

Offensive Weapons Bill

COMMONS AMENDMENTS IN LIEU OF LORDS AMENDMENTS, AND COMMONS AMENDMENTS TO LORDS AMENDMENTS

[The page and line refer to HL Bill 149, the bill as first printed for the Lords]

Clause 17

LORDS AMENDMENTS 27 AND 28

- 27 Page 17, line 22, at end insert—
“(aa) the delivery is not made by a trusted courier of bladed products,
and”
- 28 Page 17, line 27, at end insert—
“() The Secretary of State may by regulations determine the conditions of
being designated a trusted courier of bladed products in England and
Wales for the purposes of section 17(1)(aa).
() Scottish Ministers may by regulations determine the conditions of being
designated a trusted courier of bladed products in Scotland for the
purposes of section 17(1)(aa).
() The Department of Justice in Northern Ireland may by regulations
determine the conditions of being designated a trusted courier of bladed
products in Northern Ireland for the purposes of section 17(1)(aa).”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendments 27 and 28 and propose Amendments 27A to
27K in lieu –*

After Clause 17

27A Page 18, line 10, at end insert the following new Clause –

“Delivery of bladed products to persons under 18

- (1) This section applies if –
 - (a) a person (“the seller”) sells a bladed product to another person (“the buyer”),
 - (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is within the United Kingdom at that time,
 - (c) before the sale, the seller entered into an arrangement with a person who is a body corporate by which the person agreed to deliver bladed products for the seller,
 - (d) that person was aware when they entered into the arrangement that it covered the delivery of bladed products, and
 - (e) that person delivers the bladed product to residential premises pursuant to that arrangement.
- (2) For the purposes of subsection (1)(b) a person (“A”) is not in the presence of another person (“B”) at any time if –
 - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
 - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) For the purposes of subsection (1)(b) a person other than an individual is within the United Kingdom at any time if the person carries on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (4) In subsection (1)(e) “residential premises” means premises used solely for residential purposes.
- (5) The circumstances where premises are not residential premises for the purposes of subsection (1)(e) include, in particular, where a person carries on a business from the premises.
- (6) The person mentioned in subsection (1)(e) commits an offence if, when they deliver the bladed product, they do not deliver it into the hands of a person aged 18 or over.
- (7) A person guilty of an offence under subsection (6) is liable –
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (8) This section is subject to section 18 (defences).”

Clause 18

27B Page 18, line 14, at end insert—

- “(1A) It is a defence for a person (“the seller”) charged with an offence under section 17(2) of delivering a bladed product to residential premises to prove that—
- (a) at the time the offence is alleged to have been committed, the seller had procedures in place which were likely to ensure that any bladed product delivered by the seller to residential premises would be delivered into the hands of a person aged 18 or over, and
 - (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product to which the charge relates would be delivered into the hands of a person aged 18 or over.
- (1B) It is a defence for a person (“the seller”) charged with an offence under section 17(2) of arranging for the delivery of a bladed product to residential premises to prove that—
- (a) the arrangement required the person with whom it was made to have procedures in place which were likely to ensure that any bladed products delivered to residential premises pursuant to the arrangement would be delivered into the hands of a person aged 18 or over, and
 - (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product to which the charge relates would be delivered into the hands of a person aged 18 or over.”

27C Page 18, line 26, at end insert—

- “(4A) It is a defence for a person charged in England and Wales or Northern Ireland with an offence under section (*Delivery of bladed products to persons under 18*) to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (4B) It is a defence for a person (“the accused”) charged in Scotland with an offence under section (*Delivery of bladed products to persons under 18*) to show that—
- (a) the accused believed the person into whose hands the bladed product was delivered to be aged 18 or over, and
 - (b) either the accused 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.
- (4C) For the purposes of subsection (4B)(b), the accused is to be treated as having taken reasonable steps to establish the person’s age if and only if—
- (a) the accused was shown any of the documents mentioned in subsection (4D), and
 - (b) the document would have convinced a reasonable person.
- (4D) Those documents are any document bearing 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.”

27D Page 18, line 29, leave out from “(6)” to “if” in line 30 and insert “A person is to be taken to have shown a matter for the purposes of subsection (4B) or (5)”

27E Page 18, line 35, leave out “the offence under section 17” and insert “an offence under section 17 or (*Delivery of bladed products to persons under 18*)”

27F Page 18, line 45, at end insert –
 ““residential premises” has the same meaning as in section 17.”

Clause 19

27G Page 19, line 7, leave out “and” and insert “to”

27H Page 19, line 12, leave out first “and” and insert “to”

27I Page 19, line 18, leave out “and” and insert “to”

27J Page 19, line 26, leave out “and” and insert “to”

Clause 41

27K Page 38, line 31, after “4(8)(c)” insert “, 18(4D)(c)”

After Clause 39

LORDS AMENDMENT 62

62 Insert the following new Clause –

“Enforcement of offences relating to sale etc of offensive weapons

- (1) A local weights and measures authority may enforce within its area a provision listed in subsection (2).
- (2) The provisions mentioned in subsection (1) are –
 - (a) section 1(1) of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons),
 - (b) section 1 of the Crossbows Act 1987 (sale etc of crossbows to persons under 18),
 - (c) section 141(1) of the Criminal Justice Act 1988 (offensive weapons),
 - (d) section 141A of that Act (sale etc of bladed articles to persons under 18),
 - (e) section 1 of the Knives Act 1997 (unlawful marketing of knives),
 - (f) section 2 of that Act (publication of unlawful marketing material relating to knives),
 - (g) section 1 of this Act (sale of corrosive products to persons under 18),
 - (h) section 3 of this Act (delivery of corrosive products to residential premises etc),
 - (i) section 4 of this Act (delivery of corrosive products to persons under 18),
 - (j) section 17 of this Act (delivery of bladed products to residential premises etc), and
 - (k) section 20 of this Act (delivery of bladed articles to persons under 18).
- (3) For the investigatory powers available to a local weights and measures authority for the purposes of enforcing a provision listed in subsection (2), see Schedule 5 to the Consumer Rights Act 2015.

- (4) Nothing in this section is to be construed as authorising a local weights and measures authority to bring proceedings in Scotland for an offence.
- (5) In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate place insert “section (*Enforcement of offences relating to sale etc of offensive weapons*) of the Offensive Weapons Act 2019.””

COMMONS AGREEMENT AND AMENDMENT TO THE LORDS AMENDMENT

The Commons agree with the Lords in their Amendment 62 and propose Amendment 62A as an amendment thereto –

- 62A Line 22, after “etc),” insert –
 “(ja) section (*Delivery of bladed products to persons under 18*) of this Act (delivery of bladed products to persons under 18),”

LORDS AMENDMENT 63

- 63 Insert the following new Clause –
“Application of Regulatory Enforcement and Sanctions Act 2008
 In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (relevant enactments for the purposes of relevant functions to which Parts 1 and 2 of that Act apply) at the appropriate places insert –
 “Criminal Justice Act 1988, sections 141(1) and 141A”;
 “Offensive Weapons Act 2019, sections 1, 3, 4, 17 and 20”;
 “Restriction of Offensive Weapons Act 1959, section 1(1).”

COMMONS AGREEMENT AND AMENDMENT TO THE LORDS AMENDMENT

The Commons agree with the Lords in their Amendment 63 and propose Amendment 63A as an amendment thereto-

- 63A Line 7, after “17” insert “, (*Delivery of bladed products to persons under 18*)”

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27th March 2019

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS