

Offensive Weapons Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 24th January 2019, as follows –

Clause 1	Schedule 2
Schedule 1	Clauses 35 to 44
Clauses 2 to 34	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Before Clause 14

BARONESS WILLIAMS OF TRAFFORD

40 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 14

LORD PADDICK
BARONESS HAMWEE

- 40A** Page 14, line 8, leave out from beginning to “they” in line 10 and insert “The seller is to be regarded as having taken all reasonable precautions and exercised all due diligence if”

Member’s explanatory statement

This amendment would provide for a statutory basis, in addition to police and CPS discretion, to rely on reasonable precautions and diligence before the seller is charged.

Clause 17

LORD TUNNICLIFFE

- 41** Page 17, line 22, at end insert –
“(aa) the seller is not a trusted trader of bladed products, and”

Member’s explanatory statement

This amendment would create a trusted trader status for those selling bladed products.

LORD LUCAS

- 42** Page 17, line 24, at end insert –
“() For the purposes of this section a person in the United Kingdom is to be regarded as a seller if they perform fulfilment functions for a seller outside the United Kingdom.”

Member’s explanatory statement

This amendment is intended to ensure that UK fulfilment operations are liable under the Bill.

LORD PADDICK
BARONESS HAMWEE

- 42A** Page 17, line 27, at end insert “without having taken all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”

Member’s explanatory statement

This amendment would make failure to take precautions or exercise diligence criteria for the offence, as distinct from defences which would come into play only after the person had been charged.

LORD TUNNICLIFFE

- 43** Page 17, line 30, at end insert –
“() The Secretary of State may by regulations determine the conditions of being designated a trusted trader of bladed products in England and Wales for the purposes of subsection 17(1)(aa).
() Scottish Ministers may by regulations determine the conditions of being designated a trusted trader of bladed products in Scotland for the purposes of subsection 17(1)(aa).

Clause 17 - continued

- () The Department of Justice in Northern Ireland may by regulations determine the conditions of being designated a trusted trader of bladed products in Northern Ireland for the purposes of subsection 17(1)(aa).”

Member’s explanatory statement

This amendment would create a trusted trader status for those selling bladed products.

LORD PADDICK
BARONESS HAMWEE

- 43A** Page 17, line 37, after “solely” insert “or principally”

Member’s explanatory statement

The purpose of this amendment, along with the amendments to page 17, lines 38 and 41, is to probe the extent to which the offence in Clause 17(2) covers delivery to a person who works from home.

- 43B** Page 17, line 38, at end insert “subject to subsection (6).”

Member’s explanatory statement

The purpose of this amendment, along with the amendments to page 17, lines 37 and 41, is to probe the extent to which the offence in Clause 17(2) covers delivery to a person who works from home.

- 43C** Page 17, line 41, at end insert “unless the person is the owner or occupier of the premises and resides in them.”

Member’s explanatory statement

The purpose of this amendment, along with the amendments to page 17, lines 37 and 38, is to probe the extent to which the offence in Clause 17(2) covers delivery to a person who works from home.

- 43D** Page 18, line 2, leave out “imprisonment for a term not exceeding 51 weeks” and insert “a community sentence”

Member’s explanatory statement

This amendment, and the other to page 18, line 5, would replace the short-term custodial sentences in Clause 17 with community sentences.

- 43E** Page 18, line 5, leave out “imprisonment for a term not exceeding 6 months” and insert “a community sentence”

Member’s explanatory statement

This amendment, and the other to page 18, line 2, would replace the short-term custodial sentences in Clause 17 with community sentences.

Clause 18

LORD PADDICK
BARONESS HAMWEE

43F Page 18, line 12, leave out subsection (1)

Member's explanatory statement

This amendment, alongside the amendment to page 17, line 27, would make failure to take precautions or exercise diligence criteria for the offence, as distinct from defences which would come into play only after the person had been charged.

43G Page 18, line 21, leave out from “buyer” to end of line 23

Member's explanatory statement

The purpose of this amendment is to seek clarity as to how the seller can necessarily know the purpose for which the buyer intends to use the knife; and why adaptations are not dealt with in the same way as design.

Clause 19

LORD LUCAS

44 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.

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

Member's explanatory statement

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

46 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.

47 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.

BARONESS WILLIAMS OF TRAFFORD

48 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.

49 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.

50 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.

51 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.

52 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.

53 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.

After Clause 19

LORD LUCAS

54 Insert the following new Clause—

"Importer licensing scheme for bladed products

- (1) The Secretary of State may, after consultation with persons they consider appropriate, by order introduce an importer licensing scheme for bladed products, in accordance with this section.
- (2) The import of bladed products (as defined in section 19) may require an importer licence number within the documents wallet.

After Clause 19 - continued

- (3) An importer licence must include evidence of an arrangement under section 20 that is sufficient to allow HM Customs to verify its validity.
- (4) Any item that HM Customs suspects may contain a bladed product may be opened for inspection without the need for permissions or notifications of any kind.
- (5) Importations which do not carry a valid licence will be liable to seizure and destruction without compensation, but if an appropriate address has been included with the item the importer must be notified of the intended destruction and allowed a prescribed time to produce a valid licence.
- (6) The issue of licences may be restricted in prescribed ways.
- (7) An initial application fee and an annual renewal fee may be payable by the importer to cover the costs of this scheme.
- (8) The scheme may require licensees to make themselves available to appointed visits by the police or trading standards, who may inspect premises and goods and require documents to assist their investigations.
- (9) The scheme may allow for a licence to be suspended or removed in specified circumstances.”

Member’s explanatory statement

The scheme set out in the amendment would be modelled on the Registered Firearms Dealer (RFD) scheme. This amendment would enable overseas weapon sellers to be effectively caught by the provisions under this Bill, and includes measures to ensure that imports from overseas sellers would be subject to certain checks by customs officials.

Clause 20

LORD LUCAS

55 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.

LORD PADDICK
BARONESS HAMWEE

55A Page 19, line 39, leave out “before the sale, the seller” and insert “the seller has”

Member’s explanatory statement

This amendment is to clarify why delivery arranged after the sale is concluded (as a matter of contract) does not fall within the Clause.

LORD LUCAS

56 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.

- 57 Page 19, line 42, leave out paragraph (d) and insert –
 “() that person should have been aware when they entered into the arrangement that it might cover the delivery of bladed articles, and had not taken adequate precautions to ensure that it did not, and”

Member’s explanatory statement

This amendment is intended to enable discussion of how knives ordered from overseas websites will be prevented from being delivered to persons under 18.

LORD PADDICK
 BARONESS HAMWEE

- 57A Page 20, line 7, leave out subsection (3)

Member’s explanatory statement

This amendment is to probe why this exemption exists.

- 57B Page 20, line 13, at end insert “without having taken all reasonable precautions and exercised all due diligence not to do so.”

Member’s explanatory statement

This amendment, along with the amendment to page 20, line 14, would make failure to take precautions or exercise diligence criteria for the offence, as distinct from defences which would come into play only after the person had been charged.

- 57C Page 20, line 14, leave out subsection (5)

Member’s explanatory statement

This amendment is consequential on the amendment to page 20, line 13.

After Clause 20

LORD KENNEDY OF SOUTHWARK

- 58 Insert the following new 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

After Clause 20 - continued

- (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 aged 18 or over.
- (6) The appropriate Minister may provide in regulations that no offence is committed under subsection (1) if the display complies with requirements specified in regulations.”

Member’s explanatory statement

This new Clause would prohibit the open display of bladed products in shops.

