

# Offensive Weapons Bill

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AMENDMENTS  
TO BE MOVED  
ON THIRD READING

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**Clause 15**

LORD PONSONBY OF SHULBREDE

Page 16, leave out lines 1 to 10 and insert –

- “(4) Subsections (5) to (8) apply if a person proposes to apply for a knife crime prevention order under section 14 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 obtain and consider a pre-injunction report from 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 obtain and consider a pre-injunction report from such of those teams as the person thinks appropriate.
- (7) An application to a court for a knife crime prevention order made under this section must include a copy of the pre-injunction report.
- (8) In this section a “pre-injunction report” means a report which –
- (a) with a view to assisting the applicant and the court in determining the most suitable method of dealing with a defendant, is made or submitted by a youth offending team, and
  - (b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State, including but not limited to –
    - (i) an assessment of the defendant,
    - (ii) an analysis of the circumstances of the defendant,
    - (iii) the involvement of parents and carers in those circumstances,
    - (iv) an assessment of any need for a referral to children’s social care services for an assessment under the Children Act 1989,
    - (v) an assessment of any need for a referral to the National Referral Mechanism for an assessment under the Modern Slavery Act 2015,

**Clause 15 - continued**

- (vi) any background to the concerns around knives and the circumstances of the defendant which may be considered relevant.”

**Clause 16**

LORD PONSONBY OF SHULBREDE

Page 16, line 23, leave out “(6)” and insert “(8)”

**Clause 17**

LORD PONSONBY OF SHULBREDE

Page 16, line 36, at end insert –

- “(3A) In a case where the defendant is aged under 18, in forming any such opinion as is mentioned in subsection (3), the court may consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the court that the defendant lives.
- (3B) If it appears to the court that the defendant lives in the area of two or more youth offending teams, the provision in subsection (3A) is to consult such of those teams as the court thinks appropriate.”

**Clause 18**

LORD PONSONBY OF SHULBREDE

Page 17, line 27, at end insert –

- “(5A) In a case where the defendant is aged under 18, in forming any such opinion as is mentioned in subsection (5), the court may consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the court that the defendant lives.
- (5B) If it appears to the court that the defendant lives in the area of two or more youth offending teams, the provision in subsection (5A) is to consult such of those teams as the court thinks appropriate.”

**Clause 20**

LORD PONSONBY OF SHULBREDE

Page 19, leave out lines 9 to 14 and insert –

- “(2) Before making the application the prosecution must obtain and consider a pre-injunction report from 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 obtain and consider a pre-injunction report from such of those teams as the prosecution thinks appropriate.

**Clause 20 - continued**

- (4) An application to a court for a knife crime prevention order made under this section must include a copy of the pre-injunction report.
- (5) In this section a “pre-injunction report” means a report which—
  - (a) with a view to assisting the prosecution and the court in determining the most suitable method of dealing with the defendant, is made or submitted by a youth offending team, and
  - (b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State, including but not limited to—
    - (i) an assessment of the defendant,
    - (ii) an analysis of the circumstances of the defendant,
    - (iii) the involvement of parents and carers in those circumstances,
    - (iv) an assessment of any need for a referral to children’s social care services for an assessment under the Children Act 1989,
    - (v) an assessment of any need for a referral to the National Referral Mechanism for an assessment under the Modern Slavery Act 2015,
    - (vi) any background to the concerns around knives and the circumstances of the defendant which may be considered relevant.”

**Clause 22**

LORD PONSONBY OF SHULBREDE

Page 20, line 23, at end insert—

“(c) in a case where the defendant is aged under 18, a youth offending team.”

**Clause 23**

LORD PONSONBY OF SHULBREDE

Page 21, leave out lines 13 to 18 and insert—

- “(4) An interim knife crime prevention order under section 17 has effect for a period not longer than 28 days after the order takes effect, subject to section 27 (variation, renewal or discharge).
- (5) An interim knife crime prevention order under section 17 has effect until the determination of the application mentioned in subsection (1) of that section, subject to subsection (4) and section 27.
- (5A) An interim knife crime prevention order under section 18 has effect for a period not longer than 28 days after the order takes effect, subject to section 27.
- (5B) An interim knife crime prevention order under section 18 has effect until the determination of the application mentioned in subsection (1) of that section, subject to subsection (5A) and section 27.”

**Clause 45**

BARONESS WILLIAMS OF TRAFFORD

Page 42, line 19, at end insert –

“(14A) After subsection (12) insert –

- “(12A) An order under this section which has the effect that possession in private of a weapon of a particular description is, or is to become, an offence under subsection (1A) may make provision –
- (a) enabling arrangements to be made for the surrender of weapons of that description;
  - (b) as to the procedure to be followed in relation to the surrender of such weapons;
  - (c) for the payment of compensation in respect of weapons surrendered in accordance with the arrangements;
  - (d) as to the requirements that must be met by a person making a claim for compensation;
  - (e) as to the procedure to be followed in respect of a claim and for the determination of a claim;
  - (f) enabling a person to exercise a discretion in determining whether to make a payment in response to a claim and the amount of such a payment.”

