



Offensive Weapons Bill HL Bill 149 of 2017–19

Summary

The Offensive Weapons Bill is a government bill which was introduced in the House of Commons on 20 June 2018 and, following delays, completed report stage and third reading on 28 November 2018. It was introduced in the House of Lords on 29 November 2018 and is scheduled to have its second reading on 7 January 2019. The bill contains a range of measures intended to tackle violent crime, specifically by:

- prohibiting the possession of corrosive substances in a public place and the sale of corrosive products to those aged under 18;
- strengthening the arrangements for the online sale of bladed articles, bladed products and corrosive products;
- prohibiting the possession of certain offensive weapons (such as flick knives and butterfly knives); and
- prohibiting the possession of certain firearms.

The bill follows concerns about the increasing number of violent offences, as highlighted by press reports and government statistics. For example, the Office for National Statistics has stated that there has been an apparent increase in some lower-volume, higher-harm offences, including knife crime and homicides. The bill also follows the Government's *Serious Violence Strategy*, which was launched on 9 April 2018, and a consultation on the bill.

Overall, the bill has cross-party support. However, Labour has criticised its “limited” measures. In particular, Labour unsuccessfully opposed a government amendment tabled at report stage that removed provisions which would have prohibited rifles featuring kinetic energy of more than 13,600 joules at the muzzle of the weapon (including .50 calibre rifles). Labour also sought to strengthen the firearms provisions and make it an aggravated offence to be found in possession of certain offensive weapons when on a moped. Similarly, the Scottish National Party backed the bill, but also criticised the narrowing of the firearms provisions. The Government stated it would be launching a consultation on firearms.

This briefing provides background to the bill and its provisions, including statistics on crime in England and Wales involving certain offensive weapons, and provides a summary of the bill's House of Commons stages.

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I. Introduction

I.1 Background to Bill

The Offensive Weapons Bill 2017–19 is a government bill intended to strengthen the law to help tackle violent crimes, particularly those involving knives and other bladed weapons, certain firearms and corrosive substances (such as acid). Many of the legislative measures in the bill relate to the sale or possession of such items.

The bill was foreshadowed by a government consultation, conducted in 2017, which sought views on many of the proposed provisions in the bill.¹ Commenting on the need for legislation, the Government highlighted concerns about the increasing levels of violent crime, including those involving acids and other corrosive substances. Although, the Government recognised that some of the reported increases may be down to improvements in recording and reporting crime, it believed primary legislation was necessary to aid its approach to tackling such crimes:

The Government has already taken significant action to respond to crimes involving knives and firearms. However, we have identified the need for new primary legislation to respond to public concerns and provide the police with the powers they need.

In addition to knives and firearms, we are also concerned about acids and other corrosive substances being used as weapons to inflict serious harm and life changing injuries. The use of corrosive substances as a weapon is centuries old, but whilst the number of offences is relatively small, we are concerned about its increasing use as a weapon. That is why the Government has developed a comprehensive action plan in response.²

The Government's summary of the consultation responses was published on 20 June 2018, having received 10,712 responses.³

The Government has stated that the bill also forms part of its *Serious Violence Strategy*, launched on 9 April 2018.⁴ In the strategy, the Government emphasised the importance of tackling violent crime through a variety of approaches, including law enforcement measures, but also through “partnerships across a number of sectors such as education, health, social

¹ Home Office, [Consultation on New Legislation on Offensive and Dangerous Weapons](#), 14 October 2017.

² *ibid*, p 3.

³ Home Office, [Consultation on New Legislation on Offensive and Dangerous Weapons: Summary of Consultation Responses](#), 20 June 2018.

⁴ HM Government, [Serious Violence Strategy](#), 9 April 2018.

services, housing, youth services, and victim services”.⁵ The strategy outlined four key themes to its approach:

- tackling county lines⁶ and misuse of drugs;
- early intervention and prevention;
- supporting communities and partnerships; and
- an effective law enforcement and criminal justice response.⁷

The proposals forming the Offensive Weapons Bill are referred to under the latter of these themes.⁸

1.2 Statistics on Offences Involving Knives, Firearms and Corrosive Substances in England and Wales

The latest set of Office for National Statistics (ONS) annual crime figures for England and Wales, covering the period up to June 2018, reported that the trend overall of decreasing crime levels looked to be stalling.⁹ It also noted that the prevalence of certain crime types was increasing (including more serious violent offences), while others were falling (eg computer misuse). Regarding violent crimes, the paper reported an increase in some lower-volume, higher-harm offences:

There has been no change in commonly occurring types of violent crime, but increases in some lower-volume, higher-harm types of violence. Our assessment from the crime survey is that the level of lower-harm violent offences are stable. However, police recorded crime data and NHS data give more insight into the lower-volume but higher-harm violence that the survey does not capture well. These data sources show:

- a continued rise in the number of police recorded offences involving knives or sharp instruments;

⁵ HM Government, [Serious Violence Strategy](#), 9 April 2018, p 9.

