

Offensive Weapons Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 13

BARONESS WILLIAMS OF TRAFFORD

Insert the following new Clause—

“Piloting

- (1) The Secretary of State may exercise the power in section 46(1) so as to bring all of the provisions of this Part into force for all purposes and in relation to the whole of England and Wales only if the following conditions are met.
- (2) The first condition is that the Secretary of State has brought some or all of the provisions of this Part into force only—
 - (a) for one or more specified purposes, or
 - (b) in relation to one or more specified areas in England and Wales.
- (3) The second condition is that the Secretary of State has laid before Parliament a report on the operation of some or all of the provisions of this Part—
 - (a) for one or more of those purposes, or
 - (b) in relation to one or more of those areas.
- (4) Regulations under section 46(1) which bring any provision of this Part into force only for a specified purpose or in relation to a specified area may—
 - (a) provide for that provision to be in force for that purpose or in relation to that area for a specified period,
 - (b) make transitional or saving provision in relation to that provision ceasing to be in force at the end of the specified period.
- (5) Regulations containing provision by virtue of subsection (4)(a) may be amended by subsequent regulations under section 46(1) so as to continue any provision of this Part in force for the specified purpose or in relation to the specified area for a further specified period.
- (6) In this section “specified” means specified in regulations under section 46(1).
- (7) References in this section to this Part do not include section (*Guidance*) or this section (which by virtue of section 46(5)(za) and (zb) come into force on the day on which this Act is passed).”

Member's explanatory statement

See the explanation of the Minister's amendment to insert the first new Clause after Clause 13.

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

“Reports on knife crime prevention orders

- (1) A court may not be given the power to make knife crime prevention orders until the Secretary of State has laid a report before both Houses of Parliament setting out—
 - (a) an explanation of the Government's decision to introduce knife crime prevention orders and all departmental evidence relating to the decision,
 - (b) an explanation of what consultations have taken place relating to the Government's decision to introduce knife crime prevention orders,
 - (c) guidance given to authorities on the burden of proof required to sanction a young person through this order,
 - (d) the predicted impact of knife crime prevention orders on different racial groups as defined in section 9 of the Equality Act 2010,
 - (e) an explanation of what restrictions may be implemented as part of knife crime prevention orders and their impact on the rights of children, and
 - (f) an assessment of the causes behind knife crime, including but not limited to consideration of—
 - (i) the effect on the levels of youth violence with offensive weapons of the reduction in police numbers,
 - (ii) the effect on the levels of youth violence with offensive weapons of the reduction in public spending on—
 - (a) children's services,
 - (b) Sure Start,
 - (c) state-maintained schools,
 - (d) local authorities,
 - (e) youth offending teams,
 - (f) Border Force, and
 - (g) drug treatment programmes.
- (2) A court may not be given the power to make knife crime prevention orders until the Secretary of State has consulted—
 - (a) each devolved authority,
 - (b) each police force,
 - (c) organisations representing different racial groups as defined in section 9 of the Equality Act 2010,
 - (d) non-governmental organisations, including charities, which in the opinion of the Secretary of State have a relevant interest,
 - (e) organisations representing those working within children's services, state-maintained schools and youth offending teams, and
 - (f) the wider public.
- (3) A court may not be given the power to make knife crime prevention orders until the Secretary of State has laid a report on the consultation under subsection (2) before both Houses of Parliament.

After Clause 13 - continued

- (4) In each year in which a court has made a knife crime prevention order, the Secretary of State must lay a report before both Houses of Parliament setting out—
- (a) how many individuals have been given a knife crime prevention order, broken down by—
 - (i) region,
 - (ii) age groups,
 - (iii) different racial groups as defined in section 9 of the Equality Act 2010,
 - (b) how many individuals under subsection (4)(a) were under 18 years old at the time the order was made,
 - (c) an assessment of what restrictions have been implemented as part of knife crime prevention orders and their impact on the rights of children,
 - (d) an assessment of whether knife crime prevention orders have had any impact on the levels of violent crime,
 - (e) an assessment of the impact of knife crime prevention orders on the relationship between vulnerable young people and law enforcement,
 - (f) an assessment of the impact of knife crime prevention orders on different racial groups as defined in section 9 of the Equality Act 2010,
 - (g) an assessment of the impact of knife crime prevention orders on access to child protection and diversion activities for young persons aged under 18,
 - (h) whether the Government intends to maintain or revoke the power for courts to make knife crime prevention orders, an explanation of the Government’s decision, and all departmental evidence relating to the decision,
 - (i) an assessment of whether knife crime prevention orders have had any impact on the prison population,
 - (j) guidance given to authorities on the burden of proof required to sanction a young person through such an order.”

