

OFFENSIVE WEAPONS BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

The Government has tabled further amendments to the Offensive Weapons Bill for Lords Report Stage which modifies the existing commencement power in the Bill. This memorandum explains the effect of and justification for the changes to the commencement power.

New clause “*Piloting*” - Power to pilot Knife Crime Prevention Orders

Power conferred on: Secretary of State

Power exercisable by: Statutory Instrument

Parliamentary procedure: None

Context and purpose

1. New Part 1A of the Bill creates a new civil order known as a Knife Crime Prevention Order (KCPO). KCPOs can be made either on application from the police to a magistrates’ court (or youth court) or on conviction in any court for a relevant offence. The purpose of KCPOs is to help protect the public from harm from knife crime and to prevent offending involving a knife.
2. New clause *Piloting* requires the provisions relating to KCPOs to be piloted before being rolled out more generally. The new clause introduces two conditions before the commencement power in clause 46(1) can be exercised to bring the provisions in new Part 1A into force for all purposes and in relation to the whole of England and Wales.
3. The first condition is that the Home Secretary has first brought some or all of the provisions into force only for one or more specified purposes (for example, to enable the criminal courts to make a KCPO on conviction) or in relation to one or more specified areas in England and Wales (for example, all the provisions of Part 1A could be brought into force in one or more police force areas, or part of such areas).
4. The second condition is that the Home Secretary has laid before Parliament a report on the operation of the pilot(s).

Justification for taking the power

5. Before implementing the new KCPOs across the whole of England and Wales it is proposed to pilot their operation. Such pilots will, amongst other things, enable the Government to test the effectiveness of the positive requirements that may be attached to an order and the overall effectiveness of these orders in combatting knife crime.

6. Given the nature of a pilot – namely that it will be time bound and limited to one or more particular areas – it is appropriate to leave to secondary legislation the determination of the area or areas where the pilot is to be conducted and over what period (both of these matters will be a matter for negotiation with one or more police forces and other stakeholders).

Justification for the procedure

7. As is usual with commencement powers, regulations made under clause 46 are not subject to any parliamentary procedure. Parliament has approved the principle of the provisions to be commenced by enacting them; commencement by regulations enables the provisions to be brought into force at a convenient time.
8. In accordance with normal practice, the power to make pilot schemes is similarly not subject to any parliamentary procedure. Again, Parliament will already have approved the provisions to be commenced by enacting them, and partial commencement through the making of a pilot scheme affords the opportunity to assess the effectiveness of the provisions prior to national roll-out. This approach is consistent with the analogous provision in section 33 of the Crime and Security Act 2010 which made similar provision for piloting Domestic Violence Protection Notices and Orders.

Home Office
22 February 2019