⁶ County lines refer to groups who supply drugs (primarily heroin and crack cocaine) through the establishment of a network between an urban hub and a county location, and often involving the exploitation and intimidation of young or vulnerable persons (for further details, see: National Crime Agency, [County Lines Violence, Exploitation and Drug Supply 2017](#), November 2017, p 2).

⁷ HM Government, [Serious Violence Strategy](#), 9 April 2018, p 9.

⁸ *ibid*, p 82.

⁹ Office for National Statistics, [Crime in England and Wales: Year Ending June 2018](#), 18 October 2018. Related statistics for Scotland can be found in: Scottish Government, [Recorded Crime in Scotland, 2017–18](#), 2018; and [Recorded Crime in Scotland: Handling Offensive Weapons](#), 26 June 2018. Related statistics for Northern Ireland can be found in: Police Service of Northern Ireland, [Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2016/17](#), 12 January 2018.

- the number of admissions to hospital in England for assaults involving a sharp instrument has been increasing;
- the number of homicides increased following a long-term decline; and
- a decrease in the number of police recorded offences involving firearms.

Many of these lower-volume, higher-harm types of violence tend to be concentrated in London and other metropolitan areas.¹⁰

However, commenting on the figures overall, the ONS crime statistics and analysis statistician, Caroline Youell, stressed that most people do not experience crime, with the rate standing at around 2 out of 10 adults in the last year.¹¹

The paper stated that recorded offences involving knives or sharp objects were at their highest rate since records began (in 2011) at 41,884 offences in the last year. Breaking the number of offences down further, the ONS stated:

Excluding Greater Manchester Police,¹² there was a volume rise of 4,198 offences (a 12% rise, up to a total of 39,332 offences). This is the highest number since the year ending March 2011, the earliest point for which comparable data are available [...]

The offences “assault with injury” and “assault with intent to cause serious harm” accounted for around half (46%) of total selected offences involving a knife or sharp instrument. Robberies accounted for a further 43%. Rape, attempted murder, sexual assault and homicide account for a very small proportion of offences involving a knife or sharp instrument (3%, or 1,265 out of 41,884 recorded offences from July 2017 to June 2018).¹³

The paper found that the majority of police forces had recorded an increase in offences involving knives, and that NHS data also indicated an increase in the number of admissions for assault by a sharp object or knife. In addition, the figures indicated an increase in possession-related offences:

Police recorded “possession of an article with a blade or point”

¹⁰ Office for National Statistics, [Crime in England and Wales: Year Ending June 2018](#), 18 October 2018.

¹¹ *ibid.*

¹² The Office for National Statistics reported some issues over time with the data collected by Greater Manchester Police on crimes involving knives or sharp instruments, therefore it excluded them from certain time series data.

¹³ Office for National Statistics, [Crime in England and Wales: Year Ending June 2018](#), 18 October 2018.

offences rose, by 21%, to 18,838 offences in the year ending June 2018. This rise is consistent with increases seen over the last five years and is the highest figure since the series began in the year ending March 2009.¹⁴

However, the ONS did note that “this figure can often be influenced by increases in targeted police action in relation to knife crime, which is most likely to occur at times when rises in offences involving knives are seen”.¹⁵

Despite the reported increases, the paper stressed that knife-related offences were still “relatively rare”, and were concentrated in London and other metropolitan areas.

Turning to firearms, the ONS stated that recorded offences had decreased 5% on the previous year (from 6,694 to 6,362). This fall contrasted with the increasing trend in firearms offences reported in previous years. Breaking the figures down further, the ONS stated:

This overall decrease was driven by a fall in the number of offences involving less serious weapons such as imitation firearms (down 18% to 1,409). However, there have also been small falls in more serious weapon categories such as shotguns (down 4% to 626).

