal areas of flats may be considered public places if people in general are free to go there unchallenged (may not apply if there are intervening doors or 'private' signs)

Public transport.

Having an Offensive Weapon in a Public Place

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.



Offensive weapon: Any article which is **made** or **adapted** for the purpose of causing injury to the person, or **intended** by the person, having it with him for such use by him or some other person. (see next slide)

Task

Students to list items they think would be an offensive weapon and trainer to write them on the white board.

Next slide shows the definition of an 'offensive weapon', following this, can students add to their list?

Trainer to then provide further examples

Offensive Weapons Act 2019

S43

Amendment to the definition of a flick knife



S46

Prohibition on the possession of certain Offensive Weapons in private



S47

Some new defences for some articles such as Kirpans and Katars



Trainer to discuss new legislation as detailed below, and direct students to the Aide Memoire and Sceptre handout, 'Know your knives' on Moodle.

There is also an additional handout on the new Act 'Offensive Weapons Act commencement corrosive substances' with the final provisions being introduced on 6th April 2022 and provides some further guidance on the breakdown of the new Act and further details in relation to offences concerning corrosive substances. Please direct the students to this on Moodle.

Offensive Weapons Act 2019 (OWA) is split into in seven parts –

1. Corrosive substances and products
2. Knife crime prevention orders
3. Sale and delivery of knives
4. Possession of certain Offensive Weapons
5. Threatening with Offensive Weapons
6. Firearms
7. Enforcement

S43 – Flick knife, any knife which has a blade which opens automatically -

- i) from the closed position to the fully open position, or
- ii) from a partially opened position to the fully opened position,

Section 46 of the Offences Weapons Act 2019 - Prohibition on the possession of offensive weapons

Section 46 of the OWA 2019 makes it an offence to possess in private certain weapons, things like Knuckledusters, Handclaw, Belt Buckle Knife, Push Dagger, Hollow Kubotan, Footclaw, Flick Knives, Cyclone/Spiral Knives, Curved Sword, Shuriken/Death Star, BALISONG/Butterfly Knife, Telescopic Truncheon and zombie knives. (see handout on Moodle for some background reading on these knives)

The legislation amends section 141 of the Criminal Justice Act 1988 to make it a criminal offence to possess in private any weapon set out in the Criminal Justice Act 1988 (Offensive Weapons) Order.

In England and Wales, a private place is a place other than: (a) a public place, (b) a place which is part of school premises or (c) a place which is part of further education premises, (d) a prison

Summary offence – 6 months &/or fine (will be extended to 51 weeks once 281 (5) CJA 2003 is in force).

Defences

Defences under section 141 Criminal Justice Act 1988 apply and antiques over 100 years are exempt.

Section 47 OWA 2019 adds new defences for some articles such as Kirpans and Katars (Sikh ceremonial weapons) to enable possession in private for religious reasons and to enable them to be presented. Antiques over 100 years are also exempt.

Offensive Weapons

3 categories:



Those **made**
for causing
injury



Those
adapted for
injury



Those **intended**
by a person
who has it for
use by
themselves or
some other
person to cause
injury



Examples:

Made for causing injury (known as offensive weapons *per se*) includes a knuckle duster, batons, bayonets, a swordstick, flick knives, butterfly knives - they have been manufactured for causing injury

Davis v Alexander 1970: once it has been shown that the article in question was in fact an offensive weapon *per se*, there is no need for prosecution to show any intention to use it for causing injury

Adapted for causing injury items such as: sharpened coins, an umbrella with a sharpened point, bottles or glasses deliberately broken to create a jagged edge, razor blades protruding from a potato or concealed in a glove.

Intended - everyday items that are being carried specifically with the intent to cause injury to a person e.g. baseball bat, a hammer, a golf club, snooker cue, a key. The **intention** of the person carrying it is relevant and a specific intent to cause **injury** with the item must be proved.

Police Powers

If an officer has reasonable grounds to suspect a person has an offensive weapon with them in a public place, they have the power to stop and search them under Section 1 of the Police and Criminal Evidence Act 1984. If an offensive weapon is found it may be seized.