LORD TUNNICLIFFE

59 Insert the following Clause –

“Enforcement of sections 1, 3, 4, 17 and 20

- (1) It shall be the duty of every authority to which subsection (4) applies to enforce within its area the provisions of sections 1, 3, 4, 17 and 20 of this Act.
- (2) An authority in England or Wales to which subsection (4) applies shall have the power to investigate and prosecute an alleged contravention of any provision under sections 1, 3, 4, 17 and 20 of this Act 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 an alleged contravention of any provision under sections 1, 3, 4, 17 and 20 of this Act which was committed outside its area in any part of Northern Ireland.
- (4) The authorities to which this section applies are –
- (a) in England, a county council, metropolitan borough council, unitary authority, district council or 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;
 - (d) in Northern Ireland, any district council.
- (5) In enforcing any provision under sections 1, 3, 4, 17 and 20 of this Act, an 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 authority may take any action under this section urgently and without first encouraging and promoting voluntary action if a product poses a serious risk.”

Member’s explanatory statement

This new Clause, for the relevant authorities, would create (a) a duty for them to enforce the relevant sections of this Bill, and (b) a power for them to investigate alleged offences under this Bill.

60 Insert the following new Clause—

“Investigatory powers for trading standards

- (1) Schedule 5 to the Consumer Rights Act 2015 is amended in accordance with subsection (2).
- (2) In Part 2, paragraph 10, at end insert—
“section (Enforcement of sections 1, 3, 4, 17 and 20) of the Offensive Weapons Act 2019”.

Member’s explanatory statement

This new Clause would complement the other new Clause after Clause 20 which creates a statutory duty for local authorities to investigate alleged offences under this Bill.

Clause 21

LORD LUCAS

61 Page 21, line 27, after “knife” insert “, which utilises energy stored in a spring or other device”

Member’s explanatory statement

This amendment is intended to exclude from the provisions of the Bill knives that are opened using pressure from the thumb on a small protuberance on the blade (rather than a nail nick), to enable climbers, fishermen and others to make use of knives that can be opened one-handed.

LORD PADDICK
BARONESS HAMWEE

The above-named Lords give notice of their intention to oppose the Question that Clause 21 stand part of the Bill.

Member’s explanatory statement

The purpose of this notice is to seek clarity as to the protections given by the Government to the needs of people unable to use one hand and to people who need such knives for work purposes.

After Clause 21

LORD LUCAS

62 Insert the following new Clause—

“Amendment to the definition of folding knife

- In section 139 of the Criminal Justice Act 1988 (offence of having an article with blade or point in public place), after subsection (3) insert—
- “(3A) In this section a pocket knife is folding if the blade folds into the handle, whether or not it can be locked in place when unfolded.”

Member’s explanatory statement

This amendment would allow folding knives with blades less than 3 inches long that lock open.

Clause 22

BARONESS MEACHER
LORD RAMSBOTHAM

- 63 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 PADDICK
BARONESS HAMWEE

- 63A Page 21, line 38, leave out “imprisonment for a term not exceeding 51 weeks” and insert “a community sentence”

Member’s explanatory statement

This amendment, along with similar amendments to this Clause, would replace the short-term custodial sentences in Clause 22 with community sentences.

- 63B Page 21, line 40, leave out “imprisonment for a term not exceeding 6 months” and insert “a community sentence”

Member’s explanatory statement

This amendment, along with similar amendments to this Clause, would replace the short-term custodial sentences in Clause 22 with community sentences.

LORD LUCAS

- 64 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

Clause 22 - continued

- (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).
- (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.
- (2O) 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.

LORD PADDICK
BARONESS HAMWEE

64A

Page 22, line 42, leave out “imprisonment for a term not exceeding 12 months” and insert “a community sentence”

Member's explanatory statement

This amendment, along with similar amendments to this Clause, would replace the short-term custodial sentences in Clause 22 with community sentences.

LORD LUCAS

65 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.

Clause 23

LORD PADDICK
BARONESS HAMWEE

65A Page 23, line 42, leave out “imprisonment for a term not exceeding 12 months” and insert “a community sentence”

Member's explanatory statement

This amendment, along with the similar amendment to this Clause, would replace the short-term custodial sentences in Clause 23 with community sentences.

65B Page 24, line 1, leave out “imprisonment for a term not exceeding 12 months” and insert “a community sentence”

Member's explanatory statement

This amendment, along with the similar amendment to this Clause, would replace the short-term custodial sentences in Clause 23 with community sentences.

Clause 24

LORD PADDICK
BARONESS HAMWEE

- 65C** Page 25, line 5, leave out “imprisonment for a term not exceeding 51 weeks” and insert “a community sentence”

Member’s explanatory statement

This amendment, along with similar amendments to this Clause, would replace the short-term custodial sentences in Clause 24 with community sentences.

- 65D** Page 25, line 7, leave out “imprisonment for a term not exceeding 6 months” and insert “a community sentence”

Member’s explanatory statement

This amendment, along with similar amendments to this Clause, would replace the short-term custodial sentences in Clause 24 with community sentences.

- 65E** Page 25, line 10, leave out “imprisonment for a term not exceeding 12 months” and insert “a community sentence”

Member’s explanatory statement

This amendment, along with similar amendments to this Clause, would replace the short-term custodial sentences in Clause 24 with community sentences.

- 65F** Page 25, leave out lines 16 to 18

Member’s explanatory statement

This amendment is consequential on the amendment to page 25, line 5.

Clause 25

BARONESS WILLIAMS OF TRAFFORD

- 66** 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.

- 67 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.

- 68 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.

- 69 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 25

LORD KENNEDY OF SOUTHWARK
LORD PADDICK

- 70 Insert the following new Clause –
“Kirpans

- (1) The Criminal Justice Act 1988 is amended as follows.
 (2) After section 141A, insert –

“141B Kirpans

For the purposes of sections 139, 139A, 141 or 141A it shall be lawful for a person to possess a Kirpan for religious, ceremonial, sporting or historical reasons.””

Member’s explanatory statement

This amendment would ensure that the Kirpan, a mandatory article of faith for a Sikh, possessed for religious, ceremonial, sporting or historical reasons is exempt from provisions relating to the possession of offensive weapons under the relevant sections of the Criminal Justice Act 1988.

Clause 26

LORD PADDICK
BARONESS HAMWEE

70A Page 29, line 26, at end insert –

“() Nothing in this section precludes the acceptance for surrender without payment of weapons whether or not they are weapons within subsection (1), (2) or (3).”

Member’s explanatory statement

This amendment is to seek confirmation that the scheme is consistent with arrangements for surrender of other weapons, and that weapons can be surrendered outside a payment scheme.

Clause 28

LORD PADDICK
BARONESS HAMWEE
LORD RAMSBOTHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 28 stand part of the Bill.

Member’s explanatory statement

This, along with amendments to Clause 29, would retain the current definition of risk for the existing offences in section 1A of the Prevention of Crime Act 1953 and Section 139AA of the Criminal Justice Act 1988, and for the new offence in Clause 29.

Clause 29

LORD PADDICK
BARONESS HAMWEE
LORD RAMSBOTHAM

71 Page 31, line 9, leave out “(“A”)”

Member’s explanatory statement

This amendment, along with other amendments to this Clause, would retain the current definition of risk for the existing offences in section 1A of the Prevention of Crime Act 1953 and section 139AA of the Criminal Justice Act 1988, and for the new offence in Clause 29.

LORD PADDICK
BARONESS HAMWEE

72 Page 31, line 11, leave out from “that” to the end of line 13 and insert “there is an immediate risk of serious physical harm to that person.”

