

# Offensive Weapons Bill

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*The amendments have been marshalled in accordance with the Order of 21st February 2019, as follows –*

Clause 1	Schedule 2
Schedule 1	Clauses 36 to 47
Clauses 2 to 35	Title.

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 1**

LORD PADDICK  
BARONESS HAMWEE

**1★** Page 1, line 9, leave out first “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

**2★** Page 1, line 9, leave out second “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

LORD LUCAS

**3** Page 1, line 10, at end insert –

“( ) The Secretary of State must, within one month of the coming into force of this section, publish guidance as to how the requirements of the defence under subsection (2) may be fulfilled.”

**Member's explanatory statement**

*This amendment, following the Minister's remarks at Committee stage (28 January, HL Deb, col 160GC), is intended to ensure that guidance will be issued, so that those responsible for designing and carrying out checking procedures will be able to judge their adequacy.*

- 4 Page 1, line 19, after second “if” insert “they used a prescribed electronic method of establishing the purchaser’s age, or”

**Member's explanatory statement**

*This amendment is intended to enable the Bill to encompass such electronic systems of age verification as Yoti once those systems have passed scrutiny by the Home Office, as a way of addressing age verification challenges.*

LORD PADDICK  
BARONESS HAMWEE

- 5★ Page 2, line 15, leave out from “Wales,” to end of line 16 and insert “to a fine”

**Member's explanatory statement**

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

- 6★ Page 2, line 17, leave out from “Ireland,” to “to” in line 18

**Member's explanatory statement**

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

- 7★ Page 2, line 19, leave out “or to both”

**Member's explanatory statement**

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

BARONESS WILLIAMS OF TRAFFORD

- 8 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.*

- 9 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.*

10 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.*

11 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.*

### Schedule 1

LORD PADDICK

12★ Page 45, leave out line 12

***Member’s explanatory statement***

*This amendment, alongside the amendment to page 45, line 17, is to probe the relationship between the Bill and the Poisons Act 1972.*

13★ Page 45, leave out line 17

***Member’s explanatory statement***

*This amendment, alongside the amendment to page 45, line 12, is to probe the relationship between the Bill and the Poisons Act 1972.*

### Clause 3

LORD PADDICK

BARONESS HAMWEE

14★ Page 4, line 13, at end insert “unless the delivery is into the hands of a person aged 18 or over”

***Member’s explanatory statement***

*This amendment, along with other amendments to Clauses 3 and 4, would allow for companies in the UK to sell corrosive products to residential premises as long as they take appropriate measures to ensure that the item is delivered to a person over the age of 18.*

15★ Page 4, line 33, leave out “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

16★ Page 4, line 34, leave out “all”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

17★ Page 4, line 35, at end insert –

- “(8A) A person is to be taken to have taken reasonable precautions and exercised due diligence if –
- (a) they believed the person into whose hands the corrosive product was delivered to be aged 18 or over, and
  - (b) either they had taken reasonable steps to establish the person's age or no reasonable person could have suspected from the person's appearance that the person was under the age of 18.
- (8B) For the purposes of subsection (8A)(b), the person is to be treated as having taken reasonable steps to establish the person's age if and only if –
- (a) they were shown any of the documents mentioned in subsection (8C), and
  - (b) the document would have convinced a reasonable person.
- (8C) Those documents are any document appearing to be –
- (a) a passport,
  - (b) a European Union photocard driving licence, or
  - (c) such other document, or a document of such other description, as the Secretary of State may by order prescribe.
- (8D) The provisions of section (8A) are satisfied if, where the seller arranges delivery by another person (“D”), the seller requires D to confirm to the seller that D had fulfilled the requirements of section 8(A).”

**Member's explanatory statement**

*This amendment, along with other amendments to Clauses 3 and 4, would allow for companies in the UK to sell corrosive products to residential premises as long as they take appropriate measures to ensure that the item is delivered to a person over the age of 18.*

18★ Page 4, line 39, at beginning insert “Subject to subsection (10A)”

**Member's explanatory statement**

*This amendment, along with other amendments to Clauses 3 and 4, would allow for companies in the UK to sell corrosive products to residential premises as long as they take appropriate measures to ensure that the item is delivered to a person over the age of 18.*

19★ Page 4, line 42, at end insert –

- “(10A) A person is to be taken to have shown a matter mentioned in subsection (9) in the case of delivery to a person aged under 18 if –
- (a) they believed the person into whose hands the corrosive product was delivered to be aged 18 or over, and
  - (b) either they had taken reasonable steps to establish the person's age or no reasonable person could have suspected from the person's appearance that the person was under the age of 18.

**Clause 3 - continued**

- (10B) For the purposes of subsection (10A)(b), the person is to be treated as having taken reasonable steps to establish the person’s age if and only if—
- (a) they were shown any of the documents mentioned in subsection (10C), and
  - (b) the document would have convinced a reasonable person.
- (10C) Those documents are any document appearing to be—
- (a) a passport,
  - (b) a European Union photocard driving licence, or
  - (c) such other document, or a document of such other description, as the Scottish Ministers may prescribe by order.
- (10D) The provisions of section (10A) are satisfied if, where the seller arranges delivery by another person (“D”), the seller requires D to confirm to the seller that D had fulfilled the requirements of section 10(A).”