Examples include:

- flick knives – amended by S43 of the Offensive Weapons Act 2019 Act the definition has changed to any knife which as a blade which opens automatically -

- i) from the closed position to the fully open position, or

- ii) from a partially opened position to the fully opened position,

By manual pressure applied to a button, spring or other device in or attached to the knife, and which is sometimes known as a “flick knife” or “flick gun”

- butterfly knives - where the blade is hidden inside a handle that splits in two around it, like wings or the handles swing around the blade to open or close it

- disguised knives - where the blade is hidden inside something, like a belt buckle or fake mobile phone

- push daggers

- gravity knives

- 'airport' or stealth knives

- sword-sticks

- samurai swords

- knuckle-dusters

- hand-claws

- foot-claws

- blowpipes or guns

- kubotan (cylindrical container holding spikes)

- shuriken (also known as death stars or throwing stars)

- telescopic truncheons (automatically extending)

- kusari-gama (sickle attached to a rope, cord or wire)

- kyoketsu shoge (hook-knife attached to a rope, cord or wire)

- kusari (weight attached to a rope, cord or wire)

- straight, side handled or friction-lock truncheons

Bladed or Sharply Pointed Articles

Sec. 139 Criminal Justice Act 1988

It is an offence for a person to have with him any article which has a blade or is sharply pointed, except a folding pocket knife, in a public place without good reason or lawful authority, the onus of proof being on the carrier.



The previous legislation is not suitable for the prosecution of persons in possession of articles that are not specifically made or adapted for causing injury, such as kitchen knives or Stanley knives. For these offences the legislation relating to bladed and sharply pointed articles under the [Criminal Justice Act 1988](#) would be considered.

The terms 'have with him', 'in a public place' & 'lawful authority' have the same meaning as for offensive weapons and as such have been covered in the previous slides.

Bladed Articles



Example: any knife at all from one manufactured as an offensive weapon to a tool or a kitchen knife.



Sharply Pointed Articles



Any sharply pointed article or any article having a blade:

This will include all sorts of knives.

Home-made items with a blade or are sharply pointed are covered as well as some screwdrivers and chisels.

Items that have been adapted, such as the sharpened end of an umbrella are included.

Examples could include; a **sharpened** screwdriver, a sword stick, a spear



Folding Pocket Knives

Remember:

Folding pocket knives that have a blade where the cutting edge is less than 7.62 cm (3 inches) long are **excluded**.



A lock knife is not a folding pocket-knife and this legislation will therefore apply regardless of the length of the blade; *Harris v DPP* 1993, confirmed by *R v Deegan* 1998.

Possession of a multi-tool incorporating a prohibited blade/pointed article is capable of being an offence under this section even if there are other tools on the instrument which may be of use to a person having it in a public place (e.g. it may have a bottle opener).

It is for the suspect to prove on the balance of probabilities that he had good reason for possession. (e.g. he was going to a party and needed the bottle opener with him/her) (*R v Giles* 2003).

Bladed or Sharply Pointed Articles

Sec. 139 Criminal Justice Act 1988

It is an offence for a person to have with him any article which has a blade or is sharply pointed, except a folding pocket knife, in a public place without **good reason** or lawful authority, the onus of proof being on the carrier.



Good reason:

This is similar to reasonable excuse and is something for the person to prove on the 'balance of probabilities'.

A person found in a public place in possession of a bladed or sharply pointed article covered by the offence, must satisfy an officer and eventually a court that they have a good reason for having it.

An example could be a parent taking a knife from their child.

Mohammed v CC South Yorkshire Police 2002 – Defendant stopped in van. Meat cleaver under seat which defendant admitted putting there previous evening. Used as part of his business in his take away. He claimed he was taking it to be sharpened on Monday so had 'good reason'. The court held that the reason for possession was too distant from the time being caught with the article and there was no reason for him not to have taken the cleaver on the Monday.

Defences

Had the article:



For use in work



As part of a national costume



For religious reasons



As well as **good reason** or **lawful authority**, these other defences are also covered by S4 and S5 of the Criminal Justice Act 1988:

- For use at work - a Stanley knife could be used by a carpet layer, a chef could use sharp knives.
- For religious reasons – a Sikh kirpan
- As part of a national costume - a skean dhu in highland dress

Police Powers

If a constable has reasonable grounds to suspect someone of this offence they have the power to stop and search them under Section 1 of the Police and Criminal Evidence Act 1984.

The search conducted under s. 1 of PACE should comply with the requirements of Code A of the PACE Codes of Practice.