Member’s explanatory statement

This amendment, along with other amendments to this Clause, would retain the current definition of risk for the existing offences in section 1A of the Prevention of Crime Act 1953 and section 139AA of the Criminal Justice Act 1988, and for the new offence in Clause 29.

After Clause 30

LORD KENNEDY OF SOUTHWARK

73 Insert the following new 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 to this Act.
- (3) In this section, “threaten a person” means that the person –
 - (a) 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.”

Member’s explanatory statement

This new Clause would create a new offence for those threatening with a non-corrosive substance that they claim or imply is corrosive.

After Clause 31

BARONESS WILLIAMS OF TRAFFORD

73A★ Insert the following new Clause –

“PART 5

KNIFE CRIME PREVENTION ORDERS

Knife crime prevention orders made otherwise than on conviction

Knife crime prevention order made otherwise than on conviction

- (1) A court may make a knife crime prevention order under this section in respect of a person aged 12 or over (the “defendant”) if the following conditions are met.
- (2) The first condition is that a person has, by complaint to the court, applied for a knife crime prevention order under this section in accordance with section (*Requirements for application for order under section (Knife crime prevention order made otherwise than on conviction)*).
- (3) The second condition is that the court is satisfied on the balance of probabilities that, on at least two occasions in the relevant period, the defendant had a bladed article with them without good reason or lawful authority –
 - (a) in a public place in England and Wales,
 - (b) on school premises, or
 - (c) on further education premises.

After Clause 31 - continued

- (4) In subsection (3) “the relevant period” means the period of two years ending with the day on which the order is made; but an event may be taken into account for the purposes of that subsection only if it occurred after the coming into force of this section.
- (5) Without prejudice to the generality of subsection (3), a person has good reason for having a bladed article with them in a place mentioned in that subsection if the person has the article with them in that place –
 - (a) for use at work,
 - (b) for educational purposes,
 - (c) for religious reasons, or
 - (d) as part of any national costume.
- (6) The third condition is that the court thinks that it is necessary to make the order –
 - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
 - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
 - (c) to prevent the defendant from committing an offence involving a bladed article.
- (7) A knife crime prevention order under this section is an order which, for a purpose mentioned in subsection (6) –
 - (a) requires the defendant to do anything described in the order;
 - (b) prohibits the defendant from doing anything described in the order.
- (8) See also –
 - (a) section (*Provisions of knife crime prevention order*) (which makes further provision about the requirements and prohibitions which may be imposed by a knife crime prevention order under this section),
 - (b) section (*Requirements included in knife crime prevention order etc*) (which makes further provision about the inclusion of requirements in a knife crime prevention order under this section), and
 - (c) section (*Duration of knife crime prevention order etc*) (which makes provision about the duration of a knife crime prevention order under this section).
- (9) Section 127 of the Magistrates’ Courts Act 1980 (time limits) does not apply to a complaint under this section.
- (10) In this section –
 - “court” –
 - (a) in the case of a defendant who is under the age of 18, means a magistrates’ court which is a youth court, and
 - (b) in any other case, means a magistrates’ court which is not a youth court;
 - “further education premises” means land used solely for the purposes of –

After Clause 31 - continued

- (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
- (b) 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 the 16 to 19 Academy;

“public place” includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;

“school premises” means any land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by section 4 of the Education Act 1996.”

Member’s explanatory statement

This Clause and the other amendments of the Minister to insert new Clauses after Clause 31 would make provision for knife crime prevention orders and interim knife crime prevention orders imposing requirements and prohibitions on defendants and subjecting them to certain notification requirements. The proposal is that the Clauses should become Part 5 of the Bill and the Bill should be divided into Parts when it is reprinted.

73B★

Insert the following new Clause –

“Requirements for application for order under section (Knife crime prevention order made otherwise than on conviction)

- (1) An application for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) may be made only by –
 - (a) a relevant chief officer of police,
 - (b) the chief constable of the British Transport Police Force, or
 - (c) the chief constable of the Ministry of Defence Police.
- (2) For the purposes of subsection (1)(a) a chief officer of police is a relevant chief officer of police in relation to an application for a knife crime prevention order in respect of a defendant if –
 - (a) the defendant lives in the chief officer’s police area, or
 - (b) the chief officer believes that the defendant is in, or is intending to come to, the chief officer’s police area.
- (3) An application for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) made by a chief officer of police for a police area may be made only to a court acting for a local justice area that includes any part of that police area.
- (4) Subsections (5) and (6) apply if a person proposes to apply for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) in respect of a defendant who –
 - (a) is under the age of 18, and
 - (b) will be under that age when the application is made.

After Clause 31 - continued

- (5) Before making the application the person must consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the person that the defendant lives.
- (6) If it appears to the person that the defendant lives in the area of two or more youth offending teams, the obligation in subsection (5) is to consult such of those teams as the person thinks appropriate.”

Member’s explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 31.

73C★ Insert the following new Clause –

“Application without notice

- (1) An application for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) may be made without the applicant giving notice to the defendant.
- (2) Section (*Requirements for application for order under section (Knife crime prevention order made otherwise than on conviction)*)(4) to (6) does not apply to an application made without notice.
- (3) If an application is made without notice the court must –
 - (a) adjourn the proceedings and make an interim knife crime prevention order under section (*Interim knife crime prevention order: application without notice*),
 - (b) adjourn the proceedings without making an interim knife crime prevention order under that section, or
 - (c) dismiss the application.
- (4) If the court acts under subsection (3)(a) or (b), the applicant must comply with section (*Requirements for application for order under section (Knife crime prevention order made otherwise than on conviction)*)(4) to (6) before the date of the first full hearing.
- (5) In this section “full hearing” means a hearing of which notice has been given to the applicant and the defendant in accordance with rules of court.”

Member’s explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 31.

73D★ Insert the following new Clause –

*“Interim knife crime prevention orders***Interim knife crime prevention order: application without notice**

- (1) Where an application for a knife crime prevention order in respect of a defendant is made without notice by virtue of section (*Application without notice*), the court may make an interim knife crime prevention order under this section in respect of the defendant if the first and second conditions are met.

After Clause 31 - continued

- (2) The first condition is that the proceedings on the knife crime prevention order are adjourned (otherwise than at a full hearing within the meaning of section (*Application without notice*)).
- (3) The second condition is that the court thinks that it is necessary to make an interim knife crime prevention order under this section.
- (4) An interim knife crime prevention order under this section is an order which imposes on the defendant such of the prohibitions that may be imposed by a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) as the court thinks are required in relation to the defendant.
- (5) An interim knife crime prevention order under this section may not impose on the defendant any of the requirements that may be imposed by a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*).
- (6) See also –
 - (a) section (*Provisions of knife crime prevention order*) (which makes further provision about the prohibitions which may be imposed by an interim knife crime prevention order under this section), and
 - (b) section (*Duration of knife crime prevention order etc*) (which makes provision about the duration of an interim knife crime prevention order under this section).”

Member’s explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 31.

73E★

Insert the following new Clause –

“Interim knife crime prevention order: application not determined

- (1) This section applies if –
 - (a) an application is made to a court for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) in respect of a defendant,
 - (b) the defendant is notified of the application in accordance with rules of court, and
 - (c) the application is adjourned.
- (2) The court may make an interim knife crime prevention order in respect of the defendant if –
 - (a) the first or second condition is met, and
 - (b) the third condition is met.
- (3) The first condition is that, by the complaint by which the application mentioned in subsection (1) is made, the applicant also applies for an interim knife crime prevention order in respect of the defendant.
- (4) The second condition is that, by complaint to the court, the applicant for the order mentioned in subsection (1) subsequently applies for an interim knife crime prevention order in respect of the defendant.

