

# OFFENSIVE WEAPONS BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Offensive Weapons Bill as brought from the House of Commons on 29 November 2018 (HL Bill 149).

- These Explanatory Notes have been prepared by the Home Office in order to assist the reader of the Bill and help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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## Overview of the Bill

- 1 The purpose of this Bill is to help reduce violent crime. Specifically, the Bill will:
  - Prohibit the possession of corrosives substances in a public place and the sale of corrosive products to those aged under 18;
  - Strengthen the arrangements for the online sale of bladed articles, bladed products and corrosive products;
  - Prohibit the possession of certain offensive weapons;
  - Prohibit the possession of certain firearms.

## Policy background

- 2 Recent police recorded crime in England and Wales has shown an increase in the number of serious violent offences involving knives, corrosives and firearms. In the year ending June 2018, there was a 12 per cent increase in offences involving knives/sharp instruments and a 5 per cent decrease in offences involving firearms from the previous year, the number of recorded corrosive substance attacks increased from 183 to 504.<sup>1</sup>
- 3 As part of the development of this Bill the Government publicly consulted on a number of legislative proposals which now form a large part of the Bill. The consultation, which closed on 9 December 2017, received over 10,500 responses and a summary of the responses received has been published at <https://www.gov.uk/government/consultations/offensive-and-dangerous-weapons-new-legislation>.
- 4 The Bill forms one of the commitments within the Government's Serious Violence Strategy,<sup>2</sup> published on 9 April 2018. The Strategy aims to take action to address serious violence and in particular the recent increases in knife crime, gun crime and homicide.
- 5 There is increasing public concern about the use of acid as a weapon. Statistics released by the Metropolitan Police Service in response to Freedom of Information requests suggest that the number of acid attacks in London has risen sharply in recent years. The statistics indicate that noxious or corrosive fluids – including but not limited to acid – were used in London in 454 crimes in 2016, 261 in 2015 and 166 in 2014.<sup>3</sup>
- 6 There is already in place a voluntary commitment<sup>4</sup> amongst retailers on the sale of corrosive products under which retailers agree not to sell products to those under 18 that contain potentially harmful levels of acid or corrosive substances - including applying Challenge 21/25 policies when asking for age identification, staff supported by till alerts, supervision and inclusion of these products in age restricted sales training. Under the voluntary commitment, retailers also agree that equivalent age restriction measures are applied to products sold online. In the case of certain corrosive substances retailers are required to comply with the Poisons Act 1972 and promote awareness to staff and what this means for the sale of products which contain levels of acid and other corrosive substances which are either regulated or reportable under the 1972 Act.

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<sup>1</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingjune2018#latest-figures>

<sup>2</sup> Serious Violence Strategy for England and Wales - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/698009/serious-violence-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf)

<sup>3</sup> <http://researchbriefings.files.parliament.uk/documents/CBP-8041/CBP-8041.pdf>

<sup>4</sup> <https://www.gov.uk/government/news/retailers-and-academics-join-government-effort-to-tackle-acid-attacks>

## Legal background

### Corrosive products and corrosive substances

- 7 The Offences against the Person Act 1861 prohibits throwing or applying to any person any corrosive fluid with the intent to burn, maim, disfigure, or disable any person or to do some grievous bodily harm to any person.
- 8 The sale of certain types of acids, and other dangerous corrosive chemicals, is controlled by the Poisons Act 1972 (the “1972 Act”), as amended by the Deregulation Act 2015. The 1972 Act draws a distinction between “regulated” substances and “reportable substances”. Regulated substances – which contain high concentrations of certain chemicals – are now restricted from sale to the general public. If a member of the general public wants to buy any of the regulated substances, they need to apply to the Home Office for a licence to acquire and to possess and use. Reportable substances can be bought without a licence, but retailers are required to report suspicious transactions and significant losses and thefts.

### Offensive weapons and bladed articles

- 9 The following legislation regulates the control of offensive weapons and bladed articles in England and Wales, Scotland and Northern Ireland:
  - The Prevention of Crime Act 1953;
  - The Restriction of Offensive Weapons Act 1959;
  - The Criminal Justice Act 1988;
  - Schedule to Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (SI 1988/2019);
  - Articles 53 and 54 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI24));
  - The Criminal Justice Act 1998 (Offensive Weapons) (Scotland) Order 2005 (SSI 2005/483);
  - The Violent Crime Reduction Act 2006;
  - The Custodial Sentences and Weapons (Scotland) Act 2007.

### Firearms

- 10 The Firearms Act 1968 (“the 1968 Act”) is the principal statute regulating the control of firearms in England and Wales, and Scotland. Section 5 of the Act prohibits the possession of specific types of weapons, their component parts and ammunition without the authority of the Secretary of State. These include handguns, automatic weapons and weapons which discharge any noxious liquid or gas, amongst others.
- 11 The Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) regulates the control of firearms in Northern Ireland. Article 45 of the Order makes similar provision to section 5 of the 1968 Act by prohibiting the possession of specific types of weapons, their component parts and ammunition without the authority of the Secretary of State.

## Territorial extent and application

- 12 Clause 42 sets out the territorial extent of the Bill, that is the jurisdictions of which the Bill forms part of the law. The extent of a Bill can be different from its application. Application is about where a Bill produces a practical effect.
- 13 The Offensive Weapons Bill makes provision in respect of matters in relation to Scotland and Northern Ireland that are within the devolved legislative competence of the Scottish Parliament and the Northern Ireland Assembly. Where the Bill makes provision in respect of matters within the legislative competence of the Scottish Parliament and Northern Ireland Assembly consent will be sought for those provisions.
- 14 Clauses 32 to 39 collectively cover the United Kingdom. The subject matter of these clauses relates to prohibited firearms which is a reserved matter in relation to both Scotland and Northern Ireland. While a reserved matter, these measures impact on the executive competence of the Scottish Government and, therefore, the consent of the Scottish Parliament will be sought for the relevant provisions.
- 15 Clauses 1 to 4, which make provision in respect of the reserved matter (in relation to Scotland) of corrosive products, extend to the United Kingdom. Other clauses, which make provision in respect of corrosive substances, the sales and delivery of knives and the possession of certain offensive weapons, also extend to the United Kingdom where appropriate and make provision for matters that are within the devolved legislative competence of the Scottish Parliament and Northern Ireland Assembly and so, therefore, the legislative consent process is engaged.
- 16 If there are amendments relating to matters within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly, the consent of the relevant devolved legislature(s) will be sought for the amendments. A legislative consent motion in relation to Scotland was granted on 21 November 2018.
- 17 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom. The table also summarises the position regarding legislative consent motions and matters relevant to Standing Orders Nos. 83J to 83X of the Standing Orders of the House of Commons relating to Public Business.