A police constable may **detain** in order to search:

any person or **vehicle** or anything which is in or on a vehicle,
in any place to which the public has access
if he or she has **reasonable grounds for suspecting**

that **stolen or prohibited article**, prohibited **firework** or **bladed or sharply pointed article** will be found.

Any such article found during a search may be seized.

Further Offences

S139A(1) Criminal Justice Act 1988

- Any person who has an article which has a blade or is sharply pointed with them on school premises, without good reason or lawful authority, commits an offence

S139A(2) Criminal Justice Act 1988

- Any person who has an **offensive weapon** with them on **school premises** commits an offence



In both offences the onus of proof is on the carrier.

School premises

Land used for the purpose of a school **excluding** any land occupied solely as a dwelling by a person employed at the school. This includes primary and secondary schools but not further or higher education establishments.

Police Powers

- Constable may **enter** school premises and search those premises and any person on those premises for above articles and seize and retain anything found.
- Further powers for teachers to search pupils for such articles...

Note – the power can be used if the person is there lawfully **or** unlawfully (as a trespasser)

Search of Pupils by a Member of Staff

S550ZA (England) & 550AA (Wales) Education Act 1996

Head teachers, or members of staff authorised by the head teacher, have a power to search a pupil & their belongings if they have reasonable grounds to **suspect** that the pupil may have with them, or in their possessions, an article to which Section 139 Criminal Justice Act 1988 applies, or an offensive weapon under Section 1 Prevention of Crime Act 1953.



The search can be conducted without the pupil's consent, using reasonable force if necessary & can seize and retain anything which they have reasonable grounds for suspecting to be a bladed or sharply pointed article or any other thing which he/she has reasonable grounds for suspecting is evidence in relation to an offence.

The Education Act 1996 provides a power, not a duty to carry out such a search. The power is exercisable only when staff and pupil are on the school premises or whenever they have lawful control or charge of the pupil, for example, on a school trip.

Any article seized must be delivered to a constable as soon as is reasonably practicable.

Further Offences

Threatening with a bladed or sharply pointed article

S139AA Criminal Justice Act 1988

Threatening with an offensive weapon

S1A Prevention of Crime Act 1953

Manufacture, sale & hire of offensive weapons

S141 Criminal Justice Act 1988

Selling knives, knife blades, razor blades, axes to anyone under the age of 18 years

S141A Criminal Justice Act 1988



Section 139AA Criminal Justice Act 1988

If in a public place or on school premises:

- A person has an article with a blade or point, or an offensive weapon
- Unlawfully and intentionally threatens another person
- Does so in such a way that there is an immediate risk of serious physical harm to that other person

Section 139B of the Criminal Justice Act 1988, provides a **power of entry** to school premises to search for offensive weapons or articles with a blade or sharp point, in connection with the investigation of offences under section 139A.

139B(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 suspecting that an offence under section 139A or 139AA of this Act is being, or has been, committed.

Defences

139A(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

139A(4) 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.

Section 1A of the Prevention of Crime Act 1953 *is similar to the above, however, it does not include school premises.*

A person commits this offence if they threaten with an offensive weapon in public and:

- has an offensive weapon with him or her in a public place,
- unlawfully and intentionally threatens another person with the weapon, and
- does so in such a way that there is an immediate risk of serious physical harm to that person

Section 141 Criminal Justice Act 1988

Any person who manufactures, sells or hires or offers for sale or hire, exposes or has in his possession for the purpose of sale or hire, or lends or gives to any other person a weapon to which this section applies shall be guilty of an offence.

The section applies to all offensive weapons **made** for causing injury e.g. knuckledusters, swordsticks, belt buckle knife, flick knives samurai swords, death stars, disguised knives, truncheons, stealth knives.

Section 141A Criminal Justice Act 1988

Offence to sell knives, knife blades, razor blades, any axe or any other article which has a blade or is sharply pointed and which is made or adapted for causing injury to anyone under the age of 18 years.

Further Offences

Part 1 Offensive Weapons Act 2019

S1

Sale of corrosive products to a person under 18

S6

Offence of having a corrosive substance in a public place



The Offensive Weapons Act 2019, Part 1 relates to Acid Attacks (including the sale and possession of a corrosive substance in a public place)

S1 - A person commits an offence if they sell a corrosive product to a person who is under the age of 18.

S6 - A person commits an offence if they have a corrosive substance with them in a public place.

There is an College Learn package Corrosive Substances and Acid Attacks to complete that is timetabled with Critical and Major incidents however the students can complete it prior to that session if they wish.

