



House of Commons

Tuesday 26 March 2019

CONSIDERATION OF LORDS AMENDMENTS

New Amendments handed in are marked thus ★

Amendments tabled since the last publication: LA7 (a) to (d), LA9 (a), LA10 (a), LA12 (a) to (c), LA14 (a), LA23 (a), LA27 and LA28 (a) to (k), LA62 (a) and LA63 (a)

OFFENSIVE WEAPONS BILL

On Consideration of Lords Amendments to the Offensive Weapons Bill

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The Lords Amendments have been arranged in accordance with the Offensive Weapons Bill (Programme (No. 3)) Motion to be proposed by Secretary Sajid Javid.

Lords Amendment No. **27**

Secretary Sajid Javid

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment No. **28**

Secretary Sajid Javid

To move, That this House disagrees with the Lords in their Amendment.

Offensive Weapons Bill, *continued*

Secretary Sajid Javid

To move the following Amendments to the Bill in lieu of the Lords Amendment Nos. 27 and 28:—

- (a)
- ★ Page 18, line 10, at end insert the following new Clause—
- “Delivery of bladed products to persons under 18**
- (1) This section applies if—
- (a) a person (“the seller”) sells a bladed product to another person (“the buyer”),
 - (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is within the United Kingdom at that time,
 - (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver bladed products for the seller,
 - (d) that person was aware when they entered into the arrangement that it covered the delivery of bladed products, and
 - (e) that person delivers the bladed product to residential premises pursuant to that arrangement.
- (2) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if—
- (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
 - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) For the purposes of subsection (1)(b) a person other than an individual is within the United Kingdom at any time if the person carries on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (4) In subsection (1)(e) “residential premises” means premises used solely for residential purposes.
- (5) The circumstances where premises are not residential premises for the purposes of subsection (1)(e) include, in particular, where a person carries on a business from the premises.
- (6) The person mentioned in subsection (1)(e) commits an offence if, when they deliver the bladed product, they do not deliver it into the hands of a person aged 18 or over.
- (7) A person guilty of an offence under subsection (6) 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.
- (8) This section is subject to section 18 (defences).”
- (b)
- ★ Page 18, line 14, at end insert—
- “(1A) It is a defence for a person (“the seller”) charged with an offence under section 17(2) of delivering a bladed product to residential premises to prove that—
- (a) at the time the offence is alleged to have been committed, the seller had procedures in place which were likely to ensure that any bladed product delivered by the seller to residential premises would be delivered into the hands of a person aged 18 or over, and
 - (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product to which the charge relates would be delivered into the hands of a person aged 18 or over.

Offensive Weapons Bill, *continued*

- (1B) It is a defence for a person (“the seller”) charged with an offence under section 17(2) of arranging for the delivery of a bladed product to residential premises to prove that—
- (a) the arrangement required the person with whom it was made to have procedures in place which were likely to ensure that any bladed products delivered to residential premises pursuant to the arrangement would be delivered into the hands of a person aged 18 or over, and
 - (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product to which the charge relates would be delivered into the hands of a person aged 18 or over.”
- (c)
- ★ Page 18, line 26, at end insert—
- “(4A) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under section (*Delivery of bladed products to persons under 18*) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (4B) It is a defence for a person (“the accused”) charged in Scotland with an offence under section (*Delivery of bladed products to persons under 18*) to show that—
- (a) the accused believed the person into whose hands the bladed product was delivered to be aged 18 or over, and
 - (b) either the accused had taken reasonable steps to establish the person’s age or no reasonable person could have suspected from the person’s appearance that the person was under the age of 18.
- (4C) For the purposes of subsection (4B)(b), the accused is to be treated as having taken reasonable steps to establish the person’s age if and only if—
- (a) the accused was shown any of the documents mentioned in subsection (4D), and
 - (b) the document would have convinced a reasonable person.
- (4D) Those documents are any document bearing to be—
- (a) a passport,
 - (b) a European Union photocard driving licence, or
 - (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order.”
- (d)
- ★ Page 18, line 29, leave out from “(6)” to “if” in line 30 and insert “A person is to be taken to have shown a matter for the purposes of subsection (4B) or (5)”
- (e)
- ★ Page 18, line 35, leave out “the offence under section 17” and insert “an offence under section 17 or (*Delivery of bladed products to persons under 18*)”
- (f)
- ★ Page 18, line 45, at end insert—
- ““residential premises” has the same meaning as in section 17.”
- (g)
- ★ Page 19, line 7, leave out “and” and insert “to”
- (h)
- ★ Page 19, line 12, leave out first “and” and insert “to”
- (i)
- ★ Page 19, line 18, leave out “and” and insert “to”
- (j)
- ★ Page 19, line 26, leave out “and” and insert “to”