# Commentary on provisions of Bill

## Chapter 1: Sale and delivery of corrosive products

### Clause 1: Sale of corrosive products to persons under 18 and Schedule 1

- 18 The sale of certain types of acids, and other chemicals, is controlled by the Poisons Act 1972, as amended by the Deregulation Act 2015. The 1972 Act draws a distinction between "regulated substances" and "reportable substances". Regulated substances – which contain high concentrations of certain chemicals – are now restricted from sale to the general public. If a member of the general public wants to buy any of the regulated substances, they need to apply to the Home Office for a licence to acquire and to possess and use. Reportable substances can be bought without a licence, but retailers are required to report suspicious transactions and significant losses and thefts.
- 19 Under subsection (1) of this clause an individual commits an offence if they sell a corrosive product, as defined in Schedule 1 of the Bill, to a person who is under the age of 18.
- 20 Subsection (2) sets out a defence to this offence, in England and Wales and Northern Ireland, of having taken all reasonable precautions and exercised all due diligence to avoid committing the offence. This defence is similar to the one available in relation to the sale of knives and certain articles with a blade or a point under section 141A of the Criminal Justice Act 1988. Taking reasonable precautions and exercising due diligence would entail verifying the age of a purchaser through, for example, requiring them to produce recognised documents such as a passport or driving licence.
- 21 Subsection (3) sets out a defence in Scotland where the accused is able to show that they believed the person to whom the product was sold was aged 18 or over and either the accused had taken reasonable steps to establish the purchaser's age or no reasonable person, based on the purchaser's age, could have suspected they were under 18. Reasonable steps must include that the accused was shown any of the documents listed in subsection (5) and that the document would have convinced a reasonable person. Under subsection (6), the accused will be considered to have shown they have taken all reasonable precautions and exercised all due diligence where they have produced sufficient evidence to raise an issue in relation to the defence and the contrary has not been proved beyond reasonable doubt.
- 22 This offence is a summary only offence and subsection (7)(a) makes provision for a maximum penalty in England and Wales of imprisonment of 51 weeks, a fine, or both. The 51 weeks maximum sentence is contingent on section 281(5) of the Criminal Justice Act 2003 coming into force and until that time the maximum sentence will be six months.
- 23 Subsection (7)(b) makes provision for the maximum penalty that will apply to offences committed in Northern Ireland or Scotland, which is a term of imprisonment not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- 24 Subsection (9) provides that proceedings in Scotland for an offence under subsection (1) have to be commenced no later than 12 months following the commission of the offence.
- 25 Subsection (11) makes it clear that, for the purposes of Clauses 2 to 4 of the Bill, a corrosive product is a substance listed in the first column of Schedule 1 of this Bill or a product that contains a substance listed in the first column of Schedule 1 in a concentration higher than that set out in the second column of Schedule 1.
- 26 Subsection (13) provides that the relevant national authority for the purposes of amending Schedule 1 by secondary legislation is the Secretary of State in relation to England, Wales and Scotland (Schedule 1 may be amended by adding or removing a substance or a concentration

limit to or from Schedule 1); and the Department of Justice in Northern Ireland in relation to Northern Ireland.

27 This clause forms part of the law of the United Kingdom.

## Clause 2: Defence to remote sale of corrosive products to persons under 18

28 Clause 2 sets out how the defence to the offence of selling a corrosive product to persons under 18 applies in relation to remote sales. Remote sales are sales conducted at a distance and include, for example, when the sale was made online, by mail order or over the telephone.

29 Where the seller is charged with the offence in England and Wales or Northern Ireland, the seller will not be regarded as having taken all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, they prove they have met the following:

- Condition A – that, at the time of any alleged offence being committed, a seller had a system in place for checking the age of anyone purchasing corrosive products that was likely to prevent anyone under the age of 18 from purchasing that product;
- Condition B – that any package containing a corrosive product that is dispatched from the seller is clearly marked in a way that indicates that the package both contains a corrosive product and that, on final delivery, it must only be delivered and handed over to a person aged 18 or over (whether the buyer or their representative);
- Condition C – is that the seller must prove they took all reasonable precautions and exercised all due diligence to ensure that the package would be handed over to a person aged 18 or over. This applies whether the retailer delivers the package themselves or through a third party; and
- Condition D – that the seller did not deliver the package, or arrange for it to be delivered, to a locker as defined in subsection (11) of Clause 2.

30 In Scotland, under subsection (4), it is a defence to the offence for the accused to show those same conditions are met. Under subsection (5), the accused will be considered to have shown a condition where they have produced sufficient evidence to raise an issue in relation to the defence and the contrary has not been proved beyond reasonable doubt.

31 This clause forms part of the law of the United Kingdom.

## Clause 3: Delivery of corrosive products to residential premises etc

32 Clause 3 provides that it is an offence for a seller to deliver, or to arrange for the delivery of, a corrosive product to a residential premises or to a locker, where the sale is made remotely.

33 Subsection (5) provides that a residential premises is one used solely for residential purposes. Subsection (6) clarifies that a premises from which a business is run, for example a plumber who operates a business from his or her home, would not meet the definition of residential premises.

34 Subsection (8) provides for a defence to the offence in England and Wales and Northern Ireland, where the person charged can prove that they took all reasonable precautions and exercised all due diligence to avoid committing the offence.

35 Subsection (9) provides for a defence to the offence in Scotland, where the accused can show they took all reasonable precautions and exercised all due diligence to avoid committing the offence. Under subsection (10), the accused will be considered to have shown they have taken all reasonable precautions and exercised all due diligence where they have raised sufficient evidence in relation to the defence and the contrary has not been proved beyond reasonable doubt.