***Member’s explanatory statement***

*This amendment, along with other amendments to Clauses 3 and 4, would allow for companies in the UK to sell corrosive products to residential premises as long as they take appropriate measures to ensure that the item is delivered to a person over the age of 18.*

- 20★** Page 4, line 44, leave out from “Wales,” to end of line 45 and insert “to a fine”

***Member’s explanatory statement***

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

- 21★** Page 5, line 1, leave out from “Ireland,” to “to” in line 2

***Member’s explanatory statement***

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

- 22★** Page 5, line 3, leave out “or to both”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

**Clause 4**

LORD PADDICK  
BARONESS HAMWEE

- 23★** Page 5, line 19, leave out from “sale” to end of line

***Member’s explanatory statement***

*This amendment, along with other amendments to Clauses 3 and 4, would allow for companies in the UK to sell corrosive products to residential premises as long as they take appropriate measures to ensure that the item is delivered to a person over the age of 18.*

- 24★ Page 5, line 33, leave out subsection (3)

***Member’s explanatory statement***

*This amendment, along with other amendments to Clauses 3 and 4, would allow for companies in the UK to sell corrosive products to residential premises as long as they take appropriate measures to ensure that the item is delivered to a person over the age of 18.*

- 25★ Page 5, line 41, leave out “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

- 26★ Page 5, line 42, leave out “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

**After Clause 5**

LORD KENNEDY OF SOUTHWARK

- 27★ Insert the following Clause –

**“Offence of obstructing a seller in the exercise of their duties**

- (1) A person commits an offence if they intentionally obstruct a person (“the seller”) in the exercise of their duties under section 1 of this Act and under section 141A of the Criminal Justice Act 1988 (sale of bladed articles to persons under 18).
- (2) In this section, “intentionally obstruct” includes, but is not limited to, a person acting in a threatening manner.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale, to imprisonment for a term not exceeding 6 months, or to both.”

**Clause 6**

LORD PADDICK  
BARONESS HAMWEE

- 28★ Page 7, line 34, leave out from “Wales,” to end of line 35 and insert “to a fine”

***Member’s explanatory statement***

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

- 29★ Page 7, line 36, leave out from “Scotland,” to end of line 38 and insert “to a fine not exceeding the statutory maximum”

**Member's explanatory statement**

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

- 30★ Page 7, line 39, leave out from “Ireland,” to end of line 41 and insert “to a fine not exceeding the statutory maximum”

**Member's explanatory statement**

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

- 31★ Page 8, line 1, leave out subsection (8)

**Member's explanatory statement**

*This amendment, along with other amendments to this Clause, would remove the short term prison sentences from the offence in this section.*

**Clause 8**

LORD PADDICK  
BARONESS HAMWEE

- 32★ Leave out Clause 8

**Member's explanatory statement**

*This amendment, along with the amendment to leave out Clause 9, would remove mandatory custodial sentences for people convicted under the new offence in Clause 6 who have had at least one previous relevant conviction.*

**Clause 9**

BARONESS WILLIAMS OF TRAFFORD

- 33 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.*

LORD PADDICK  
BARONESS HAMWEE

34★ Leave out Clause 9

**Member's explanatory statement**

*This amendment, along with the amendment to leave out Clause 8, would remove mandatory custodial sentences for people convicted under the new offence in Clause 6 who have had at least one previous relevant conviction.*

**After Clause 13**

BARONESS WILLIAMS OF TRAFFORD

35 Insert the following new Clause –

“PART 1A

KNIFE CRIME PREVENTION ORDERS

*Knife crime prevention orders made otherwise than on conviction*

**Knife crime prevention order made otherwise than on conviction**

- (1) A court may make a knife crime prevention order under this section in respect of a person aged 12 or over (the “defendant”) if the following conditions are met.
- (2) The first condition is that a person has, by complaint to the court, applied for a knife crime prevention order under this section in accordance with section (*Requirements for application for order under section (Knife crime prevention order made otherwise than on conviction)*).
- (3) The second condition is that the court is satisfied on the balance of probabilities that, on at least two occasions in the relevant period, the defendant had a bladed article with them without good reason or lawful authority –
  - (a) in a public place in England and Wales,
  - (b) on school premises, or
  - (c) on further education premises.
- (4) In subsection (3) “the relevant period” means the period of two years ending with the day on which the order is made; but an event may be taken into account for the purposes of that subsection only if it occurred after the coming into force of this section.
- (5) Without prejudice to the generality of subsection (3), a person has good reason for having a bladed article with them in a place mentioned in that subsection if the person has the article with them in that place –
  - (a) for use at work,
  - (b) for educational purposes,
  - (c) for religious reasons, or
  - (d) as part of any national costume.

**After Clause 13 - continued**

- (6) The third condition is that the court thinks that it is necessary to make the order—
- (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
  - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
  - (c) to prevent the defendant from committing an offence involving a bladed article.
- (7) A knife crime prevention order under this section is an order which, for a purpose mentioned in subsection (6)—
- (a) requires the defendant to do anything described in the order;
  - (b) prohibits the defendant from doing anything described in the order.
- (8) See also—
- (a) section (*Provisions of knife crime prevention order*) (which makes further provision about the requirements and prohibitions which may be imposed by a knife crime prevention order under this section),
  - (b) section (*Requirements included in knife crime prevention order etc*) (which makes further provision about the inclusion of requirements in a knife crime prevention order under this section), and
  - (c) section (*Duration of knife crime prevention order etc*) (which makes provision about the duration of a knife crime prevention order under this section).
- (9) Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under this section.
- (10) In this section—
- “court”—
- (a) in the case of a defendant who is under the age of 18, means a magistrates' court which is a youth court, and
  - (b) in any other case, means a magistrates' court which is not a youth court;
- “further education premises” means land used solely for the purposes of—
- (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
  - (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),
- excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;
- “public place” includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;
- “school premises” means any land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by section 4 of the Education Act 1996.”

**Member's explanatory statement**

*This Clause and the other amendments of the Minister to insert new Clauses after Clause 13 would make provision for knife crime prevention orders and interim knife crime prevention orders imposing requirements and prohibitions on defendants and subjecting them to certain notification requirements.*

36 Insert the following new Clause –

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

- (1) An application for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) may be made only by –
  - (a) a relevant chief officer of police,
  - (b) the chief constable of the British Transport Police Force, or
  - (c) the chief constable of the Ministry of Defence Police.
- (2) For the purposes of subsection (1)(a) a chief officer of police is a relevant chief officer of police in relation to an application for a knife crime prevention order in respect of a defendant if –
  - (a) the defendant lives in the chief officer's police area, or
  - (b) the chief officer believes that the defendant is in, or is intending to come to, the chief officer's police area.
- (3) An application for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) made by a chief officer of police for a police area may be made only to a court acting for a local justice area that includes any part of that police area.
- (4) Subsections (5) and (6) apply if a person proposes to apply for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) in respect of a defendant who –
  - (a) is under the age of 18, and
  - (b) will be under that age when the application is made.
- (5) Before making the application the person must consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the person that the defendant lives.
- (6) If it appears to the person that the defendant lives in the area of two or more youth offending teams, the obligation in subsection (5) is to consult such of those teams as the person thinks appropriate.”

**Member's explanatory statement**

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

37 Insert the following new Clause –

**“Application without notice**

- (1) An application for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) may be made without the applicant giving notice to the defendant.

**After Clause 13 - continued**

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

**Member’s explanatory statement**

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

38

Insert the following new Clause—

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

- (1) Where an application for a knife crime prevention order in respect of a defendant is made without notice by virtue of section (*Application without notice*), the court may make an interim knife crime prevention order under this section in respect of the defendant if the first and second conditions are met.
- (2) The first condition is that the proceedings on the knife crime prevention order are adjourned (otherwise than at a full hearing within the meaning of section (*Application without notice*)).
- (3) The second condition is that the court thinks that it is necessary to make an interim knife crime prevention order under this section.
- (4) An interim knife crime prevention order under this section is an order which imposes on the defendant such of the prohibitions that may be imposed by a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) as the court thinks are required in relation to the defendant.
- (5) An interim knife crime prevention order under this section may not impose on the defendant any of the requirements that may be imposed by a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*).
- (6) See also—

**After Clause 13 - continued**

- (a) section (*Provisions of knife crime prevention order*) (which makes further provision about the prohibitions which may be imposed by an interim knife crime prevention order under this section), and
- (b) section (*Duration of knife crime prevention order etc*) (which makes provision about the duration of an interim knife crime prevention order under this section)."

**Member's explanatory statement**

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

39

Insert the following new Clause—

**“Interim knife crime prevention order: application not determined**

- (1) This section applies if—
  - (a) an application is made to a court for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) in respect of a defendant,
  - (b) the defendant is notified of the application in accordance with rules of court, and
  - (c) the application is adjourned.
- (2) The court may make an interim knife crime prevention order in respect of the defendant if—
  - (a) the first or second condition is met, and
  - (b) the third condition is met.
- (3) The first condition is that, by the complaint by which the application mentioned in subsection (1) is made, the applicant also applies for an interim knife crime prevention order in respect of the defendant.
- (4) The second condition is that, by complaint to the court, the applicant for the order mentioned in subsection (1) subsequently applies for an interim knife crime prevention order in respect of the defendant.
- (5) The third condition is that the court thinks that it is just to make the order.
- (6) An interim knife crime prevention order under this section is an order which—
  - (a) imposes on the defendant such of the requirements that may be imposed by a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) as the court thinks appropriate;
  - (b) imposes on the defendant such of the prohibitions that may be imposed by a knife crime prevention order under that section as the court thinks appropriate.
- (7) See also—
  - (a) section (*Provisions of knife crime prevention order*) (which makes further provision about the requirements and prohibitions that may be imposed by an interim knife crime prevention order under this section),

**After Clause 13 - continued**

- (b) section (*Requirements included in knife crime prevention order etc*) (which makes further provision about the inclusion of requirements in an interim knife crime prevention order under this section), and
  - (c) section (*Duration of knife crime prevention order etc*) (which makes provision about the duration of an interim knife crime prevention order under this section).
- (8) Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under this section."

**Member's explanatory statement**

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

40 Insert the following new Clause—

*"Knife crime prevention orders made on conviction*

**Knife crime prevention order made on conviction**

- (1) This section applies where—
  - (a) a person aged 12 or over (the “defendant”) is convicted of an offence which was committed after the coming into force of this section, and
  - (b) a court dealing with the defendant in respect of the offence is satisfied on the balance of probabilities that the offence is a relevant offence.
- (2) The court may make a knife crime prevention order under this section in respect of the defendant if the following conditions are met.
- (3) The first condition is that the prosecution applies for a knife crime prevention order to be made under this section.
- (4) The second condition is that the court thinks that it is necessary to make the order—
  - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
  - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
  - (c) to prevent the defendant from committing an offence involving a bladed article.
- (5) A knife crime prevention order under this section is an order which, for a purpose mentioned in subsection (4)—
  - (a) requires the defendant to do anything described in the order;
  - (b) prohibits the defendant from doing anything described in the order.
- (6) See also—
  - (a) section (*Provisions of knife crime prevention order*) (which makes further provision about the requirements and prohibitions that may be imposed by a knife crime prevention order under this section),
  - (b) section (*Requirements included in knife crime prevention order etc*) (which makes further provision about the inclusion of requirements in a knife crime prevention order under this section), and

**After Clause 13 - continued**

- (c) section (*Duration of knife crime prevention order etc*) (which makes provision about the duration of a knife crime prevention order under this section).
- (7) The court may make a knife crime prevention order under this section in respect of the defendant only if it is made in addition to—
  - (a) a sentence imposed in respect of the offence, or
  - (b) an order discharging the offender conditionally.
- (8) For the purposes of deciding whether to make a knife crime prevention order under this section the court may consider evidence led by the prosecution and evidence led by the defendant.
- (9) It does not matter whether the evidence would have been admissible in the proceedings in which the defendant was convicted.
- (10) For the purposes of this section an offence is a relevant offence if—
  - (a) the offence involved violence,
  - (b) a bladed article was used, by the defendant or any other person, in the commission of the offence, or
  - (c) the defendant or another person who committed the offence had a bladed article with them when the offence was committed.
- (11) In subsection (10) “violence” includes a threat of violence.”