After Clause 31 - continued

- (5) The third condition is that the court thinks that it is just to make the order.
- (6) An interim knife crime prevention order under this section is an order which—
 - (a) imposes on the defendant such of the requirements that may be imposed by a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) as the court thinks appropriate;
 - (b) imposes on the defendant such of the prohibitions that may be imposed by a knife crime prevention order under that section as the court thinks appropriate.
- (7) See also—
 - (a) section (*Provisions of knife crime prevention order*) (which makes further provision about the requirements and prohibitions that may be imposed by an interim knife crime prevention order under this section),
 - (b) section (*Requirements included in knife crime prevention order etc*) (which makes further provision about the inclusion of requirements in an interim knife crime prevention order under this section), and
 - (c) section (*Duration of knife crime prevention order etc*) (which makes provision about the duration of an interim knife crime prevention order under this section).
- (8) Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under this section."

Member's explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 31.

73F★

Insert the following new Clause—

"Knife crime prevention orders made on conviction

Knife crime prevention order made on conviction

- (1) This section applies where—
 - (a) a person aged 12 or over (the "defendant") is convicted of an offence which was committed after the coming into force of this section, and
 - (b) the court is satisfied on the balance of probabilities that the offence is a relevant offence.
- (2) The court may make a knife crime prevention order under this section in respect of the defendant if the following conditions are met.
- (3) The first condition is that the prosecution applies for a knife crime prevention order to be made under this section.
- (4) The second condition is that the court thinks that it is necessary to make the order—
 - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
 - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or

After Clause 31 - continued

- (c) to prevent the defendant from committing an offence involving a bladed article.
- (5) A knife crime prevention order under this section is an order which, for a purpose mentioned in subsection (4) –
 - (a) requires the defendant to do anything described in the order;
 - (b) prohibits the defendant from doing anything described in the order.
- (6) See also –
 - (a) section (*Provisions of knife crime prevention order*) (which makes further provision about the requirements and prohibitions that may be imposed by a knife crime prevention order under this section),
 - (b) section (*Requirements included in knife crime prevention order etc*) (which makes further provision about the inclusion of requirements in a knife crime prevention order under this section), and
 - (c) section (*Duration of knife crime prevention order etc*) (which makes provision about the duration of a knife crime prevention order under this section).
- (7) The court may make a knife crime prevention order under this section in respect of the defendant only if it is made in addition to –
 - (a) a sentence imposed in respect of the offence, or
 - (b) an order discharging the offender conditionally.
- (8) For the purposes of deciding whether to make a knife crime prevention order under this section the court may consider evidence led by the prosecution and evidence led by the defendant.
- (9) It does not matter whether the evidence would have been admissible in the proceedings in which the defendant was convicted.
- (10) For the purposes of this section an offence is a relevant offence if –
 - (a) the offence involved violence,
 - (b) a bladed article was used, by the defendant or any other person, in the commission of the offence, or
 - (c) the defendant or another person who committed the offence had a bladed article with them when the offence was committed.
- (11) In subsection (10) “violence” includes a threat of violence.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73G★

Insert the following new Clause –

“Requirement to consult on application for order under section (Knife crime prevention order made on conviction)”

- (1) This section applies if the prosecution proposes to apply for a knife crime prevention order under section (*Knife crime prevention order made on conviction*) in respect of a defendant who –
 - (a) is under the age of 18, and
 - (b) will be under that age when the application is made.

After Clause 31 - continued

- (2) Before making the application, the prosecution must consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the prosecution that the defendant lives.
- (3) If it appears to the prosecution that the defendant lives in the area of two or more youth offending teams, the obligation in subsection (2) is to consult such of those teams as the prosecution thinks appropriate.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73H★ Insert the following new Clause—

*“Provisions of knife crime prevention order***Provisions of knife crime prevention order**

- (1) The only requirements and prohibitions that may be imposed on a defendant by a knife crime prevention order are those which the court making the order thinks are necessary—
 - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
 - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
 - (c) to prevent the defendant from committing an offence involving a bladed article.
- (2) The requirements imposed by a knife crime prevention order on a defendant may, in particular, have the effect of requiring the defendant to—
 - (a) be at a particular place between particular times on particular days;
 - (b) be at a particular place between particular times on any day;
 - (c) present themselves to a particular person at a place where they are required to be between particular times on particular days;
 - (d) participate in particular activities between particular times on particular days.
- (3) Section (*Requirements included in knife crime prevention order etc*) makes further provision about the inclusion of requirements in a knife crime prevention order.
- (4) The prohibitions imposed by a knife crime prevention order on a defendant may, in particular, have the effect of prohibiting the defendant from—
 - (a) being in a particular place;
 - (b) being with particular persons;
 - (c) participating in particular activities;
 - (d) using particular articles or having particular articles with them;
 - (e) using the internet to facilitate or encourage crime involving bladed articles.
- (5) References in subsection (4) to a particular place or particular persons, activities or articles include a place, persons, activities or articles of a particular description.

After Clause 31 - continued

- (6) A knife crime prevention order which imposes prohibitions on a defendant may include exceptions from those prohibitions.
- (7) Nothing in subsections (2) to (6) affects the generality of section (*Knife crime prevention order made otherwise than on conviction*)(7) or section (*Knife crime prevention order made on conviction*)(5).
- (8) The requirements or prohibitions which are imposed on the defendant by a knife crime prevention order must, so far as practicable, be such as to avoid—
 - (a) any conflict with the defendant’s religious beliefs, and
 - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73J★

Insert the following new Clause—

“Requirements included in knife crime prevention order etc

- (1) A knife crime prevention order or interim knife crime prevention order which imposes a requirement on a defendant must specify a person who is to be responsible for supervising compliance with the requirement.
- (2) That person may be an individual or an organisation.
- (3) Before including a requirement, the court must receive evidence about its suitability and enforceability from—
 - (a) the individual to be specified under subsection (1), if an individual is to be specified;
 - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (4) Before including two or more requirements, the court must consider their compatibility with each other.
- (5) It is the duty of a person specified under subsection (1)—
 - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”);
 - (b) to promote the defendant’s compliance with the relevant requirements;
 - (c) if the person considers that the defendant—
 - (i) has complied with all of the relevant requirements, or
 - (ii) has failed to comply with a relevant requirement,
 to inform the appropriate chief officer of police.
- (6) In subsection (5)(c) “the appropriate chief officer of police” means—
 - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the defendant lives, or
 - (b) if it appears to that person that the defendant lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.

After Clause 31 - continued

- (7) A defendant subject to a requirement in a knife crime prevention order or interim knife crime prevention order must—
 - (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
 - (b) notify that person of any change of the defendant's home address.
- (8) The obligations mentioned in subsection (7) have effect as if they were requirements imposed on the defendant by the order."

Member's explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 31.