Offensive Weapons Bill, *continued*

- ★ Page 38, line 31, after “4(8)(c)” insert “, 18(4D)(c)” (k)

Lords Amendment No. 7

As Amendments to the Lords Amendment:—

Louise Haigh
Ms Diane Abbott
Sarah Jones

- ★ Line 19, leave out “6” and insert “8” (a)

Louise Haigh
Ms Diane Abbott
Sarah Jones

- ★ Line 24, leave out “consult” and insert “obtain and consider a pre-injunction report from” (b)

Louise Haigh
Ms Diane Abbott
Sarah Jones

- ★ Line 28, leave out “consult” and insert “obtain and consider a pre-injunction report from” (c)

Louise Haigh
Ms Diane Abbott
Sarah Jones

- ★ Line 29, at end insert— (d)
- “(7) An application to a court for a knife crime prevention order made under this section must include a copy of the pre-injunction report.
- (8) In this section a “pre-injunction report” means a report which—
- (a) with a view to assisting the prosecution and the court in determining the most suitable method of dealing with a defendant, is made or submitted by a youth offending team, and
 - (b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State, including but not limited to—
 - (i) an assessment of the defendant;
 - (ii) an analysis of the circumstances of the defendant;
 - (iii) the involvement of parents and carers in those circumstances;
 - (iv) an assessment of any need for a referral to children’s social care services for an assessment under the Children Act 1989;

Offensive Weapons Bill, *continued*

- (v) an assessment of any need for a referral to the National Referral Mechanism for an assessment under the Modern Slavery Act 2015;
- (vi) any background to the concerns around knives and the circumstances of the defendant which may be considered relevant.”

Lords Amendment No. 9

As an Amendment to the Lords Amendment:—

Louise Haigh
Ms Diane Abbott
Sarah Jones

(a)

★ Line 13, at end insert—

“(3A) In a case where the defendant is aged under 18, in forming any such opinion as is mentioned in subsection (3), the court may consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the court that the defendant lives.

(3B) If it appears to the court that the defendant lives in the area of two or more youth offending teams, the provision in subsection (4) is to consult such of those teams as the court thinks appropriate.”

Lords Amendment No. 10

As an Amendment to the Lords Amendment:—

Louise Haigh
Ms Diane Abbott
Sarah Jones

(a)

★ Line 20, at end insert—

“(5A) In a case where the defendant is aged under 18, in forming any such opinion as is mentioned in subsection (5), the court may consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the court that the defendant lives.

Offensive Weapons Bill, *continued*

- (5B) If it appears to the court that the defendant lives in the area of two or more youth offending teams, the provision in subsection (4) is to consult such of those teams as the court thinks appropriate.”
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Lords Amendment No. 12

As Amendments to the Lords Amendment:—

Louise Haigh
Ms Diane Abbott
Sarah Jones

- (a)**
- ★ Line 9, leave out “consult” and insert “obtain and consider a pre-injunction report from”

Louise Haigh
Ms Diane Abbott
Sarah Jones

- (b)**
- ★ Line 13, leave out “consult” and insert “obtain and consider a pre-injunction report from”

Louise Haigh
Ms Diane Abbott
Sarah Jones

- (c)**
- ★ Line 14, at end insert—
- “(4) An application to a court for a knife crime prevention order made under this section must include a copy of the pre-injunction report.
- (5) In this section a “pre-injunction report” means a report which—
- (a) with a view to assisting the prosecution and the court in determining the most suitable method of dealing with a defendant, is made or submitted by a youth offending team, and
 - (b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State, including but not limited to—
 - (i) an assessment of the defendant;
 - (ii) an analysis of the circumstances of the defendant;
 - (iii) the involvement of parents and carers in those circumstances;
 - (iv) an assessment of any need for a referral to children’s social care services for an assessment under the Children Act 1989;
 - (v) an assessment of any need for a referral to the National Referral Mechanism for an assessment under the Modern Slavery Act 2015;

Offensive Weapons Bill, *continued*

- (vi) any background to the concerns around knives and the circumstances of the defendant which may be considered relevant.”

Lords Amendment No. 14

As an Amendment to the Lords Amendment:—

Louise Haigh
Ms Diane Abbott
Sarah Jones

- (a)**
- ★ Line 12, at end insert—
“(c) in a case where the defendant is aged 18 or over, a youth offending team.”

