

Offensive Weapons Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

BARONESS WILLIAMS OF TRAFFORD

1 Page 2, line 29, at beginning insert “Subject to subsection (13A),”

Member’s explanatory statement

This amendment and the Minister’s amendment at page 2, line 41 would exclude batteries from the offences in clauses 1 to 4 relating to the sale or delivery of corrosive products.

2 Page 2, line 36, at end insert –

“(12A) Before making regulations under subsection (12) the appropriate national authority must consult such persons likely to be affected by the regulations as the authority considers appropriate.”

Member’s explanatory statement

This amendment would require the appropriate national authority to consult before making regulations under clause 1(12) which amend the list of corrosive products in Schedule 1 to the Bill.

3 Page 2, line 37, leave out “subsection (12)” and insert “this section”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 2, line 36.

4 Page 2, line 41, at end insert –

“(13A) References to a corrosive product in this section and sections 2 to 4 do not include a substance or product which is contained in a battery.”

Member’s explanatory statement

See the explanation of the Minister’s amendment at page 2, line 29.

Clause 9

BARONESS WILLIAMS OF TRAFFORD

5 Page 10, line 42, at end insert—

“(5) In this section—

(a) in subsection (1)—

(i) in paragraph (b), for “Scotland, Northern Ireland or a member State other than the United Kingdom” substitute “Scotland or Northern Ireland”,

(ii) at the end of paragraph (c) insert “or”, and

(iii) omit paragraph (e) and the “or” preceding that paragraph, and

(b) in subsection (3)—

(i) for the definition of “civilian offence” substitute—

““civilian offence” means an offence other than an offence under an enactment mentioned in subsection (1)(c) or (d);”,

(ii) in the definition of “conviction”, in paragraph (b) omit “and a member State service offence”, and

(iii) omit the definition of “member State service offence”.”

Member’s explanatory statement

This amendment would provide for clause 9 to be amended to take account of the United Kingdom’s exit from the European Union.

Clause 28

BARONESS WILLIAMS OF TRAFFORD

6 Page 30, line 38, leave out “such”

Member’s explanatory statement

This amendment would remove a surplus word from clause 28(11)(b).

7 Page 30, line 41, at end insert—

“(c) provision enabling a person to exercise a discretion in determining—

(i) whether to make a payment in response to a claim, and

(ii) the amount of such a payment.”

Member’s explanatory statement

This amendment would confirm that regulations under clause 28 providing for compensation for surrendered offensive weapons may allow a person determining an amount of compensation to exercise a discretion in doing so.

Clause 37

BARONESS WILLIAMS OF TRAFFORD

8 Page 36, line 38, leave out “such”

Member’s explanatory statement

This amendment would remove a surplus word from clause 37(8)(b).

9 Page 36, line 38, at end insert—

- “(c) provision enabling a person to exercise a discretion in determining—
- (i) whether to make a payment in response to a claim, and
 - (ii) the amount of such a payment.”

Member’s explanatory statement

This amendment would confirm that regulations under clause 37 providing for compensation for surrendered firearms may allow a person determining an amount of compensation to exercise a discretion in doing so.

Clause 38

BARONESS WILLIAMS OF TRAFFORD

10 Page 37, line 26, leave out “such”

Member’s explanatory statement

This amendment would remove a surplus word from clause 38(9)(b).

11 Page 37, line 26, at end insert—

- “(c) provision enabling a person to exercise a discretion in determining—
- (i) whether to make a payment in response to a claim, and
 - (ii) the amount of such a payment.”

Member’s explanatory statement

This amendment would confirm that regulations under clause 38 providing for compensation for surrendered bump stocks may allow a person determining an amount of compensation to exercise a discretion in doing so.

Clause 39

BARONESS WILLIAMS OF TRAFFORD

12 Page 38, line 23, leave out “such”

Member’s explanatory statement

This amendment would remove a surplus word from clause 39(7)(b).

13 Page 38, line 23, at end insert—

- “(c) provision enabling a person to exercise a discretion in determining—
- (i) whether to make a payment in response to a claim, and
 - (ii) the amount of such a payment.”

Member’s explanatory statement

This amendment would confirm that regulations under clause 39 providing for compensation for ancillary equipment which has been surrendered or disposed of may allow a person determining an amount of compensation to exercise a discretion in doing so.

