
Offensive Weapons Bill, *continued*

(8B) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (8A) as it applies for the purposes of that section.”

Member’s explanatory statement

This amendment provides for proceedings in Scotland for an offence under Clause 1 to be brought within 12 months of the commission of the offence. Under section 136 of the Criminal Procedure (Scotland) Act 1995 the default period for bringing summary proceedings is 6 months.

Stephen Timms

10

Clause 1, page 2, leave out lines 18 to 21 and insert “a product which is capable of burning human skin by corrosion.”

Victoria Atkins

14

★ Clause 1, page 2, line 29, at end insert—

“() See section (*Presumptions in proceedings in Scotland for offence under section 1, 3 or 4*) for provisions about presumptions as to the content of containers in proceedings in Scotland.”

Member’s explanatory statement

This amendment and Amendments 16, 19, 20, 31, 33, NC5 and NC6 provide for certain evidential presumptions relating to the nature of substances that are or were in containers to apply in Scotland in relation to an offence under section 1, 3, 4 or 5 involving a corrosive substance or product.

 Stephen Timms

11

Schedule 1, page 36, leave out line 11

Stephen Timms

4

Clause 2, page 2, line 33, leave out “18” and insert “21”

Stephen Timms

5

Clause 2, page 3, line 18, leave out “18” and insert “21”

Stephen Timms

6

Clause 2, page 3, line 21, leave out “18” and insert “21”

Offensive Weapons Bill, continued

Victoria Atkins

15

★ Clause 3, page 4, line 35, at end insert—

“(13) In Scotland, proceedings for an offence under this section may be commenced within the period of 12 months beginning with the commission of the offence.

(14) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (13) as it applies for the purposes of that section.”

Member’s explanatory statement

This amendment provides for proceedings in Scotland for an offence under Clause 3 to be brought within 12 months of the commission of the offence. Under section 136 of the Criminal Procedure (Scotland) Act 1995 the default period for bringing summary proceedings is 6 months.

Victoria Atkins

16

★ Clause 3, page 4, line 35, at end insert—

“() See section (*Presumptions in proceedings in Scotland for offence under section 1, 3 or 4*) for provisions about presumptions as to the content of containers in proceedings in Scotland.”

Member’s explanatory statement

See the explanatory statement for Amendment 14.

Victoria Atkins

17

★ Clause 4, page 5, line 13, leave out “is guilty of” and insert “commits”

Member’s explanatory statement

This amendment and Amendment 23 have the effect that Clauses 4(4) and 18(4) provide that a person commits an offence in specified circumstances rather than that a person is guilty of an offence in those circumstances. This is for consistency with other provisions in the Bill and does not change the legal effect of Clauses 4(4) and 18(4).

Stephen Timms

7

Clause 4, page 5, line 15, leave out “18” and insert “21”

Stephen Timms

8

Clause 4, page 5, line 23, leave out “18” and insert “21”

Stephen Timms

9

Clause 4, page 5, line 26, leave out “18” and insert “21”

Victoria Atkins

18

★ Clause 4, page 5, line 45, at end insert—

“(11) In Scotland, proceedings for an offence under this section may be commenced within the period of 12 months beginning with the commission of the offence.

Offensive Weapons Bill, continued

- (12) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (11) as it applies for the purposes of that section.”

Member’s explanatory statement

This amendment provides for proceedings in Scotland for an offence under Clause 4 to be brought within 12 months of the commission of the offence. Under section 136 of the Criminal Procedure (Scotland) Act 1995 the default period for bringing summary proceedings is 6 months.

Victoria Atkins

19

- ★ Clause 4, page 5, line 45, at end insert—

“() See section (*Presumptions in proceedings in Scotland for offence under section 1, 3 or 4*) for provisions about presumptions as to the content of containers in proceedings in Scotland.”

Member’s explanatory statement

See the explanatory statement for Amendment 14.

Stephen Timms

12

- Clause 5, page 6, leave out lines 40 to 41 and insert—

““corrosive substance” means any of the substances listed in Schedule 1.”

Victoria Atkins

20

- ★ Clause 5, page 7, line 4, after “See” insert “—

(a) section (*Presumptions in proceedings in Scotland for offence under section 5*) for provisions about presumptions as to the content of containers in proceedings in Scotland;

(b) ”

Member’s explanatory statement

See the explanatory statement for Amendment 14.