- 36 This offence is a summary only offence and subsection (11)(a) makes provision for a maximum penalty in England and Wales of imprisonment of 51 weeks, a fine, or both. The 51 weeks maximum sentence is contingent on section 281(5) of the Criminal Justice Act 2003 coming into force and until that time the maximum sentence will be six months. In Scotland and Northern Ireland the maximum sentence will be six months imprisonment, a fine or both.
- 37 Subsection (13) provides that proceedings in Scotland for an offence under Clause 3(2) have to be commenced no later than 12 months following the commission of the offence.
- 38 This clause forms part of the law of the United Kingdom.

#### Clause 4: Delivery of corrosive products to persons under 18

- 39 This clause applies to delivery companies that have entered into an arrangement with a seller of corrosive products, who is outside of the United Kingdom, to deliver the products to buyers in the United Kingdom. This only applies to corrosive products that have been sold when the seller and the buyer have not been in each other's presence at the time of the sale (i.e. the sale was made remotely, whether by telephone or online).
- 40 Subsection (1)(d) makes it clear that the section will only apply, if the delivery company is aware that they may be delivering corrosive products on behalf of the seller.
- 41 Subsection (2) makes provision to ensure that the offence in subsection (4) applies whether the seller is an individual or a corporate body.
- 42 Subsection (4) provides that it is a criminal offence for a delivery company to which this clause applies to deliver a corrosive product into the hands of a person under 18. Subsection (10) sets out the penalties for this offence.
- 43 Subsections (5) to (9) set out the defences that apply to this offence, which differ depending on whether the delivery company is charged with an offence in England and Wales, Scotland or Northern Ireland.
- 44 Subsection (11) provides that proceedings in Scotland for an offence under Clause 4(4) have to be commenced no later than 12 months following the commission of the offence.
- 45 This clause forms part of the law of the United Kingdom.

#### Clause 5: Presumptions in proceedings in Scotland for offence under section 1, 3 or 4

- 46 This clause provides for certain evidential presumptions in Scotland relating to the nature of substances that are, or were, in containers in relation to offences under Clauses 1, 3 or 4 involving a corrosive product.
- 47 Subsections (2) and (3) makes provision for the circumstances in which evidential presumption applies.
- 48 Subsection (2) provides the evidential presumption applies so that where a substance is found in a container where the container has on it a description of its contents, then it is presumed the substance found is as described. This applies whether the container is open or sealed.
- 49 Subsection (3) provides the evidential presumption applies so that where an open container is found and it is empty or there is an insufficient amount of a substance to allow analysis, any description as to the contents found on the container is presumed to identify the contents accurately. The operation of this evidential presumption requires the container to have been sealed at the time it was either sold or delivered.

- 50 Subsections (4) and (5) provide that any party to proceedings can rebut the presumption but they must do so by giving notice of their intention to lead evidence to do so at least 7 days prior to trial.

## Chapter 2: Possession of corrosive substances

### Clause 6: Offence of having a corrosive substance in a public place

- 51 Subsection (1) of Clause 6 provides that a person commits an offence if they are in possession of a corrosive substance in a public place.
- 52 Subsection (2) provides that it is a defence in England and Wales and Northern Ireland for the person charged to prove they had good reason or lawful authority for having the corrosive substance with them in a public place.
- 53 Subsection (3) provides that it is a defence in England and Wales and Northern Ireland for the person charged to prove that they had the corrosive substance with them for use at work.
- 54 Subsection (4) provides that it is a defence in Scotland for a person charged with the offence in Scotland to show they had a reasonable excuse or lawful authority for having the corrosive substance with them in a public place.
- 55 Subsection (5) provides that it is a defence in Scotland for the person charged to show that they had the corrosive substance with for use at work.
- 56 Subsection (6) provides that in relation to a person charged in Scotland, the accused will be considered to have shown they had a reasonable excuse or lawful authority where they have produced sufficient evidence to raise an issue in relation to the defence and the contrary has not been proved beyond reasonable doubt.
- 57 The offence is triable either way. On summary conviction in England and Wales a person is liable to a term of imprisonment not exceeding 12 months or to a fine or both, and in Scotland to a term of imprisonment not exceeding 12 months or to a fine not exceeding the statutory maximum or both. In Northern Ireland the maximum sentence is 6 months imprisonment, a fine or both. The maximum 12 month sentence in England and Wales is contingent on section 154(1) of the Criminal Justice Act 2003 coming into force and until that time the maximum sentence will be six months. On conviction on indictment in England and Wales, Scotland and Northern Ireland a person is liable to imprisonment for a term not exceeding 4 years, to a fine or both.
- 58 Subsection (9) defines a corrosive substance for the purposes of Clause 6 and a public place. There is a different definition of public place in England, Wales and Northern Ireland from that which applies to Scotland.
- 59 This clause forms part of the law of the United Kingdom.

### Clause 7: Presumptions in proceedings in Scotland for offence under section 6

- 60 This clause provides for certain evidential presumptions in Scotland relating to substances that are, or were, in containers in relation to an offence under Clause 6.
- 61 Subsections (2) and (3) makes provision for the circumstances in which the evidential presumption applies.
- 62 Subsection (2) provides the evidential presumption applies so that where a substance is found in a container where the container has on it a description of its contents, then it is presumed the substance found is as described. This applies whether the container is open or sealed.

63 Subsections (3) and (4) provides the evidential presumption applies so that:

- where an open container is found,
- a substance has been removed from the container such as being poured out,
- the container is either empty or there is an insufficient amount of a substance to allow analysis, and
- there is a description as to the contents found on the container;

then it is presumed the description as to the contents identifies the contents accurately as they were immediately prior to the removal of the substance from the container.

64 Subsections (4) and (5) provide that any party to proceedings can rebut the presumption, but they must do so by giving notice of their intention to lead evidence to do so at least 7 days prior to trial.

### Clause 8: Appropriate custodial sentence for conviction under section 6

65 Subsection (1) of Clause 8 provides that, where a person who is 16 years of age or older is convicted in England and Wales of the offence set out in Clause 6 and has at least one relevant conviction (as set out in Clause 9) then the court must impose an appropriate custodial sentence, which may also include a fine, unless the court decides that there are appropriate circumstances not to do so.

66 Subsection (3) makes provision that the “appropriate custodial sentence” is a custodial sentence of at least 6 months imprisonment for an offender aged 18 years of age or older. For an offender aged 16 or 17 years old, the appropriate custodial sentence is a detention and training order of at least 4 months duration.

