

# Offensive Weapons Bill

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

**Clause 1**

LORD LUCAS

Page 1, line 19, at end insert “they used a prescribed electronic method of establishing the purchaser’s age, or”

BARONESS WILLIAMS OF TRAFFORD

Page 2, line 29, at beginning insert “Subject to subsection (13A),”

***Member’s explanatory statement***

*This amendment and the Minister's amendment at page 2, line 41 would exclude batteries from the offences in Clauses 1 to 4 relating to the sale or delivery of corrosive products.*

Page 2, line 36, at end insert –

“(12A) Before making regulations under subsection (12) the appropriate national authority must consult such persons likely to be affected by the regulations as the authority considers appropriate.”

***Member’s explanatory statement***

*This amendment would require the appropriate national authority to consult before making regulations under Clause 1(12) which amend the list of corrosive products in Schedule 1 to the Bill.*

Page 2, line 37, leave out “subsection (12)” and insert “this section”

***Member’s explanatory statement***

*This amendment is consequential on the Minister's amendment at page 2, line 36.*

Page 2, line 41, at end insert –

“(13A) References to a corrosive product in this section and sections 2 to 4 do not include a substance or product which is contained in a battery.”

**Member's explanatory statement**

See the explanation of the Minister's amendment at page 2, line 29.

**Clause 9**

BARONESS WILLIAMS OF TRAFFORD

Page 10, line 42, at end insert –

“(5) In this section –

(a) in subsection (1) –

(i) in paragraph (b), for “Scotland, Northern Ireland or a member State other than the United Kingdom” substitute “Scotland or Northern Ireland”,

(ii) at the end of paragraph (c) insert “or”, and

(iii) omit paragraph (e) and the “or” preceding that paragraph, and

(b) in subsection (3) –

(i) for the definition of “civilian offence” substitute –

““civilian offence” means an offence other than an offence under an enactment mentioned in subsection (1)(c) or (d);”,

(ii) in the definition of “conviction”, in paragraph (b) omit “and a member State service offence”, and

(iii) omit the definition of “member State service offence”.”

**Member's explanatory statement**

This amendment inserts a provision to Clause 9 which would not need to be commenced at the same time as the rest of that Clause but which would, on being commenced, amend it to take account of the United Kingdom's exit from the European Union.

**Clause 15**

LORD LUCAS

Page 14, line 36, leave out paragraph (a)

**Clause 18**

LORD KENNEDY OF SOUTHWARK

Page 17, line 36, 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.

Page 17, line 44, 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 18(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 18(1)(aa).

**Clause 18 - 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 18(1)(aa).”

***Member’s explanatory statement***

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

**Clause 20**

LORD LUCAS

Page 19, line 24, at end insert –

- “( ) The Secretary of State must, before the coming into force of sections 18 and 19, publish guidance as to how the definition in subsection (1) may be interpreted.”

**After Clause 21**

LORD LUCAS

Insert the following new Clause –

**“Powers to confiscate bladed articles**

- “( ) If bladed articles are detected in transit from overseas to a UK residential address, other than under arrangements as described in section 21(1)(c), and without the requirement for age verification on delivery being clearly evident on the outside of the packaging, they may be handed in to the police for destruction without compensation.”

**After Clause 26**

LORD KENNEDY OF SOUTHWARK

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 section 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 28

BARONESS WILLIAMS OF TRAFFORD

Page 30, line 38, leave out “such”

### *Member’s explanatory statement*

*This amendment would remove a surplus word from Clause 28(11)(b).*

Page 30, line 41, at end insert –

- “(c) provision enabling a person to exercise a discretion in determining –
- (i) whether to make a payment in response to a claim, and
  - (ii) the amount of such a payment.”

### *Member’s explanatory statement*

*This amendment would confirm that regulations under Clause 28 providing for compensation for surrendered offensive weapons may allow a person determining an amount of compensation to exercise a discretion in doing so.*

## Clause 33

LORD KENNEDY OF SOUTHWARK

Leave out Clause 33 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 –
  - “(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”.

