

**Memorandum for Public Bill Committee on the application of Standing Order No. 83L of the Standing Orders of the House of Commons relating to Public Business to the Offensive Weapons Bill as amended**

***Commons Report Stage Amendments***

The following is the Department's assessment of the Bill and amendments to the Bill made at Commons Report Stage. Clauses references are to the Bill as amended at Public Bill Committee.

Summary

Taking into account the Government amendments tabled for Commons Report Stage, in the view of the Government of the UK, clauses 8 to 10, 14, 28 and 29 of the Bill, New Clauses NC16 and NC 17 relate exclusively to England and Wales and would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly. Clauses 1, 2, 3, 4, 6, 13, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30 and 32 to 42 and Schedules 1 and 2 continue to apply, in whole or in part, to Scotland and Northern Ireland as well as to England and Wales.

The above assessment is presented in tabular form below.

## Territorial Extent and application in the United Kingdom

Provision	Extends to E&W and applies to England?	Extends to E&W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within competence of the National Assembly of Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clause 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 2	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 5	No	No	Yes	No	N/A	N/A	N/A	Yes (S)
Clause 6	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)(NI)
Clause 7	No	No	Yes	No	N/A	N/A	N/A	Yes (S)
Clause 8	Yes	Yes	No	No	No	Yes	Yes	No
Clause 9	Yes	Yes	No	No	No	Yes	Yes	No
Clause 10	Yes	Yes	No	No	No	Yes	Yes	No
Clause 11	No	No	Yes	No	N/A	N/A	N/A	Yes (S)
Clause 12	No	No	No	Yes	N/A	N/A	N/A	Yes (NI)
Clause 13	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 14	Yes	Yes	No	No	No	Yes	Yes	No
Clause 15	In part	In part	Yes	In part	N/A	N/A	N/A	Yes (S)
Clause 16	No	No	No	Yes	N/A	N/A	N/A	Yes (NI)
Clause 17	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)(NI)
Clause 18	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)(NI)
Clause 19	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)(NI)
Clause 20	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)(NI)
Clause 21	In part	In part	In part	In part	N/A	N/A	N/A	Yes(S)(NI)
Clause 22	In part	In part	In part	In part	N/A	N/A	N/A	Yes(S)(NI)
Clause 23	Yes	Yes	No	Yes	N/A	N/A	N/A	Yes (NI)
Clause 24	In part	In part	In part	In part	N/A	N/A	N/A	Yes(S)(NI)
Clause 25	In part	In part	In part	In part	N/A	N/A	N/A	Yes(S)(NI)
Clause 26	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)(NI)
Clause 27	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes(S)(NI)
Clause 28	Yes	Yes	No	No	No	Yes	Yes	No
Clause 29	Yes	Yes	No	No	No	Yes	Yes	No
Clause 30	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 31	No	No	No	Yes	N/A	N/A	N/A	No
Clause 32	In part	In part	In part	In part	N/A	N/A	N/A	Yes (S)
Clause 33	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 34	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 35	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 36	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 37	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 38	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 39	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 40	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 41	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 42	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

New Clause NC16	Yes	Yes	No	No	No	Yes	Yes	No
New Clause NC17	Yes	Yes	No	No	No	Yes	Yes	No
Schedule 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Schedule 2	In part	In part	In part	In part	N/A	N/A	N/A	No

### Territorial Application

Changes to territorial application: Government New Clauses NC16 and NC17 tabled at Commons Report stage, in the view of the Government of the United Kingdom, relate exclusively to England and Wales. The amendment to Clause 13 will add a consequential amendment to the Criminal Procedure (Scotland) Act 1995. As a result, Clause 13 will no longer relate exclusively to England and Wales. It will also extend to and have territorial application in Scotland. However clause 13 will no longer relate exclusively to England and Wales.

### Minor or consequential effects<sup>1</sup>

There are no minor or consequential provisions in the Bill that apply to England and Wales and have effects outside England and Wales.

### Subject matter and legislative competence of devolved legislatures

New Clause NC16 makes provision for and in connection with a new offence of threatening another person with an offensive weapon, bladed article or corrosive substance in a private place in relation to England and Wales only. New Clause NC17 confers a power on the police enabling a constable to search school or further education premises in England or Wales or any person on them for a corrosive substance where the constable has reasonable grounds for suspecting that the offence in New Clause NC16 in relation to corrosives is being or has been committed on those premises. Criminal justice matters are generally devolved in Scotland and Northern Ireland and the Government considers that provision corresponding to these clauses could be made by the Scottish Parliament and the Northern Ireland Assembly. The amendment made to clause 13, which amends Schedule 9 to the Criminal Procedure (Scotland) Act 1995, relates to England and Wales and the

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<sup>1</sup> References in this statement to an effect of a provision being minor or consequential are to its being minor or consequential for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

Government considers that provision corresponding to this amendment could be made by the Scottish Parliament and the Northern Ireland Assembly.

Amendment 25 amends clause 40 to include the extent of New Clause NC16 and New Clause NC17.