67 Subsection (4) provides that, in the case of an individual aged 16 or 17 years old, when considering whether there are particular circumstances which would make imposing an appropriate custodial circumstance unjust, the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 which sets out that “Every court in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.”

68 Subsections (5) and (6) make provision for the procedure that applies for appeals against a sentence where a relevant conviction that was relied on by the court in order to impose an appropriate custodial sentence has been set aside on appeal. Subsection (7) provides that the requirement to impose an appropriate custodial sentence only applies to an offence committed after this clause has come into force.

69 Subsection (8) provides that where an offence was committed under Clause 5 over (a) a period of two or more days or (b) at some time during a period of two or more days then for the purposes of an offence under this clause the offence will have said to have been committed on the last of those days.

70 This clause forms part of the law of England and Wales.

### Clause 9: Offence under section 6: relevant convictions

71 Clause 9 provides details of the convictions that amount to a “relevant conviction” for the purposes of Clause 8, including the relevant offences relating to the armed forces.

72 This clause forms part of the law of England and Wales.

## Clauses 10 to 12: Search for corrosive substances

- 73 These clauses provide law enforcement officers in England and Wales, Scotland and Northern Ireland with appropriate investigative and enforcement powers in relation to the offence of possessing a corrosive substance in a public place. Clause 11 provides for offences in Scotland of obstructing a constable in their exercise of these powers and concealing a corrosive substance from a constable.
- 74 Clause 12 amends Article 3 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (power of constable to stop and search persons, vehicles etc.), to allow for stop and search powers to be used in respect of the prevention or detection of an offence under Clause 6 of the Bill (offence of having a corrosive substance in a public place).
- 75 These clauses form part of the law of the United Kingdom.

## Chapter 3: Consequential amendments relating to corrosive products and substances

### Clause 13: Consequential amendments relating to corrosive substances

- 76 Clause 13 makes consequential amendments to the Prevention of Crime Act 1953, the Mental Health Act 1983, the Criminal Justice Act 1988, the Criminal Procedure (Scotland) Act 1995, the Powers of Criminal Courts (Sentencing) Act 2000 and the Criminal Justice Act 2003 including to provide that a conviction under Clause 6 of this Bill, having a corrosive substance in a public place, is a “relevant conviction” for the purposes of those sentencing provisions.
- 77 For proceedings for the offence in Scotland, a certificate that a product or substance is of a particular kind is treated as sufficient evidence of that fact.
- 78 This clause forms part of the law of England, Wales and Scotland.

## Chapter 4: Sale and delivery of knives etc

### Clause 14: Defence to sale of bladed articles to persons under 18: England and Wales

- 79 Section 141A(1) of the Criminal Justice Act 1988 provides that it is an offence in England and Wales to sell knives and certain articles with a blade or point to persons under the age of 18. Section 141A(4) provides a defence to that offence where the person charged can prove they took all reasonable precautions and exercised all due diligence to avoid committing the offence. Clause 14 inserts a new section 141B to the 1988 Act which modifies the operation of this defence where the sale is carried out remotely.
- 80 In order to be able to rely on this defence, the accused must meet all of the conditions set out below.
- Condition A is that, at the time the offence is alleged to have been committed (the sale) the seller had a system in place to check that the buyer was not under the age of 18 and that the system in place would prevent anyone under the age of 18 from purchasing bladed articles.
  - Condition B is that, when the package containing the article was dispatched by the seller, the package was clearly marked in a way that indicated it contained an article with a blade or an article which was sharply pointed and, that when that package was delivered it was clearly marked that it should only be delivered into the hands of a person aged 18 or over.
  - Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.

- Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.

81 This clause forms part of the law of England and Wales.

### Clause 15: Defence to sale etc of bladed articles to persons under 18: Scotland

82 Section 141A(1) of the Criminal Justice Act 1998 provides that it is an offence in Scotland to sell knives or certain articles with a blade or point to persons under the relevant age. For a knife or knife blade designed for domestic use the relevant age is 16, in any other case the relevant age is 18.

83 Clause 15 inserts a new section 141C into the Criminal Justice Act 1988. New Section 141C provides a defence to the section 141A offence in the context of remote sales of bladed or pointed articles when Conditions A to D are met.

84 Clause 15 modifies the circumstances in which sections 141A (3A) and (4) will apply, where the sale or hiring out is carried out remotely. The conditions are:

- Condition A is that, at the time the offence is alleged to have been committed, the accused operated a system for checking that recipients of purchased or hired articles were not under the age of 18, and that such a system was likely to prevent persons under the age of 18 from buying or hiring such articles.
- Condition B is that the package containing the article, when dispatched to the accused, was clearly marked to indicate that it contained an article with a blade or which was sharply pointed (as the case may be), and when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- Condition C is that the accused took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would only be delivered to a person aged 18 or over.
- Condition D is that the accused did not deliver the package, or arrange for its delivery, to a locker.

85 This clause forms part of the law of Scotland.

### Clause 16: Defence to sale of bladed articles to persons under 18: Northern Ireland

86 Clause 16 amends Article 54 of the Criminal Justice (Northern Ireland) Order 1996 to place certain limitations on the defence provided, and it also inserts a new Article 54A (limitation on defence to offender under Article 54) into the 1996 Order.

87 Article 54 provides the offence of selling specific articles with a blade or point to persons under the age of 18 years. Paragraph (4) of the Article provides a defence for a person charged with this offence, to prove that they took all reasonable precautions and exercised due diligence to avoid the commission of the offence.

88 The limitations at Article 54A, mean that where a seller was not in the presence of a buyer at the time of sale, a seller is not regarded as having proved that they took all reasonable precautions and exercised all due diligence to avoid the commission of an offence unless, as a minimum, they prove that the following four conditions are met:

- Condition A – at the time the offence is alleged to have been committed, they operated a system for checking that those who bought articles under Article 54 were not under the age of 18;
- Condition B – when the package containing the article was dispatched, they had clearly marked it to indicate that it contained an article with a blade or with a sharp point and

that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over;

- Condition C – they took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over;
- Condition D – they did not deliver the package, or arrange for its delivery, to a locker.

