

Offensive Weapons Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 2

LORD LUCAS

Page 3, line 22, at end insert “, and that the police had so certified”

Member’s explanatory statement

This amendment would require certification by the police that the system put in place by a seller or a delivery firm acting on their behalf would be likely to prevent persons under the age of 18 from buying corrosive products.

Page 3, line 30, at end insert “, and that photographic evidence of proof of age of the person to which the package was being delivered would be obtained and retained by the seller.”

Member’s explanatory statement

This amendment would require the seller to take steps to ensure that photographic evidence of the age of the person to whom corrosive substances were delivered would be obtained and retained.

Clause 19

LORD LUCAS

Page 19, line 11, at end insert –

“(1A) For the avoidance of doubt, subsection (1) is intended to be interpreted widely, and includes but is not limited to –

- (a) knives of any description other than those that are permanently blunt, and
- (b) axes, spades, screwdrivers, saws, lawn mowers, food processors, paper guillotines, scissors and fans.

(1B) For the purposes of subsection (1A) knives which are permanently blunt include palette knives and fish knives.”

Member's explanatory statement

This amendment is intended to clarify the interpretation of the terms "bladed product" and "bladed article" in Clauses 17 to 20.

Clause 22

LORD LUCAS

Re-tabled version of last amendment printed on sheet HL Bill 149(a)

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 that 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.
- (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).

Clause 22 - continued

- (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 one of historical importance, as certified by subject matter experts from museums or auction houses or militaria experts as designated by the Secretary of State in regulations.
- (2N) 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.
- (2P) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (2D), (2E), (2I), (2L), (2M) or (2N) 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 of historical importance or manufactured before 1945.

Leave out Clause 22 and insert the following new Clause—

“Prohibition on the possession of certain dangerous knives

- (1) The Restriction of Offensive Weapons Act 1959 is repealed.
- (2) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (SI 1988/2019) is amended in accordance with subsections (3) and (4).
- (3) In paragraph 1, after sub-paragraph (s) insert—
 - “(t) a weapon manufactured after 1945 sometimes known as a “flick knife” or “flick gun” being any knife which has a blade which opens automatically—
 - (i) from the closed position to the fully opened position, or
 - (ii) from a partially opened position to the fully opened position, by manual pressure applied to a button, spring or other device;
 - (u) a weapon manufactured after 1945 sometimes known as a “gravity knife”, being any knife which has a blade which is released by the force of gravity or application of centrifugal force.”
- (4) After paragraph 2, insert the following new paragraph—
 - “(2A) Notwithstanding paragraph 2, for the purposes of paragraph 1, sub-paragraphs (t) and (u) only, a weapon is an antique only if it was manufactured before 1945.””

Member’s explanatory statement

This amendment is intended to ensure that flick knives and gravity knives manufactured post-WW2 remain covered by this legislation in the future when they become more than 100 years old.

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10 January 2019
