



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 30 August 2018

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 35 to 53 and NC7 to NC27

PUBLIC BILL COMMITTEE

OFFENSIVE WEAPONS BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [17 July 2018].

Stuart C. McDonald	42
★ Clause 1, page 1, line 3, after “sell” insert “or supply” <i>Member’s explanatory statement</i> <i>This is a probing amendment to debate whether the scope of the offence is broad enough or should be extended to include supply without payment.</i>	
Stephen Timms	1
Clause 1, page 1, line 4, leave out “18” and insert “21”	
Stephen Timms	2
Clause 1, page 1, line 12, leave out “18” and insert “21”	
Stephen Timms	3
Clause 1, page 1, line 15, leave out “18” and insert “21”	

Offensive Weapons Bill, *continued*

Victoria Atkins

13

☆ Clause 1, page 2, line 16, at end insert—

“(8A) In Scotland, proceedings for an offence under subsection (1) may be commenced within the period of 12 months beginning with the commission of the offence.

(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.

Louise Haigh
Vicky Foxcroft

50

★ Clause 1, page 2, line 16, at end insert—

“(8A) Section 281 (5) of the Criminal Justice Act 2003 must be enacted within six months of this Act receiving Royal Assent.”

Member’s explanatory statement

This amendment would bring into force Section 281(5) of the Criminal Justice Act 2003 within six months of the Bill receiving Royal Assent.

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.”

Louise Haigh
Vicky Foxcroft

49

★ Clause 1, page 2, line 21, at end insert—

“(c) all substances listed under Schedule 1A of the Poisons Act 1972”.

Member’s explanatory statement

This amendment would list all of the substances listed under Section 1A of the Poisons Act 1972 “corrosive products”, making it illegal to sell them to a person under the age of eighteen.

Louise Haigh
Vicky Foxcroft

51

★ Clause 1, page 2, line 24, at end insert—

“(10A) The appropriate national authority may only modify or remove a reference to a substance under Schedule 1 following the publication of evidence pertaining to that decision by the appropriate authority and subject to approval from both Houses of Parliament.

(10B) In subsection (10A) the “evidence pertaining to that decision” must include—

- (a) a report by the National Police Chiefs’ Council on the use of the substance in attacks; and
- (b) a report by relevant clinicians on the effect of the substance.”

Offensive Weapons Bill, continued

- 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.*
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- 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”
-
- 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.*

Offensive Weapons Bill, continued

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.

Stuart C. McDonald

43

★ Clause 4, page 4, line 41, leave out “and the seller is outside the United Kingdom at that time”

Member’s explanatory statement

This is a probing amendment to allow debate on whether the offence should be restricted to where the seller is outside the United Kingdom.

Stuart C. McDonald

44

★ Clause 4, page 4, line 45, after “was” insert “or ought to have been aware”

Member’s explanatory statement

This is a probing amendment to allow discussion on whether requiring proof of actual knowledge is the appropriate test.

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.”

Louise Haigh
Vicky Foxcroft

52

- ★ Clause 5, page 6, line 44, after “otherwise” insert “, and any place other than premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is used in common by the occupants of more than one such dwelling).”

Member’s explanatory statement

This amendment would extend the definition of public places in relation to England and Wales and Northern Ireland.

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.

Offensive Weapons Bill, *continued*

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
 - (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.

Offensive Weapons Bill, continued

Louise Haigh
Vicky Foxcroft

53

- ★ Clause 12, page 10, line 36, at end insert—

“(2A) In section 141A (sale of bladed articles to persons under 18), in subsection (1) for “eighteen” substitute “twenty-one”.

Member’s explanatory statement

This amendment would amend Section 141(A)(1) of the Criminal Justice Act 1988 to make it an offence to sell knives and certain articles with blade or point to persons under 21.

