

Draft Order laid before Parliament under section [41] of the Offensive Weapons Act 2019, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

COMPENSATION

**The Surrender of Offensive Weapons (Compensation)
Regulations 2019**

<i>Made</i>	- - - -	***
<i>Coming into force</i>	- -	***

These Regulations are made by the Secretary of State in exercise of the powers conferred by sections [27, 36, 37, 38 and 41(8)] of the Offensive Weapons Act 2019^(a).

In accordance with section [41(2)] of the Offensive Weapons Act 2019 a draft of these Regulations has been laid before and approved by a Resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Surrender of Offensive Weapons (Compensation) Regulations 2019 and come into force on the day after the day on which they are made.

(2) Parts 1 and 3 of these Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) Part 2 of these Regulations extends to England and Wales.

(4) In these Regulations—

“the Act” means the Offensive Weapons Act 2019;

“the required period” means the period of six months beginning with the day on which these Regulations come into force.

PART 2

Compensation for surrendered offensive weapons: England and Wales

Eligibility for compensation

2.—(1) Compensation is payable in accordance with this Part for offensive weapons surrendered in accordance with arrangements made under section [26] (surrender of prohibited offensive weapons) of the Act.

(2) Compensation may be claimed by a person—

- (a) making a claim in respect of a weapon, possession of which will become unlawful by virtue of—
 - (i) section [22] (prohibition on the possession of certain dangerous knives) of the Act (by itself or in combination with section [21] (amendments to the definition of “flick-knife”) of the Act, or
 - (ii) section [24] (prohibition on the possession of offensive weapons) of the Act;
- (b) who—
 - (i) owned the weapon on 20th June 2018, or
 - (ii) on or before 20th June 2018 had contracted to acquire the weapon;
- (c) who has surrendered the weapon in accordance with arrangements made under section [26(1)] (surrender of prohibited offensive weapons) of the Act within the required period to a police station in England or Wales designated under section [26(4)] of the Act as suitable for the receipt of the weapon being surrendered; and
- (d) who provides documentary evidence that the person is the legal owner of the weapon and that it was lawfully acquired.

Receipt for surrender of weapons

3.—(1) A police officer receiving a weapon must, if satisfied that the criteria in regulation 2(2) have been met, issue to the person surrendering the weapon—

- (a) a receipt; and
- (b) a claim form to be submitted to the Secretary of State to claim compensation.

(2) The receipt under paragraph (1)(a) must identify the description of the weapon by reference to the descriptions of weapon in paragraph 1 of the Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988(a).

(3) Weapons surrendered under this Part must be retained at the police station to which they were surrendered until such time as any claim for compensation under the Act has been determined.

Claims

4.—(1) A person who has surrendered a weapon under this Part with a value in excess of £30 may make a claim to the Secretary of State on the form provided to that person under regulation 3(1).

(2) A claim must be submitted within the period of 28 days beginning with the date on which the weapon was surrendered.

(3) A claim must be accompanied by—

- (a) the receipt issued under regulation 3(1); and
- (b) sufficient evidence of valuation of the weapon.

(4) Evidence of valuation may include—

- (a) a valuation from an auction house;

(a) S.I. 1988/2019.

- (b) a valuation obtained for the purposes of insurance; or
- (c) evidence of the price paid for the purchase of the item.

(5) If not satisfied that the evidence of valuation supplied is sufficient to enable a determination of the claim to be made, the Secretary of State may request additional evidence to be supplied.

Determination and payment of claims

5.—(1) The Secretary of State must determine a claim made under regulation 4 as soon as reasonably practicable.

(2) The amount of compensation payable for a weapon is to be determined by the Secretary of State taking account of the valuation evidence supplied.

(3) If satisfied that compensation is payable under this Part, the Secretary of State must—

- (a) notify the claimant in writing of the amount of compensation that the Secretary of State considers is payable and give reasons for the decision; and
- (b) make payment of the sum determined into the bank account nominated for this purpose on the claim form submitted by the claimant.

(4) If not satisfied that compensation is payable under this Part, the Secretary of State must notify the claimant in writing that no compensation is to be paid and give reasons for the decision.

PART 3

Compensation for surrendered firearms etc: United Kingdom

Eligibility for compensation

6.—(1) Compensation is payable in accordance with this Part for firearms and ancillary equipment surrendered in accordance with arrangements made under section [35] (surrender of prohibited firearms etc) of the Act.

(2) Compensation in respect of firearms other than bump stocks may be claimed by a person in respect of a firearm, possession of which will become unlawful by virtue of section [32] (prohibition of certain firearms etc: England and Wales and Scotland) or [33] (prohibition of certain firearms etc: Northern Ireland) of the Act—

- (a) who—
 - (i) had and was entitled to have the firearm in their possession on or immediately before 20th June 2018 by virtue of a firearm certificate held by them or by virtue of being a registered firearm dealer; or
 - (ii) on or before 20th June 2018, had contracted to acquire the firearm, and was entitled to have the firearm in their possession after that date by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer; and
- (b) who has surrendered the firearm in accordance with arrangements made under section [35](1) (surrender of prohibited firearms etc) of the Act within the required period to a police station designated under section [35](2) or (3) of the Act as suitable for the receipt of the firearm being surrendered.