89 Paragraph (8) defines the term “final delivery” and paragraph (9) defines the term “locker”.

90 The extent of this clause is Northern Ireland.

### Clause 17: Delivery of bladed products to residential premises etc

91 This clause provides that where a sale is carried out remotely, it is an offence for a seller to deliver or arrange for the delivery of a bladed product to a residential premises or to a locker. Clause 17 applies where a person sells a bladed product to another person, and they are not in each other’s presence at the time of the sale (i.e. the sale was made remotely, whether by telephone or online).

92 Subsections (2) and (3) create new offences prohibiting the delivery, or the arranging thereof, of a bladed product to residential premises or a locker.

93 Subsection (4) makes provision to ensure that the offence in subsection (2) applies to both individuals and companies.

94 Subsections (5) to (7) set out the definitions of “residential premises” and “lockers”. These definitions are the same as those that apply to corrosive products under Clause 3.

95 Subsections (8) to (9) make provision in relation to the penalties for this offence.

96 This clause forms part of the law of the United Kingdom.

### Clause 18: Defences to offence under section 17

97 Subsections (1) to (4) of Clause 18 set out the defences that apply to the offence in Clause 17.

98 Subsection (1) provides a defence that the seller took all reasonable precautions and exercised all due diligence to avoid commission of the offence under Clause 17.

99 Subsections (2) to (4) provide defences for a person charged under Clause 17 that:

- the bladed product was designed, manufactured or adapted for the buyer in accordance with specifications provided by the buyer. This defence is aimed at bespoke, hand made knives such as specialist chefs knives; or
- the bladed product is for use for relevant sporting purposes or for historic re-enactment.

100 Subsections (5) and (6) make provision for the burden of proof that will apply to an accused person in Scotland who seeks to rely on one of the offences in subsections (1) to (4).

101 Subsection (7) provides the Secretary of State and Scottish Ministers with the power to create further defences to the Clause 17 offence by regulations.

102 Subsection (8)(c) provides that, in relation to Northern Ireland, “the appropriate national authority” for the purposes of subsection (7) (regulation making power) means the Department of Justice in Northern Ireland.

103 This clause forms part of the law of the United Kingdom.

## Clause 19: Meaning of “bladed product” in sections 17 and 18

- 104 The definition of bladed product is limited to articles which have a blade and which are capable of causing serious injury to a person’s skin by cutting.
- 105 Subsection (2) excludes from the definition of bladed product those articles covered by section 1 of the Restriction of Offensive Weapons Act 1959 (flick knives and gravity knives) and an order made under section 141(2) of the Criminal Justice Act 1988 (which covers certain offensive weapons such as knuckledusters and death stars) because the sale and importation of these items is already prohibited. It excludes items made by an order under section 141A of the Criminal Justice Act 1988 because these items are excluded from the prohibition on the sale of bladed articles to a person under 18.
- 106 This clause forms part of the law of the United Kingdom.

## Clause 20: Delivery of bladed articles to persons under 18

- 107 Clause 20 applies to delivery companies that have entered into an arrangement with a seller of bladed articles, who is outside of the United Kingdom, to deliver bladed articles to buyers in the United Kingdom. This only applies to bladed articles that been sold when the seller and the buyer have not been in each other’s presence at the time of the sale (i.e. the sale was made remotely, whether by telephone or online).
- 108 Subsection (2) makes provision to ensure that the offence in subsection (4) applies to both individuals and companies.
- 109 Subsection (3) sets out when a person other than an individual is outside the United Kingdom.
- 110 Subsection (4) provides that it is a criminal offence for a delivery company to which this clause applies to deliver a bladed article into the hands of a person aged 17 or under. Subsection (10) sets out the penalties for this offence.
- 111 Subsections (5) to (9) set out the defences that apply to this offence, which differ depending on whether the delivery company is charged with an offence in England and Wales, Scotland or Northern Ireland.
- 112 Subsection (11) provides the definition of a bladed article for the purposes of this clause.
- 113 This clause forms part of the law of the United Kingdom.

## Chapter 5: Possession etc of certain offensive weapons

### Clause 21: Amendments to the definition of “flick knife”

- 114 Subsection (1) of Clause 21 amends section 1 of the Restriction of Offensive Weapons Act 1959 to provide that the definition of a “flick knife” will also include any knife that opens automatically from a closed position, or partially opened position to a fully opened position, by means of any manual pressure that is applied to a button, spring or other device which is contained either within the knife or is attached to the knife.
- 115 Subsection (2) amends the definition of a flick knife contained within Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (manufacture or sale etc of certain knives).
- 116 This clause forms part of the law of the United Kingdom.

### Clause 22: Prohibition on the possession of certain dangerous knives

- 117 Clause 22 makes it an offence to possess a knife under section 1 (as amended by Clause 21) of the Restriction of Offensive Weapons Act 1959. Subsection (4) provides for various defences to

the existing and new offences relating to flick knives and gravity knives which will enable museums and galleries to possess, lend and hire such knives.

118 This clause forms part of the law of the United Kingdom.

### Clause 23: Prohibition on the possession of offensive weapons on further education premises

119 This clause amends section 139A of the Criminal Justice Act 1988 (offence of having an article with a blade or point or offensive weapon on school premises) to extend the offence of having an offensive weapon on a school premises in England and Wales to include further education premises.

120 Subsection (5) amends the penalties in section 139A of the Criminal Justice Act 1988 (offence of having offensive weapon on school premises) in England, Wales and Northern Ireland. The maximum penalty is, on summary conviction, to a term of imprisonment not exceeding 12 months or to a fine not exceeding the statutory maximum or both, and on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.

121 Subsection (6) defines “school premises” as land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school. “School” is defined in Northern Ireland under Article (2) of the Education and Libraries (Northern Ireland) Order 1986.

122 Subsection (7) inserts a new subsection (6A) into section 139A of the Criminal Justice Act 1988 which defines further educational premises in England and Wales to include an institution within section 91 of the Further and Higher Education Act 1992 or a 16 to 19 Academy as defined by the Academies Act 2010.

123 New subsection (6A)(b) sets out that, in relation to Northern Ireland, “further education premises” means land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution.

124 This clause forms part of the law of England and Wales and Northern Ireland.

### Clause 24: Prohibition on the possession of offensive weapons

125 Section 141 of the Criminal Justice Act 1988 provides that it is an offence to manufacture, sell, hire, offer to sell or hire, possess for the purposes of sale or hire, import, lend or give weapons to which that section applies. The weapons to which that section applies are set out in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988.

