

Offensive Weapons Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 8

LORD RAMSBOTHAM

Page 8, line 39, leave out “16” and insert “18”

Before Clause 14

BARONESS WILLIAMS OF TRAFFORD

Insert the following new Clause –

“Sale etc of bladed articles to persons under 18

- (1) In section 141A of the Criminal Justice Act 1988 (sale etc of bladed articles to persons under 18), in subsection (3) (articles to which the section does not apply) –
 - (a) at the end of paragraph (a) insert “or”, and
 - (b) omit paragraph (b) and the “or” at the end of that paragraph.
- (2) In Article 54 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (sale of bladed articles to persons under 18), in paragraph (3) (articles to which the Article does not apply) –
 - (a) at the end of sub-paragraph (a) insert “or”, and
 - (b) omit sub-paragraph (b) and the “or” at the end of that sub-paragraph.”

Member’s explanatory statement

This new Clause would modify the offences of sale of a bladed article to a person under 18 in section 141A of the Criminal Justice Act 1988 and Article 54 of the Criminal Justice (Northern Ireland) Order 1996. Currently these offences do not apply to weapons to which section 141 of the 1988 Act applies and the new Clause would remove that exception.

Clause 19

BARONESS WILLIAMS OF TRAFFORD

Page 19, line 15, leave out from beginning to “or”

Member's explanatory statement

This amendment and the Minister's amendments at page 19, lines 16, 21, 22, 30 and 31 would modify the offences relating to delivery of a bladed product in Clause 17. Currently these offences do not apply to weapons to which section 141 of the Criminal Justice Act 1988 applies and the amendments would remove that exception.

Page 19, line 16, leave out "that Act" and insert "the Criminal Justice Act 1988"

Member's explanatory statement

See the explanation of the Minister's amendment at page 19, line 15.

Page 19, line 21, leave out paragraph (b)

Member's explanatory statement

See the explanation of the Minister's amendment at page 19, line 15.

Page 19, line 22, leave out "that Act" and insert "the Criminal Justice Act 1988"

Member's explanatory statement

See the explanation of the Minister's amendment at page 19, line 15.

Page 19, line 30, leave out from beginning to "or"

Member's explanatory statement

See the explanation of the Minister's amendment at page 19, line 15.

Page 19, line 31, leave out "the Criminal Justice (Northern Ireland) Order 1996" and insert "that Order"

Member's explanatory statement

See the explanation of the Minister's amendment at page 19, line 15.

Clause 25

BARONESS WILLIAMS OF TRAFFORD

Page 28, line 10, at end insert –

“(2A) In paragraph 1, after paragraph (s) insert –

- “(t) the weapon sometimes known as a “cyclone knife” or “spiral knife” being a weapon with –
- (i) a handle,
 - (ii) a blade with two or more cutting edges, each of which forms a helix, and
 - (iii) a sharp point at the end of the blade.”

Member's explanatory statement

This amendment would make it an offence under section 141 of the Criminal Justice Act 1988 to manufacture, supply or possess a weapon known as a “cyclone knife” or “spiral knife” in England and Wales or Northern Ireland.

Page 28, line 40, leave out from beginning to “, after” in line 41 and insert –

“(8) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons)(Scotland) Order 2005 (SSI 2005/483) is amended as follows.

(8A) In paragraph 1, after paragraph (q) insert –

“(r) the weapon sometimes known as a “cyclone knife” or “spiral knife” being a weapon with –

- (i) a handle,
- (ii) a blade with two or more cutting edges, each of which forms a helix, and
- (iii) a sharp point at the end of the blade.”

(8B) In paragraph 2”

Member’s explanatory statement

This amendment would make it an offence under section 141 of the Criminal Justice Act 1988 to manufacture, supply or possess a weapon known as a “cyclone knife” or “spiral knife” in Scotland.

Page 28, line 43, leave out “amendment made by subsection (8) is” and insert “amendments made by subsections (8A) and (8B) are”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 28, line 40.

Page 28, line 45, leave out “that subsection” and insert “subsection (8)”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 28, line 40.