73K★

Insert the following new Clause—

“Duration of knife crime prevention order etc

- (1) A knife crime prevention order or an interim knife crime prevention order under section (*Interim knife crime prevention order: application not determined*) takes effect on the day on which it is made, subject to subsections (6) and (7).
- (2) An interim knife crime prevention order under section (*Interim knife crime prevention order: application without notice*) takes effect when it is served on the defendant, subject to subsections (6) and (7).
- (3) A knife crime prevention order must specify the period for which it has effect, which must be a fixed period of at least 6 months, and not more than 2 years, beginning with the day on which it takes effect.
- (4) An interim knife crime prevention order under section (*Interim knife crime prevention order: application without notice*) has effect until the determination of the application mentioned in subsection (1) of that section, subject to section (*Variation, renewal or discharge of knife crime prevention order etc*).
- (5) An interim knife crime prevention order under section (*Interim knife crime prevention order: application not determined*) has effect until the determination of the application mentioned in subsection (1) of that section, subject to section (*Variation, renewal or discharge of knife crime prevention order etc*).
- (6) Subsection (7) applies if a knife crime prevention order or an interim knife crime prevention order is made in respect of—
 - (a) a defendant who has been remanded in or committed to custody by an order of the court,
 - (b) a defendant on whom a custodial sentence has been imposed or who is serving or otherwise subject to such a sentence, or
 - (c) a defendant who is on licence for part of the term of a custodial sentence.
- (7) The order may provide that it does not take effect until—
 - (a) the defendant is released from custody,
 - (b) the defendant ceases to be subject to a custodial sentence, or
 - (c) the defendant ceases to be on licence.

After Clause 31 - continued

- (8) A knife crime prevention order or an interim knife crime prevention order may specify periods for which particular prohibitions or requirements have effect.
- (9) Where a court makes a knife crime prevention order or an interim knife crime prevention order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.
- (10) In this section “custodial sentence” means –
 - (a) a sentence of imprisonment or any other sentence or order mentioned in section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2003, or
 - (b) a sentence or order which corresponds to a sentence or order within paragraph (a) and which was imposed or made under an earlier enactment.”

Member’s explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 31.

73L★ Insert the following new Clause –

*“Notification requirements***Notification requirements**

- (1) Subsection (2) applies if –
 - (a) a knife crime prevention order is made in respect of a defendant (other than an order which replaces an interim knife crime prevention order), or
 - (b) an interim knife crime prevention order is made in respect of a defendant.
- (2) The defendant must notify the information mentioned in subsection (3) to the police within the period of 3 days beginning with the day on which the order takes effect.
- (3) That information is –
 - (a) the defendant’s name on the day on which the notification is given and, where the defendant uses one or more other names on that day, each of those names, and
 - (b) the defendant’s home address on that day.
- (4) Subsection (5) applies to a defendant who is subject to –
 - (a) a knife crime prevention order, or
 - (b) an interim knife crime prevention order.
- (5) The defendant must notify the information mentioned in subsection (6) to the police within the period of 3 days beginning with the day on which the defendant –
 - (a) uses a name which has not previously been notified to the police under subsection (2) or this paragraph,
 - (b) changes their home address, or

After Clause 31 - continued

- (c) decides to live for a period of one month or more at any premises the address of which has not been notified to the police under subsection (2) or this paragraph.
- (6) That information is –
 - (a) in a case within subsection (5)(a), the name which has not previously been notified;
 - (b) in a case within subsection (5)(b), the new home address;
 - (c) in a case within subsection (5)(c), the address at which the defendant has decided to live.
- (7) A defendant gives a notification under subsection (2) or (5) by –
 - (a) attending at a police station in a police area in which the defendant lives, and
 - (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73M★ Insert the following new Clause –

“Offences relating to notification

- (1) A person commits an offence if the person –
 - (a) fails, without reasonable excuse, to comply with section (*Notification requirements*)(2) or (5), or
 - (b) notifies to the police, in purported compliance with section (*Notification requirements*)(2) or (5), any information which the person knows to be false.
- (2) A person guilty of an offence under subsection (1) is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.
- (3) 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 section (2)(a) to 12 months is to be read as a reference to 6 months.
- (4) A person commits an offence under subsection (1)(a) on the day on which the person first fails, without reasonable excuse, to comply with section (*Notification requirements*)(2) or (5).
- (5) The person continues to commit the offence throughout any period during which the failure continues.
- (6) But the person may not be prosecuted more than once in respect of the same offence.

After Clause 31 - continued

- (7) Proceedings for an offence under this section may be commenced in any court having jurisdiction in any place where the person charged with the offence lives or is found.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73N★ Insert the following new Clause—

*“Supplementary provisions***Review of knife crime prevention order**

- (1) This section applies where a court has made a knife crime prevention order in respect of a defendant.
- (2) The court may order the applicant and the defendant to attend one or more review hearings on a specified date or dates.
- (3) Subsection (4) applies if any requirement or prohibition imposed by the knife crime prevention order is to have effect after the end of the period of 1 year beginning with the day on which the order takes effect.
- (4) The court must order the applicant and the defendant to attend a review hearing on a specified date within the last 4 weeks of the 1 year period (whether or not the court orders them to attend any other review hearings).
- (5) A review hearing under this section is a hearing held for the purpose of considering whether the knife crime prevention order should be varied or discharged.
- (6) Subsections (7) to (9) of section (*Variation, renewal or discharge of knife crime prevention order etc*) apply to the variation of a knife crime prevention order under this section as they apply to the variation of an order under that section.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73P★ Insert the following new Clause—

“Variation, renewal or discharge of knife crime prevention order etc

- (1) A person within subsection (2) may apply to the appropriate court for—
 - (a) an order varying, renewing or discharging a knife crime prevention order, or
 - (b) an order varying or discharging an interim knife crime prevention order.
- (2) Those persons are—
 - (a) the defendant;
 - (b) the chief officer of police for a police area in which the defendant lives;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, the chief officer’s police area;

After Clause 31 - continued

- (d) if the application for the order was made by a chief officer of police other than one within paragraph (b) or (c), the chief officer by whom the application was made;
 - (e) if the order was made on an application by the chief constable of the British Transport Police Force, that chief constable;
 - (f) if the order was made on an application by the chief constable of the Ministry of Defence Police, that chief constable.
- (3) An application under subsection (1) may be made –
- (a) where the appropriate court is the Crown Court, in accordance with rules of court;
 - (b) in any other case, by complaint.
- (4) Before a person other than the defendant makes an application under subsection (1), the person must notify the persons consulted under section *(Requirements for application for order under section (Knife crime prevention order made otherwise than on conviction))*(5) or section *(Requirement to consult on application for order under section (Knife crime prevention order made on conviction))* (2).
- (5) Before making a decision on an application under subsection (1), the court must hear –
- (a) the person making the application, and
 - (b) any other person within subsection (2) who wishes to be heard.
- (6) Subject as follows, on an application under subsection (1) –
- (a) the court may make such order varying or discharging the order as it thinks appropriate;
 - (b) in the case of an application under paragraph (a) of that subsection, the court may make such order renewing the order as it thinks appropriate.
- (7) The court may renew a knife crime prevention order, or vary such an order or an interim knife crime prevention order so as to impose an additional prohibition or requirement on a defendant, only if it is satisfied that it is necessary to do so –
- (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
 - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
 - (c) to prevent the defendant from committing an offence involving a bladed article.
- (8) The provisions mentioned in subsection (9) have effect in relation to the renewal of a knife crime prevention order, or the variation of a knife crime prevention order or interim knife crime prevention order so as to impose a new requirement or prohibition, as they have effect in relation to the making of such an order.
- (9) Those provisions are –
- (a) section *(Provisions of knife crime prevention order)* (provisions of knife crime prevention order),

After Clause 31 - continued

- (b) section (*Requirements included in knife crime prevention order etc*) (requirements of knife crime prevention order), and
 - (c) section (*Duration of knife crime prevention order etc*) (duration of knife crime prevention order).
- (10) The court may not discharge a knife crime prevention order before the end of the period of 6 months beginning with the day on which the order takes effect without the consent of the defendant and –
- (a) where the application under this section is made by a chief officer of police, that chief officer,
 - (b) if paragraph (a) does not apply but the application for the order was made by a chief officer of police, that chief officer and (if different) each chief officer of police for an area in which the defendant lives or
 - (c) in any other case, each chief officer of police for an area in which the defendant lives.
- (11) In this section the “appropriate court” means –
- (a) where the Crown Court or the Court of Appeal made the knife crime prevention order or the interim knife crime prevention order, the Crown Court;
 - (b) where an adult magistrates’ court made the order, that court, an adult magistrates’ court for the area in which the defendant lives or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
 - (c) where a youth court made the order and the defendant is under the age of 18, that court, a youth court for the area in which the defendant lives or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;
 - (d) where a youth court made the order and the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant lives or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area.
- (12) In subsection (11) “adult magistrates’ court” means a magistrates’ court that is not a youth court.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73Q★

Insert the following new Clause –

“Appeal against knife crime prevention order etc

- (1) A defendant may appeal to the Crown Court against –
 - (a) the making of a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*), or
 - (b) the making of an interim knife crime prevention order.