Victoria Atkins

21

- ★ Clause 11, page 10, line 25, at end insert—

“(1A) In section 37(1A) of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship: effect of provisions requiring imposition of appropriate custodial sentence)—

(a) omit the “or” at the end of paragraph (c), and

(b) at the end of paragraph (d) insert “, or

(e) under section 6(2) of the Offensive Weapons Act 2018 (minimum sentences in certain cases of possession of a corrosive substance),”.

(1B) In section 36(2)(b) of the Criminal Justice Act 1988 (review of sentencing in case of failure to impose appropriate custodial sentence)—

(a) omit the “or” at the end of sub-paragraph (iii), and

Offensive Weapons Bill, continued

- (b) at the end of sub-paragraph (iv) insert “; or
 (v) section 6(2) of the Offensive Weapons Act 2018.””

Member’s explanatory statement

This amendment and Amendments 22, 29 and 30 provide for amendments to be made various Acts in consequence of the provisions in Clauses 6 and 7 on appropriate custodial sentences for the possession of corrosive substances.

Victoria Atkins

22

- ★ Clause 11, page 10, line 30, at end insert—

“(3) In section 12(1A) of the Powers of Criminal Courts (Sentencing) Act 2000 (provisions preventing the making of an order for absolute or conditional discharge), after paragraph (f) insert—

“(g) section 6(2) of the Offensive Weapons Act 2018.”

- (4) In section 144 of the Criminal Justice Act 2003 (reduction in sentences for guilty pleas)—

- (a) in subsection (3), at the end insert—

“section 6(2) of the Offensive Weapons Act 2018.”, and

- (b) in subsection (5), at the end insert—

“section 6(2) of the Offensive Weapons Act 2018.””

Member’s explanatory statement

See the explanatory statement for Amendment 24.

Victoria Atkins

23

- ★ Clause 18, page 17, line 21, leave out “is guilty of” and insert “commits”

Member’s explanatory statement

See the explanatory statement for Amendment 17.

Victoria Atkins

24

- ★ Clause 26, page 25, line 14, at end insert—

“() Section 1A of the Prevention of Crime Act 1953 (offence of threatening with offensive weapon in public) is amended in accordance with subsections (1) and (1A).”

Member’s explanatory statement

This amendment and Amendments 25 to 28 provide for the repeal of the definitions of “serious physical harm” in section 1A(2) of the Prevention and Crime Act 1953 and section 139AA(4) of the Criminal Justice Act 1988. Clause 26 replaces references to “serious physical harm” in section 1A(1) of the 1953 Act and section 139AA(1) of the 1988 Act with references to “physical harm”.

Offensive Weapons Bill, *continued*

Victoria Atkins

25

- ★ Clause 26, page 25, line 15, leave out from “In” to end of line 16 and insert “subsection (1)—”
Member’s explanatory statement
See the explanatory statement for Amendment 24.

Victoria Atkins

26

- ★ Clause 26, page 25, line 21, at end insert—
“(1A) Omit subsection (2).
(1B) Section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon) is amended in accordance with subsections (2) and (3).”
Member’s explanatory statement
See the explanatory statement for Amendment 24.

Victoria Atkins

27

- ★ Clause 26, page 25, line 22, leave out from “In” to end of line 23 and insert “subsection (1)—”
Member’s explanatory statement
See the explanatory statement for Amendment 24.

Victoria Atkins

28

- ★ Clause 26, page 25, line 28, at end insert—
“(1A) Omit subsection (4).”
Member’s explanatory statement
See the explanatory statement for Amendment 24.

Victoria Atkins

29

-
- ★ Clause 38, page 33, line 13, at end insert—
“() section 11(1B);”
Member’s explanatory statement
See the explanatory statement for Amendment 21.

Victoria Atkins

30

- ★ Clause 38, page 33, line 22, leave out paragraph (b) and insert—
“() section 11(1), (1A) and (2) to (4);
() section 12;”
Member’s explanatory statement
See the explanatory statement for Amendment 21.

Offensive Weapons Bill, continued

Victoria Atkins

31

★ Clause 38, page 33, line 26, at end insert—

“() section (*Presumptions in proceedings in Scotland for offence under section 1, 3 or 4*);

() section (*Presumptions in proceedings in Scotland for offence under section 5*);”

Member’s explanatory statement

See the explanatory statement for Amendment 14.

Victoria Atkins

32

★ Clause 39, page 34, line 13, at end insert—

“() section 5;

() section 9;”

Member’s explanatory statement

This amendment confers power on the Scottish Ministers to bring Clauses 5 and 9 (possession of corrosive substances) into force so far as those clauses extend to Scotland.