After Clause 39

BARONESS WILLIAMS OF TRAFFORD

Insert the following new Clause –

“Enforcement of offences relating to sale etc of offensive weapons

- (1) A local weights and measures authority may enforce within its area a provision listed in subsection (2).
- (2) The provisions mentioned in subsection (1) are –
 - (a) section 1(1) of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons),
 - (b) section 1 of the Crossbows Act 1987 (sale etc of crossbows to persons under 18),
 - (c) section 141(1) of the Criminal Justice Act 1988 (offensive weapons),
 - (d) section 141A of that Act (sale etc of bladed articles to persons under 18),
 - (e) section 1 of the Knives Act 1997 (unlawful marketing of knives),
 - (f) section 2 of that Act (publication of unlawful marketing material relating to knives),
 - (g) section 1 of this Act (sale of corrosive products to persons under 18),

After Clause 39 - continued

- (h) section 3 of this Act (delivery of corrosive products to residential premises etc),
 - (i) section 4 of this Act (delivery of corrosive products to persons under 18),
 - (j) section 17 of this Act (delivery of bladed products to residential premises etc), and
 - (k) section 20 of this Act (delivery of bladed articles to persons under 18).
- (3) For the investigatory powers available to a local weights and measures authority for the purposes of enforcing a provision listed in subsection (2), see Schedule 5 to the Consumer Rights Act 2015.
- (4) Nothing in this section is to be construed as authorising a local weights and measures authority to bring proceedings in Scotland for an offence.
- (5) In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate place insert “section (*Enforcement of offences relating to sale etc of offensive weapons*) of the Offensive Weapons Act 2019”.

Member’s explanatory statement

This new Clause would confer the investigatory powers in Schedule 5 to the Consumer Rights Act 2015 on Trading Standards for the purposes of enforcing various existing and new offences relating to offensive weapons.

Insert the following new Clause—

“Application of Regulatory Enforcement and Sanctions Act 2008

In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (relevant enactments for the purposes of relevant functions to which Parts 1 and 2 of that Act apply) at the appropriate places insert—

“Criminal Justice Act 1988, sections 141(1) and 141A”;

“Offensive Weapons Act 2019, sections 1 , 3 , 4 , 17 and 20 ”;

“Restriction of Offensive Weapons Act 1959, section 1(1)”.

Member’s explanatory statement

This new Clause would apply Parts 1 and 2 of the Regulatory Enforcement and Sanctions Act 2008 to enforcement of the provisions listed in subsection (2) of the first new Clause to be inserted after Clause 39, to the extent that Part 1 or 2 of that Act does not otherwise apply in relation to those provisions.

Clause 42

BARONESS WILLIAMS OF TRAFFORD

Page 39, line 30, at end insert—

“(ja) section (*Enforcement of offences relating to sale etc of offensive weapons*)(5);

(jb) section (*Application of Regulatory Enforcement and Sanctions Act 2008*);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendments to insert new Clauses after Clause 39.

Page 39, line 38, at end insert –

“(za) section (*Sale etc of bladed articles to persons under 18*)(1);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new Clause before Clause 14.

Page 39, line 45, at end insert –

“(ca) section (*Enforcement of offences relating to sale etc of offensive weapons*)(1) to (4);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert the first of two new Clauses after Clause 39.

Page 40, line 11, leave out “(3)” and insert “(2A)”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 28, line 10.

Page 40, line 12, leave out “(3)” and insert “(2A)”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 28, line 10.

Page 40, line 29, after “25(8)” insert “, (8A), (8B)”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 28, line 40.

Page 40, line 31, at end insert –

“(aa) section (*Sale etc of bladed articles to persons under 18*)(2);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new Clause before Clause 14.

Clause 43

BARONESS WILLIAMS OF TRAFFORD

Page 41, line 13, at end insert –

“(ca) section (*Sale etc of bladed articles to persons under 18*)(1);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new Clause before Clause 14.

Page 41, line 25, at end insert –

“(ca) section (*Sale etc of bladed articles to persons under 18*)(2);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new Clause before Clause 14.

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21 January 2019