Before Clause 43

BARONESS WILLIAMS OF TRAFFORD

14 Insert the following new Clause—**“Guidance on offences relating to offensive weapons etc**

- (1) The Secretary of State may from time to time issue guidance about—
 - (a) section 1 of the Prevention of Crime Act 1953 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse),
 - (b) section 1 of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons) as it has effect in relation to—
 - (i) England and Wales, or
 - (ii) the importation of a knife to which that section applies into any other part of the United Kingdom,
 - (c) section 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) as it has effect in relation to England and Wales,
 - (d) section 139A of that Act (offence of having article with blade or point (or offensive weapon) on educational premises) as it has effect in relation to England and Wales,
 - (e) section 141 of that Act (offensive weapons) as it has effect in relation to England and Wales,
 - (f) section 141A of that Act (sale of bladed articles to persons under 18) as it has effect in relation to England and Wales,
 - (g) section 141B of that Act (limitations on defence to offence under section 141A: England and Wales),
 - (h) any of sections 1 to 4 of this Act (sale and delivery of corrosive products) as they have effect in relation to England and Wales or Scotland,
 - (i) section 6 of this Act (offence of having a corrosive substance in a public place) as it has effect in relation to England and Wales, or
 - (j) any of sections 18 to 21 of this Act (sale and delivery of knives etc) as they have effect in relation to England and Wales.
- (2) The Scottish Ministers may from time to time issue guidance about—
 - (a) section 1 of the Restriction of Offensive Weapons Act 1959 as it has effect in relation to Scotland and other than in relation to the importation of a knife to which that section applies,
 - (b) section 141 of the Criminal Justice Act 1988 as it has effect in relation to Scotland,
 - (c) section 141A of that Act as it has effect in relation to Scotland,
 - (d) section 141C of that Act (defence to offence under section 141A where remote sale or letting on hire: Scotland),
 - (e) section 6 of this Act as it has effect in relation to Scotland, or
 - (f) any of sections 18 to 21 of this Act as they have effect in relation to Scotland.

- (3) The Department of Justice in Northern Ireland may from time to time issue guidance about—
 - (a) Article 22 of the Public Order (Northern Ireland) Order 1987 (SI 1987/463 (NI 7)) (carrying of offensive weapon in public place),
 - (b) section 139 of the Criminal Justice Act 1988 as it has effect in relation to Northern Ireland,
 - (c) section 139A of that Act as it has effect in relation to Northern Ireland,
 - (d) section 141 of that Act as it has effect in relation to Northern Ireland,
 - (e) Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (manufacture or sale of certain knives),
 - (f) Article 54 or 54A of that Order (sale of bladed articles to persons under 18),
 - (g) any of sections 1 to 4 of this Act as they have effect in relation to Northern Ireland,
 - (h) section 6 of this Act as it has effect in relation to Northern Ireland, or
 - (i) any of sections 18 to 21 of this Act as they have effect in relation to Northern Ireland.
- (4) A national authority who issues guidance under this section may from time to time revise it.
- (5) Subsection (6) applies if a national authority proposes to issue guidance under this section—
 - (a) on a matter on which the authority has not previously issued such guidance, or
 - (b) which the authority considers to be substantially different from guidance previously issued under this section.
- (6) Before the national authority issues the guidance, the authority must consult such persons likely to be affected by it as the authority considers appropriate.
- (7) A national authority must arrange for any guidance issued by the authority under this section to be published in such manner as the authority thinks appropriate.
- (8) This section does not permit a national authority to give guidance to a court or tribunal.
- (9) In this section “national authority” means—
 - (a) the Secretary of State,
 - (b) the Scottish Ministers, or
 - (c) the Department of Justice in Northern Ireland.
- (10) Until the coming into force of the repeal of section 141(4) of the Criminal Justice Act 1988 (ban on importation of weapons) by paragraph 119(2) of Schedule 7 to the Policing and Crime Act 2009, this section has effect as if—
 - (a) subsection (1)(e) referred to section 141 of the Criminal Justice Act 1988 as it has effect in relation to—
 - (i) England and Wales, or
 - (ii) the importation of a weapon to which that section applies into any other part of the United Kingdom;

- (b) subsection (2)(b) referred to that section as it has effect in relation to Scotland and other than in relation to the importation of a weapon to which that section applies, and
- (c) subsection (3)(d) referred to that section as it has effect in relation to Northern Ireland and other than in relation to the importation of a weapon to which that section applies.”

Member’s explanatory statement

This amendment would permit the Secretary of State, the Scottish Ministers or the Department of Justice in Northern Ireland to issue guidance about the operation of offences relating to offensive weapons.

Clause 45

BARONESS WILLIAMS OF TRAFFORD

15 Page 41, line 12, at end insert –

“(la) section (*Guidance on offences relating to offensive weapons etc*);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new clause before clause 43.

Clause 46

BARONESS WILLIAMS OF TRAFFORD

16 Page 43, line 4, at end insert –

“(i) section (*Guidance on offences relating to offensive weapons etc*) so far as it confers functions on the Scottish Ministers.”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new clause before clause 43.

17 Page 43, line 15, at end insert –

“(ha) section (*Guidance on offences relating to offensive weapons etc*) so far as it confers functions on the Department of Justice in Northern Ireland.”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to insert a new clause before clause 43.