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21 January 2019

Dear Ray,

**OFFENSIVE WEAPONS BILL: GOVERNMENT AMENDMENTS FOR LORDS
COMMITTEE STAGE**

I am writing to let you have details of the attached Government amendments for Committee stage which I have tabled today. These amendments would, in particular: (a) close a loophole in section 141A of the Criminal Justice Act 1988 which allows for the sale of prohibited items to a person aged under 18; (b) add cyclone knives to the list of prohibited items under section 141 of the Criminal Justice Act 1988; and (c) extend the primary authority scheme and the enforcement powers of local authorities.

Sale of bladed articles to persons under 18 (new clause and amendments to clauses 19, 42 and 43)

Under section 141A of the Criminal Justice Act 1988 (the 1988 Act) it is an offence to sell articles with a blade or point to a person under 18. However, section 141A does not apply to offensive weapons listed under section 141 of the 1988 Act (which makes it an offence to manufacture, sell etc an offensive weapon to which that section applies). There is equivalent provision in Northern Ireland legislation.

Although the sale of weapons covered by section 141 is prohibited, the large number of exemptions and defences that apply to section 141 mean that it is possible that some of the weapons could be lawfully sold (for example, if they are over 100 years old or they are swords made before 1954 or by traditional methods) to a person under 18. New clause "Sale etc of bladed articles to persons under 18" would close this loophole so that the sale of all section 141 weapons to a person under 18 is against the law. In addition, this new clause would prohibit the delivery of all section 141 weapons when bought online to residential premises or a locker.

Prohibition of "cyclone knives" (amendments to clause 25 and 42)

These amendments would add so called cyclone knives to the list of prohibited items covered by section 141 of the 1988 Act. This will mean that they cannot be sold, manufactured, imported or possessed in private. These knives have two or more sharpened helicoidal cutting edges along the length of the blade (see attached illustration) and are capable of causing very serious injury if used as a weapon. Indeed, cyclone knives are designed and manufactured in a way that has no purpose other than to cause injury. We have not been able to identify any legitimate alternative uses for such knives. The way they are marketed in the USA is purely in terms of their ability to inflict significant damage to individuals – to cause maximum injury. The Government believes there is no reason why these weapons should be on sale.

Enforcement powers for local authorities / Primary Authority (new clauses "Enforcement of offences relating to sale etc of offensive weapons" and "Application of Regulatory Enforcement and Sanctions Act 2008" and amendments to clauses 39 and 42)

The Bill will bring in new restrictions on the sale and delivery of corrosive substances and bladed articles. In order to ensure that these provisions will be enforced effectively we believe that it is important to ensure that trading standards officers, as well as the police, have the necessary enforcement powers.

New clause "*Enforcement of offences relating to sale etc of offensive weapons*" would confer on trading standards officers the investigatory powers in Schedule 5 to the Consumer Rights Act 2005 for the purposes of enforcing various existing and new offences (as provided for in the Bill) relating to offensive weapons. Such powers would, for example, enable officers to request evidence such as access to records and documents of internal test purchase operations and request evidence that staff have been adequately trained in relation to the legislation. A similar amendment was tabled by Stephen Timms MP at Commons Report stage and I note that Lord Tunnicliffe has also tabled like amendments for Committee.

Primary Authority is a BEIS scheme which provides greater regulatory consistency and certainty for businesses operating across a number of local authority areas. The scheme is based on the creation of a statutory partnership between a business and its Primary Authority. Primary Authorities act as coordinators of other local authority inspections of that business. The scheme has been received positively and it has had widespread uptake and support from businesses, professional bodies and local authorities.

The Government has previously given a commitment as part of the voluntary agreement on the sale of knives to business that we would consider extending the Primary Authority Scheme to the sale of knives. New clause "*Application of Regulatory Enforcement and Sanctions Act 2008*" extends the scheme to cover both the sale and delivery of offensive weapons and corrosive substances. The effect of the Government's new clause is similar in kind to your new clause "*Local authority partnerships*".

I am copying this letter to all Peers who spoke at Second Reading, Lord Rosser, Louise Haigh MP, Stephen Timms MP and Stuart McDonald MP; I am also placing a copy of the letter and amendments in the library of the House.

A handwritten signature in black ink, appearing to read "Susan". The signature is written in a cursive style with a large, looping initial 'S'.

Baroness Williams of Trafford

