



Home Office

Offensive weapons: safe handling procedures

Version 4.0

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About this guidance

This guidance tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about offensive weapons, what to do if you find an offensive weapon, the risks and legislation relating to offensive weapons.

The Home Office has a duty to safeguard vulnerable people and promote the welfare of children for more information see: Vulnerable people and children.

Criminal Investigators in Immigration Enforcement must be aware of their obligations under the General Data Protection Regulation (GDPR) and the complementary Law Enforcement Directive (LED) domestic legislation via the Data Protection Act 2018 see: Data protection changes (GDPR and Data Protection Act 2018)

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email CFI Operational Guidance Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **4.0**
- published for Home Office staff on **13 January 2020**

Changes from last version of this guidance

- Placed on new template
- Minor housekeeping changes
- Update of contact details

Related content

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Seizing an offensive weapon during an immigration enforcement operation

This page tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about when an offensive weapon found during an immigration enforcement operation (the search of someone or their premises) can be seized, and who must do this.

Seizure of an offensive weapon: the PACE Order 2013

As an immigration criminal and financial investigation officer, you are legally allowed to seize any offensive weapons that you find during an immigration operation.

The [Police and Criminal Evidence Act \(PACE\) 1984](#) was updated in July 2013 and the [PACE Order 2013](#) allows criminal and financial investigation officers who have attended a training course about the PACE Order 2013 to seize any offensive weapons found during the search of:

- premises:
 - business
 - domestic
 - any other premises (including someone's vehicle)
- a person that you arrest

The PACE Order 2013 is more formally known as [the Police and Criminal Evidence Act 1984 \(application to immigration officers and designated customs officials in England and Wales\) Order 2013](#). It allows you, as a criminal and financial investigation officer, to use certain powers (in England and Wales) set out in the original [PACE 1984 Act](#), which previously could only be used by police officers accompanying you on an immigration operation.

Section 19 of PACE 1984

The [PACE Order 2013](#) allows you to use [section 19 of PACE 1984](#) if you are:

- a trained criminal and financial investigation officer
- legally on the premises (for example a house or office)

For more information about the laws that allow you to enter premises you must refer to the:

- [Police and Criminal Evidence Act \(PACE\) 1984](#)
- [Immigration Act 1971](#)

If you meet the above requirements, [section 19 of PACE 1984](#) allows you to seize anything that you have reasonable grounds to believe:

- was obtained through the commission of an offence (anything obtained illegally)
- is evidence relating to the offence which you are investigating
- relates to any other offence

Sections 48 and 49 of Immigration Act 2016

Immigration officers have powers under to seize under [sections 48 and 49 of the Immigration Act \(2016\)](#) to seize and retain items in relation to criminal offences when they are lawfully on a premises exercising a function under the Immigration Acts.

The immigration officer may seize anything which the officer finds in the course of exercising a function under the Immigration Acts if the officer has reasonable grounds for believing both of the following:

- that it has been obtained in consequence of the commission of an offence or is evidence of an offence
- that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed

In exercising these powers, the immigration officer must, as soon as is reasonably practicable, notify the police in relation to the police investigating relevant offence relating to the offensive weapon. The police will then advise on the next steps to be followed in relation to the weapon.

Considering whether to seize an item

When considering whether to seize an item you must believe that:

- it is necessary to seize the item
- if you did not seize the item and left it 'in situ' (where you found it) then someone may:
 - remove it
 - destroy it
 - give it to another criminal
 - use it to commit a criminal offence

Officers who can lawfully seize objects

You can seize items lawfully if you are either:

- a trained criminal and financial investigation officer who has also attended a training course about the PACE 1984 powers, as set out in the PACE Order 2013
- designated as a general customs official under [sections 3 and 11 of the Borders, Citizenship and Immigration Act \(2009\)](#) and also appointed as an immigration officer under the [Immigration Act \(1971\)](#)
- an immigration officers under [section 48 of the Immigration Act \(2016\)](#) giving powers to seize and retain items in relation to criminal offences

If you do not fall into any of these categories, and are involved in an immigration operation (search) and find an offensive weapon, you must:

- not touch the weapon
- immediately tell the officer who is in charge of the search and other officers present what you have found

Once informed, the officer in charge must then ensure the item is seized lawfully. If it is a firearm or explosive device refer to Safe Systems of work (SSoW 01).