Stephen Timms

46

- ★ Clause 15, page 14, line 37, leave out “residential premises” and insert “premises other than a registered business address”

Stephen Timms

48

- ★ Clause 15, page 15, line 1, leave out subsections (5) and (6)

Stephen Timms

47

- ★ Clause 15, page 15, line 1, leave out “solely”
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Stuart C. McDonald

45

- ★ Clause 16, page 15, line 26, at end insert “for a particular lawful purpose.”

Member’s explanatory statement

This is a probing amendment to allow debate on the appropriate scope of defences under Clause 16.

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.

Offensive Weapons Bill, continued

Victoria Atkins

35

- ★ Clause 20, page 18, line 43, leave out “and (3)” and insert “to (3A)”

Member’s explanatory statement

This amendment and Amendments 36 to 41 provide for various defences to the existing and new offences relating to flick knives and gravity knives. The defences apply to the making available of a knife to, or the possession, lending or hiring of a knife by, a museum or gallery.

Victoria Atkins

36

- ★ Clause 20, page 19, line 14, at end insert—

“(3A) After subsection (2) insert—

- “(2D) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in subsection (1)—
- (a) with an offence under subsection (1), or
 - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,
- to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this subsection applies.
- (2E) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.
- (2F) If the operator of, or a person acting on behalf of, a museum or gallery to which this subsection applies is charged with hiring or lending a knife of a kind described in subsection (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes.
- (2G) Subsection (2D) or (2F) applies to a museum or gallery only if it does not distribute profits.
- (2H) In this section “museum or gallery” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.
- (2I) A person is to be taken to have shown a matter mentioned in subsection (2D), (2E) or (2F) 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.”

Member’s explanatory statement

See the explanatory statement for Amendment 35.

Victoria Atkins

37

- ★ Clause 20, page 19, line 27, at end insert—

“(4) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in paragraph (1) with an offence under paragraph (1) to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this paragraph applies.

Offensive Weapons Bill, continued

- (5) It is a defence for a person charged with an offence under paragraph (2) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.
- (6) If the operator of, or a person acting on behalf of, a museum or gallery to which this paragraph applies is charged with hiring or lending a knife of a kind described in paragraph (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes.
- (7) Paragraph (4) or (6) applies to a museum or gallery only if it does not distribute profits.
- (8) In this Article “museum or gallery” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.
- (9) A person is to be taken to have shown a matter mentioned in paragraph (4), (5) or (6) 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.”

Member’s explanatory statement

See the explanatory statement for Amendment 35.

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”.

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.

Offensive Weapons Bill, continued

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

38

- ★ Clause 38, page 32, line 37, at end insert—
“() subsection (3A) of section 20, 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, and subsection (1) of that section so far as relating to that provision made by subsection (3A);”
Member’s explanatory statement
See the explanatory statement for Amendment 35.

Victoria Atkins

39

- ★ Clause 38, page 33, line 7, at end insert—
“() subsection (3A) of section 20, so far as it makes provision in relation to an offence under section 1(1) or (1A) of the Restriction of Offensive Weapons Act 1959, and subsection (1) of that section so far as relating to that provision made by subsection (3A);”
Member’s explanatory statement
See the explanatory statement for Amendment 35.

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

40

★ Clause 39, page 34, line 18, after “20” insert “except 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”

Member’s explanatory statement*See the explanatory statement for Amendment 35.*

Offensive Weapons Bill, continued

Victoria Atkins

41

★ Clause 39, page 34, line 27, leave out paragraph (e) and insert—

“() section 20(4) to (6);

() sections 21 to 23;”

Member’s explanatory statement

See the explanatory statement for Amendment 35.

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, 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

Offensive Weapons Bill, *continued*

- (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.
- (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
Louise Haigh
Vicky Foxcroft

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.”
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Offensive Weapons Bill, *continued*

Stephen Timms
 Louise Haigh
 Vicky Foxcroft

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”.

Stephen Timms
 Louise Haigh
 Vicky Foxcroft

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;

Offensive Weapons Bill, *continued*

- (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)).
 - “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”.
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Offensive Weapons Bill, *continued*

Stephen Timms
 Louise Haigh
 Vicky Foxcroft

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),
 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

Offensive Weapons Bill, *continued*

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”.