Lords Amendment No. 23

As an Amendment to the Lords Amendment:—

Louise Haigh
Ms Diane Abbott
Sarah Jones

- (a)**
- ★ Line 14, at end insert—
“(3A) The third condition is that both Houses of Parliament have passed a motion of the terms “That this House notes the findings of the report on the pilot of Knife Crime Prevention Orders and approves their continued use”.
- (3B) A court may not be given the power to make knife crime prevention orders until the Secretary of State has laid a report before both Houses of Parliament setting out—
- (a) an explanation of the Government’s decision to introduce knife crime prevention orders and all departmental evidence relating to the decision,
 - (b) an explanation of what consultations have taken place relating to the Government’s decision to introduce knife crime prevention orders,
 - (c) guidance given to authorities on the burden of proof required to sanction a young person through this order,
 - (d) the predicted impact of knife crime prevention orders on different racial groups as defined in section 9 of the Equality Act 2010,
 - (e) an explanation of what restrictions may be implemented as part of knife crime prevention orders and their impact on the rights of children, and
 - (f) an assessment of the causes behind knife crime, including but not limited to consideration of—

Offensive Weapons Bill, *continued*

- (i) the effect on the levels of youth violence with offensive weapons of the reduction in police numbers,
 - (ii) the effect on the levels of youth violence with offensive weapons of the reduction in public spending on—
 - (a) children’s services,
 - (b) Sure Start,
 - (c) state-maintained schools,
 - (d) local authorities,
 - (e) youth offending teams,
 - (f) Border Force, and
 - (g) drug treatment programmes.
- (3C) A court may not be given the power to make knife crime prevention orders until the Secretary of State has consulted—
- (a) each devolved authority,
 - (b) each police force,
 - (c) organisations representing different racial groups as defined in section 9 of the Equality Act 2010,
 - (d) non-governmental organisations, including charities, which in the opinion of the Secretary of State have a relevant interest,
 - (e) organisations representing those working within children’s services, state-maintained schools and youth offending teams, and
 - (f) the wider public.
- (3D) A court may not be given the power to make knife crime prevention orders until the Secretary of State has laid a report on the consultation under subsection (3C) before both Houses of Parliament.
- (3E) In each year in which a court has made a knife crime prevention order, the Secretary of State must lay a report before both Houses of Parliament setting out—
- (a) how many individuals have been given a knife crime prevention order, broken down by—
 - (i) region,
 - (ii) age groups,
 - (iii) different racial groups as defined in section 9 of the Equality Act 2010,
 - (b) how many individuals under subsection (4)(a) were under 18 years old at the time the order was made,
 - (c) an assessment of what restrictions have been implemented as part of knife crime prevention orders and their impact on the rights of children,
 - (d) an assessment of whether knife crime prevention orders have had any impact on the levels of violent crime,
 - (e) an assessment of the impact of knife crime prevention orders on the relationship between vulnerable young people and law enforcement,
 - (f) an assessment of the impact of knife crime prevention orders on different racial groups as defined in section 9 of the Equality Act 2010,
 - (g) an assessment of the impact of knife crime prevention orders on access to child protection and diversion activities for young persons aged under 18,
 - (h) whether the Government intends to maintain or revoke the power for courts to make knife crime prevention orders, an explanation of the Government’s decision, and all departmental evidence relating to the decision,

Offensive Weapons Bill, *continued*

- (i) an assessment of whether knife crime prevention orders have had any impact on the prison population,
- (j) guidance given to authorities on the burden of proof required to sanction a young person through such an order.”

Lords Amendment No. **62**

As an Amendment to the Lords Amendment:—

Secretary Sajid Javid

- ★ Line **22**, after “etc),” insert— (a)
 “(ja) section (*Delivery of bladed products to persons under 18*) of this Act (delivery of bladed products to persons under 18),”

Lords Amendment No. **63**

As an Amendment to the Lords Amendment:—

Secretary Sajid Javid

- ★ Line **7**, after “17” insert “, (*Delivery of bladed products to persons under 18*)” (a)

OFFENSIVE WEAPONS BILL (PROGRAMME (NO. 3))

Secretary Sajid Javid

That the following provisions shall apply to the Offensive Weapons Bill for the purpose of supplementing the Orders of 27 June 2018 (Offensive Weapons Bill (Programme)) and 28 November 2018 (Offensive Weapons Bill (Programme) (No. 2)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion two hours after their commencement at today’s sitting.
2. The proceedings shall be taken in the following order: Lords Amendments Nos. 27, 28, 1 to 26 and 29 to 95.

Offensive Weapons Bill, *continued**Subsequent stages*

3. Any further Message from the Lords may be considered forthwith without any Question being put.
 4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.
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