There were increases for some weapon categories but these were of small volume and were cancelled out by the larger volume decreases seen in offences involving shotguns, imitation firearms and unidentified firearms.¹⁶

Although there are no official figures published on acid attacks, the Metropolitan Police Service did supply some figures indicating an increase in offences involving “corrosive fluids” in London (including, but not limited to, acid) in response to a freedom of information request. The figures reported 255 offences in 2015, 395 in 2016 and 465 in 2017.¹⁷

2. Bill Provisions

The bill contains 44 clauses, split into eight chapters. With the exception of chapters 3 and 8, these are considered under the headings below; chapter 3 (clause 13) would make several consequential amendments based on the corrosive substance provisions set out in the bill, and chapter 8 (clauses 40

¹⁴ Office for National Statistics, [Crime in England and Wales: Year Ending June 2018](#), 18 October 2018.

¹⁵ *ibid.*

¹⁶ *ibid.*

¹⁷ Metropolitan Police Service, ‘[Fol Request Reference No: 2018010000724](#)’, 20 January 2018.

to 44) would make further consequential amendments and would provide for the territorial extent and commencement of the bill's provisions. As many matters relating to crime and justice are devolved, the territorial extent of the bill's provisions is complex, with the bill's clauses (and individual sub-clauses) often extending to different devolved regions. These differences in territorial extent are not specifically set out below, although some specific differences set out in the bill's clauses are highlighted.

Chapter 1: Sale and Delivery of Corrosive Products

Clauses 1 to 5 would make provision about the sale and delivery of certain corrosive substances. Setting out the current controls on corrosive substances, the explanatory notes to the bill state they are currently classified as either “regulated” or “reportable” substances under the Poisons Act 1972:

The sale of certain types of acids, and other dangerous corrosive chemicals, is controlled by the Poisons Act 1972 (the “1972 Act”), as amended by the Deregulation Act 2015. The 1972 Act draws a distinction between “regulated” substances and “reportable substances”. Regulated substances—which contain high concentrations of certain chemicals—are now restricted from sale to the general public. If a member of the general public wants to buy any of the regulated substances, they need to apply to the Home Office for a licence to acquire and to possess and use. Reportable substances can be bought without a licence, but retailers are required to report suspicious transactions and significant losses and thefts.¹⁸

Clause 1 would make it an offence to sell specified corrosive substances to people aged under 18, and clause 3 would make it an offence to deliver such substances to residential premises. In addition, clause 2 would provide for a defence to the offence set out in clause 1, if the seller had undertaken a remote sale (eg online or telephone sales) while meeting four specified conditions. This would include that they had taken all reasonable steps to only sell to and deliver to those aged over 18. The list of specified corrosive substances these clauses relate to is set out in schedule 1 of the bill.

Clause 4 would apply to delivery companies that have entered into an arrangement with a seller of corrosive products who is outside of the United Kingdom, to deliver the products to buyers in the United Kingdom. In the case of remote sales, it would make it an offence for the delivery company to deliver corrosive substances to anyone aged under 18. It also sets out the differing defences in each devolved administration, and states that the offence would only apply if the delivery company was aware they may be delivering corrosive substances on the seller's behalf.

¹⁸ [Explanatory Notes](#), p 4.

Clause 5 would set out different evidential presumptions in Scotland for the offences set out in clauses 1, 3 and 4.

Chapter 2: Possession of Corrosive Substances

Clause 6 would make it an offence to be in possession of a corrosive substance in a public place. For this offence, a corrosive substance is defined as something which is “capable of burning human skin by corrosion” (clause 6(9)). The exact nature of the defence to the offence would vary slightly between Scotland and the rest of the UK; however, in essence it would be based on an individual showing they had a lawful reason for having the substance in a public place (including if it was for work reasons). In addition, clauses 8 and 9 would require a court in England and Wales to impose an “appropriate custodial sentence” on those aged over 16 who had committed the offence and who already had a defined “relevant conviction” (eg another offence relating to offensive weapons), unless it deemed it “unjust” in the offender’s specific circumstances.

The remaining clauses in this section set out the differing rules relating to searches for corrosive substances by law enforcement agencies in each devolved region (clauses 10 to 12) and provides for different evidential presumptions in Scotland regarding the offence (clause 7).