126 This clause creates an offence of possession of a weapon in private, to which section 141 of the Criminal Justice Act 1988 applies. In private is defined in the new subsections (1C), (1D) and (1E).

127 Subsection (2) inserts subsections (1A) to (1F) into section 141. New subsection (1A) provides that any person who, in England and Wales or Scotland, possesses a weapon to which the section applies in private is guilty of an offence and liable:

- on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both, or
- on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both,

- on summary conviction in Northern Ireland a term of imprisonment not exceeding 12 months or a fine not exceeding the statutory maximum, or both and on conviction on indictment to imprisonment for a term not exceeding four years or to a fine or to both.

128 Subsection (1B) is inserted so that, in relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, subsection (1A)(a) has effect as if the reference to 51 weeks were to 6 months.

129 Subsections (4), (5) and (7) insert new subsections into section 141 of the Criminal Justice Act 1988 to provide defences for items of historical importance, for possession by museums and for educational purposes.

130 Subsections (17) and (18) make contingent provision in the event that section 24(2) is commenced before section 60(1)(b) of the Custodial Sentences and Weapons (Scotland) Act 2007 comes into force.

131 Subsection (16) adds the new offence under section 141(1A) of the Criminal Justice Act 1988 into the list in Article 29(1)(l) of the Magistrates' Courts (Northern Ireland) Order 1981. This means there will be no right to elect for trial by jury for this new offence.

132 This clause forms part of the law of the United Kingdom.

### Clause 25: Prohibition on the possession of offensive weapons: supplementary

133 Clause 25 makes amendments to the Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (SI 1988/2019) that are consequential to the amendments made to section 141 of the Criminal Justice Act 1988 made by Clause 24 of this Bill.

134 This Order specifies descriptions of weapons to which section 141 of the Criminal Justice Act 1988 applies and also makes provision for particular defences to the offence in section 141(1). The amendments made by subsections (2) to (6) of this clause amend the operation of these defences so that they apply to the new offence of possession of a weapon created by Clause 24 of this Bill in relation to England and Wales and Northern Ireland.

135 Clause 25(6) amends the existing defence in relation to the supply of swords with a curved blade of more than 50 cm under section 141 from use in religious ceremonies to use for religious reasons. It creates a new defence of use for religious reasons for the possession of such swords in private. Religious reasons would include large kirpans which are supplied and possessed for religious reasons.

136 Subsection (8) makes consequential amendments to the Criminal Justice Act 1988 (Offensive Weapons) (Scotland) Order 2005 (SSI 2005/483).

137 This clause forms part of the law of the United Kingdom.

### Clause 26: Surrender of prohibited offensive weapons

138 Clause 26 provides the Secretary of State and Scottish Ministers and the Department of Justice in Northern Ireland with the power to make appropriate arrangements to secure the surrender of weapons which will become unlawful to possess due to the operation of Clauses 22 and 24.

139 Subsection (4) makes provision for the Chief Officer of Police for any force area in England and Wales and Scotland to designate any police station in their force's area as being suitable for the receipt of surrendered weapons or surrendered weapons of a particular description. Chief Officer of Police includes the Chief Constable of the Police Service of Scotland.

140 Subsection (5) makes provision for the Chief Constable of the Police Service of Northern Ireland to designate any police station in Northern Ireland as being suitable for the receipt of surrendered weapons or surrendered weapons of a particular description.

141 This clause forms part of the law the United Kingdom.

### Clause 27: Payments in respect of surrendered offensive weapons

142 Clause 27 applies if the Secretary of State, Scottish Ministers and the Department of Justice in Northern Ireland make arrangements for the surrender of weapons in accordance with Clause 26 above.

143 Subsections (2) to (6) provide that the Secretary of State, Scottish Ministers and the Department of Justice in Northern Ireland must, by regulations, provide for payments to be made in respect of weapons which are surrendered in accordance with these arrangements.

144 Subsections (8) to (10) provide that payments may only be made when a claim for compensation meets specific criteria.

145 Subsection (11) sets out the provision that may be made by regulations under subsections (2) to (6), which includes restricting eligibility to receive compensation payments and the procedure to be followed to determine claims.

146 This clause forms part of the law of the United Kingdom.

## Chapter 6: Threatening with offensive weapon etc

### Clause 28: Offence of threatening with offensive weapon etc in a public place etc

147 Section 1A of the Prevention of Crime Act 1953 provides for an offence of threatening with an offensive weapon in a public place and section 139AA of the Criminal Justice Act 1988 provides for offences of threatening with a bladed or pointed article in a public place, and threatening with an offensive weapon and bladed article on school premises. It is a necessary element of these offences that the defendant threatened the victim with the weapon “in such a way that there is an immediate risk of serious physical harm to the victim”.

148 Clause 28 amends these offences to replace the requirement of the threat causing immediate risk of physical harm to the victim, with a requirement that the threat is such that a reasonable person who was exposed to it would think that they were at risk of immediate physical harm.

149 This clause forms part of the law of England and Wales.

### Clause 29: Offence of threatening with offensive weapon etc on further education premises

150 Section 139AA of the Criminal Justice Act 1988 provides for offences of threatening with a bladed article in a public place, and threatening with an offensive weapon and bladed or pointed article on school premises.

151 Clause 29 amends the 1988 Act to introduce a new offence that has the effect of extending the prohibition from school premises to further education premises in England and Wales.

152 This clause forms part of the law of England and Wales.

### Clause 30: Offence of threatening with an offensive weapon etc in a private place

153 Clause 30 creates a new offence of threatening another person with an offensive weapon, bladed or pointed article or corrosive substance in a private place in such a way that there is an immediate risk of serious physical harm.

154 Subsection (3) provides that for offensive weapons and bladed or pointed articles a private place means any place other than a public place or school or further education premises. Subsection (4) provides that for a corrosive substance, private place means anywhere other than a public place.

155 The offence is punishable on summary conviction to a term not exceeding 12 months and on indictment to a term of imprisonment of up to 4 years, or by a fine or by both.

156 Subsection (8) sets out the definitions of “corrosive substance”, “further education”, “school premises” and “public place”.

157 This clause forms part of the law of England and Wales.

### Clause 31: Search for corrosive substance on school or further education premises

158 Clause 31 provides powers for the police to enter and search further education premises or any person on them in relation to the offence of threatening with a corrosive substance. It also provides powers for police to seize and retain a substance which a constable has reasonable grounds for suspecting is a corrosive substance.