***Member’s explanatory statement***

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

**41** Insert the following new Clause—

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

- (1) This section applies if the prosecution proposes to apply for a knife crime prevention order under section (*Knife crime prevention order made on conviction*) in respect of a defendant who—
  - (a) is under the age of 18, and
  - (b) will be under that age when the application is made.
- (2) Before making the application, the prosecution must consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the prosecution that the defendant lives.
- (3) If it appears to the prosecution that the defendant lives in the area of two or more youth offending teams, the obligation in subsection (2) is to consult such of those teams as the prosecution thinks appropriate.”

***Member’s explanatory statement***

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

42 Insert the following new Clause—

*“Provisions of knife crime prevention order*

**Provisions of knife crime prevention order**

- (1) The only requirements and prohibitions that may be imposed on a defendant by a knife crime prevention order are those which the court making the order thinks are necessary—
  - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
  - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
  - (c) to prevent the defendant from committing an offence involving a bladed article.
- (2) The requirements imposed by a knife crime prevention order on a defendant may, in particular, have the effect of requiring the defendant to—
  - (a) be at a particular place between particular times on particular days;
  - (b) be at a particular place between particular times on any day;
  - (c) present themselves to a particular person at a place where they are required to be between particular times on particular days;
  - (d) participate in particular activities between particular times on particular days.
- (3) Section (*Requirements included in knife crime prevention order etc*) makes further provision about the inclusion of requirements in a knife crime prevention order.
- (4) The prohibitions imposed by a knife crime prevention order on a defendant may, in particular, have the effect of prohibiting the defendant from—
  - (a) being in a particular place;
  - (b) being with particular persons;
  - (c) participating in particular activities;
  - (d) using particular articles or having particular articles with them;
  - (e) using the internet to facilitate or encourage crime involving bladed articles.
- (5) References in subsection (4) to a particular place or particular persons, activities or articles include a place, persons, activities or articles of a particular description.
- (6) A knife crime prevention order which imposes prohibitions on a defendant may include exceptions from those prohibitions.
- (7) Nothing in subsections (2) to (6) affects the generality of section (*Knife crime prevention order made otherwise than on conviction*)(7) or section (*Knife crime prevention order made on conviction*)(5).
- (8) The requirements or prohibitions which are imposed on the defendant by a knife crime prevention order must, so far as practicable, be such as to avoid—
  - (a) any conflict with the defendant’s religious beliefs, and
  - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment.”

**Member's explanatory statement**

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

43

Insert the following new Clause—

**“Requirements included in knife crime prevention order etc**

- (1) A knife crime prevention order or interim knife crime prevention order which imposes a requirement on a defendant must specify a person who is to be responsible for supervising compliance with the requirement.
- (2) That person may be an individual or an organisation.
- (3) Before including a requirement, the court must receive evidence about its suitability and enforceability from—
  - (a) the individual to be specified under subsection (1), if an individual is to be specified;
  - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (4) Before including two or more requirements, the court must consider their compatibility with each other.
- (5) It is the duty of a person specified under subsection (1)—
  - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”);
  - (b) to promote the defendant’s compliance with the relevant requirements;
  - (c) if the person considers that the defendant—
    - (i) has complied with all of the relevant requirements, or
    - (ii) has failed to comply with a relevant requirement,
 to inform the appropriate chief officer of police.
- (6) In subsection (5)(c) “the appropriate chief officer of police” means—
  - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the defendant lives, or
  - (b) if it appears to that person that the defendant lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.
- (7) A defendant subject to a requirement in a knife crime prevention order or interim knife crime prevention order must—
  - (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
  - (b) notify that person of any change of the defendant’s home address.
- (8) The obligations mentioned in subsection (7) have effect as if they were requirements imposed on the defendant by the order.”

**Member's explanatory statement**

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

44 Insert the following new Clause –

**“Duration of knife crime prevention order etc**

- (1) A knife crime prevention order or an interim knife crime prevention order under section (*Interim knife crime prevention order: application not determined*) takes effect on the day on which it is made, subject to subsections (6) and (7).
- (2) An interim knife crime prevention order under section (*Interim knife crime prevention order: application without notice*) takes effect when it is served on the defendant, subject to subsections (6) and (7).
- (3) A knife crime prevention order must specify the period for which it has effect, which must be a fixed period of at least 6 months, and not more than 2 years, beginning with the day on which it takes effect.
- (4) An interim knife crime prevention order under section (*Interim knife crime prevention order: application without notice*) has effect until the determination of the application mentioned in subsection (1) of that section, subject to section (*Variation, renewal or discharge of knife crime prevention order etc*) (variation, renewal or discharge).
- (5) An interim knife crime prevention order under section (*Interim knife crime prevention order: application not determined*) has effect until the determination of the application mentioned in subsection (1) of that section, subject to section (*Variation, renewal or discharge of knife crime prevention order etc*).
- (6) Subsection (7) applies if a knife crime prevention order or an interim knife crime prevention order is made in respect of –
  - (a) a defendant who has been remanded in or committed to custody by an order of a court,
  - (b) a defendant on whom a custodial sentence has been imposed or who is serving or otherwise subject to such a sentence, or
  - (c) a defendant who is on licence for part of the term of a custodial sentence.
- (7) The order may provide that it does not take effect until –
  - (a) the defendant is released from custody,
  - (b) the defendant ceases to be subject to a custodial sentence, or
  - (c) the defendant ceases to be on licence.
- (8) A knife crime prevention order or an interim knife crime prevention order may specify periods for which particular prohibitions or requirements have effect.
- (9) Where a court makes a knife crime prevention order or an interim knife crime prevention order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.
- (10) In this section “custodial sentence” means –
  - (a) a sentence of imprisonment or any other sentence or order mentioned in section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2003, or
  - (b) a sentence or order which corresponds to a sentence or order within paragraph (a) and which was imposed or made under an earlier enactment.”

