

OFFENSIVE WEAPONS BILL: MEMORANDUM ON THE APPLICATION OF STANDING ORDER 830 OF THE STANDING ORDERS OF THE HOUSE OF COMMONS IN RESPECT OF THE LORDS AMENDMENTS TO THE BILL

Summary

1. The following is the Department's assessment of the application of Standing Order 830 (of the Standing Orders of the House of Commons relating to public business) in respect of the Lords amendments.

Amendments to clauses included in the Bill as brought from the House of Commons

2. The Lords amendments to existing clauses of the Bill as brought forward from the House of Commons (HL Bill 149) would extend and apply as follows:
 - Lords amendments 1 to 4 to clause 1 would extend and apply to the whole of the United Kingdom;
 - Lords amendment 27 and 28 would extend and apply to the whole of the United Kingdom;
 - Lords amendment 5 to clause 9 would extend and apply to England and Wales;
 - Lords amendments 29 to 34 to clause 19 would extend and apply to the whole of the United Kingdom;
 - Lords amendment 35 to clause 24 would extend and apply to the whole of the United Kingdom.
 - Lords amendments 36 to 39 to clause 25 would extend and apply to England and Wales and Northern Ireland;
 - Lords amendments 40 to 42 to clause 25 would extend and apply to Scotland;
 - Lords Amendment 43-45 to clause 26 would extend and apply to the whole of the United Kingdom.
 - Lords amendments 46 and 51 to clause 27 would extend and apply to the whole of the United Kingdom;
 - Lords amendments 52 and 53 to clause 36 would extend and apply to the whole of the United Kingdom;
 - Lords amendments 54 and 55 to clause 37 would extend and apply to the whole of the United Kingdom;
 - Lords amendments 56 and 57 to clause 38 would extend and apply to the whole of the United Kingdom;
 - Lords amendments 60 and 61 to clause 39 would extend and apply to England and Wales and Scotland (in part) and to Northern Ireland (in part).
 - Lords amendments 65 and 66 to clause 41 would extend and apply to the whole of the United Kingdom.

3. With the exception of the amendments to clause 25, none of these amendments would alter the territorial extent or application of the clause in question or the analysis at Annex A to the Explanatory Notes to the Bill as brought from the House of Commons. The amendments to clause 25 would insert additional subsections; as with the subsections in the clause as brought forward from the Commons the extent and application of these new subsections varies.

New clauses inserted into the Bill in the House of Lords

4. The following new clauses would extend and apply to England and Wales:
 - Lords amendments 6 to 25 – new Part 1A *Knife Crime Prevention Orders*;
 - Lords amendment 63 – new clause *Application of Regulatory Enforcement and Sanctions Act 2008*.
5. The following new clauses would extend and apply to England and Wales and Scotland:
 - Lords amendment 58 – new clause *Conditions applying to certain firearms: England and Wales and Scotland*;
 - Lords amendment 62 – new clause *Enforcement of offences relating to sale etc of offensive weapons*.
6. The following new clause would extend and apply to Northern Ireland:
 - Lords amendment 59 – new clause *Conditions applying to certain firearms: Northern Ireland*.
7. The following new clause would extend and apply to England and Wales and Scotland (in part) and to Northern Ireland (in part):
 - Lords amendment 26 – new clause *Sale etc of bladed articles to persons under 18*.
8. The following new clause would extend and apply to the whole of the United Kingdom:
 - Lords amendment 64 – new clause *Guidance on offences relating to offensive weapons etc*.

9. The above assessment is presented in tabular form in the attached annex

Home Office
22 March 2019

Provisions in the Bill amended in the House of Lords

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 the competence of the National Assembly for 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?
Lords amendments 1-4 to Clause 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Lords amendment 5 to Clause 9	Yes	Yes	No	No	No	Yes	Yes	No
Lords amendment 27-28 to Clause 17	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)(NI)
Lords amendments 29-34 to Clause 19	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)* (NI)
Lords amendment 35 to Clause 24	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)(NI)
Lords amendments 36-39 to Clause 25	In part	In part	No	In part	N/A	N/A	N/A	Yes (NI)
Lords amendments 40-42 to clause 25	No	No	Yes	No	N/A	N/A	N/A	Yes (S)
Lords amendments 43-45 to Clause 26	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S) (NI)
Lords amendments 46-51 to Clause 27	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S) (NI)
Lords amendments 52-53 to Clause 36	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendments 54-55 to	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

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 the competence of the National Assembly for 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 37								
Lords amendments 56-57 to Clause 38	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Lords amendments 60-61 to Clause 39	In part	In part	In part	In part	N/A	N/A	N/A	No
Lords amendment 65-66 to Clause 41	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)(NI)
Lords amendments 6-25 – new Part 1A “ <i>Knife Crime Prevention Orders</i> ”	Yes	Yes	No	No	No	Yes	Yes	No
Lords amendment 26 – new clause “ <i>Sale etc of bladed articles to persons under 18</i> ”	In part	In part	In part	In part	N/A	N/A	N/A	Yes (S) (NI)
Lords amendment 58 – new clause “ <i>Conditions applying to certain firearms: England and Wales and Scotland</i> ”	Yes	Yes	Yes	No	N/A	N/A	N/A	No

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 the competence of the National Assembly for 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?
Lords amendment 59 – new clause “ <i>Conditions applying to certain firearms: Northern Ireland</i> ”	No	No	No	Yes	N/A	N/A	N/A	Yes (NI)
Lords amendment 62 – new clause “ <i>Enforcement of offences relating to sale etc of offensive weapons</i> ”	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Lords amendment 63 – new clause “ <i>Application of Regulatory Enforcement and Sanctions Act 2008</i> ”	Yes	Yes	No	No	No	No	Yes	No
Lords amendment 64 – new clause “ <i>Guidance on offences relating to offensive weapons etc</i> ”	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S) (NI)

* The Scottish Parliament adopted a [Legislative Consent Motion](#) in respect of certain provisions in the Bill on 21 November 2018.

Minor or consequential effects

Subsection (5) of new clause “*Enforcement of offences relating to sale etc of offensive weapons*” (inserted by Lords amendment 52) extends to Northern Ireland mirroring the territorial extent of Schedule 5 to the Consumer Rights Act 2015, but the amendment has no practical application in Northern Ireland as the provisions of the new clause when taken as a whole only impact on local weights and measures authorities in England and Wales and Scotland.

New clause “*Application of Regulatory Enforcement and sanctions Act 2008*” (inserted by Lords amendment 53) extends to the whole of the United Kingdom, mirroring the territorial extent of Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (RESA), but the amendment has no practical application in Scotland and Northern Ireland as the enforcement of the provisions listed in the amendment will only be relevant functions to which Parts 1 and 2 of RESA apply in relation to a local authority in England and Wales.

The Subject Matter and Legislative Competence of Devolved Legislatures

The amendments to clauses which appear in the annex do not alter the fact that these clauses deal with [criminal justice] which is a matter which is within the legislative competence of the Scottish Parliament and the Northern Ireland Assembly.