159 This clause forms part of the law of England and Wales.

## Chapter 7: Prohibition of certain firearms

### Clause 32: Prohibition of certain firearms etc: England and Wales and Scotland

160 Section 5 of the Firearms Act 1968 sets out a list of prohibited weapons. These are subject to more rigorous controls than other firearms, and the possession of a prohibited weapon is unlawful without the authority of the Secretary of State.

161 Clause 32 amends this list to include any, chambered weapons (other than rifles chambered for 0.22 rim-fire cartridges) from which cartridge cases are extracted using energy from propellant gas or from energy imparted to an energy storage device by propellant gas.

162 Subsection (3) amends this list to include bump stocks and sets out the definition of a bump stock.

163 Subsections (4) to (8) make consequential amendments to the 1968 Act to accommodate the new list of prohibited firearms, which includes provision in respect of sentencing of offenders.

164 This clause forms part of the law of Great Britain.

### Clause 33: Prohibition of certain firearms etc: Northern Ireland

165 Clause 33 makes equivalent provision to Clause 32 in respect of Northern Ireland through amendments to the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)).

166 The extent of this clause is Northern Ireland.

### Clause 34: Consequential amendments relating to sections 32 and 33

167 Clause 34 and Schedule 2 make consequential amendments to other Acts relating to sections 32 and 33.

### Clause 35: Surrender of prohibited firearms etc

168 Clause 35 provides the Secretary of State with the power to make appropriate arrangements to secure the surrender of weapons which will become unlawful to possess due to the operation of Clauses 32 and 33, and of any ancillary equipment.

169 Subsections (2) and (3) provide chief officers of police, and the Chief Constable of the Police Service of Northern Ireland (PSNI), with the power to designate police stations as being suitable for the receipt of surrendered firearms or ancillary equipment.

170 Subsection (4) sets out that, for the purposes of this clause, “ancillary equipment” is defined by Clause 38(2).

171 This clause forms part of the law of the United Kingdom.

### Clause 36: Payments in respect of surrendered firearms other than bump stocks

172 Clause 36 applies if the Secretary of State makes arrangements for the surrender of firearms (other than bump stocks) in accordance with Clause 35.

173 Subsection (3) provides that the Secretary of State must, by regulations, provide for payments to be made in respect of firearms which are surrendered in accordance with these arrangements.

174 Subsections (4) to (7) provide that payments may only be made when a claim for compensation meets specific criteria.

175 Subsection (8) sets out the provision that may be made by regulations made under subsection (3) which includes restricting eligibility to receive compensation payments and the procedure to be followed to determine claims.

176 This clause forms part of the law of the United Kingdom.

### Clause 37: Payments in respect of prohibited firearms which are bump stocks

177 Clause 37 applies if the Secretary of State makes arrangements for the surrender of bump stocks in accordance with Clause 35.

178 Subsection (3) provides that the Secretary of State must, by regulations, provide for payments to be made in respect of firearms which are surrendered in accordance with these arrangements.

179 Subsections (4) to (8) provide that payments may only be made when a claim for compensation meets specific criteria.

180 Subsection (9) sets out the provision that may be made by regulations made under subsection (3) which includes restricting eligibility to receive compensation payments and the procedure to be followed to determine claims.

181 This clause forms part of the law of the United Kingdom.

### Clause 38: Payments in respect of ancillary equipment

182 Subsection (1) of Clause 38 provides the Secretary of State with a power to make payments in respect of any ancillary equipment by regulations.

183 Subsection (2) sets out the definition of ancillary equipment, which excludes ammunition which is prohibited by section 5 of the Firearms Act 1968.

184 Subsections (3) to (5) provide that payments may only be made when a claim for compensation meets specific criteria.

185 Subsections (6) and (7) set out the provision that may be made by regulations made under subsection (1) which includes conditions of eligibility and the procedure to be followed to determine claims.

186 This clause forms part of the law of the United Kingdom.

### Clause 39: Interpretation of sections 32 to 38

187 This clause is self-explanatory.

## Chapter 8: Supplementary

### Clause 40: Consequential amendments relating to armed forces

188 Clause 40 amends the Armed Forces Act 2006 to provide that the criminal conduct offences that can be dealt with at summary hearings will include the new offences provided for by this Act in relation to the possession of offensive weapons and corrosive substances and delivery of corrosive products.

189 This clause forms part of the law of the United Kingdom.

### Clause 41: Regulations

190 Subsection (2) of Clause 41 sets out that any regulations made under this Bill by the Secretary of State are subject to the Parliamentary affirmative resolution procedure.

191 Subsections (3) and (4) set out whether the regulations to be made by Scottish Ministers are subject to the affirmative or negative procedure within the meaning of section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010.

192 Subsections (5) and (6) provide for the making of regulations in Northern Ireland.

193 Subsection (9) sets out that subsections (2) and (8) of this clause do not apply to commencement regulations or an order made under Clause 43.

### Clause 42: Extent

194 This clause sets out the extent of the provisions of the Bill (see Annex A for further details).

195 Subsections (8) and (9) enable the amendments to the Armed Forces Act 2006 made by Clause 40 to be extended, with or without modifications, to any of the Channel Islands and provides power to modify that Act, as amended by the Bill, as it extends to the Isle of Man or a British overseas territory.

### Clause 43: Commencement

196 This clause is self-explanatory.

### Clause 44: Short title

197 Clause 44 sets out that the Bill will be known as the Offensive Weapons Act 2018.

## Commencement

198 Clause 43 sets out the various commencement provisions for clauses contained within this Bill, including provision for Scottish Ministers and the Department of Justice in Northern Ireland to commence various provisions as they extend to Scotland and Northern Ireland and for the provisions set out in subsection (5) to come into force on Royal Assent.

## Financial implications of the Bill

199 The Bill will entail additional public expenditure to provide compensation to the owners of weapons that are being prohibited under the Bill. We estimate the compensation bill to be around £5.2M. A money resolution for the Bill was passed on 27 June.

200 The other main public sector financial implications of the Bill fall to criminal justice agencies, including the police, prosecutors and prisons and probation services. The best estimate average annual cost of the measures in the Bill is £8 million. This figure is an estimate based

on a number of assumptions about implementation which are subject to change. Further details of the costs and benefits of individual provisions are set out in the overarching impact assessment published alongside the Bill.