Victoria Atkins

33

★ Clause 39, page 34, line 13, at end insert—

“() section (*Presumptions in proceedings in Scotland for offence under section 1, 3 or 4*);

() section (*Presumptions in proceedings in Scotland for offence under section 5*);”

Member’s explanatory statement

See the explanatory statement for Amendment 14.

Victoria Atkins

34

★ Clause 39, page 34, line 16, leave out paragraph (c)

Member’s explanatory statement

This amendment confers power on the Secretary of State rather than the Scottish Ministers to bring clause 19 (definition of “flick knife”) into force so far as that clause extends to Scotland.

Victoria Atkins

NC5

★ To move the following Clause—

“Presumptions in proceedings in Scotland for offence under section 1, 3 or 4

(1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 1(1), 3(2) or (3) or 4(4).

(2) Where—

(a) a substance is found in a container (whether open or sealed), and

(b) there is on the container a description of the contents of the container,

Offensive Weapons Bill, *continued*

the substance found is to be presumed to be a substance of that description.

- (3) Where an open container is found which—
- (a) is empty or contains an amount of a substance which is insufficient to allow analysis of it,
 - (b) was sealed at the time it was sold or delivered, and
 - (c) has on it a description of the contents of the container,
- the container is to be presumed to have contained, at the time it was sold or delivered, a substance of that description.
- (4) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (3) by proving that, at the time of its sale or delivery, the substance in the container was not of the description on the container.
- (5) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.”

Member’s explanatory statement

See the explanatory statement for Amendment 14.

Victoria Atkins

NC6

- ★ To move the following Clause—

“Presumptions in proceedings in Scotland for offence under section 5

- (1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 5(1).
- (2) Where—
 - (a) a substance is found in a container (whether open or sealed), and
 - (b) there is on the container a description of the contents of the container,
 the substance found is to be presumed to be a substance of that description.
- (3) Subsection (4) applies where—
 - (a) an open container is found,
 - (b) a substance has been poured out of, or otherwise removed from, the container,
 - (c) the container is empty or contains an amount of the substance mentioned in paragraph (b) which is insufficient to allow analysis of it, and
 - (d) the container has on it a description of its contents.
- (4) The container is to be presumed to have contained, immediately before the action mentioned in paragraph (b) of subsection (3) was taken, a substance of the description mentioned in paragraph (d) of that subsection.
- (5) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (4) by proving that, at the time the offence is alleged to have been committed, the substance in the container was not of the description on the container.

Offensive Weapons Bill, *continued*

- (6) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.”

Member’s explanatory statement

See the explanatory statement for Amendment 14.

Stephen Timms

NC1

To move the following Clause—

“Annual report on corrosive substance attacks

- (1) The Secretary of State must, within twelve months of this Act receiving Royal Assent, publish an annual report on the data available on the number of corrosive substance attacks in the UK in each of the last five years.
- (2) The annual reports published under section 1 must include, but are not limited to—
- (a) the location of the attacks;
 - (b) the corrosive substance used; and
 - (c) any other information as may be available on each attack.”
-

Stephen Timms

NC2

To move the following Clause—

“Offence of threatening with a non-corrosive substance

- (1) A person commits an offence if they threaten a person with a substance they claim or imply is corrosive.
- (2) It is not a defence for a person to prove that the substance used to threaten a person was not corrosive or listed under schedule 1 of this act.
- (3) In this section, “threaten a person” means—
- (a) that the person unlawfully and intentionally threatens another person (“A”) with the substance, and
 - (b) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale”.
-

Offensive Weapons Bill, *continued*

Stephen Timms

NC3

To move the following Clause—

“Prohibition on the possession of a corrosive substance on educational premises

- (1) A person commits an offence if that person has a corrosive substance with them on school premises or further education premises.
- (2) It shall be a defence for a person charged with an offence under subsection (1) to prove that they had good reason or lawful authority for having the corrosive substance on school premises or further education premises.
- (3) Without prejudice to the generality of subsection (2), it is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had the corrosive substance with them for use at work.
- (4) Without prejudice to the generality of subsection (3), it is a defence for a person charged with an offence under subsection (1) to show that they had the corrosive substance with them for use at work.
- (5) A person is to be taken to have shown a matter mentioned in subsection (4) or (5) if—
 - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (6) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction in England and Wales, to an imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or both.
- (7) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (7)(a) to 12 months is to be read as a reference to 6 months.
- (8) A constable may enter any school or further education premises and search those premises and any person on those premises, if they have reasonable grounds for suspecting that an offence under this section is, or has been, committed.
- (9) If, in the course of a search under this section, a constable discovers a corrosive substance they may seize and retain it.
- (10) The constable may use reasonable force, if necessary, in the exercise of entry conferred by this section
- (11) In this section—
 - “corrosive substance” means a substance which is capable of burning human skin by corrosion;
 - “school premises” means land used for the purpose of a school, excluding any land occupied solely as a dwelling by a person employed at a school; and “school” has the meaning given by—
 - (a) in relation to land in England and Wales, section 4 of the Education Act 1996;
 - (b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)).