After Clause 31 - continued

- (2) A person who applied for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) or an interim knife crime prevention order may appeal to the Crown Court against a refusal to make the order.
- (3) A defendant may appeal against the making of a knife crime prevention order under section (*Knife crime prevention order made on conviction*) as if the order were a sentence passed on the defendant for the offence.
- (4) Where an application is made for an order under section (*Variation, renewal or discharge of knife crime prevention order etc*) –
 - (a) the person who made the application may appeal against a refusal to make an order under that section;
 - (b) the defendant may appeal against the making of an order under that section which was made on the application of a person other than the defendant;
 - (c) a person within subsection (2) of that section other than the defendant may appeal against the making of an order under that section which was made on the application of the defendant.
- (5) An appeal under subsection (4) –
 - (a) is to be made to the Court of Appeal if the application for the order under section (*Variation, renewal or discharge of knife crime prevention order etc*) was made to the Crown Court;
 - (b) is to be made to the Crown Court in any other case.
- (6) On an appeal under subsection (1) or (2), or an appeal under subsection (4) to which subsection (5)(b) applies, the Crown Court may make –
 - (a) such orders as may be necessary to give effect to its determination of the appeal, and
 - (b) such incidental and consequential orders as appear to it to be appropriate.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73R★

Insert the following new Clause –

“Offence of breaching knife crime prevention order etc

- (1) A person commits an offence if, without reasonable excuse, the person breaches a knife crime prevention order or an interim knife crime prevention order.
- (2) A person guilty of an offence under subsection (1) is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.

After Clause 31 - continued

- (3) 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 (2)(a) to 12 months is to be read as a reference to 6 months.
- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73S★ Insert the following new Clause—

“Guidance

- (1) The Secretary of State may from time to time issue guidance relating to the exercise by a relevant person of functions in relation to knife crime prevention orders and interim knife crime prevention orders.
- (2) In this section “relevant person” means a person who is capable of making an application for a knife crime prevention order or an interim knife crime prevention order.
- (3) A relevant person must have regard to any guidance issued under subsection (1) when exercising a function to which the guidance relates.
- (4) The Secretary of State must arrange for any guidance issued under this section to be published in such manner as the Secretary of State thinks appropriate.”

Member’s explanatory statement

See the explanation of the Minister’s amendment to insert the first new Clause after Clause 31.

73T★ Insert the following new Clause—

“Consequential amendments

- (1) In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions) after paragraph (ff) insert—
 - “(fg) to have the conduct of applications for orders under section (Knife crime prevention order made on conviction) of the Offensive Weapons Act 2019 (knife crime prevention orders made conviction);”.
- (2) In the Criminal Legal Aid (General) Regulations 2013 (SI 2013/9), in regulation 9 (criminal proceedings) after paragraph (ub) insert—
 - “(uc) proceedings under Part 5 of the Offensive Weapons Act 2019 in relation to a knife crime prevention order or an interim knife crime prevention order;”.
- (3) The amendment made by subsection (2) is without prejudice to any power to make an order or regulations amending or revoking the regulations mentioned in that subsection.”

Member's explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 31.

73U★ Insert the following new Clause—

“Interpretation of Part

(1) In this Part—

“applicant” means an applicant for a knife crime prevention order;

“bladed article” means an article to which section 139 of the Criminal Justice Act 1988 applies;

“defendant”—

(a) in relation to a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*), has the meaning given by subsection (1) of that section;

(b) in relation to a knife crime prevention order under section (*Knife crime prevention order made on conviction*), has the meaning given by subsection (1) of that section;

“harm” includes physical and psychological harm;

“home address”, in relation to a defendant, means—

(a) the address of the defendant's sole or main residence, or

(b) if the defendant has no such residence, the address or location of a place where the defendant can regularly be found and, if there is more than one such place, such one of those places as the defendant may select.

(2) A reference in this Part to a knife crime prevention order which is not expressed as a reference to an order under section (*Knife crime prevention order made otherwise than on conviction*) or (*Knife crime prevention order made on conviction*) is a reference to an order under either of those sections.

(3) A reference in this Part to an interim knife crime prevention order which is not expressed as a reference to an order under section (*Interim knife crime prevention order: application without notice*) or (*Interim knife crime prevention order: application not determined*) is a reference to an order under either of those sections.”

Member's explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 31.

LORD LUCAS

74 Insert the following new Clause—

“Increased security measures for certain firearms

(1) The Firearms Act 1968 is amended as follows.

(2) Before section 5 insert—

“4B Increased security measures for certain firearms

(1) A person commits an offence if, other than at times when he or she has a weapon specified in this section on or about his or her person, it is not secured in accordance with Home Office Level 3 Security.

(2) The weapons specified in this section are—

(a) any rifle with a calibre greater than .45 inches, or

After Clause 31 - continued

- (b) any rifle with a chamber from which empty cartridge cases are extracted using—
- (i) energy from propellant gas, or
 - (ii) energy imparted to a spring or other energy storage device by propellant gas.””

Member’s explanatory statement

This amendment is intended to enable discussion of security measures for firearms generally.

THE EARL OF SHREWSBURY
THE EARL OF CAITHNESS

75

Insert the following new Clause—

“Implementation of firearms licensing guidance

- (1) The Secretary of State must, within the period of six months beginning with the day on which this Act is passed, publish a report on how the Government’s Guide on Firearms Licensing Law (April 2016) is being implemented.
- (2) A report under subsection (1) must be laid before both Houses of Parliament.
- (3) The Secretary of State must include in a report under this section—
 - (a) an assessment of the number of encoded reminders that have been placed on the patient records of firearms licence applicants following the grant or renewal of a firearms licence,
 - (b) an assessment of the fees charged by General Practitioners to provide medical information to support a firearms licence application, and
 - (c) an assessment of the number of General Practitioners who have refused to provide medical information to support a firearms licence application, and the reasons for those refusals.”

Member’s explanatory statement

This new Clause would place a duty on the Secretary of State to report within six months of the passing of this Act on how the Government’s Guide on Firearms Licensing Law is being implemented, particularly in relation to medical information.

LORD KENNEDY OF SOUTHWARK

76

Insert the following new Clause—

“Impact assessment of section 31

- (1) Section 31 may only come into force if a Minister of the Crown has laid before Parliament an assessment of its impact on different racial groups as defined in section 9 of the Equality Act 2010 (race).
- (2) The impact assessment must be conducted by a body independent of the Government following consultation with representatives of different racial groups.”

Member’s explanatory statement

This new Clause would require an independent assessment of the impact of searches in schools and further education premises on different racial groups.