**Clause 33 - continued**

- (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 34**

LORD KENNEDY OF SOUTHWARK

Leave out Clause 34 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 selfloading firearm, and

**Clause 34 - continued**

- (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.*

**Clause 37**

BARONESS WILLIAMS OF TRAFFORD

Page 36, line 38, leave out “such”

***Member’s explanatory statement***

*This amendment would remove a surplus word from Clause 37(8)(b).*

Page 36, line 38, at end insert –

- “(c) provision enabling a person to exercise a discretion in determining –
  - (i) whether to make a payment in response to a claim, and
  - (ii) the amount of such a payment.”

***Member’s explanatory statement***

*This amendment would confirm that regulations under Clause 37 providing for compensation for surrendered firearms may allow a person determining an amount of compensation to exercise a discretion in doing so.*

**Clause 38**

BARONESS WILLIAMS OF TRAFFORD

Page 37, line 26, leave out “such”

***Member’s explanatory statement****This amendment would remove a surplus word from Clause 38(9)(b).*

Page 37, line 26, at end insert –

- “(c) provision enabling a person to exercise a discretion in determining –
- (i) whether to make a payment in response to a claim, and
  - (ii) the amount of such a payment.”

***Member’s explanatory statement****This amendment would confirm that regulations under Clause 38 providing for compensation for surrendered bump stocks may allow a person determining an amount of compensation to exercise a discretion in doing so.***Clause 39**

BARONESS WILLIAMS OF TRAFFORD

Page 38, line 23, leave out “such”

***Member’s explanatory statement****This amendment would remove a surplus word from Clause 39(7)(b).*

Page 38, line 23, at end insert –

- “(c) provision enabling a person to exercise a discretion in determining –
- (i) whether to make a payment in response to a claim, and
  - (ii) the amount of such a payment.”

***Member’s explanatory statement****This amendment would confirm that regulations under Clause 39 providing for compensation for ancillary equipment which has been surrendered or disposed of may allow a person determining an amount of compensation to exercise a discretion in doing so.***After Clause 39**THE EARL OF SHREWSBURY  
THE EARL OF LISTOWEL  
THE EARL OF CORK AND ORRERY

Insert the following new Clause –

**“Statutory firearms licensing guidance**

- (1) The Secretary of State must, within the period of three months beginning with the day on which this Act is passed, publish a policy statement setting out proposals for the introduction of statutory firearms licensing guidance under section 55A of the Firearms Act 1968.

**After Clause 39 - continued**

- (2) The Secretary of State must, within the period of three months beginning with the day on which this Act is passed, open a public consultation on the proposals set out in subsection (1).”

***Member’s explanatory statement***

*This new Clause would place a duty on the Secretary of State to open a public consultation on proposals for the introduction of statutory firearms licensing guidance within three months of the passing of this Act.*

**Before Clause 43**

BARONESS WILLIAMS OF TRAFFORD

Insert the following new Clause –

**“Guidance on offences relating to offensive weapons etc**

- (1) The Secretary of State may from time to time issue guidance about –
- (a) section 1 of the Prevention of Crime Act 1953 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse),
  - (b) section 1 of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons) as it has effect in relation to –
    - (i) England and Wales, or
    - (ii) the importation of a knife to which that section applies into any other part of the United Kingdom,
  - (c) section 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) as it has effect in relation to England and Wales,
  - (d) section 139A of that Act (offence of having article with blade or point (or offensive weapon) on educational premises) as it has effect in relation to England and Wales,
  - (e) section 141 of that Act (offensive weapons) as it has effect in relation to England and Wales,
  - (f) section 141A of that Act (sale of bladed articles to persons under 18) as it has effect in relation to England and Wales,
  - (g) section 141B of that Act (limitations on defence to offence under section 141A: England and Wales),
  - (h) any of sections 1 to 4 of this Act (sale and delivery of corrosive products) as they have effect in relation to England and Wales or Scotland,
  - (i) section 6 of this Act (offence of having a corrosive substance in a public place) as it has effect in relation to England and Wales, or
  - (j) any of sections 18 to 21 of this Act (sale and delivery of knives etc) as they have effect in relation to England and Wales.
- (2) The Scottish Ministers may from time to time issue guidance about –