Karin Smyth
Louise Haigh
Vicky Foxcroft

NC7

★ To move the following Clause—

“Prohibition of air weapons on private land for those under the age of 18

- (1) Section 23 of the Firearms Act 1968 is amended in accordance with subsections (2) to (3).
- (2) Omit subsection (1).
- (3) Omit subsection (3).”

Member’s explanatory statement

This new clause would amend the Firearms Act 1968 to prevent a person under the age of 18 from having an air gun on private land other than as part of a sporting club.

Karin Smyth
Louise Haigh
Vicky Foxcroft

NC8

★ To move the following Clause—

“Report on the use of air weapons

- (1) The Secretary of State must, within six months of this Act receiving Royal Assent, lay a report before Parliament on the safe use of air weapons.
 - (2) The report under subsection (1) must consider, but is not limited to—
 - (a) whether existing legislation on the use of air weapons is sufficient;
 - (b) whether current guidelines on the safe storage of air weapons needs revising;
 - (c) whether the current age restrictions surrounding the possession and use of air weapons are sufficient.”
-

Stephen Timms

NC9

★ To move the following Clause—

“Purchase of offensive weapons from outside the European Union

- (1) A person commits an offence if they knowingly purchase an offensive weapon from a seller located in a country that is not a member of the European Union.
- (2) A person who is guilty of an offence under subsection (1) is liable—

Offensive Weapons Bill, *continued*

- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.”
-

Stephen Timms

NC10

- ★ To move the following Clause—

“Payment for corrosive substances

- (1) It shall be an offence for a seller to receive payment for a corrosive substance except—
 - (a) by cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable; or
 - (b) by an electronic transfer of funds (authorised by credit or debit card or otherwise).
 - (2) In this section “corrosive substance” means a substance which is capable of burning human skin by corrosion.
 - (3) A person who is guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.”
-

Stephen Timms

NC11

- ★ To move the following Clause—

“Offence of having a corrosive substance in an unmarked container

- (1) A person commits an offence if they carry a corrosive substance in a container in a public place unless that container is clearly marked or labelled as containing a corrosive substance.
 - (2) A person who is guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.”
-

Offensive Weapons Bill, *continued*

Stephen Timms

NC12

- ★ To move the following Clause—

“Advertising disguised offensive weapons

- (1) A person or company commits an offence when a website registered in their name is used to advertise, list or otherwise facilitate the sale of an offensive weapon capable of being disguised as something else.
 - (2) The registered owner of a website that is guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
 - (b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the standard scale.”
-

Stephen Timms

NC13

- ★ To move the following Clause—

“Offensive Weapons and online videos

- (1) It shall be an offence for a website to host online or distribute a video in which a person displays an offensive weapon in a threatening manner.
 - (2) No offence is committed under this section if—
 - (a) the website removes the video within 24 hours of the registered owner of the website being informed that the video includes a person displaying an offensive weapon in a threatening manner.
 - (3) In this section, “threatening manner” means that the person (“A”) uses the weapon in such a way that a reasonable person (“B”) who was exposed to the same threat would think that there was an immediate risk of physical harm.”
-

Stephen Timms

NC14

- ★ To move the following Clause—

“Enforcement

- (1) It shall be the duty of every authority to which subsection (4) applies to enforce within its area the provisions of Clauses 1, 3, 4, 15 and 18 of this Bill.
- (2) An authority in England or Wales to which subsection (4) applies shall have the power to investigate and prosecute for an alleged contravention of any provision imposed by or under this section which was committed outside its area in any part of England and Wales.
- (3) A district council in Northern Ireland shall have the power to investigate and prosecute for an alleged contravention of any provision imposed by or under this section which was committed outside its area in any part of Northern Ireland.