LORD TUNNICLIFFE

77 Insert the following new Clause—

“Knife Crime Prevention Orders

- (1) The Secretary of State must within the period of three months beginning with the day on which this Act is passed publish a draft Bill consisting of provisions for the creation of knife crime prevention orders.
- (2) The draft Bill must contain provisions similar to other regimes for preventing criminal offences being committed such as sexual harm prevention orders.”

Member’s explanatory statement

This new Clause would ensure that the Government published draft legislation for the creation of knife crime prevention orders.

Clause 32

LORD LUCAS

78 Page 33, line 11, leave out subsection (2)

Member’s explanatory statement

This amendment is intended to enable discussion of alternatives to the prohibition of certain rifles.

78A [Withdrawn]

THE EARL OF SHREWSBURY

78B Page 33, line 13, leave out from ““(ag)” to end of line 19 and insert “any rifle which ejects an empty cartridge case using energy which comes (directly or indirectly) from propellant gas and subsequently chambers a cartridge by mechanical means solely through the operation of the firing trigger mechanism, other than a rifle which is chambered for rim fire cartridges;”

LORD KENNEDY OF SOUTHWARK

79 Leave out Clause 32 and insert the following new Clause—

“Prohibition of certain firearms etc: England and Wales and Scotland

- (1) The Firearms Act 1968 is amended as follows.
- (2) In section 5 (weapons subject to general prohibition), in subsection (1), after paragraph (af) insert—
 - “(ag) any rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged;
 - (ah) any rifle with a chamber from which empty cartridge cases are extracted using—
 - (i) energy from propellant gas, or
 - (ii) energy imparted to a spring or other energy storage device by propellant gas, other than a rifle which is chambered for .22 rim-fire cartridges;”.
- (3) In section 5(1), for the “and” at the end of paragraph (b) substitute—

Clause 32 - continued

- “(ba) any device (commonly known as a bump stock) which is designed or adapted so that—
- (i) it is capable of forming part of or being added to a self loading lethal barrelled weapon (as defined in section 57(1B) and (2A)), and
 - (ii) if it forms part of or is added to such a weapon, it increases the rate of fire of the weapon by using the recoil from the weapon to generate repeated pressure on the trigger; and”.
- (4) In section 5(2), after “including,” insert “in the case of weapons, any devices falling within subsection (1)(ba) of this section and,”.
 - (5) In section 5(2A)(a), after “weapon” insert “, device”.
 - (6) In section 51A(1)(a) (minimum sentences for certain offences under section 5), in each of sub-paragraphs (i) and (iii), after “(af)” insert “, (ag), (ah), (ba)”.
 - (7) In Schedule 6 (prosecution and punishment of offences), in Part 1 (table of punishments)—
 - (a) in the entry for section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c), in the first column, after “(af)” insert “, (ag), (ah), (ba)”,
 - (b) in the entry for section 19, in the third column, for “or (af)” substitute “, (af), (ag), (ah) or (ba)”, and
 - (c) in the entry for section 20(1), in the third column, for “or (af)” substitute “, (af), (ag), (ah) or (ba)”.
 - (8) The amendments made by subsection (6) apply only in relation to—
 - (a) an offence under section 5(1)(ag), (ah) or (ba) of the Firearms Act 1968 which is committed after the coming into force of subsection (6), and
 - (b) an offence under a provision listed in section 51A(1A) of that Act in respect of a firearm specified in section 5(1)(ag), (ah) or (ba) of that Act which is committed after the coming into force of subsection (6).”

Member’s explanatory statement

This new Clause would return the prohibition of high-powered firearms in England, Scotland and Wales to the Bill, which was removed during the Bill’s passage through the Commons.

Clause 33

THE EARL OF SHREWSBURY

79A Page 34, line 9, leave out subsection (2)

79B Page 34, line 11, leave out from ““(ea)” to end of line 16 and insert “any rifle which ejects an empty cartridge case using energy which comes (directly or indirectly) from propellant gas and subsequently chambers a cartridge by mechanical means solely through the operation of the firing trigger mechanism, other than a rifle which is chambered for rim fire cartridges;”

Clause 33 - continued

LORD KENNEDY OF SOUTHWARK

80 Leave out Clause 33 and insert the following new Clause—

“Prohibition of certain firearms etc: Northern Ireland

- (1) The Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) is amended as follows.
- (2) In Article 45 (weapons subject to general prohibition), in paragraph (1), after sub-paragraph (e) insert—
 - “(ea) any rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged;
 - (eb) any rifle with a chamber from which empty cartridge cases are extracted using—
 - (i) energy from propellant gas, or
 - (ii) energy imparted to a spring or other energy storage device by propellant gas,
 other than a rifle which is chambered for .22 rimfire cartridges;”.
- (3) In Article 45(1), for the “and” at the end of sub-paragraph (f) substitute—
 - “(fa) any device (commonly known as a bump stock) which is designed or adapted so that—
 - (i) it is capable of forming part of or being added to a self-loading firearm, and
 - (ii) if it forms part of or is added to such a firearm, it increases the rate of fire of the firearm by using the recoil from the firearm to generate repeated pressure on the trigger; and”.
- (4) In Article 2(2) (interpretation), in the definition of “prohibited weapon” and “prohibited ammunition”, after “including,” insert “in the case of weapons, any devices falling within paragraph (1)(fa) of that Article and,”.
- (5) In Article 70(1)(a) (minimum sentence for certain offences), in each of heads (ii) and (iv), after “(e)” insert “, (ea), (eb), (fa)”.
- (6) In Schedule 5 (table of punishments)—
 - (a) in the entry for Article 45(1)(a), (aa), (b), (c), (d), (e) and (g), in the first column, after “(e)” insert “, (ea), (eb), (fa)”;
 - (b) in the entry for Article 61(1), in the third column, for “or (e)” substitute “, (e), (ea), (eb) or (fa)”, and
 - (c) in the entry for Article 62(1), in the third column, for “or (e)” substitute “, (e), (ea), (eb) or (fa)”.
- (7) The amendments made by subsection (5) apply only in relation to—
 - (a) an offence under Article 45(1)(ea), (eb) or (fa) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) which is committed after the coming into force of subsection (5), and
 - (b) an offence under a provision listed in Article 70(1A) of that Order in respect of a firearm specified in Article 45(1)(ea), (eb) or (fa) of that Order which is committed after the coming into force of subsection (5).”

Member's explanatory statement

This new Clause would return the prohibition of high-powered firearms in Northern Ireland to the Bill, which was removed during the Bill's passage through the Commons.

After Clause 33

EARL ATTLEE

80A Insert the following new Clause—

“Amendments to section 27 of the Firearms Act 1968

- (1) Section 27 of the Firearms Act 1968 is amended as follows.
- (2) In subsection (2)—
 - (a) omit “the conditions (if any) subject to which it is held,”; and
 - (b) after subsection (2) insert—
 - “(2A) A firearm certificate shall specify the conditions (if any) subject to which it is held.
 - (2B) A firearm certificate for a rifle with a muzzle energy of more than 13,600 joules must include a special storage and transport condition in accordance with an order under section 27A of this Act.”

Member's explanatory statement

This amendment seeks to introduce means by which 50 calibre rifles could be required to be stored and transported under increased security arrangements.

