



Lord Kennedy of Southwark
House of Lords
London
SW1A 0PW

20 February 2019

Lord Kennedy

OFFENSIVE WEAPONS BILL: FURTHER GOVERNMENT AMENDMENTS FOR LORDS REPORT STAGE

I am writing to let you have details of a second tranche of Government amendments for Report stage which I have tabled today to provide for Knife Crime Prevention Orders (KCPOs).

Due to the requirement for any amendments made in Grand Committee to have unanimous support, it was with regret that I had to withdraw at that stage the Government amendments providing for KCPOs. I indicated then that the Government would re-table the amendments for Report which I have now done. The amendments are in the same form as those tabled for Committee stage.

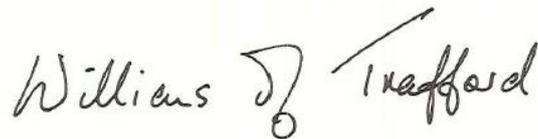
We have reflected carefully on the debate in Committee but remain of the view that the approach set out in original amendments is the right one.

I know that there are concerns that these new orders could unnecessarily criminalise young people. We know that some young people carry knives, some from a very early age and this is why we need these orders to reach these young people. But our clear intention is that KCPOs will be preventative rather than punitive in nature, enabling the police and their partners to address the underlying issues that feed into violence, and provide the help and support these young people need in order to turn their backs on knives. That is why we are setting the minimum age for these orders at 12 years of age. The Orders will last for a maximum of two years, with the court required to review an order after 12 months, with more frequent reviews the younger the recipient.

Following the debate in Committee, we have reflected on the view that breach of a KCPO made on application should be punishable as a contempt of court rather than as a criminal offence. As I said in Committee, KCPOs will be issued to individuals with a history of carrying a knife, many of whom will be habitual knife carriers. We are clear that these

orders will not be effective if those subject to an order do not see that breaching the order has serious consequences; this must include the possibility of a criminal prosecution and a custodial sentence on conviction (albeit that it will be for the courts to determine the appropriate penalty in any given case, which may include a community sentence). Other civil orders of this kind adopt the same approach, including sexual risk orders and serious crime prevention orders but in both cases these orders have a longer duration and higher maximum penalties for breach. This is also true of the new stalking protection orders provided for in Baroness Bertin's Stalking Protection Bill which was welcomed on all sides of the House when it had its Second Reading as recently as 18 January.

I am copying this letter to all Peers who spoke at Second Reading, Lord Rosser, Lord Craigavon, Baroness Bertin, Yvette Cooper MP (Chair, Home Affairs Select Committee), Harriet Harman MP (Chair, Joint Committee on Human Rights), Lord Blencathra (Chair, Delegated Powers and Regulatory Reform Committee), Louise Haigh MP, Vernon Coaker MP and Stuart McDonald MP; I am also placing a copy of the letter and amendments in the library of both Houses.

A handwritten signature in black ink that reads "Williams of Trafford". The signature is written in a cursive style with a large, stylized 'W' and 'T'.

Baroness Williams of Trafford