**Member's explanatory statement**

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

45 Insert the following new Clause—

*"Notification requirements*

**Notification requirements**

- (1) Subsection (2) applies if—
  - (a) a knife crime prevention order is made in respect of a defendant (other than an order which replaces an interim knife crime prevention order), or
  - (b) an interim knife crime prevention order is made in respect of a defendant.
- (2) The defendant must notify the information mentioned in subsection (3) to the police within the period of 3 days beginning with the day on which the order takes effect.
- (3) That information is—
  - (a) the defendant's name on the day on which the notification is given and, where the defendant uses one or more other names on that day, each of those names, and
  - (b) the defendant's home address on that day.
- (4) Subsection (5) applies to a defendant who is subject to—
  - (a) a knife crime prevention order, or
  - (b) an interim knife crime prevention order.
- (5) The defendant must notify the information mentioned in subsection (6) to the police within the period of 3 days beginning with the day on which the defendant—
  - (a) uses a name which has not previously been notified to the police under subsection (2) or this paragraph,
  - (b) changes their home address, or
  - (c) decides to live for a period of one month or more at any premises the address of which has not been notified to the police under subsection (2) or this paragraph.
- (6) That information is—
  - (a) in a case within subsection (5)(a), the name which has not previously been notified;
  - (b) in a case within subsection (5)(b), the new home address;
  - (c) in a case within subsection (5)(c), the address at which the defendant has decided to live.
- (7) A defendant gives a notification under subsection (2) or (5) by—
  - (a) attending at a police station in a police area in which the defendant lives, and
  - (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station."

**Member's explanatory statement**

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

46 Insert the following new Clause –

**“Offences relating to notification**

- (1) A person commits an offence if the person –
  - (a) fails, without reasonable excuse, to comply with section (*Notification requirements*)(2) or (5), or
  - (b) notifies to the police, in purported compliance with section (*Notification requirements*)(2) or (5), any information which the person knows to be false.
- (2) A person guilty of an offence under subsection (1) is liable –
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.
- (3) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in section (2)(a) to 12 months is to be read as a reference to 6 months.
- (4) A person commits an offence under subsection (1)(a) on the day on which the person first fails, without reasonable excuse, to comply with section (*Notification requirements*)(2) or (5).
- (5) The person continues to commit the offence throughout any period during which the failure continues.
- (6) But the person may not be prosecuted more than once in respect of the same offence.
- (7) Proceedings for an offence under this section may be commenced in any court having jurisdiction in any place where the person charged with the offence lives or is found.”

**Member's explanatory statement**

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

47 Insert the following new Clause –

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

- (1) This section applies where a court has made a knife crime prevention order in respect of a defendant.
- (2) The court may order the applicant and the defendant to attend one or more review hearings on a specified date or dates.
- (3) Subsection (4) applies if any requirement or prohibition imposed by the knife crime prevention order is to have effect after the end of the period of 1 year beginning with the day on which the order takes effect.

**After Clause 13 - continued**

- (4) The court must order the applicant and the defendant to attend a review hearing on a specified date within the last 4 weeks of the 1 year period (whether or not the court orders them to attend any other review hearings).
- (5) A review hearing under this section is a hearing held for the purpose of considering whether the knife crime prevention order should be varied or discharged.
- (6) Subsections (7) to (9) of section (*Variation, renewal or discharge of knife crime prevention order etc*) (variation, renewal or discharge) apply to the variation of a knife crime prevention order under this section as they apply to the variation of an order under that section.”

***Member’s explanatory statement***

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

48 Insert the following new Clause –

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

- “(1) A person within subsection (2) may apply to the appropriate court for –
- (a) an order varying, renewing or discharging a knife crime prevention order, or
  - (b) an order varying or discharging an interim knife crime prevention order.
- (2) Those persons are –
- (a) the defendant;
  - (b) the chief officer of police for a police area in which the defendant lives;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, the chief officer’s police area;
  - (d) if the application for the order was made by a chief officer of police other than one within paragraph (b) or (c), the chief officer by whom the application was made;
  - (e) if the order was made on an application by the chief constable of the British Transport Police Force, that chief constable;
  - (f) if the order was made on an application by the chief constable of the Ministry of Defence Police, that chief constable.
- (3) An application under subsection (1) may be made –
- (a) where the appropriate court is the Crown Court, in accordance with rules of court;
  - (b) in any other case, by complaint.
- (4) Before a person other than the defendant makes an application under subsection (1), the person must notify the persons consulted under section (*Requirements for application for order under section (Knife crime prevention order made otherwise than on conviction)*)(5) or section (*Requirement to consult on application for order under section (Knife crime prevention order made on conviction)*)(2).