80B Insert the following new Clause—

“Special storage and transport conditions: firearms certificates

After section 27 of the Firearms Act 1968, insert the following new section—

“Special storage and transport conditions

- (1) The Secretary of State may make an order specifying the special storage and transport conditions to be specified on a firearms certificate under section 27(2B) of this Act.
- (2) The specified conditions must ensure that there is no greater risk to the public than that from firearms held under section 5 of this Act.
- (3) The specified conditions may include—
 - (a) the physical structure of the storage facility,
 - (b) the alarm and security system,
 - (c) provisions about the separate storage and transport of the breech block, bolt or other mechanism for containing the pressure of discharge at the rear of a chamber,
 - (d) the documentary requirements relating to section 1(3)(c) of this Act, and
 - (e) such other conditions as the Secretary of State thinks appropriate.
- (4) The specified conditions need not cover ammunition.
- (5) Different specified conditions may apply to—
 - (a) different groups of firearms, and
 - (b) different circumstances.”

Member's explanatory statement

This amendment would give the Secretary of State the power to make an order (not subject to parliamentary scrutiny) specifying the mandatory special storage and transport conditions to be included on a firearm certificate for a 50 calibre rifle.

80C Insert the following new Clause—

“Amendment to section 1 of the Firearms Act 1968: special storage and transport conditions

In section 1 of the Firearms Act 1968, after subsection (3)(b) insert—

- “(c) a pressure bearing component of a firearm mentioned in section 57(1D) of this Act and held in possession in accordance with a special storage and transport condition made in accordance with section 27(2B) of this Act.”

Member's explanatory statement

This amendment would seek to exempt the bolt from the need for a firearm certificate for the person carrying it in accordance with a special transport and storage condition.

80D Insert the following new Clause—

“Definition of rifle

- (1) Section 57 of the Firearms Act 1968 is amended as follows.
- (2) In subsection (4) after ““rifle”” insert “means a firearm with a spirally grooved bore, designed to be fired from the shoulder and”.

Member's explanatory statement

This amendment would alter the definition of a rifle in the Firearms Act 1968 to clarify that the term "rifle" does not include artillery pieces or guns fitted to tanks etc.

Clause 35

THE EARL OF SHREWSBURY

80E Page 35, line 6, leave out “firearms” and insert “devices”

80F Page 35, line 12, leave out “firearms” and insert “devices”

80G Page 35, line 13, leave out “firearms” and insert “devices”

80H Page 35, line 17, leave out “firearms” and insert “devices”

80J Page 35, line 18, leave out “firearms” and insert “devices”

After Clause 35

THE EARL OF SHREWSBURY

80K Insert the following new Clause—

“Payments in respect of converted or deactivated firearms other than bump stocks

- (1) This section applies to firearms of the kind referred to in—

After Clause 35 - continued

- (a) the paragraph to be inserted into section 5(1) of the Firearms Act 1968 by section 32(2), or
 - (b) the sub-paragraph to be inserted into Article 45(1) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) by section 33(2).
- (2) A person making a claim and who was entitled to have in their possession on or immediately before 20 June 2018, by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer, a firearm described at subsection (1) above and who—
- (a) opts to retain it after either modification into bolt action form or deactivation, and
 - (b) provides documentary evidence within one month of the start of the surrender period to the Chief Officer of Police who issued his or her firearm certificate of the transfer of the rifle to a registered firearms dealer with an appropriately conditioned section 5 authority, and
 - (c) on completion of the modification or deactivation, provides documentary evidence thereof to the Chief Officer of Police who issued his or her firearm certificate,
- shall receive payment from the Secretary of State equivalent to the cost of modification or deactivation.”

Clause 36

THE EARL OF SHREWSBURY

The Earl of Shrewsbury gives notice of his intention to oppose the Question that Clause 36 stand part of the Bill.

Clause 39

BARONESS WILLIAMS OF TRAFFORD

80L★ Page 37, line 42, leave out from first “in” to third “in” and insert “this Part as it applies”

Member’s explanatory statement

This amendment and the Minister’s amendment at page 38, line 1 would convert references to certain Clauses of the Bill relating to firearms into references to a Part of the Bill. This is as a result of the proposal to divide the Bill into Parts when it is reprinted.

80M★ Page 38, line 1, leave out from first “in” to third “in” and insert “this Part as it applies”

Member’s explanatory statement

See the explanation of the Minister’s amendment at page 37, line 42.

After Clause 39

BARONESS WILLIAMS OF TRAFFORD

81 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),
 - (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.

82 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—

After Clause 39 - continued

“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.

LORD KENNEDY OF SOUTHWARK

83 Insert the following new Clause –

“Advertising offensive weapons online

- (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 any weapon listed in Schedule 1 to the Criminal Justice Act 1988 (Offensive Weapons) Order (SI 1988/2019) or any offensive weapon capable of being disguised as something else.
- (2) No offence is committed under this section if the website removes the advertisement or list within 24 hours of the registered owner of the website being informed that the advertisement or list includes a weapon listed in Schedule 1 to the Criminal Justice Act 1988 (Offensive Weapons) Order (SI 1988/2019) or an offensive weapon capable of being disguised as something else.
- (3) A registered owner of a website who 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, or to a fine not exceeding level 5 on the standard scale.”

Member’s explanatory statement

This new Clause would place responsibility on website owners to prevent the sale of weapons.

84 Insert the following new 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 remove the exemption for miniature rifle ranges, preventing individuals without a firearms certificate from being able to acquire and possess semi-automatic rifles without a check by the police.

85 Insert the following new Clause—

“Possession of component parts of ammunition with intent to manufacture

- (1) Section 1 of the Firearms (Amendment) Act 1988 is amended as follows.
- (2) After subsection (4A) insert—
 - “(4B) A person other than a person permitted to manufacture ammunition by virtue of being a registered firearms dealer or holder of a firearm certificate authorising the type of ammunition being manufactured 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.
 - (4C) A person guilty of an offence under subsection (4B) 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, 6 months) or to a fine or to both;
 - (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.”

Member’s explanatory statement

This new Clause would create a specific offence for the possession of component parts of ammunition with the intent to manufacture, for all persons other than those registered as firearms dealers or holders of a firearms certificate authorising the type of ammunition being manufactured.

86 Insert the following new Clause—

“Local authority partnerships

A local authority may establish partnerships with companies for the purpose of ensuring compliance with sections 1 to 39 of this Act.”

Member’s explanatory statement

This new Clause would allow local authorities and businesses to create partnerships for ensuring compliance.

87 Insert the following new Clause—

“Report on the causes behind youth violence with offensive weapons

- (1) The Secretary of State must, within 6 months of the passing of this Act, 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;

After Clause 39 - continued

- (b) the effect of the reduction in public spending on—
- (i) children’s services,
 - (ii) Sure Start,
 - (iii) state-maintained schools,
 - (iv) local authorities,
 - (v) youth offending teams,
 - (vi) Border Force, and
 - (vii) drug treatment programmes;
- on use of offensive weapons in youth violence.
- (3) The report under subsection (1) and the considerations under subsection (2) must consider the benefits of the public health approach to reducing youth violence with offensive weapons.
- (4) The report must contain all departmental evidence held relating to subsections (2) and (3).”

Member’s explanatory statement

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

Clause 42

BARONESS WILLIAMS OF TRAFFORD

88 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.

89 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.

90 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.

91 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.

92 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.

92A★ Page 40, line 17, leave out "sections 28 to 31" and insert "Part 4"

Member's explanatory statement

This amendment would convert references to the Clauses of the Bill relating to threatening with an offensive weapon into a reference to Part 4 of the Bill. This is as a result of the proposal to divide the Bill into Parts when it is reprinted.

92B★ Page 40, line 17, at end insert –

“(da) Part 5;”

Member's explanatory statement

This amendment is consequential on the Minister's amendment to insert a series of new Clauses after Clause 31, which it is proposed should form Part 5 of the Bill.

93 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.

94 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

95 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.

96 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.

Offensive Weapons Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

29 January 2019