Reasonable grounds for seizing objects

The [Police and Criminal Evidence Act \(PACE\) 1984](#) and the [PACE Order 2013](#) make it clear that you must have 'reasonable grounds' for believing an object has been obtained illegally, or is evidence a criminal offence has taken place, before you can seize the object. When you decide whether there are such 'reasonable grounds', you must base your decision on the:

- circumstances of the suspected offence
- circumstances in which you have discovered the object
- likelihood that the object found has been (or will be) used to commit a different criminal offence

For further information on the legislation relating to the possession or importation of prohibited offensive weapons, see the related external links.

Related content

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Related external links

[Restriction of Offensive Weapons Act 1959](#)

[section 141ZB of the Criminal Justice Act 1988](#)

[Criminal Justice Act 1988 \(Offensive Weapons\) Order 2002](#)

[Criminal Justice Act \(Offensive Weapons\) \(Amendment\) Order 2008](#)

[Offensive Weapons Act 2019](#)

[Violent Crime Reduction Act 2006](#)

[Police and Criminal Evidence Act \(PACE\) 1984](#)

[PACE Order 2013](#)

[section 3 of the Borders, Citizenship and Immigration Act \(2009\)](#)

[section 11 of the Borders, Citizenship and Immigration Act \(2009\)](#)

[section 48 of the Immigration act \(2016\)](#)

Types of offensive weapon

This page tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about the different types of offensive weapon that have been detected (found) and seized in the past, and are classified as being illegal to possess or import.

Below are examples of what are considered to be offensive weapons and since the [Offensive Weapons Act 2019](#) corrosive substances are also included

The Restriction of Offensive Weapons Act 1959

This lists the following weapons that are banned from being imported and also banned from being possessed in any location, or even kept at home by someone:

- any **knife** which has a blade that opens automatically by hand pressure applied to a button, spring or other device, in or attached to the handle of the knife – these weapons are sometimes known as ‘**flick knives**’ or ‘flick guns’
- any knife which has a blade that is released from the handle or sheath by the force of gravity or the application of centrifugal force and which, when released, is locked in place by a button, spring lever or other device – these weapons are sometimes known as ‘**gravity knives**’

Legislation relating to prohibited weapons

For officers in Scotland sections [47](#) and [49](#) of the [Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#) covers the prohibition of the carrying of offensive weapons and the offence of having an article with blade or point in a public place.

Similarly for the whole of the UK the [Offensive Weapons Act 2019](#) widens the scope of what is defined as an offensive weapon. This includes the sale and possession of corrosive substances. It also updates the law on and includes prevention orders specifically relating to knife crime and updates the definition of “flick knife” stated in the Restriction of Offensive Weapons Act 1959.

For England and Wales, the Criminal Justice Act 1988 and subsequent orders of [2002](#) and 2008 list weapons which are banned from being imported. They are also banned from being carried (possessed) in a public place. However, they may legally be kept by someone in their home. They are:

- a **knuckleduster**, which is a band of metal or other hard material worn on one or more fingers, which is designed to cause injury - it also includes any other weapon which incorporates a knuckleduster
- a **swordstick**, which is a hollow walking stick or cane, containing a blade which may be used as a sword
- a weapon sometimes known as a ‘**handclaw**’, which is a band of metal or other hard material, which is worn around the hand and from which a number of sharp spikes protrude

- a '**belt buckle knife**' which is a buckle (sometimes forming part of a belt) which incorporates or conceals a knife
- a weapon sometimes known as a '**push dagger**' which is a knife with a handle that fits within a clenched fist and has a blade that protrudes between two fingers
- a weapon that looks like a cylindrical container which holds a number of sharp spikes, these are sometimes known as a '**hollow Kubotan**'
- a weapon referred to as a '**foot claw**' because it is strapped to someone's foot, and is a bar made of metal or another hard material from which a number of sharp spikes protrude
- a weapon called either a '**shuriken**', '**shaken**' or a '**death star**' which is a hard, non-flexible plate bearing three or more sharp radiating points, and which is designed to be thrown at someone
- a knife called a '**butterfly knife**' or '**balisong**' which has a blade enclosed by a handle which is designed to split down the middle without needing to operate a spring or other mechanical catch to reveal the blade
- a weapon sometimes known as a '**telescopic truncheon**' because it is a truncheon designed to extend automatically, or by applying pressure to a button spring or other device attached to the handle
- a hollow tube through which someone can propel darts or hard pellets by blowing into it – often known as a '**blowpipe**' or a '**blow gun**'
- a weapon sometimes called a '**kusari gama**' which is a length of rope, cord, wire or chain and is fastened at one end to a sickle (a bladed tool)
- a weapon known as a '**kyoketsu shoge**' – it is a length of rope, cord, wire or chain and is fastened at one end to a hooked knife
- a weapon known as either a '**manrikigusari**' or '**kusari**' which is a length of rope, cord, wire or chain fastened at each end to a hard weight or hand grip
- weapons known as '**disguised knives**' because they are knives which have a concealed blade or sharp points, and are designed to appear to be an everyday item commonly carried by a person or in a handbag, briefcase or other hand luggage - disguised knives that have been seized in the past have been disguised as a comb, brush, pen, cigarette lighter, key, lipstick or a mobile phone
- a '**stealth knife**' which is a knife or spike with a blade or sharp point and is made from a material that is not easily detected by an x-ray machine or other security detection equipment - stealth knives are not designed for domestic use (that is processing, preparing or consuming food) and are clearly not toys
- a straight, side-handled or friction **lock truncheon**, sometimes known as a baton - police officers and some Home Office officers are allowed to carry and use officially-issued batons in certain circumstances; for more information about batons, see Personal safety training
- a **sword** with a curved blade of 50 cm or more in length – because it is curved, the length of the blade is measured by the straight-line distance from the top of the handle to the tip of the blade

