

Offensive Weapons Bill

SECOND
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 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 19LORD 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 LUCAS

- 95A★** Page 34, line 44, at beginning insert “and is thereby, in the opinion of the Secretary of State, enabled to fire at a substantially faster rate than a bolt-action rifle”

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”.

Clause 34 - continued

- (4) In Article 2(2) (interpretation), in the definition of “prohibited weapon” and “prohibited ammunition”, after “including,” insert “in the case of weapons, any devices falling within paragraph (1)(fa) of that Article and,”.
- (5) In Article 70(1)(a) (minimum sentence for certain offences), in each of heads (ii) and (iv), after “(e)” insert “, (ea), (eb), (fa)”.
- (6) In Schedule 5 (table of punishments) –
- (a) in the entry for Article 45(1)(a), (aa), (b), (c), (d), (e) and (g), in the first column, after “(e)” insert “, (ea), (eb), (fa)”,
 - (b) in the entry for Article 61(1), in the third column, for “or (e)” substitute “, (e), (ea), (eb) or (fa)”, and
 - (c) in the entry for Article 62(1), in the third column, for “or (e)” substitute “, (e), (ea), (eb) or (fa)”.
- (7) The amendments made by subsection (5) apply only in relation to –
- (a) an offence under Article 45(1)(ea), (eb) or (fa) of the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) which is committed after the coming into force of subsection (5), and
 - (b) an offence under a provision listed in Article 70(1A) of that Order in respect of a firearm specified in Article 45(1)(ea), (eb) or (fa) of that Order which is committed after the coming into force of subsection (5).”

Member’s explanatory statement

This new Clause would return the prohibition of high-powered firearms in Northern Ireland to the Bill, which was removed during the Bill’s passage through the Commons.

Clause 37

BARONESS WILLIAMS OF TRAFFORD

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.

EARL ATTLEE

103A Insert the following new Clause—

“Conditions applying to certain firearms: England and Wales and Scotland

- (1) The Firearms Act 1968 is amended as follows.
- (2) After section 27 insert—

“27A Conditions for storage etc of certain firearms

- (1) This section applies to a firearm if it is a 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.
- (2) The Secretary of State must by rules under section 53 prescribe conditions—
 - (a) subject to which a firearm certificate relating to a firearm to which this section applies must be granted or renewed, and
 - (b) which impose requirements as to the storage of a firearm to which this section applies and as to the security measures to be taken when such a firearm is in transit.
- (3) Before making rules under section 53 which prescribe conditions of the kind mentioned in subsection (2) the Secretary of State must consult such persons likely to be affected by the rules as the Secretary of State considers appropriate.”
- (3) In section 53 (rules for implementing the Act)—
 - (a) the existing text becomes subsection (1), and
 - (b) at the end of that subsection insert—
 - “(2) A statutory instrument containing (whether alone or with other provision) rules under this section which prescribe conditions of the kind mentioned in section 27A(2) (conditions for storage etc of certain firearms) is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to prescribe conditions which must apply to firearm certificates relating to certain high muzzle energy rifles and which relate to the storage and secure transit of such rifles.

103B Insert the following new Clause—

“Conditions applying to certain firearms: Northern Ireland

- (1) The Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)) is amended as follows.
- (2) In Article 6 (conditions), after paragraph (3) insert—
 - “(3A) Paragraphs (1) and (2) are subject to Article 6A (conditions for storage etc of certain firearms) and regulations under that Article.”
- (3) After Article 6 insert—

After Clause 39 - continued

“6A Conditions for storage etc of certain firearms

- (1) This Article applies to a firearm if it is a 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.
 - (2) The Department of Justice must by regulations prescribe conditions –
 - (a) subject to which a firearm certificate relating to a firearm to which this Article applies must be granted, and
 - (b) which impose requirements as to the storage of a firearm to which this Article applies and as to the security measures to be taken when such a firearm is in transit.
 - (3) If a firearm certificate is granted subject to conditions prescribed under paragraph (2), that certificate may not be varied so as to vary or revoke those conditions.
 - (4) Before making regulations under paragraph (2) the Department of Justice must consult such persons likely to be affected by the regulations as the Department considers appropriate.”
- (4) In Article 11 (variation of firearm certificate), after paragraph (1) insert –
- “(1A) Paragraph (1) is subject to Article 6A (conditions for storage etc of certain firearms) and regulations under that Article.””

Member’s explanatory statement

This amendment would require the Department of Justice in Northern Ireland to prescribe conditions which must apply to firearm certificates relating to certain high muzzle energy rifles and which relate to the storage and secure transit of such rifles.

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 –

Before Clause 43 - continued

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

Before Clause 43 - continued

- (c) section 139A of that Act as it has effect in relation to Northern Ireland,
 - (d) section 141 of that Act as it has effect in relation to Northern Ireland,
 - (e) Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (manufacture or sale of certain knives),
 - (f) Article 54 or 54A of that Order (sale of bladed articles to persons under 18),
 - (g) any of sections 1 to 4 of this Act as they have effect in relation to Northern Ireland,
 - (h) section 6 of this Act as it has effect in relation to Northern Ireland, or
 - (i) any of sections 18 to 21 of this Act as they have effect in relation to Northern Ireland.
- (4) A national authority who issues guidance under this section may from time to time revise it.
- (5) Subsection (6) applies if a national authority proposes to issue guidance under this section –
- (a) on a matter on which the authority has not previously issued such guidance, or
 - (b) which the authority considers to be substantially different from guidance previously issued under this section.
- (6) Before the national authority issues the guidance, the authority must consult such persons likely to be affected by it as the authority considers appropriate.
- (7) A national authority must arrange for any guidance issued by the authority under this section to be published in such manner as the authority thinks appropriate.
- (8) This section does not permit a national authority to give guidance to a court or tribunal.
- (9) In this section “national authority” means –
- (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

EARL ATTLEE

- 107A Page 41, line 10, leave out “40” and insert “39”

Member's explanatory statement

This amendment is consequential on the amendments to insert new Clauses after Clause 39.

- 107B Page 41, line 10, at end insert –
“(ja) section 40;”

Member's explanatory statement

This amendment is consequential on the amendments to insert new Clauses after Clause 39.

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.

EARL ATTLEE

- 108A Page 41, line 28, at end insert –
“(da) section (Conditions applying to certain firearms: England and Wales and Scotland);”

Member's explanatory statement

This amendment is consequential on the amendment to insert the first of two new Clauses after Clause 39.

BARONESS WILLIAMS OF TRAFFORD

- 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.

EARL ATTLEE

- 110A** Page 42, line 20, at end insert –
“(ha) section (Conditions applying to certain firearms: Northern Ireland);”

Member's explanatory statement

This amendment is consequential on the amendment to insert the second of two new Clauses after Clause 39.

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.

EARL ATTLEE

- 113A** Page 43, line 15, at end insert –
“(hb) section (Conditions applying to certain firearms: Northern Ireland);”

Member's explanatory statement

This amendment is consequential on the amendment to insert the second of two new Clauses after Clause 39.

BARONESS WILLIAMS OF TRAFFORD

- 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.

EARL ATTLEE

- 116** Page 43, line 45, leave out “40” and insert “(Conditions applying to certain firearms: England and Wales and Scotland)”

Member's explanatory statement

This amendment is consequential on the amendment to insert new Clauses after Clause 39.

- 117** Page 43, line 45, at end insert –
“(ka) section 40;”

Member's explanatory statement

This amendment is consequential on the amendments to insert new Clauses after Clause 39.

Offensive Weapons Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

28 February 2019