***Member’s explanatory statement***

*This amendment would mean that, where weapons are brought within the prohibition on possession in section 141(1A) of the Criminal Justice Act 1988 by order, the order can provide for compensation if required to do so by Article 1 of the First Protocol to the European Convention on Human Rights (but need not make this provision if not required to do so).*

**Clause 46**

BARONESS WILLIAMS OF TRAFFORD

Page 43, line 3, leave out “(7)” and insert “(7B)”

***Member’s explanatory statement***

*This amendment and the Minister's amendments at page 43, line 43 and page 43, line 44 would create defences to the offences in section 141(1) and (1A) of the Criminal Justice Act 1988 and section 50(2) and (3) of the Customs and Excise Management Act 1979 relating to the presentation of Sikh kirpans. This follows the Minister's undertaking on 4 March (HL Deb, column 470).*

Page 43, line 43, at end insert –

“(7A) After paragraph 5A insert –

“5B(1) Sub-paragraph (2) applies to –

- (a) a person charged with an offence under section 141(1) or (1A) of the Criminal Justice Act 1988 in respect of any conduct of the person relating to a curved sword, and
- (b) a person charged with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 in respect of any conduct of the person relating to a curved sword.

**Clause 46 - continued**

- (2) It is a defence for the person to show that the person's conduct was for the purpose only of making the sword available for presentation by a Sikh to another person at a religious ceremony or other ceremonial event.
- (3) It is a defence for a person charged with an offence under section 141(1) of the Criminal Justice Act 1988 of giving a curved sword to another person to show that the person's conduct consisted of the presentation of the sword by a Sikh to another person at a religious ceremony or other ceremonial event.
- (4) It is a defence for a person charged with an offence under section 141(1A) of the Criminal Justice Act 1988 of possession of a curved sword in private to show that—
- (a) the person was a Sikh at the time the offence is alleged to have been committed and possessed the sword for the purpose only of presenting it to another person at a religious ceremony or other ceremonial event, or
  - (b) the sword was presented to the person by a Sikh at a religious ceremony or other ceremonial event.
- (5) In this paragraph—  
 “curved sword” means a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r);  
 “Sikh” means a follower of the Sikh religion.”

(7B) In paragraph 6, for “and 5A” substitute “, 5A and 5B”.

**Member's explanatory statement**

*See the explanation of the Minister's amendment at page 43, line 3.*

Page 43, line 44, leave out “(7)” and insert “(7B)”

**Member's explanatory statement**

*See the explanation of the Minister's amendment at page 43, line 3.*

**Clause 47**

## BARONESS WILLIAMS OF TRAFFORD

Page 44, line 20, after “45” insert “(by itself or in combination with section 46)”

**Member's explanatory statement**

*This amendment and the Minister's other amendments to this Clause and Clause 48 would ensure that the provisions for surrender and compensation in this Clause and Clause 48 cover weapons which are brought within section 141 of the Criminal Justice Act 1988 by virtue of Clause 46(2), (3) or (10).*

Page 44, line 25, after “45” insert “(by itself or in combination with section 46)”

**Member's explanatory statement**

*See the explanation of the Minister's amendment at page 44, line 20.*

Page 44, line 31, after “45” insert “(by itself or in combination with section 46)”

***Member’s explanatory statement***

*See the explanation of the Minister’s amendment at page 44, line 20.*

**Clause 48**

BARONESS WILLIAMS OF TRAFFORD

Page 45, line 20, after “45” insert “(by itself or in combination with section 46)”

***Member’s explanatory statement***

*See the explanation of the Minister’s amendment at page 44, line 20.*

Page 45, line 21, leave out “20th June 2018” and insert “the relevant date”

***Member’s explanatory statement***

*See the explanation of the Minister’s amendment at page 44, line 20.*

Page 45, line 23, leave out “20th June 2018” and insert “the relevant date”

***Member’s explanatory statement***

*See the explanation of the Minister’s amendment at page 44, line 20.*

Page 45, line 37, at end insert –

“(12) In this section “the relevant date” –

- (a) in relation to a weapon to which section 141 of the Criminal Justice Act 1988 is to apply by virtue of section 46(3) or (10) of this Act, means 22nd January 2019;
- (b) in any other case, means 20th June 2018.”

***Member’s explanatory statement***

*See the explanation of the Minister’s amendment at page 44, line 20.*

**Clause 68**

BARONESS WILLIAMS OF TRAFFORD

Page 59, line 27, after “(7)” insert “and (14A)”

***Member’s explanatory statement***

*This amendment is consequential on the Minister’s amendment at page 42, line 19.*

Page 59, line 28, after “(7)” insert “and (14A)”

***Member’s explanatory statement***

*This amendment is consequential on the Minister’s amendment at page 42, line 19.*

Page 60, line 19, leave out “(7)” and insert “(7B)”

**Member's explanatory statement**

*This amendment is consequential on the Minister's amendment at page 43, line 43.*

**Clause 69**

## BARONESS WILLIAMS OF TRAFFORD

Page 61, line 42, leave out “to 46” and insert “and 45”

**Member's explanatory statement**

*This amendment and the Minister's second amendment at page 61, line 42 would mean that the Department of Justice in Northern Ireland could bring Clause 46 into force only so far as it does not make provision about the unlawful importation of weapons.*

Page 61, line 42, at end insert –

“(ha) section 46 except so far as it makes provision in relation to a defence for a person charged with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979;”

**Member's explanatory statement**

*See the explanation of the Minister's first amendment at page 61, line 42.*

Page 61, line 42, at end insert –

“(hb) sections 47 and 48 so far as they confer functions on the Department of Justice in Northern Ireland or the Chief Constable of the Police Service of Northern Ireland;”

**Member's explanatory statement**

*This amendment and the Minister's amendment at page 62, line 6 would provide for the Department of Justice to bring Clauses 47 and 48 into force so far as they confer functions on the Department or the Chief Constable of the Police Service of Northern Ireland.*

Page 62, line 6, after “48” insert “except so far as they confer functions on the Department of Justice in Northern Ireland or the Chief Constable of the Police Service of Northern Ireland”

**Member's explanatory statement**

*See the explanation of the Minister's third amendment at page 61, line 42.*

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*14 March 2019*

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