**After Clause 13 - continued**

- (5) Before making a decision on an application under subsection (1), the court must hear –
  - (a) the person making the application, and
  - (b) any other person within subsection (2) who wishes to be heard.
- (6) Subject as follows, on an application under subsection (1) –
  - (a) the court may make such order varying or discharging the order as it thinks appropriate;
  - (b) in the case of an application under paragraph (a) of that subsection, the court may make such order renewing the order as it thinks appropriate.
- (7) The court may renew a knife crime prevention order, or vary such an order or an interim knife crime prevention order so as to impose an additional prohibition or requirement on a defendant, only if it is satisfied that it is necessary to do so –
  - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
  - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
  - (c) to prevent the defendant from committing an offence involving a bladed article.
- (8) The provisions mentioned in subsection (9) have effect in relation to the renewal of a knife crime prevention order, or the variation of a knife crime prevention order or interim knife prevention order so as to impose a new requirement or prohibition, as they have effect in relation to the making of such an order.
- (9) Those provisions are –
  - (a) section (*Provisions of knife crime prevention order*) (provisions of knife crime prevention order),
  - (b) section (*Requirements included in knife crime prevention order etc*) (requirements included in knife crime prevention order etc), and
  - (c) section (*Duration of knife crime prevention order etc*) (duration of knife crime prevention order etc).
- (10) The court may not discharge a knife crime prevention order before the end of the period of 6 months beginning with the day on which the order takes effect without the consent of the defendant and –
  - (a) where the application under this section is made by a chief officer of police, that chief officer,
  - (b) if paragraph (a) does not apply but the application for the order was made by a chief officer of police, that chief officer and (if different) each chief officer of police for an area in which the defendant lives or
  - (c) in any other case, each chief officer of police for an area in which the defendant lives.
- (11) In this section the “appropriate court” means –
  - (a) where the Crown Court or the Court of Appeal made the knife crime prevention order or the interim knife crime prevention order, the Crown Court;

**After Clause 13 - continued**

- (b) where an adult magistrates' court made the order, that court, an adult magistrates' court for the area in which the defendant lives or, where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area;
  - (c) where a youth court made the order and the defendant is under the age of 18, that court, a youth court for the area in which the defendant lives or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer's police area;
  - (d) where a youth court made the order and the defendant is aged 18 or over, an adult magistrates' court for the area in which the defendant lives or, where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area.
- (12) In subsection (11) "adult magistrates' court" means a magistrates' court that is not a youth court."

**Member's explanatory statement**

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

49

Insert the following new Clause—

**“Appeal against knife crime prevention order etc**

- (1) A defendant may appeal to the Crown Court against—
  - (a) the making of a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) (order made otherwise than on conviction), or
  - (b) the making of an interim knife crime prevention order.
- (2) A person who applied for a knife crime prevention order under section (*Knife crime prevention order made otherwise than on conviction*) or an interim knife crime prevention order may appeal to the Crown Court against a refusal to make the order.
- (3) A defendant may appeal against the making of a knife crime prevention order under section (*Knife crime prevention order made on conviction*) (order made on conviction) as if the order were a sentence passed on the defendant for the offence.
- (4) Where an application is made for an order under section (*Variation, renewal or discharge of knife crime prevention order etc*) (variation, renewal or discharge)—
  - (a) the person who made the application may appeal against a refusal to make an order under that section;
  - (b) the defendant may appeal against the making of an order under that section which was made on the application of a person other than the defendant;

**After Clause 13 - continued**

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

***Member’s explanatory statement***

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

50

Insert the following new Clause –

**“Offence of breaching knife crime prevention order etc**

- (1) A person commits an offence if, without reasonable excuse, the person breaches a knife crime prevention order or an interim knife crime prevention order.
- (2) A person guilty of an offence under subsection (1) is liable –
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.
- (3) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (2)(a) to 12 months is to be read as a reference to 6 months.
- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.”

***Member’s explanatory statement***

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

51 Insert the following new Clause—

**“Guidance**

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

***Member’s explanatory statement***

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

52 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 PADDICK  
BARONESS HAMWEE  
*As an amendment to Amendment 52*

- 53★ Leave out paragraph (2)(a)

**Member's explanatory statement**

*This amendment is to probe what purposes may be specified by the Government's piloting amendment.*

*As an amendment to Amendment 52*

- 54★ Leave out paragraph (3)(a)

**Member's explanatory statement**

*This amendment is to probe what purposes may be specified by the Government's piloting amendment.*

LORD KENNEDY OF SOUTHWARK  
*As an amendment to Amendment 52*

- 55★ After subsection (3), insert—

“( ) The third condition is that both Houses of Parliament have passed the motion “That this House notes the findings of the report on the pilot of Knife Crime Prevention Orders and approves their continued use.””

LORD PADDICK  
BARONESS HAMWEE  
*As an amendment to Amendment 52*

- 56★ After subsection (3) insert—

“( ) A purpose may be specified only if it is in relation to—  
(a) knife crime prevention orders made otherwise than on conviction,  
(b) interim knife crime prevention orders, or  
(c) knife crime prevention orders made on conviction.”

**Member's explanatory statement**

*This amendment is to probe what purposes may be specified by the Government's piloting amendment.*

*As an amendment to Amendment 52*

- 57★ After subsection (3) insert—

“( ) The report shall include details of—  
(a) the criteria applied by the Secretary of State in evaluating the impact of knife crime prevention orders,  
(b) the number of individuals subject to an order broken down by age and ethnicity,  
(c) the conditions applied by the court,

**After Clause 13 - continued**

- (d) the consultation undertaken by the Secretary of State in considering whether to bring the provisions into force for the whole of England and Wales.”

**Member’s explanatory statement**

*This amendment is to add further information to the Secretary of State's report under this section.*

*As an amendment to Amendment 52*

- 58★ In subsection (4), leave out “for a specified purpose or”

**Member’s explanatory statement**

*This amendment is to probe what purposes may be specified by the Government's piloting amendment.*

*As an amendment to Amendment 52*

- 59★ In subsection (4)(a), leave out “for that purpose or”

**Member’s explanatory statement**

*This amendment is to probe what purposes may be specified by the Government's piloting amendment.*

*As an amendment to Amendment 52*

- 60★ After subsection (6) insert—

- “( ) For the purposes of this section a specified area may not consist of—
- (a) the areas of more than three police force areas,
  - (b) areas which, when taken together with areas the subject of previous regulations, comprise the whole of England and Wales.”

**Member’s explanatory statement**

*This amendment is to put restrictions on the areas the pilot under this section may cover.*

**BARONESS WILLIAMS OF TRAFFORD**

- 61 Insert the following new Clause—

**“Consequential amendments**

- (1) In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions) after paragraph (ff) insert—
 

“(fg) to have the conduct of applications for orders under section (Knife crime prevention order made on conviction) of the Offensive Weapons Act 2019 (knife crime prevention orders made on conviction);”.
- (2) In the Criminal Legal Aid (General) Regulations 2013 (SI 2013/9), in regulation 9 (criminal proceedings) after paragraph (ub) insert—
 

“(uc) proceedings under Part 5 of the Offensive Weapons Act 2019 in relation to a knife crime prevention order or an interim knife crime prevention order;”.

**After Clause 13 - continued**

- (3) The amendment made by subsection (2) is without prejudice to any power to make an order or regulations amending or revoking the regulations mentioned in that subsection.”

**Member’s explanatory statement**

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

62

Insert the following new Clause—

**“Interpretation of Part**

- (1) In this Part—

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

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

“defendant”—

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

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

“harm” includes physical and psychological harm;

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

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

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

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

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

**Member’s explanatory statement**

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

LORD KENNEDY OF SOUTHWARK  
LORD PADDICK

63 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 15**

LORD PADDICK  
BARONESS HAMWEE

64★ Page 14, line 22, leave out “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

65★ Page 14, line 23, leave out “all”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

LORD LUCAS

66 Page 14, leave out lines 36 and 37

**Member's explanatory statement**

*This amendment is intended to probe the effect of labelling a package as containing a knife on the likelihood of the package being stolen during delivery.*

LORD PADDICK  
BARONESS HAMWEE

67★ Page 14, line 40, leave out “all”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

68★ Page 14, line 41, leave out “all”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

LORD LUCAS

69★ Page 15, line 7, at end insert—

“( ) The Secretary of State must, within one month of the coming into force of this section, publish, and thereafter maintain, a list of age verification schemes which he or she has assessed as being suitable for online and offline age verification.”

**Member's explanatory statement**

*The Bill requires retailers to undertake age verification online and offline. In the absence of recognised standards against which online or offline age verification schemes can be audited and recognised, this amendment would allow retailers to comply with the requirements of the Bill through any scheme they choose which is recognised by the Secretary of State.*

**Clause 16**

LORD PADDICK  
BARONESS HAMWEE

70★ Page 16, line 7, leave out “all”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

- 71★ Page 16, line 8, leave out “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

**Clause 17**

LORD PADDICK  
BARONESS HAMWEE

- 72★ Page 17, line 19, leave out “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

- 73★ Page 17, line 20, leave out “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in this section to set a less demanding standard than all reasonable precautions / all due diligence.*

**Clause 18**

LORD KENNEDY OF SOUTHWARK

- 74 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.*

THE DUKE OF MONTROSE

- 75 Page 17, line 41, at end insert “unless the product is for an agricultural or forestry management purpose”

***Member’s explanatory statement***

*This amendment would allow a seller to deliver bladed agricultural or forestry equipment to residential premises.*

LORD PADDICK  
BARONESS HAMWEE

- 76★ Page 17, line 41, at end insert “unless the delivery is into the hands of a person aged 18 or over”

***Member’s explanatory statement***

*This amendment, along with the amendment to Clause 21, would allow companies in the UK to sell bladed products to residential premises as long as they take appropriate measures to ensure that the item is delivered to a person over the age of 18.*

## LORD KENNEDY OF SOUTHWARK

77 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).
- ( ) 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 19**

LORD PADDICK  
BARONESS HAMWEE

78★ Page 18, line 26, leave out first “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in section 18 to set a less demanding standard than all reasonable precautions / all due diligence.*

79★ Page 18, line 26, leave out second “all”

***Member’s explanatory statement***

*This amendment, along with similar amendments to this Clause, amends the defence for the offence in section 18 to set a less demanding standard than all reasonable precautions / all due diligence.*

## THE DUKE OF MONTROSE

80 Page 18, line 36, at end insert –

- “( ) It is a defence for a person charged with an offence under section 18 to prove that the bladed product was exclusively designed for an agricultural or forestry management purpose.”

***Member’s explanatory statement***

*This amendment would provide a defence if a seller charged with an offence under section 18 could prove that the items delivered were designed exclusively for an agricultural or forestry management purpose.*

## Clause 20

LORD LUCAS

81 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.

***Member’s explanatory statement***

*This amendment, following the Minister's remarks at Committee stage (28 January, HL Deb, col 160GC), is intended to ensure that guidance will be issued, so that those responsible for designing and carrying out sales and dispatch procedures will be able to judge whether a particular item (for instance, a food processor) falls under it.*

LORD PADDICK

BARONESS HAMWEE

82★ Page 19, line 24, at end insert –

- “( ) “Bladed product” does not include a product intended for domestic use which incorporates a blade if the product does not function without the blade.”

***Member’s explanatory statement***

*This amendment would exclude products intended for domestic use from the definition of a "bladed product".*

THE DUKE OF MONTROSE

83 Page 19, line 29, at end insert –

- “( ) In sections 18 and 19, so far as they apply in England and Wales, “bladed product” does not include articles specifically to be used for agricultural or forestry management purposes.”

***Member’s explanatory statement***

*This amendment would amend the definition of "bladed product" under sections 18 and 19 so far as they apply in England and Wales to exclude articles specifically to be used for agricultural or forestry management purposes.*

84 Page 19, line 36, at end insert –

- “( ) In sections 18 and 19 so far as they apply in Scotland, “bladed product” does not include articles specifically to be used for agricultural or forestry management purposes.”