There are some publicly-available pictures, which show some examples of each of these offensive weapons, see Identifying offensive weapons – some examples.

For more information about the legislation banning the possession or importation of prohibited offensive weapons, see:

- [Restriction of Offensive Weapons Act 1959](#)
- [Firearms Act 1968](#)
- [Criminal Justice Act 1988](#)
- [Criminal Justice Act 1988 \(Offensive Weapons\) Order 1988](#)
- [Criminal Justice Act 1988 \(Offensive Weapons\) Order 2002](#)
- [Criminal Justice Act \(Offensive Weapons\) \(Amendment\) Order 2008](#)
- [Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment no: 2\) Order 2008](#)
- [Offensive Weapons Act 2019](#)

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Personal safety training

Defences: things to consider

This page tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about a number of defences which can sometimes allow someone to keep or import an offensive weapon.

It provides information on when a person can:

- keep an offensive weapon at home, or in a museum and so on, although they cannot possess one in a public place:
- import what would normally be referred to as a prohibited (banned) offensive weapon under certain circumstances (see [legal defences](#))

If you are an immigration enforcement criminal and financial investigation officer and you find a weapon during a search of:

- someone's premises
- a traveller's luggage and baggage
- someone and their clothing

you must take extra care when handling the weapon and try to avoid handling it at all. If you:

- recognise it as being an offensive weapon, you must seize it, unless the owner or traveller states they are permitted to carry or keep it – see [legal defences](#) for more information
- are not sure whether the weapon is a prohibited offensive weapon, you must ask your line manager or local police for advice

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Legal defences

Sometimes, a person or business may have a legitimate and acceptable reason for carrying in public or importing an offensive weapon.

Genuine defences that have been accepted include when an offensive weapon has been carried for:

- the Crown (such as for a government department)
- a visiting force
- the purposes of giving or lending it to a museum or gallery, provided the museum or gallery does not distribute profits
- the purposes of theatrical performances and rehearsals
- the purposes of producing:
 - films, within the meaning of section 5B of the Copyright, Designs and Patents Act 1988
 - television programmes, within the meaning of section 405 of the Communications Act 2003

Defences are detailed for Scotland in [section 47 of the Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#); England and Wales and Northern Ireland in [Section 139 Criminal Justice Act 1988](#).

There are also a number of additional defences in England, Wales and Northern Ireland that relate to curved blade swords, that are set out in:

- [Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment\) Order 2008](#)
- [Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment no: 2\) Order 2008](#)

These defences are:

- the weapon was made before 1954, or was made at any other time using only methods of making swords by hand
- the weapon's sole purpose is to be used in religious ceremonies
- the weapon will only be made available to an organisation which will only use it for a permitted activity which is covered by public liability insurance, 'Permitted activities' are limited to:
 - historical re-enactments – specifically any presentation or other event held to re-enact an event from the past, or of illustrating how life was during a particular time or period in the past
 - sporting activities – specifically practising a sport such as a martial art, which requires the use of a sword which has a curved blade of at least 50cm in length

'Insurance' means a contract of insurance or other arrangement made to indemnify (to insure or cover) the person or organisation named in the event's contract or

arrangement, and 'third parties' includes all participants and spectators (including members of the public) of a permitted activity.