Chapter 4: Sale and Delivery of Bladed Weapons

Clauses 14 to 16 relate to the existing offences of selling knives or bladed articles to individuals under a certain age in England and Wales, Scotland and Northern Ireland respectively. The clauses relate to the remote selling of knives and bladed articles, and set out the four conditions to be met for the seller to be able to rely on a defence to the offence. For example, these conditions include that the seller had taken all reasonable steps to only sell to and deliver to those aged over 18 and had not delivered the goods to a locker.

Clauses 17 to 19 would make it an offence, where a sale is made remotely, for the seller to deliver or arrange to deliver a “bladed product” to residential premises. For the purposes of this offence, bladed product is defined as “articles which have a blade and which are capable of causing serious injury to a person’s skin by cutting”.¹⁹ Defences to the offence are set out in clause 18, and include:

- the seller took all reasonable precautions and exercised due diligence to avoid commission of the offence;
- the products were designed or manufactured to bespoke specifications provided by the buyer, or adapted for a specific

¹⁹ [Explanatory Notes](#), p 14.

- purpose by the seller on instruction of the buyer; or
- the seller had reasonable belief the buyer had bought the bladed product for use for relevant sporting purposes or for the purposes of historical re-enactment.

Clause 20 would apply to delivery companies who have an “arrangement with a seller of bladed articles, who is outside of the United Kingdom, to deliver bladed articles to buyers in the United Kingdom”.²⁰ It would make it an offence for the delivery company, in the case of sales which happened remotely, to deliver the product to anyone aged under 18. The clause would also set out the differing defences to the offence in England and Wales, Scotland and Northern Ireland.

Chapter 5: Prohibition on Possession of Certain Offensive Weapons

Clauses 21 and 22 would make it an offence to possess any of the knives set out in section 1 of the Restriction of Offensive Weapons Act 1959 (such as flick knives (as newly defined by clause 21) and gravity knives). Similarly, clause 24 would make it an offence to possess any of the weapons set out in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (including shurikens, butterfly knives, blowpipes, etc). Currently, the Restriction of Offensive Weapons Act 1959 and the Criminal Justice Act 1988 makes it an offence to manufacture, sell or hire such items. However, there would be limited defences to these possession offences if they are held by, or by individuals in connection with, museums or galleries or for historical or educational purposes. In addition, clause 25 would make certain changes to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 in light of the new possession prohibitions, including modified protections for certain swords held for religious purposes:

Clause 25(6) amends the existing defence in relation to the supply of swords with a curved blade of more than 50 cm under section 141 from use in religious ceremonies to use for religious reasons. It creates a new defence of use for religious reasons for the possession of such swords in private. Religious reasons would include large kirpans which are supplied and possessed for religious reasons.²¹

Clauses 26 and 27 would empower the relevant individuals and authorities in each devolved administration (such as the Home Secretary and relevant chief police officers) to make arrangements for the surrender of the weapons prohibited in clauses 22 and 24, and for payments for these weapons (within certain criteria).

Clause 23 would extend the offence of having an article with a blade or

²⁰ [Explanatory Notes](#), p 14.

²¹ *ibid*, p 16.

point or offensive weapon on school premises (set out by section 139A of the Criminal Justice Act 1988) to also cover further education premises.

Chapter 6: Threatening With Offensive Weapon

Clause 28 would amend the offences of threatening with an offensive weapon or bladed weapon in a public place so that it would simply require that a reasonable person in the victim's position would believe they were at risk of harm. This is explained in the bill's explanatory notes:

Section 1A of the Prevention of Crime Act 1953 provides for an offence of threatening with an offensive weapon in a public place and section 139AA of the Criminal Justice Act 1988 provides for offences of threatening with a bladed or pointed article in a public place, and threatening with an offensive weapon and bladed article on school premises. It is a necessary element of these offences that the defendant threatened the victim with the weapon “in such a way that there is an immediate risk of serious physical harm to the victim”.

Clause 28 amends these offences to replace the requirement of the threat causing immediate risk of physical harm to the victim, with a requirement that the threat is such that a reasonable person who was exposed to it would think that they were at risk of immediate physical harm.²²

Clause 29 would extend the Criminal Justice Act 1988 section 139AA offence of threatening with an offensive or bladed weapon on school premises to also cover further education premises.