**Before Clause 43 - continued**

- (a) section 1 of the Restriction of Offensive Weapons Act 1959 as it has effect in relation to Scotland and other than in relation to the importation of a knife to which that section applies,
  - (b) section 141 of the Criminal Justice Act 1988 as it has effect in relation to Scotland,
  - (c) section 141A of that Act as it has effect in relation to Scotland,
  - (d) section 141C of that Act (defence to offence under section 141A where remote sale or letting on hire: Scotland),
  - (e) section 6 of this Act as it has effect in relation to Scotland, or
  - (f) any of sections 18 to 21 of this Act as they have effect in relation to Scotland.
- (3) The Department of Justice in Northern Ireland may from time to time issue guidance about—
- (a) Article 22 of the Public Order (Northern Ireland) Order 1987 (SI 1987/463 (NI 7)) (carrying of offensive weapon in public place),
  - (b) section 139 of the Criminal Justice Act 1988 as it has effect in relation to Northern Ireland,
  - (c) section 139A of that Act as it has effect in relation to Northern Ireland,
  - (d) section 141 of that Act as it has effect in relation to Northern Ireland,
  - (e) Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (manufacture or sale of certain knives),
  - (f) Article 54 or 54A of that Order (sale of bladed articles to persons under 18),
  - (g) any of sections 1 to 4 of this Act as they have effect in relation to Northern Ireland,
  - (h) section 6 of this Act as it has effect in relation to Northern Ireland, or
  - (i) any of sections 18 to 21 of this Act as they have effect in relation to Northern Ireland.
- (4) A national authority who issues guidance under this section may from time to time revise it.
- (5) Subsection (6) applies if a national authority proposes to issue guidance under this section—
- (a) on a matter on which the authority has not previously issued such guidance, or
  - (b) which the authority considers to be substantially different from guidance previously issued under this section.
- (6) Before the national authority issues the guidance, the authority must consult such persons likely to be affected by it as the authority considers appropriate.
- (7) A national authority must arrange for any guidance issued by the authority under this section to be published in such manner as the authority thinks appropriate.
- (8) This section does not permit a national authority to give guidance to a court or tribunal.
- (9) In this section “national authority” means—

**Before Clause 43 - continued**

- (a) the Secretary of State,
  - (b) the Scottish Ministers, or
  - (c) the Department of Justice in Northern Ireland.
- (10) Until the coming into force of the repeal of section 141(4) of the Criminal Justice Act 1988 (ban on importation of weapons) by paragraph 119(2) of Schedule 7 to the Policing and Crime Act 2009, this section has effect as if—
- (a) subsection (1)(e) referred to section 141 of the Criminal Justice Act 1988 as it has effect in relation to—
    - (i) England and Wales, or
    - (ii) the importation of a weapon to which that section applies into any other part of the United Kingdom;
  - (b) subsection (2)(b) referred to that section as it has effect in relation to Scotland and other than in relation to the importation of a weapon to which that section applies, and
  - (c) subsection (3)(d) referred to that section as it has effect in relation to Northern Ireland and other than in relation to the importation of a weapon to which that section applies.”

***Member’s explanatory statement***

*This amendment would permit the Secretary of State, the Scottish Ministers or the Department of Justice in Northern Ireland to issue guidance about the operation of offences relating to offensive weapons.*

**Clause 45**

BARONESS WILLIAMS OF TRAFFORD

Page 41, line 12, at end insert—

“(la) section (*Guidance on offences relating to offensive weapons etc*);”

***Member’s explanatory statement***

*This amendment is consequential on the Minister’s amendment to insert a new Clause before Clause 43.*

**Clause 46**

BARONESS WILLIAMS OF TRAFFORD

Page 43, line 4, at end insert—

“(i) section (*Guidance on offences relating to offensive weapons etc*) so far as it confers functions on the Scottish Ministers.”

***Member’s explanatory statement***

*This amendment is consequential on the Minister’s amendment to insert a new Clause before Clause 43.*

Page 43, line 15, at end insert—

“(ha) section (*Guidance on offences relating to offensive weapons etc*) so far as it confers functions on the Department of Justice in Northern Ireland.”

***Member's explanatory statement***

*This amendment is consequential on the Minister's amendment to insert a new Clause before Clause 43.*

# Offensive Weapons Bill

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*19 February 2019*

---