(3) Compensation in respect of firearms which are bump stocks may be claimed by a person in respect of the firearm, possession of which will become unlawful by virtue of section [32] or [33] of the Act—

- (a) who—
 - (i) had the firearm in their possession on or immediately before 20th June 2018; or
 - (ii) on or before 20th June 2018 had contracted to acquire the firearm;
- (b) who had not imported the firearm into the United Kingdom on or after 4th December 2017; and

- (c) who has surrendered the firearm in accordance with arrangements made under section [35](1) of the Act within the required period to a police station designated under section [35](2) or (3) of the Act as suitable for the receipt of the firearm being surrendered.

(4) Compensation in respect of ancillary equipment may be claimed by a person in respect of ancillary equipment which is designed or adapted for use in connection with firearms prohibited by virtue of section [32] or [33] of the Act and which has no practicable use in connection with any firearm which is not a prohibited weapon—

- (a) who—
 - (i) had the ancillary equipment in their possession on or immediately before 20th June 2018, or
 - (ii) after that date had it in their possession by virtue of a contract entered into on or before that date;
- (b) where the claim is in respect of ancillary equipment which is ammunition, the possession of that ammunition by that person was at all times lawful by virtue of a firearms certificate held by them, or by virtue of being a registered firearms dealer;
- (c) who has surrendered the ancillary equipment in accordance with arrangements made under section [35](1) of the Act within the required period to a police station designated under section [35](2) or (3) of the Act as suitable for the receipt of the ancillary equipment being surrendered; and
- (d) who provides documentary evidence to show—
 - (i) that the person is the legal owner of the ancillary equipment; and
 - (ii) that the ancillary equipment was lawfully acquired.

Receipt for surrender of firearms etc

7.—(1) A police officer receiving the firearm or ancillary equipment must, if satisfied that the requirements of regulation 6 are satisfied, issue to the person surrendering the firearm or ancillary equipment

- (a) a receipt; and
- (b) a claim form to be submitted to the Secretary of State to claim compensation.

(2) The receipt issued under paragraph (1) must contain a description of the surrendered firearm.

(3) Subject to paragraph (4), firearms and ancillary equipment surrendered under this Part must be retained at the police station to which they were surrendered until such time as any claim for compensation under the Act has been determined.

(4) Ancillary equipment which is ammunition may be disposed of immediately after surrender.

Claims

8.—(1) A person who has surrendered a firearm or ancillary equipment under this Part may make a claim to the Secretary of State on the form provided to that person under regulation 7(1).

(2) A claim must be submitted within the period of 28 days beginning with the date on which the firearm or ancillary equipment was surrendered.

(3) A claim in respect of a firearm must be accompanied by—

- (a) the receipt issued under regulation 7(1), and
- (b) sufficient evidence of valuation of the firearm.

(4) Evidence of valuation may include—

- (a) a valuation from a registered firearms dealer;
- (b) a valuation from an auction house;
- (c) a valuation obtained for the purposes of insurance; or
- (d) evidence of the price paid for the purchase of the firearm.

(5) If not satisfied that the evidence of valuation supplied is sufficient to enable a determination of the claim to be made, the Secretary of State may request additional evidence to be supplied.

(6) A claim in respect of ancillary equipment must be accompanied by—

- (a) the receipt issued under regulation 7(1);
- (b) the reasons why the claimant considers that the ancillary equipment meets the definition in section [38](2) (payments in respect of ancillary equipment) of the Act; and
- (c) sufficient evidence of valuation of the ancillary equipment.

(7) Evidence of valuation may include—

- (a) a valuation from a registered firearms dealer;
- (b) a valuation from an auction house;
- (c) a valuation obtained for the purposes of insurance; or
- (d) evidence of the price paid for the purchase of the ancillary equipment.

(8) If not satisfied that items meet the definition of ancillary equipment in section [38](2) of the Act, or that the evidence of valuation supplied is sufficient to enable a determination of the claim to be made, the Secretary of State may request additional evidence to be supplied.

Determination and Payment of Claims

9.—(1) The Secretary of State must determine a claim made under regulation 8 as soon as reasonably practicable.

(2) The amount of compensation payable in respect of a firearm and in respect of ancillary equipment, is to be determined by the Secretary of State taking account of the valuation evidence supplied.

(3) If satisfied that compensation is payable under this Part, the Secretary of State must—

- (a) notify the claimant in writing of the amount of compensation that the Secretary of State considers is payable and give reasons for the decision; and
- (b) make payment of the sum determined into the bank account nominated for this purpose on the claim form submitted by the claimant.

(4) If not satisfied that compensation is payable under this Part, the Secretary of State must notify the claimant in writing that no compensation is to be paid and give reasons for the decision.

Name
Parliamentary Under Secretary of State
Home Office