



Home Office

**Knives and offensive weapons:
Consultation on personal liability
measures on senior executives of online
platforms or marketplaces**

Government Consultation

Consultation Start: Wednesday 13 November 2024

Consultation End: Wednesday 11 December 2024

Summary

Topic This consultation seeks views on introducing personal liability measures on senior executives of online platforms and marketplaces who fail to take action on illegal content concerning knives and offensive weapons.

To This is a consultation open to the public and targeted to directly affected parties, including the police, Crown Prosecution Service, online platforms and marketplaces, community groups, businesses, retailers and organisations with a direct interest in the proposals.

Duration 4 weeks from 13 November 2024 to 11 December 2024.

Enquiries **Firearms and Weapons Policy Unit**

5th floor, Fry Building
Home Office
2 Marsham Street
London SW1P 4DF

Email: Personal-Liability-Online-Execs-Consultation@homeoffice.gov.uk

How to respond Submit by **11.59 11/12/2024** by:

- Completing the online form [here](https://www.homeofficesurveys.homeoffice.gov.uk/s/preview/ZUSJ88/4C9653D8B6A0456839A6E1795F2A75) or using the link: <https://www.homeofficesurveys.homeoffice.gov.uk/s/preview/ZUSJ88/4C9653D8B6A0456839A6E1795F2A75>
- Email to: Personal-Liability-Online-Execs-Consultation@homeoffice.gov.uk

Geographical scope We are seeking views from across the UK. The proposals cover matters that are devolved, and which apply only to England and Wales, but we will work closely with the devolved administrations on how specific proposals might apply to or affect Scotland and Northern Ireland.

Where proposals deal with devolved matters and legislation is required, this will be agreed with the devolved administrations in accordance with the devolution settlements.

Additional ways to respond If you are unable to use the online system, for example because you use specialist accessibility software which is not compatible with the system, you may download a PDF version of the online form and email or post it to the above contact details.

Please also use the above contact details if you require information in another format, such as “easy read”, large print, Braille or audio.

We may not be able to analyse responses not submitted in these provided formats.

Consultation Options Assessment The Consultation Options Assessment, formerly known as the 'Impact Assessment' has been published alongside this consultation paper.

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About

This consultation document and the consultation process has been underpinned by the Consultation Principles¹, as issued by the Cabinet Office.

If you are responding as a representative of a group, please provide a summary of the people and/or organisations that you represent. If possible, please provide a further summary on how you have reached the stipulated conclusions.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information requests, such as the Freedom of Information Act 2000, and UK data protection legislation. You should note that this may include personal data, where required by law.

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities, such as the Home Office, must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the Data Protection Act and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Your opinions are valuable to us – and we thank you for taking the time to read and respond to this consultation.

¹ [Microsoft Word - Consultation Principles \(1\).docx \(publishing.service.gov.uk\)](#)

1. Executive Summary

- 1.1. The Government has committed in its manifesto to introducing tough sanctions on the senior executives of online companies who flout the law on the online sale of knives.** This will mean introducing personal liability measures for senior executives of online platform and marketplaces which fail to take action to prevent or remove illegal content relating to knives and offensive weapons on their platform or marketplace.
- 1.2. Knife crime devastates families and communities across the country and the Government has made a commitment to halve knife crime within a decade.** Whilst the COVID-19 pandemic saw a decline in knife-enabled criminality, data has shown that these offences have since increased. As of the year ending June 2024, the police recorded an increase in knife crime of violent offences by 4% compared with the previous year. There are now 50,973 offences recorded in the year to June 2024 compared with 49,187 offences recorded in the year to June 2023².
- 1.3. The Government is taking a wide-ranging approach, with decisive action taken on those who offend, but also taking a stronger focus on prevention.** We have commissioned a review of online sales of knives to assess the effectiveness of the legislation that prohibits the sale and delivery of knives to under 18s and the sale of prohibited offensive weapons in general. This consultation forms part of the wider package of measures that the Government is committed to, including a ban on Ninja swords. This consultation will be running in parallel with the consultation - Prohibiting Ninja Swords – Legal Description and Defences. This is focused on the legal definition of Ninja swords that are to be in scope of a ban and whether defences should apply.
- 1.4. We are aware that private sellers or resellers are using social media platforms and marketplaces to sell knives and other weapons illegally.** This includes the sale of prohibited offensive weapons and the marketing of knives in ways which encourages violence or promotes their suitability for use in violent attacks. Some of these knives have been sold to under-18s and then used in knife attacks and homicides. The police tell us that there have been several cases where individuals have bought knives in bulk from legitimate knife sellers and resold them via social media. One individual purchased 261 knives online which were delivered to his home address. The weapons, which were primarily machetes, hunting and combat style knives, were then resold to his criminal network and a number of individuals linked to county lines drug dealing.
- 1.5.** Whilst these sellers are already committing criminal offences under section 141 of the Criminal Justice Act 1988, the Restriction of Offensive Weapons Act 1959 and the Knives Act 1997, there is a need for swifter action by online companies to take down the specific content posted by these sellers to prevent people from being able to purchase a prohibited offensive weapon or knife, including under-18s.
- 1.6. This is why we intend to introduce legislation to give the police the power to compel online platforms and marketplaces to take down content and introduce personal**

² [Crime in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

liability measures for senior executives of these companies if the companies do not comply. We are seeking views on this proposal.