Offensive Weapons Bill, *continued*

- (4) The authorities to which this section applies are—
 - (a) in England, a county council, district council, London Borough Council, the Common Council of the City of London in its capacity as a local authority and the Council of the Isles of Scilly;
 - (b) in Wales, a county council or a county borough council;
 - (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(1);
 - (d) in Northern Ireland, any district council.
- (5) In enforcing this section, an enforcement authority must act in a manner proportionate to the seriousness of the risk and shall take due account of the precautionary principle, and shall encourage and promote voluntary action by producers and distributors.
- (6) Notwithstanding subsection (5), an enforcement authority may take any action under this section urgently and without first encouraging and promoting voluntary action if a product poses a serious risk.”

Stephen Timms

NC15

- ★ To move the following Clause—

“Investigatory powers for trading standards

- (1) Schedule 5 of the Consumer Rights Act 2015 is amended in accordance with subsection (2).
- (2) In Part 2, paragraph 10, at end insert—
“section (*Enforcement*)”.”

Member’s explanatory statement

This new clause is consequential on NC14.

Louise Haigh
Vicky Foxcroft

NC16

- ★ To move the following Clause—

“Report on the use of reportable substances

- (1) The Secretary of State must, within six months of this Act receiving Royal Assent, lay a report before Parliament on the use of reportable substances in attacks under Schedule 1A of the Poisons Act 1972.
 - (2) The report under subsection (1) must consider, but is not limited to—
 - (a) whether and to what extent reportable substances are being used in attacks;
 - (b) whether current controls and requirements on the sale of reportable substances are sufficient to prevent attacks.”
-

Offensive Weapons Bill, *continued*

Louise Haigh
Vicky Foxcroft

NC17

★ To move the following Clause—

“Prohibition of bladed product displays

- (1) A person who in the course of a business displays a bladed product in a place in England and Wales or Northern Ireland is guilty of an offence.
- (2) The appropriate Minister may by regulations provide for the meaning of “place” in this section.
- (3) The appropriate Minister may by regulations make provision for a display in a place which also amounts to an advertisement to be treated for the purposes of offences in England and Wales or Northern Ireland under this Act—
 - (a) as an advertisement and not as a display; or
 - (b) as a display and not as an advertisement.
- (4) No offence is committed under this section if—
 - (a) the bladed products are displayed in the course of a business which is part of the bladed product trade;
 - (b) they are displays for the purpose of that trade; and
 - (c) the display is accessible only to persons who are engaged in, or employed by, a business which is also part of that trade.
- (5) No offence is committed under this section if the display is a requested display to an individual age 18 or over.
- (6) The appropriate Minister may provide in regulations that no offence is committed under section 1 if the display complies with requirements specified in regulations.”

Louise Haigh
Vicky Foxcroft

NC18

★ To move the following Clause—

“Crime and Disorder Partnerships, schools and offensive weapons

- (1) Section 5 of the Crime and Disorder Act 1998 is amended as follows.
- (2) In subsection (1), after paragraph (f) insert—
 - “(g) all schools in England”.”

Member’s explanatory statement

This new clause will amend the Crime and Disorder Act 1998 to require schools in England to be part of the Crime and Disorder Partnerships created by that Act.

Offensive Weapons Bill, *continued*

Louise Haigh
Vicky Foxcroft

NC19

- ★ To move the following Clause—

“Controls on miniature rifles and ammunition

- (1) The Firearms Act 1968 is amended as follows.
- (2) Omit subsection (4) of section 11 (Sports, athletics and other approved activities).”

Member’s explanatory statement

This new clause would amend the Firearms Act 1968 to prevent persons being able to acquire an unlimited number of .22 rifles and ammunition without background checks or making the police aware.

Louise Haigh
Vicky Foxcroft

NC20

- ★ To move the following Clause—

“Report on Section 9 of the Firearms Act 1968

- (1) The Secretary of State must, within six months of this Act receiving Royal Assent, lay a report before Parliament on Section 9 of the Firearms Act 1968.
- (2) The report under subsection (1) must consider, but is not limited to—
 - (a) whether an auctioneer, carrier or warehouseman should continue to be exempt from the controls of the aforementioned Act;
 - (b) evaluate the risks to the public of Section 9.
- (3) The report under subsection (1) and the considerations under subsection (2) must seek the advice of—
 - (a) National Counter Terror Policing;
 - (b) the National Crime Agency;
 - (c) the National Ballistics Intelligence Service.”