***Member’s explanatory statement***

*This amendment would amend the definition of "bladed product" under sections 18 and 19 so far as they apply in Scotland to exclude articles specifically to be used for agricultural or forestry management purposes.*

85 Page 19, line 41, at end insert –

- “( ) In sections 18 and 19 so far as they apply in Northern Ireland, “bladed product” does not include articles specifically to be used for agricultural or forestry management purposes.”

***Member's explanatory statement***

*This amendment would amend the definition of "bladed product" under sections 18 and 19 so far as they apply in Northern Ireland to exclude articles specifically to be used for agricultural or forestry management purposes.*

LORD PADDICK  
BARONESS HAMWEE

86★ Page 19, line 41, at end insert –

“( ) The Secretary of State shall issue guidance regarding items which are not bladed products.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to issue guidance regarding items which are not bladed products, to help clarify the definition.*

**Clause 21**

LORD PADDICK  
BARONESS HAMWEE

87★ Page 20, line 27, at end insert –

“(5A) A person is to be taken to have taken reasonable precautions and exercised due diligence if –

- (a) they believed the person into whose hands the corrosive product was delivered to be aged 18 or over, and
- (b) either they had taken reasonable steps to establish the person's age or no reasonable person could have suspected from the person's appearance that the person was under the age of 18.

(5B) For the purposes of subsection (5A)(b), the person is to be treated as having taken reasonable steps to establish the person's age if and only if –

- (a) they were shown any of the documents mentioned in subsection (5C), and
- (b) the document would have convinced a reasonable person.

(5C) Those documents are any document appearing to be –

- (a) a passport,
- (b) a European Union photocard driving licence, or
- (c) such other document, or a document of such other description, as the Secretary of State may by order prescribe.”

***Member's explanatory statement***

*This amendment, along with the amendment to Clause 19, would allow for companies in the UK to sell bladed products to residential premises as long as they take appropriate measures to ensure that the item is delivered to a person over the age of 18.*

**After Clause 21**

LORD LUCAS

88 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.”

*Member’s explanatory statement*

*This amendment is intended to address issues discussed in Committee as to how to deal with bladed articles coming in from abroad, using generic carriers such as Royal Mail, without arrangements as described in 21(1)(c).*

**Clause 23**

LORD LUCAS

89 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
  - (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,

**Clause 23 - continued**

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.*

90

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

**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 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 granted by the Secretary of State under section 5 of the Firearms 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,
  - (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 of 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.*

**After Clause 26**

LORD KENNEDY OF SOUTHWARK  
LORD PADDICK

91 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

92 Page 30, line 38, leave out “such”

***Member’s explanatory statement***

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

93 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 29**

LORD PADDICK  
BARONESS HAMWEE

94★ Leave out Clause 29 and insert the following new Clause –

**“Penalty for affray**

- (1) Section 3 of the Public Order Act 1986 is amended as follows.
- (2) Insert at the beginning of subsection (7) “Subject to subsection 8,”.
- (3) After subsection (7) insert –

**Clause 29 - continued**

- “(8) A person guilty of affray in which a corrosive substance or a bladed article has been used is liable on conviction on indictment to imprisonment for a term not exceeding 4 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.”

**Member’s explanatory statement**

*This amendment achieves the same end as the Government’s approach by adding provisions relating to corrosives and bladed articles to the existing offence of affray.*

**Clause 33**

LORD KENNEDY OF SOUTHWARK

95 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”.
- (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)”.

**Clause 33 - continued**

- (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

96 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
    - (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,”.

**Clause 34 - continued**

- (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

97 Page 36, line 38, leave out “such”

**Member’s explanatory statement**

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

98 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

99 Page 37, line 26, leave out “such”

**Member’s explanatory statement**

*This amendment would remove a surplus word from Clause 38(9)(b).*

100 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

101 Page 38, line 23, leave out “such”

***Member’s explanatory statement***

*This amendment would remove a surplus word from Clause 39(7)(b).*

102 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  
 BARONESS MALLALIEU

103 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.
- (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.*

**Clause 40**

BARONESS WILLIAMS OF TRAFFORD

- 104 Page 38, line 25, leave out from first “in” to third “in” and insert “this Part as it applies”

*Member’s explanatory statement*

*This amendment and the Minister's amendment at page 38, line 28 would convert references to certain Clauses of the Bill relating to firearms into references to a Part of the Bill.*

- 105 Page 38, line 28, leave out from first “in” to third “in” and insert “this Part as it applies”

*Member’s explanatory statement*

*See the explanation of the Minister's amendment at page 38, line 25.*

**Before Clause 43**

BARONESS WILLIAMS OF TRAFFORD

- 106 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

**Before Clause 43 - continued**

- (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—
- (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.

**Before Clause 43 - continued**

- (8) This section does not permit a national authority to give guidance to a court or tribunal.
- (9) In this section “national authority” means –
- (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 44**

LORD PADDICK  
BARONESS HAMWEE

- 107★ Page 40, line 33, at end insert “other than regulations or an order under section (Piloting).”

**Member’s explanatory statement**

*This amendment is to require the approval of Parliament to regulations relating to the piloting of KCPOs.*

**Clause 45**

BARONESS WILLIAMS OF TRAFFORD

- 108 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.*

- 109 Page 41, line 44, at end insert –  
“(ba) Part 1A;”

***Member’s explanatory statement***

*This amendment is consequential on the Minister's amendment to insert a series of new Clauses after Clause 13.*

- 110 Page 41, line 46, leave out “sections 29 to 32” and insert “Part 4”

***Member’s explanatory statement***

*This amendment would convert references to the Clauses of the Bill relating to threatening with an offensive weapon into a reference to Part 4 of the Bill.*

**Clause 46**

BARONESS WILLIAMS OF TRAFFORD

- 111 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.*

- 112 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.*

- 113 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.*

- 114 Page 43, line 20, at end insert –

“(za) section (*Guidance*);”

***Member’s explanatory statement***

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

- 115 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

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*22 February 2019*

---