2. Background

2.1. There are already offences for sellers in relation to prohibited offensive weapons. It is a criminal offence for a person to manufacture, sell or hire or offer for sale or hire or having in their possession for the purpose of sale or hire, or lending or giving to any other person a prohibited offensive weapon, without a reasonable defence. Possession is also an offence. The provisions are set out in section 141 of the Criminal Justice Act 1988 and the Restriction of Offensive Weapons Act 1959 with regard to flick knives and gravity knives.

2.2. There are also offences in place for the marketing of knives within the Knives Act 1997. It is an offence to:

- (i) market a knife or publish marketing material in relation to a knife which indicates that it is suitable for combat and inflicting injury or causing fear of injury or likely to stimulate and encourage violent behaviour involving the use of the knife as a weapon.
- (ii) publish any written, pictorial or other material in connection with the marketing of any knife and that material indicated that the knife is suitable for combat or encourages violent behaviour.

Although the legislation was introduced prior to the development of online marketplaces and social media and messaging platforms these provisions remain relevant.

2.3. There is already an overarching legislative framework in place in relation to online safety. The Online Safety Act 2023 places a range of duties on social media companies and online search services to make them responsible for their users' safety on their platforms. The Act gives providers duties to implement systems and processes to reduce the risks that their services are being used for illegal activity and to take down illegal content when it appears. These platforms are also required to prevent children from accessing harmful and age-inappropriate content. Ofcom is the regulator of online safety. Once the new duties are in effect, following Ofcom's publication of final codes and guidance, platforms will have to show they have processes in place to meet the requirements set out by the Act. Ofcom will monitor how effective those processes are at protecting internet users from harm. Ofcom will have powers to take action against companies which do not follow their new duties. Companies can be fined up to £18 million or 10 percent of their qualifying worldwide revenue, whichever is greater. Criminal action can be taken against senior managers who fail to ensure companies follow information requests from Ofcom.

2.4. However, we want to ensure that online marketplaces and platforms also give priority to compliance with the legislation concerning knives and offensive weapons. We will make senior executives personally liable if their companies do not comply with requests to remove illegal content relating to knives and offensive weapons. Whilst the Online Safety Act 2023 will place duties on online companies to have systems and processes in place to identify and take down illegal content, and the police can already submit referrals to online platforms to remove illegal content, we believe that in relation the offering for sale of prohibited offensive weapons and illegal

marketing of knives, then stronger action is needed. We want to ensure that the police are able to require a platform or marketplace to take swift action. Ofcom can deal with sustained failures by online companies to meet their statutory duties but they do not have the powers to compel companies to take down the content of individual sellers or resellers who are breaking the law. If online companies and services fail to remove illegal content relating to knives and offensive weapons swiftly then the Government believes that senior executives should be personally liable for the failure of the platform or marketplace to respond and take action.

3. Proposals

Content Removal Notice

- 3.1 Our proposal would give the police the power to issue the relevant company responsible for the platform or marketplace with a content removal notice setting out details of illegal offers for sale or unlawful marketing of knives that has been posted requiring the company to remove this specific illegal content.** This notice can be issued as soon as the police become aware of the illegal content and would not be dependent on the police having already taken enforcement action against the seller or reseller. The objective of the proposal is to remove the illegal content from the online platform or marketplace as quickly as possible. Enforcement action against a seller or reseller can be taken separately and independently from this power.
- 3.2 The notice would first be sent to the online platform or marketplace and the senior executive and require the platform to take down the content within a specified time period.** The notice will set out to the platform or marketplace that if they fail to remove the content then the liability will fall on to the senior executive.
- 3.3 We would need to define the exact time period within legislation. We are proposing to give the relevant platform or marketplace a maximum of 48 hours from the issuing of the content removal notice to take down the specific content, but we are seeking views on whether this is the right timeframe.** Companies would need to designate a senior executive with responsibility which would be similar to the definition used under section 103(4) of the Online Safety Act 2023. This would be a senior manager who had relevant authority or responsibility for decision-making on how the company's activities are managed or organised or actually managing or organising those activities.
- 3.4 We are providing a right to request that the police review the notice and whether the content is illegal, with a duty for the police to consider the reasons for removal and a duty on the police to respond.** During this time, the content removal notice is still considered to be issued and valid, but the content does not need to be removed until the police have conducted the review and responded. If following the review, the police decide to stand by their decision, the content must be removed within 48 hours of their response.

