

Offensive Weapons Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 1

LORD LUCAS

Page 1, line 8, at end insert—

“() The defence in subsection (2) is satisfied if a person has complied with a process that has been certified as adequate by the police.”

Member’s explanatory statement

This amendment would mean that complying with police certified processes would be a sufficient defence under subsection (2).

Page 2, line 30, at end insert—

“() The appropriate national authority must by regulations amend Schedule 1 by adding reference to the following substances and their concentration limits within the period of six months beginning with the date on which this Act is passed—

- (a) hydrobromic acid,
- (b) hydroiodic acid,
- (c) perchloric acid,
- (d) triflic acid,
- (e) lime (calcium oxide),
- (f) potassium hydroxide,
- (g) calcium hydroxide,
- (h) hydrogen peroxide.”

Member’s explanatory statement

This amendment would require the appropriate national authority to amend Schedule 1 to include additional corrosive substances within the period of six months of the passing of the Bill.

Clause 2

LORD LUCAS

Page 3, line 27, at end insert “and

() that a photographic record of these facts has been retained.”

Member’s explanatory statement

This amendment would require sellers or delivery firms to take photographic evidence of how their processes met the requirements of subsection (7)(a) and (b).

Clause 6

LORD LUCAS

Page 7, line 40, leave out from “means” to end of line 41 and insert “a substance which, when applied at room temperature to the back of an average human hand for a period of ten seconds, would be expected to substantially corrode the skin;”

Member’s explanatory statement

This amendment would replace the definition of corrosive substances provided in the Bill. The amended definition would include reference to the conditions under which a substance may corrode human skin, such as temperature.

Clause 19

LORD LUCAS

Page 19, line 7, leave out “and 18” and insert “, 18 and 20”

Member’s explanatory statement

This amendment is intended to probe and clarify the definition and use of “bladed article” under Clause 20.

Page 19, line 10, at end insert “or piercing”

Member’s explanatory statement

This amendment is intended to bring weapons such as stiletos within the definition of a “bladed product”.

Page 19, line 12, leave out “and 18” and insert “, 18 and 20”

Member’s explanatory statement

This amendment is intended to probe and clarify the definition and use of “bladed article” under Clause 20.

Clause 20

LORD LUCAS

Page 19, line 35, leave out “article” and insert “product”

Member's explanatory statement

This amendment is intended to probe and clarify the definition and use of "bladed article" under Clause 20.

Page 19, line 41, leave out "articles" and insert "products"

Member's explanatory statement

This amendment is intended to probe and clarify the definition and use of "bladed article" under Clause 20.

Clause 22

BARONESS MEACHER
LORD RAMSBOTHAM

Page 21, line 35, at end insert –

“(1AA) A person charged with an offence under subsection (1A) who is certified by the relevant police force as being addicted to drugs must be referred for treatment to an addiction rehabilitation service, and, if they comply with their treatment, must not be referred to court.”

Member's explanatory statement

This amendment would require those charged with the offence of carrying a flick or gravity knife who are also certified by the relevant police force as being addicted to drugs to be referred to a rehabilitation service for treatment before attending court. Charges would be dropped if they complied with their treatment.

LORD LUCAS

Page 22, leave out lines 29 to 33 and insert –

- “(2I) It is a defence for any person charged in respect of his or her conduct relating to a weapon to which this section applies –
- (a) with an offence under subsection (1) or (1A), or
 - (b) with an offence under section 50(2) or 50(3) of the Customs and Excise Management Act 1979 (improper importation),
- to demonstrate his or her conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force.
- (2J) In this section –
- reference to the Crown includes the Crown in right of Her Majesty's Government in Northern Ireland; and
 - “visiting force” means any body, contingent or detachment of the forces of a country –
 - (a) mentioned in subsection (1)(a) of section 1 of the Visiting Forces Act 1952; or
 - (b) designated for the purposes of any provision of that Act by Order in Council under subsection (2) of that section, which is present in the United Kingdom (including United Kingdom territorial waters) or in any place to which subsection (2K) below applies on the invitation of Her Majesty's Government in the United Kingdom.

Clause 22 - continued

- (2K) This subsection applies to any place on, under or above an installation in a designated area within the meaning of section 1(7) of the Continental Shelf Act 1964 or any waters within 500 metres of such an installation.
- (2L) It is a defence for a person charged in respect of his or her conduct relating to a weapon to which this section applies –
- (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 his or her conduct was for –
- (a) the purposes of theatrical performances and of rehearsals for such performances;
 - (b) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 – see section 5B of that Act);
 - (c) the production of television programmes (within the meaning of the Communications Act 2003 – see section 405(1) of that Act).
- (2M) It is a defence for a person charged with an offence under subsection (1) or (1A) to show that the weapon in question is an antique, manufactured before 1945.
- (2N) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (2D), (2E), (2I), (2L), or (2M) if –
- (a) sufficient evidence of that 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

This amendment would widen the defences for those charged under the Restriction of Offensive Weapons Act 1959 or the Customs and Excise Management Act 1979 to cover conduct relating to a weapon for the purposes of functions carried out on behalf of the Crown or a visiting force, for the purposes of theatrical performance or filming, or in relation to a weapon manufactured before 1945.

Offensive Weapons Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

9 January 2019