For more information about the defences relating to curved blade swords, see:

- [Criminal Justice Act 1988 \(Offensive Weapons\) Order 2002](#)
- [Criminal Justice Act \(Offensive Weapons\) \(Amendment\) Order 2008](#)

If you find an offensive weapon on someone in a public place, or in their baggage, or on their person at the point of import, and they claim to have a legitimate defence for possessing or importing this, the person must provide evidence of this to:

- the Border Force officer when it is imported
- you, if you find it during the course of an immigration enforcement criminal and financial investigation operation or search, and believe it is liable to seizure

You must use your judgement to determine whether the evidence presented to you is sufficient, but the types of evidence you may consider acceptable include:

- membership of a martial arts club
- membership of a re-enactors club
- confirmation that a TV, film or theatrical performance is taking place
- venue details and dates of a wedding

The only defence for the possession or importation of any flick knife or gravity knife is if the person shows that their conduct was only for the purposes of making the knife available to a museum or gallery, which means you must seize these items if this is not the case or cannot be shown to be the case.

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Related external links

[Offensive Weapons Act 2019](#)

Offensive weapons: risk assessment details

This page tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office what information about offensive weapons you must include in the risk assessments.

For more information or general guidance on risk assessments, see the following:

- for general advice about Home Office risk assessments, see National generic risk assessment framework
- for further advice about why risk assessments are important, see Health and safety risk management including risk assessment guidance
- for specific advice to help staff who suffer stress-related illnesses after finding or being threatened with an offensive weapon see Stress – guidance for all staff

Below are the different risk assessments the investigation team produces during an investigation. It also details:

- the information relating to offensive weapons, (and also relating to firearms and explosives) that must be included in the assessment
- who prepares the assessment
- who will review it - reviewing a risk assessment means you have:
 - checked it for accuracy
 - made sure that all risks have been mitigated or reduced as far as is possible
 - reviewed the control measures to make sure they are appropriate
 - satisfied yourself that the planned operational activities may continue and that it is safe to do so

Type of risk assessment	What you must include	Who prepares and reviews it
Station / Office risk assessment	Security and storage advice about: <ul style="list-style-type: none"> • bringing seized weapons into the office • transporting them in official vehicles • how to contact your local police force, if an agreement has been reached to allow the police to store an offensive weapon for you 	The investigation manager or Her Majesty’s inspector (HMI) prepares it. They must: <ul style="list-style-type: none"> • send a copy to the immigration enforcement assurance manager • review the assessment annually

Type of risk assessment	What you must include	Who prepares and reviews it
	<p>Contact details for:</p> <ul style="list-style-type: none"> • local police force armourer • specially trained staff 	
Operational risk assessment	<p>Detailed instructions to all staff involved in an arrest and search operation or visit to a witness where:</p> <ul style="list-style-type: none"> • the suspect, address or witness is currently or historically linked to offensive weapons, firearms or explosives • any occupants, relatives or other people who use a set of premises has a criminal record for possessing or using offensive weapons, firearms or explosives • you expect that offensive weapons, firearms or explosives will be: <ul style="list-style-type: none"> ○ encountered in any area of immigration enforcement criminal and financial investigation work ○ transported in an official vehicle, or in any other vehicle which a member of staff will drive or sit in <p>For all visits or arrest and search operations not</p>	<p>The case officer prepares it and it is checked by:</p> <ul style="list-style-type: none"> • the case manager • any other officer who has the best knowledge of whether any offensive weapon, firearms or explosives may be encountered <p>All operational risk assessments must then be reviewed and approved by an HMI.</p> <p>All staff involved in the investigation must read and fully understand the operational risk assessment:</p> <ul style="list-style-type: none"> • at the briefing stage • again at each set of premises: <ul style="list-style-type: none"> ○ this will be done by the bronze commander in charge of the immigration enforcement activity <p>You must keep the following in the investigation case records:</p> <ul style="list-style-type: none"> • the original approved risk assessments

Type of risk assessment	What you must include	Who prepares and reviews it
	<p>covered by the above, you must give the following details for members of staff who encounter an offensive weapon, a firearm or explosives during their work:</p> <ul style="list-style-type: none"> • contact details of the Home Office ‘Serious Violence Unit’ • up to date contact details of local trained police staff 	<ul style="list-style-type: none"> • certified versions signed by all staff involved
<p>Work-related stress risk assessment.</p>	<p>Complete if any staff report they are feeling under stress as a result of:</p> <ul style="list-style-type: none"> • finding an offensive weapon, or a firearm or explosives • any other work-related stress factors <p>When any staff experience stress caused by work, or are returning to work following any form of stress-related illness, you must include all necessary:</p> <ul style="list-style-type: none"> • proactive action, • reactive action 	<p>The line manager must prepare this.</p> <p>For more information on work-related stress and risk assessments, see Stress - guidance for all staff.</p>

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Stress - guidance for all staff

National generic risk assessment framework

Handling seized offensive weapons

This page tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office what procedures to follow to safely handle an offensive weapon, what to do if you find one, and how to store them.