Offensive Weapons Bill, *continued*

“further educational premises” means—

- (a) in relation to England and Wales, land used solely for the purposes of—
 - (i) an institution within the further education sector or the higher education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
 - (ii) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),
 excluding any land occupied solely as a dwelling by a person employed at the institution or 16 to 19 Academy.
- (b) in relation to Northern Ireland, land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/ 1772 (NI 15) excluding any land occupied solely as a dwelling by a person employed at the institution”.

Stephen Timms

NC4

To move the following Clause—

“Offence of threatening with corrosive substance on educational premises

- (1) A person commits an offence if that person threatens a person with a corrosive substance on school premises or further education premises.
- (2) In this section—

“corrosive substance” means a substance which is capable of burning human skin by corrosion;

“threatens a person” means—

- (a) unlawfully and intentionally threatens another person (“A”) with a corrosive substance, and
- (b) does so in such a way that a reasonable person (“B”) who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.

“school premises” means land used for the purpose of a school, excluding any land occupied solely as a dwelling by a person employed at a school; and “school” has the meaning given by—

- (a) in relation to land in England and Wales, section 4 of the Education Act 1996;
- (b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/ 594 (NI 3)).

“further educational premises” means—

- (a) in relation to England and Wales, land used solely for the purposes of —
 - (i) an institution within the further education sector or the higher education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
 - (ii) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),

Offensive Weapons Bill, *continued*

- excluding any land occupied solely as a dwelling by a person employed at the institution or 16 to 19 Academy.
- (b) in relation to Northern Ireland, land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/ 1772 (NI 15) excluding any land occupied solely as a dwelling by a person employed at the institution”.
- (3) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction in England and Wales, to an imprisonment for a term not exceeding 12 months, to a fine or to both;
- (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;
- (c) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or both.
- (4) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (7)(a) to 12 months is to be read as a reference to 6 months”.
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ORDER OF THE HOUSE [27 JUNE 2018]

That the following provisions shall apply to the Offensive Weapons Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 13 September 2018.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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Offensive Weapons Bill, *continued*

ORDER OF THE COMMITTEE [17 JULY 2018]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 17 July) meet—
- (a) at 2.00 pm on Tuesday 17 July;
 - (b) at 11.30 am and 2.00 pm on Thursday 19 July;
 - (c) at 4.30 pm and 7.00 pm on Tuesday 4 September;
 - (d) at 11.30 am and 2.00 pm on Thursday 6 September;
 - (e) at 9.25 am and 2.00 pm on Tuesday 11 September;
 - (f) at 11.30 am and 2.00 pm on Thursday 13 September;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 17 July	Until no later than 10.55 am	Redthread; The Ben Kinsella Trust; St Giles Trust; Acid Survivors Trust International
Tuesday 17 July	Until no later than 11.25 am	The Crown Prosecution Service; London Borough of Croydon; The Chartered Trading Standards Institute
Tuesday 17 July	Until no later than 3.15 pm	The National Crime Agency; The National Ballistics Intelligence Service; National Police Chiefs' Council lead on firearms and explosive licensing; The Metropolitan Police
Tuesday 17 July	Until no later than 4.00 pm	National Police Chiefs' Council lead on corrosive attacks; National Police Chiefs' Council lead on knife enabled crime
Tuesday 17 July	Until no later than 4.30 pm	The British Retail Consortium; British Independent Retailers Association
Thursday 19 July	Until no later than 12.00 pm	The British Association for Shooting and Conservation
Thursday 19 July	Until no later than 1.00 pm	The Children's Commissioner; The Victims' Commissioner
Thursday 19 July	Until no later than 2.30 pm	The Union of Shop, Distributive and Allied Workers
Thursday 19 July	Until no later than 3.00 pm	Thames Valley Police

Offensive Weapons Bill, *continued*

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 to 30; Schedule 2; Clauses 31 to 40; new Clauses; new Schedules; remaining proceedings on the Bill;
 - (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 13 September.
-