Member’s explanatory statement

This new clause would require the Secretary of State to review Section 9 of the Firearms Act 1968.

Louise Haigh
Vicky Foxcroft

NC21

- ★ To move the following Clause—

“Firearms Advisory Committee

- (1) There shall be established in accordance with the provisions of this section a firearms consultative committee consisting of a chairman and no fewer than 12 other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters—
 - (a) the possession, use or keeping of, or transactions in, firearms;

Offensive Weapons Bill, continued

- (b) weapon technology; and
 - (c) the administration or enforcement of the provisions of the Firearms Acts 1968 to 1997.
- (2) Subject to subsection (3) below, a member of the committee shall hold and vacate office in accordance with the terms of his appointment.
- (3) Any member of the committee may resign by notice in writing to the Secretary of State; and the chairman may by such a notice resign his office as such.
- (4) It shall be the function of the committee—
- (a) to keep under review the working of the provisions mentioned in subsection (1)(c) above and to make to the Secretary of State such recommendations as the committee may from time to time think necessary for the improvement of the working of those provisions;
 - (b) to make proposals for amending those provisions if it thinks fit;
 - (c) to advise the Secretary of State on any other matter relating to those provisions which he may refer to the committee; and
 - (d) to make proposals for codifying the law on firearms.
- (5) The Committee shall make particular reference to the working of the provisions in relation to counter-terrorism, serious organised crime and crimes of violence.
- (6) The committee shall in each year make a report on its activities to the Secretary of State who shall lay a copy of the report before both Houses of Parliament.
- (7) The Secretary of State may make to members of the committee such payments as he may determine in respect of expenses incurred by them in the performance of their duties.”

Member's explanatory statement

This new clause would establish a firearms advisory committee empowered to make recommendations to the Secretary of State concerning firearms law and the codification of that law.

Louise Haigh
Vicky Foxcroft

NC22

- ★ To move the following Clause—

“Possession of component parts of ammunition with intent to manufacture

- (1) Section 1 of the Firearms Act 1988 is amended as follows.
- (2) After subsection (5) insert—
 - “(6A) A person commits an offence if—
 - (a) the person has in his or her possession or under his or her control the component parts of ammunition; and
 - (b) the person intends to use such articles to manufacture the component parts into ammunition.
 - (6B) A person guilty of an offence under this section is liable—
 - (a) on summary conviction—
 - (i) in England and Wales to imprisonment for a term not exceeding 12 months (or in relation to offences committed before Section 154(1) of the Criminal Justice Act 2003 comes into force six months) or to a fine or both;

Offensive Weapons Bill, *continued*

- (ii) in Scotland to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine, or to both.”
-

Louise Haigh
Vicky Foxcroft

NC23

- ★ To move the following Clause—

“Antique Firearms

- (1) The Firearms Act 1968 is amended as follows.
 - (2) In section 16A (1) (Possession of firearm with intent to cause fear of violence) for “or imitation firearm” substitute “, imitation firearm or antique firearm”.
 - (3) In section 19 (carrying a firearm in a public place), after subsection (d) insert—
“(e) antique firearm.”
 - (4) In section 20 (1) (Trespassing with firearm) for “or imitation firearm” substitute “, imitation firearm or antique firearm”.
 - (5) In section 20 (2) (Trespassing with firearm) for “or imitation firearm” substitute “, imitation firearm or antique firearm”.”
-

Louise Haigh
Vicky Foxcroft

NC24

- ★ To move the following Clause—

“Antique Firearms (No. 2)