3.5 If the platform or marketplace failed to remove the content within 48 hours a **second content removal notice** would be sent to the relevant senior executive to make them aware of the requirement for the content to be removed and warning them of the potential consequences of non-compliance.

Sanctions for senior executives

3.6 If platforms failed to remove the specific content within 48 hours following the warning provided to the relevant senior executive, the police would issue the relevant senior executive with a notice of intent, setting out that legal action will be taken against the relevant senior executive for failure to comply with the content removal notice. The relevant senior executive would have 10 days to raise an objection from the date the notice of intent was issued. We are inviting views on whether two failures to remove the illegal content is the right threshold to initiate legal proceedings against the senior executive.

Civil Action against the senior executive

3.7 We are considering whether civil action against the senior executive is the right approach if there is a failure to remove the illegal content. Civil action is not dependent on having proved beyond reasonable doubt the content posted is illegal. It would be enough to have proved, to the civil standard of proof, that the content posted was contrary to the law on offensive weapons and marketing of knives. This would ensure that the police could initiate action against the senior executive independently from any criminal action against the seller or reseller.

3.8 The purpose of our proposal is to ensure that swift action is taken, and illegal sales and/or marketing of knives prevented. This should result in a step change in the way online platforms and marketplaces respond to sellers and resellers selling and/or marketing knives illegally. Our assessment is that the most effective route is by taking action through a civil action. We invite views on whether this is the right approach.

4. Defences

4.1. We recognise the requirement to provide for defences for online platforms and marketplaces. For example, we may wish to have similar defences to those afforded to senior executives under sections 109 and 110 of the Online Safety Act 2023. This would include a defence covering instances where the senior executive has taken all reasonable steps to comply with the content removal notice and to subsequently remove the illegal content. We would also wish to have a defence for when the senior executive was too new in post to be considered responsible for failing to comply with content removal notices or had no knowledge of being named as the senior executive with responsibility for ensuring the content removal notice was actioned.

4.2. We welcome views on whether we need to apply any additional defences for any failure to comply with content removal notices.

5. Penalties

5.1. We are proposing that the fine for not complying with the content removal notice would be up to £10,000, determined by the court. We believe that a fine at this level is sufficient to act as a deterrent and would change behaviours, whilst retaining proportionality. We invite views on whether this is the right level.

6. Questionnaire

Question 1.	<p>Do you agree with the Government’s approach to introduce personal liability measures on senior executives of online companies?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
Question 2.	<p>Do you agree that we should introduce content removal notices?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

Prevalence and Impact - Online Sale of Knives and Private Sellers/Resellers

Question 3.	<p>As part of this consultation, we want to develop an estimate of the size of the online market and also the scale at which private sellers and resellers are operating within the online market for knives.</p> <p>Are you a marketplace or platform involved in the online sale or marketing of knives, or which has resellers operating on your platform (even if these resellers are not abiding by your terms of service)? If no, please go to question 5.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If your company owns more than one platform or marketplace please give a separate response for each platform or marketplace.</p>
Question 3b.	<p>Are you able to provide us with an estimate of the volume of online sales of knives that take place on your marketplace or platform? (maximum 15 characters)</p>
Question 3c.	<p>As part of this consultation, we want to develop an understanding of the expected impact of this legislation on online companies (social media companies and online marketplaces).</p>

	<p>Do you anticipate changes being required to your processes and systems, in relation to this specific change, (in addition to any changes you have made or plan to make to comply with your duties under the Online Safety Act 2023)?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
Question 3d.	<p>If you have answered YES to question 3c, what would be the changes that you need to make and estimated costs (including the hiring of additional content moderators and their FTE costs) (maximum 250 words)</p>

Time period for actioning content removal notice

Question 4.	<p>Should online platforms and marketplaces have 48 hours to take action against a seller or reseller once issued a content removal notice?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If YES head to question 5 If NO head to question 4a</p>
Question 4a.	<p>We have proposed 48 hours but how long do you think online companies should have to take down illegal content when notified by a content removal notice (please select as appropriate).</p> <p><input type="checkbox"/> 24 hours</p> <p><input type="checkbox"/> 72 hours</p> <p><input type="checkbox"/> 168 hours</p>

Applying Defence and Exemptions

Question 5.	<p>Do you agree with the proposed defences for online platforms and marketplaces in relation to flouting the rules on knives?</p> <p>YES/NO (delete as appropriate)</p>
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Question 6.	<p>Are there any further defences that we should consider to be included?</p> <p>Please give reasons (maximum 250 words]</p>

Impact of Proposals – Effectiveness

Question 7.	<p>As part of this consultation, we want to develop an understanding of wider views on whether this legislation will help deliver the change we want.</p> <p>To what extent do you feel this policy will result in illegal content in relation to knives and offensive weapons being more swiftly removed from online platforms?</p> <p>(maximum 250 words)</p>
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Anonymity

Question 8.	<p>I would like my response to remain anonymous.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
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Thank you for your response.