Going Equipped

S25 Theft Act 1968

A person shall be guilty
of an offence if when not at
his place of abode,
he has with him
any article for use in the course of
or in connection with any
burglary or theft.



Going Equipped is another Statutory Preventative Measure – the offence was created to try and prevent the full offences of burglary or theft being committed.

Triable either way: 3 years maximum imprisonment

Points to Prove – when not at his place of abode – has with him – any article used in connection with – Burglary or Theft – Theft specifically includes taking a conveyance without the owners consent (TWOC)

It is not necessary to prove which particular burglary or theft the suspect was going to commit.

Going Equipped

A person shall be guilty of an offence if when not at
his **place of abode**,
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any article for use in the
course of
or in connection with any
burglary or theft.



Place of abode - Where they reside.

Includes a house or flat and can include a caravan or boat as well as.

R v Bundy 1977: a place of abode does **not** include their place of business (unless they happen to live and work in the same place)

A vehicle can be regarded as a place of abode if it is where a person resides - if a person lives in a camper van then the camper van is only a place of abode when it is parked at the place where the person intends to live for example on a camp site.

B was living rough, in his car. He was stopped one day after a woman complained that he was following her. When his car was searched a pipe wrench, 3 pieces of stocking, a hammer and some pipe were found. He was charged with 'going equipped' and convicted. He appealed on the grounds that his car was his 'place of abode'. HELD. Appeal dismissed. Conviction upheld.

Although B's car was his abode, he did not intend to occupy it as such at the place where he was stopped. He was in fact in transit from one site to another and was therefore in transit at the time of commission of this offence

Going Equipped

A person shall be guilty of an offence if when not at his place of abode, he **has with him** any article for use in the course of or in connection with any burglary or theft.



Has with him

Generally means the article must be readily available, with some degree of immediate control eg in their bag, hand, pocket or in a vehicle.

Person must know of the presence of the article - if it is slipped into their bag without their knowledge - no offence but once they know of its presence - offence committed

Notes

R v Ellames

It is not necessary to prove that the accused intended the article to be used in the course of or in connection with any specific burglary or theft, it is enough to prove a general intention that it could be used for some such purpose.

In this case, the defendant had a sawn-off shotgun, a wig, three woollen hats, two masks, a pair of goggles, a boiler suit, a motor vehicle, two containers and a quantity of ammonia, gloves and shot-gun cartridges.

Furthermore, it is not necessary to prove that the accused intended to use the article himself; it is enough to prove that he had it with him with the intention that it should be used by someone else.

Going Equipped



A person shall be guilty of an offence if when not at his place of abode, he has with him **any article** for use in the course of or in connection with any burglary or theft.



Any article

Any article for use in the course of, or in connection with means that it does not have to be for the person carrying it as long as its proved it was for use in connection etc. Article means almost anything but **does not include** animate objects (trained monkeys - *Daly v Cannon*)

Examples:

- a group of young men found in possession of a rubber tube and two empty petrol cans, having forced off the petrol tank of a car apparently with the intention of stealing petrol.

This offence would also be committed should a person be found in possession of:

- a laptop computer, PDA, or notebook containing bank account details,
- a ATM bank card skimming device,
- a stand-alone bank card skimming device, or
- a stolen bank card, etc.

Almost any physical object, such as a bunch of skeleton keys (*R v Metcalfe* 1971) or a torch and screwdriver (*R v Harrison* 1970).

Going Equipped

A person shall be guilty
of an offence if when not at
his place of abode,
he has with him
any article for use in the course of
or in connection with any
burglary or theft.



In the course of and in connection with: effectively mean that the possession of the articles must occur before the commission of the target offence (see R v Ellames 1974 below).

Once the intended offence is committed, that offence should be charged (obviously if there was evidence that the offender was still in possession of the articles because s/he was going on to commit further burglaries or thefts [or taking conveyances], 'going equipped' could be charged in respect of those offences).

A direct connection to a specific act of burglary or theft (or taking a conveyance) need not be established. All that is required is proof that the article was to be used for such purposes in a future crime, not necessarily by the accused.

The offence is directed against acts preparatory to the offences of burglary and theft and includes **taking a conveyance without the owner's consent** (TWOC) and robbery.

Offensive Weapons & Going Equipped



Trainer to split class into pairs. Students to attempt the questions and share their findings with the rest of the class.