- (1) The Firearms Act 1968 is amended as follows.
 - (2) In section 17 (1) (Use of firearms to resist arrest), for “or imitation firearm” substitute “, imitation firearm or antique firearm”.
 - (3) In section 17 (2) (Use of firearms to resist arrest), for “or imitation firearm” substitute “, imitation firearm or antique firearm”.
 - (4) In section 18 (1) (Carrying firearm with criminal intent) for “or imitation firearm” substitute “, imitation firearm or antique firearm”.
 - (5) In section 18 (2) (Carrying firearm with criminal intent) for “or imitation firearm” substitute “, imitation firearm or antique firearm”.”
-

Offensive Weapons Bill, *continued*

Louise Haigh
Vicky Foxcroft

NC25

★ To move the following Clause—

“Report on the causes behind youth violence with offensive weapons

- (1) The Secretary of State must, within six months of this Act receiving Royal Assent, lay a report before Parliament on the causes behind youth violence with offensive weapons.
- (2) The report under subsection (1) must consider, but is not limited to—
 - (a) the effect of the reduction in police numbers on the levels of youth violence with offensive weapons;
 - (b) the effect of the reduction in public spending on—
 - (i) children’s services;
 - (ii) Sure Start;
 - (iii) state-maintained schools;
 - (iv) local authorities;
 - (c) the effect of changes in the numbers of—
 - (i) school-excluded children;
 - (ii) looked after children;
 - (iii) homeless children.
- (3) The report under subsection (1) and the considerations under subsection (2) must consider the benefits of the public health approach to violence reduction.
- (4) The report must publish all departmental evidence held relating to subsection (2).”

Member’s explanatory statement

This new clause would require the Secretary of State to review the causes behind youth violence with offensive weapons.

Louise Haigh
Vicky Foxcroft

NC26

★ To move the following Clause—

“Offence of buying antique firearms for cash etc

- (1) A person commits an offence if they purchase an antique firearm other than by—
 - (a) a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable; or
 - (b) by an electronic transfer of funds (authorised by credit or debit card or otherwise).
- (2) The Secretary of State may by order amend subsection (1) to permit other methods of payment.
- (3) In this section paying includes paying in kind (with goods or services).
- (4) If an antiques dealer (“the purchaser”) is in breach of subsection (1), each of the following is guilty of an offence—
 - (a) the antique dealer;
 - (b) any person who makes the payment acting for the dealer.

Offensive Weapons Bill, *continued*

- (5) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under this section to prove that the person—
 - (a) made arrangements to ensure that the payment was not made in breach of subsection (1); and
 - (b) took all reasonable steps to ensure that those arrangements were complied with.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Louise Haigh
Vicky Foxcroft

NC27

★ To move the following Clause—

“Compulsory register of transaction in antique firearms

- (1) Any person who by way of trade or business manufactures, sells or transfers antique firearms must provide and keep a register of transactions and must enter or cause to be entered therein the particulars specified by order of the Secretary of State.
- (2) Every entry required by subsection (1) of this section to be made in the register shall be made within 24 hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom that subsection applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.
- (3) Every person keeping a register in accordance with this section shall (unless required to surrender the register under section 38(8) of the Firearms Act 1968) keep it for such a period that each entry made after the coming into force of this subsection will be available for inspection for at least five years from the date on which it was made.
- (4) Every person keeping a register in accordance with this section shall on demand allow a constable or a civilian officer, duly authorised in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand, and must on request by an officer of police so authorised or by an officer of customs and excise—
 - (a) produce the register for inspection; or
 - (b) if the register is kept by means of a computer, produce a copy of the information comprised in that register in a visible and legible form for inspection

provided that, where a written authority is required by this subsection, the authority shall be produced on demand.
- (5) Every person keeping a register in accordance with this section by means of a computer shall ensure that the information comprised in the register can readily be produced in a form in which it is visible and legible and can be taken away.
- (6) It is an offence for a person to fail to comply with any provision of this section or knowingly to make any false entry in the register required to be kept thereunder.

Offensive Weapons Bill, *continued*

- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

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.

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:

Offensive Weapons Bill, *continued*
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

- (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.
-