## Parliamentary approval for financial costs or for charges imposed

201 A money resolution for the Bill was passed on 27 June. Such a resolution is required where a Bill authorises new charges on the public revenue - broadly speaking new expenditure. In this case Clause 27 authorises the payment of compensation by the Secretary of State for weapons the possession of which will become unlawful as a result of Clauses 22 and 24. Clauses 35 to 39 authorise the payment of compensation by the Secretary of State for firearms the possession of which will become unlawful as result of Clause 37 and for ancillary equipment relating to such firearms.

## Compatibility with the European Convention on Human Rights

202 Baroness Williams of Trafford has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

“In my view the provisions of the Offensive Weapons Bill are compatible with the Convention rights”.

203 The Government has published a separate ECHR memorandum with its assessment of compatibility of the Bill’s provisions with the Convention rights: this memorandum is available on the Government website.<sup>5</sup>

## Related documents

204 The following documents are relevant to the Bill and can be read at the stated locations:

- All documents relating to the Bill, including the impact assessment can be found on the Bill webpage at: <https://services.parliament.uk/Bills/2017-19/offensiveweapons.html>
- Serious Violence Strategy: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/698009/serious-violence-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf)
- Offensive Weapons Consultation: <https://www.gov.uk/government/consultations/offensive-and-dangerous-weapons-new-legislation>

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<sup>5</sup> <https://www.gov.uk/government/publications/offensive-weapons-bill-2018-overarching-documents>

## Annex A – Territorial extent and application in the United Kingdom

205 Subject to certain exceptions, the provisions of the Bill extend and apply to England and Wales, Scotland and Northern Ireland where indicated in the table below. For the purposes of English Votes for English Laws (EVEL) clauses 8 to 9, relating to the possession of corrosive substances, and clause 14, on the sale of bladed articles to those aged under 18, and clauses 28, 29, 30 and 31 on the offence with threatening with an offensive weapon, apply to England and Wales only.<sup>6</sup>

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clause 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 2	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 5	No	No	Yes	No	N/A	N/A	N/A	Yes(S)
Clause 6	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S) (NI)
Clause 7	No	No	Yes	No	N/A	N/A	N/A	Yes (S)
Clause 8	Yes	Yes	No	No	No	Yes	Yes	No
Clause 9	Yes	Yes	No	No	No	Yes	Yes	No
Clause 10	Yes	Yes	No	No	No	Yes	Yes	No
Clause 11	No	No	Yes	No	N/A	N/A	N/A	Yes(S)

<sup>6</sup> References in this Annex to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clause 12	No	No	No	Yes	N/A	N/A	N/A	Yes (NI)
Clause 13	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 14	Yes	Yes	No	No	No	Yes	Yes	No
Clause 15	In part	In part	Yes	In part	N/A	N/A	N/A	Yes (S)
Clause 16	No	No	No	Yes	N/A	N/A	N/A	Yes (NI)
Clause 17	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S) (NI)
Clause 18	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S) (NI)
Clause 19	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S) (NI)
Clause 20	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S) (NI)
Clause 21	In part	In part	In part	In part	N/A	N/A	N/A	Yes(S) (NI)
Clause 22	In part	In part	In part	In part	N/A	N/A	N/A	Yes(S) (NI)
Clause 23	Yes	Yes	No	Yes	N/A	N/A	N/A	Yes (NI)
Clause 24	In part	In part	In part	In part	N/A	N/A	N/A	Yes (S) (NI)
Clause 25	In part	In part	In part	In part	N/A	N/A	N/A	Yes (S) (NI)
Clause 26	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S) (NI)
Clause 27	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S) (NI)

*These Explanatory Notes relate to the Offensive Weapons Bill as brought from the House of Commons on 29 November 2018 (HL Bill 149)*

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clause 28	Yes	Yes	No	No	No	Yes	Yes	No
Clause 29	Yes	Yes	No	No	No	Yes	Yes	No
Clause 30	Yes	Yes	No	No	No	Yes	Yes	No
Clause 31	Yes	Yes	No	No	No	Yes	Yes	No
Clause 32	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 33	No	No	No	Yes	N/A	N/A	N/A	No
Clause 34	In part	In part	In part	In part	N/A	N/A	N/A	Yes(S)
Clause 35	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)
Clause 36	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)
Clause 37	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)
Clause 38	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)
Clause 39	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)
Clause 40	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 41	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 42	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 43	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 44	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

*These Explanatory Notes relate to the Offensive Weapons Bill as brought from the House of Commons on 29 November 2018 (HL Bill 149)*

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Schedule 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(NI)
Schedule 2	In part	In part	In part	In part	N/A	N/A	N/A	No

## Minor or consequential effects<sup>7</sup>

206 There are no minor or consequential provisions in the Bill that apply to England and have effects outside England.

## Subject matter and legislative competence of devolved legislatures

207 The Offensive Weapons Bill makes provision in respect of matters devolved to Scotland and Northern Ireland. Where the Bill makes provision in respect of matters within the legislative competence of the Scottish Parliament or the Northern Ireland Assembly consent will be sought for those provisions.

208 Clauses 32 to 39 relate to the prohibition of weapons which is a reserved matter in relation to both Scotland and Northern Ireland. While a reserved matter, these measures impact on the executive competence of the Scottish Government and require the legislative consent process to be engaged in Scotland.

209 Clauses 1 to 4, which make provision in respect of corrosive products, extend to the United Kingdom. Corrosive products are a matter that is reserved in respect of Scotland but is within the competence of the Northern Ireland Assembly. Other clauses, which make provision in respect of corrosive substances, the sale and delivery of knives and the possession of certain offensive weapons also extend to the United Kingdom and make provision for matters that are within the legislative competence of the devolved administrations and, therefore, will require legislative consent motions.

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<sup>7</sup> References in this Annex to an effect of a provision being minor or consequential are to its being minor or consequential for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.



# OFFENSIVE WEAPONS BILL

## EXPLANATORY NOTES

These Explanatory Notes relate to the Offensive Weapons Bill as brought from the House of Commons on 29 November 2018 (HL Bill 149).

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Ordered by House of Lords to be printed, 29 November 2018

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