The overriding safety principle

Health and safety is the key principle of all Home Office activities concerning or involving offensive weapons, firearms and explosive materials. You must not undertake tasks or actions with these materials which are outside your own professional competency or training.

If you have not been trained or equipped to undertake a particular task or action, then you must not perform that task. In these circumstances, you must:

- contain the situation, if it is safe to do so
- seek qualified assistance through available resources

What you must do if you find an offensive weapon

As an immigration enforcement investigation officer, it is unlikely you will be the first officer to find an offensive weapon being imported. However, you may sometimes find these when involved in an immigration operation to arrest someone or search their premises. There are a number of steps you must take if you find a weapon:

- assess whether it is safe to pick up or hold the weapon - if it has a protruding blade or sharp edges always:
 - handle it with care
 - wear protective gloves, if available, because gloves will offer better protection to you as well as preserving any forensic evidence (such as fingerprints) that may be useful in an investigation
- if you recognise it to be an offensive weapon you must consider the following:
 - if it is a type of offensive weapon you recognise from the list (for more information, see [types of offensive weapon](#)), you must seize it if someone is carrying it in a public place or if they threaten to use the weapon against you or anyone else
 - you may only approach the person holding the weapon if you have received valid personal safety training may, for more information, see Personal safety training
- If you are not sure whether the weapon is actually a prohibited offensive weapon you must:
 - check the related link: Identifying offensive weapons – some examples
 - ask your line manager for advice
 - speak to the Home Office Serious Violence Unit for further advice

- if you seize the weapon, you must read the following guidance for advice on placing the weapon into a tamper evident bag (TEB), see Tamper evident bags

Once you have seized the weapon, you must take care when handling it and placing it into a TEB, and always wear protective gloves during all handling. If the weapon has been found with a protective case, sleeve or sheath, you must keep the weapon in this case and place the case into a TEB. If the weapon does not have a case:

- where the weapon has a release button or anything which is intended to release a blade or sharp edge, you must tape up the button in such a way that it cannot easily be depressed at a later stage
- carefully wrap the weapon in 'bubble wrap' making sure all sharp edges and points are amply covered
- place the wrapped weapon into a TEB
- record the seizure on the criminal investigation case management system CIDRE or Clue
- pass the sealed TEB on to the police

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: start of section

General safe handling procedures

Use your common sense with offensive weapons that have a blade or sharp edges and handle them very carefully and only to an absolute minimum.

You must always wear a pair of safety gloves before you touch an offensive weapon which has sharp edges or a blade and which could cut or injure you. These must be provided to all officers who work in an environment where you may find an offensive weapon.

After you have seized an offensive weapon, you must secure it in an appropriate manner. Clearly, you would not only use a TEB to secure a knife, sword or other bladed item. Instead, you must use a 'knife tube', which is a long, cylindrical tube with caps on each end which will secure the item and protect others who may handle it. After securing the item in a knife tube, you must then put the tube inside a TEB and seal this as normal.

Knife tubes

If your team's kit does not include any knife tubes, you must:

- speak to your line manager:
 - your manager may authorise the purchase of some knife tubes to be included in your team's kit
 - your manager will also advise on the procedures for purchasing and requisitioning supplies (called a 'request to purchase' (RTP)) because you are not normally permitted to order or purchase goods yourself
- if the purchase of some knife tubes is authorised, follow the normal procedures for ordering supplies

Taking the offensive weapons to a police station

Once you have seized an offensive weapon, you must:

- inform the prosecution lawyer for your investigation
- record the seizure on your case handling system:
 - for immigration cases you must record the details on CIDRE or Clue
- if this is agreed with the prosecution lawyer, write to the person from whom you seized the weapon and inform them it has been seized
- notify the police that you have found an offensive weapon and ask whether they wish to attend or advise which police station to take the weapon to
- take the weapon (still inside the TEB and knife tube) making sure the red warning label is attached to the outside of the bag to a police station: this could be to custody with the detained person - or, straight to the police property store when directed by the police : in this case you will require the name of the responsible police officers to log with the deposit of the item

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