Clause 23

LORD LUCAS

Page 22, leave out lines 39 to 43 and insert—

- “(8) It shall be a defence for any person charged in respect of any conduct of that person 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 (3) of the Customs and Excise Management Act 1979 (improper importation),
- to show that the conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force.
- (9) In this section “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 23 - *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 (10) below applies on the invitation of Her Majesty's Government.
- (10) 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.
- (11) It shall be a defence for a person charged in respect of conduct of that person relating to a weapon to which this section applies—
- (a) with an offence under subsection (1) or (1A) above, or
 - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,
- to show that the conduct was only for the purposes of functions carried out as the operator of, or as a person acting for, a specialist licensed armoury company holding an authority to possess prohibited weapons granted by the Secretary of State under section 5 of the Firearms Act 1968 for one or more of the purposes specified in subsection (12) and subject to all the conditions in subsection (13).
- (12) Those purposes are—
- (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).
- (13) Those conditions are—
- (a) the weapon is accompanied by a supervising armourer or handler in attendance throughout the production,
 - (b) disposal of the weapon by sale or gift is only permitted to another similar specialist licensed armoury company or a museum or by export to another state or country where the laws of that state or country permit import of the weapon.
- (14) It is a defence for a person charged with an offence under subsection (1) or (1A) to show that the weapon in question is antique.
- (15) For the purposes of subsection (14) a weapon is an antique if it was manufactured in or before 1945.
- (16) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (3), (4), (5), (8), (11) or (14) 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 a reasonable doubt.”

Member's explanatory statement

This amendment would introduce a series of defences in respect of activities (1) of non-public museums operated by the Ministry of Defence or police forces, (2) of visiting forces, (3) of the film, theatre and television industries and (4) in relation to antiques.

Page 23, leave out lines 31 to 35 and insert –

- “(9) It shall be a defence for any person charged in respect of any conduct of that person relating to a weapon to which this Article applies –
- (a) with an offence under paragraph (1), or
 - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation),
- to show that the person's conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force.
- (10) In this Article “visiting force” means any body, contingent or detachment of the forces of a country –
- (a) mentioned in subsection (1)(a) of section 1 of the Visiting Forces Act 1952, or
 - (b) designated for the purposes of any provision of that Act by Order in Council under subsection (2) of that section,
- which is present in the United Kingdom (including United Kingdom territorial waters) or in any place to which paragraph (11) applies on the invitation of Her Majesty's Government.
- (11) This paragraph 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.
- (12) It shall be a defence for a person charged in respect of conduct of that person relating to a weapon to which this Article applies –
- (a) with an offence under paragraph (1) above, or
 - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,
- to show that the conduct was only for the purposes of functions carried out as the operator of, or as a person acting for a specialist licensed armoury company holding an authority to possess prohibited weapons as granted by the Secretary of State under section 5 of the Firearm Act 1968 for one or more of the purposes specified in paragraph (13) and subject to all the conditions in paragraph (14).
- (13) Those purposes are –
- (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).
- (14) Those conditions are –
- (a) the weapon is accompanied by a supervising armourer or handler in attendance throughout the production,

Clause 23 - continued

- (b) disposal of the weapon by sale or gift is only permitted to another similar specialist licensed armoury company or a museum or by export to another state or country where the laws of that state or country permit import of the weapon.
- (15) It is a defence for a person charged with an offence under paragraph (1) to show that the weapon in question is antique.
- (16) For the purposes paragraph (15) a weapon is an antique if it was manufactured in or before 1945.
- (17) For the purposes of this Article a person shall be taken to have shown a matter specified in paragraph (4), (5), (6), (9), (12) or (15) 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 a reasonable doubt.”

Member’s explanatory statement

This amendment would perform the same function as my amendment at Clause 23, page 22, line 39 in relation to Northern Ireland.

Clause 46

BARONESS WILLIAMS OF TRAFFORD

Page 42, line 36, after “to” insert “section (*Piloting*) and”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new Clause on piloting relating to knife crime prevention orders etc as one of a series of new Clauses to appear after Clause 13.

Page 43, line 20, at end insert—

“(zb) section (*Piloting*);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new Clause on piloting relating to knife crime prevention orders etc as one of a series of new Clauses to appear after Clause 13.

Offensive Weapons Bill

AMENDMENTS
TO BE MOVED
ON REPORT

21 February 2019