Clause 30 would create a new offence of threatening another person with an offensive weapon, bladed or pointed article or corrosive substance in a private place in such a way that there is an “immediate risk of serious physical harm”.²³ The explanatory notes explain that the definition of private place would vary, as follows:

- Subsection (3) provides that for offensive weapons and bladed or pointed articles a private place means any place other than a public place or school or further education premises.
- Subsection (4) provides that for a corrosive substance, private place means anywhere other than a public place.²⁴

Clause 31 would grant police powers to search school or further education premises (and to seize appropriate substances) if they have reasonable

²² [Explanatory Notes](#), p 17.

²³ *ibid.*

²⁴ *ibid.*

grounds for suspecting that an offence under section 30, as it applies to corrosive substances, is being or has been committed.

Chapter 7: Prohibition of Certain Firearms

Clause 32 would amend the list of prohibited weapons under section 5 of the Firearms Act 1968 to include bump stocks and:

Any chambered weapons (other than rifles chambered for 0.22 rim-fire cartridges) from which cartridge cases are extracted using energy from propellant gas or from energy imparted to an energy storage device by propellant gas.²⁵

When the bill was first introduced this clause would also have added rifles “from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged” (which included .50 calibre rifles) to the list of prohibited weapons. However, these weapons were removed from the clause by a government amendment made at report stage (see section 5.1 of this briefing).

Clauses 33 to 38 would make connected provisions, including providing powers to make arrangements or payments for the surrender of the prohibited weapons (and any ancillary equipment).

3. Second Reading

The bill’s second reading in the House of Commons took place on 27 June 2018.²⁶ Introducing the debate, the Home Secretary, Sajid Javid, spoke of the rise in acid attacks, and the “unacceptable increase in recorded knife and gun crime”.²⁷ He stated that the Government was committed to tackling these issues, both through wider initiatives, such as the *Serious Violence Strategy*, and through the measures contained in the Offensive Weapons Bill. Setting out further details on the background to the bill, he stated:

The bill covers three main areas: acid attacks, knife crime, and the risks posed by firearms. We have consulted widely on these measures, and have worked closely with the police and others to ensure that we are giving them the powers that they need. The measures on corrosives will stop young people getting hold of particularly dangerous acids, the measures on online knife sales will stop young people getting hold of knives online, and the measures on the possession of offensive weapons will give the police the powers that they need to act when people are in possession of flick knives, zombie knives, and other

²⁵ [Explanatory Notes](#), p 18.

²⁶ [HC Hansard, 27 June 2018, cols 916–1000](#).

²⁷ *ibid*, col 916.

particularly dangerous knives that have absolutely no place in our homes and communities [...]

I hope the measures in the bill will attract widespread support on both sides of the House. They fill an important gap in the law, and they give the police, prosecutors and others the tools they need to fight these terrible crimes. The bill will help to make all our communities safer by helping to get dangerous weapons off our streets. As Home Secretary, I will be relentless in ensuring that our streets remain safe.²⁸

However, he did acknowledge that there was concern among members of the House regarding some measures in the bill, particularly those relating to the ban on certain firearms. On this point, Mr Javid explained that the Government “based those measures on evidence that we received from intelligence sources, police and other security experts”.²⁹ He also stressed that the Government would be listening to the expertise and evidence put forward by the House on the subject, and would be setting this against the evidence the Government already had received on the matter.

Responding for the Opposition, the Shadow Minister for Policing, Louise Haigh, stressed that Labour would be supporting the bill, but described the measures within it as “necessary, but limited”.³⁰ For example, regarding corrosive substances, she expressed concern over the lack of sufficient controls on the sales of certain substances, noting that not all attacks are carried out by those aged under 18:

The Government have conceded the point that some acids that are currently on open sale are dangerous and so should not be sold to under-18s. Schedule 1 lists hydrochloric acid and ammonia as two such examples, but we know that only one in five acid attacks are conducted by under-18s. That means that four in five attackers will be free to purchase reportable substances despite the clear evidence of harm. Of the 408 reported acid attacks, ammonia was used in 69 incidents.³¹

Based on this, she argued for further regulation of ‘reportable substances’. She also stated that Labour would seek to explore with the Government the possibility of tighter regulation on the sale of knives during the bill’s progress, and whether the laws surrounding decommissioned firearms needed to be strengthened.³² In addition, she raised the importance of strengthening victims’ rights, recommending the introduction of an

²⁸ [HC Hansard, 27 June 2018, cols 920–7.](#)

²⁹ *ibid*, col 918.

³⁰ *ibid*, col 927.

³¹ *ibid*, col 933.

³² *ibid*, cols 933–4.

independent advocate.³³

The Shadow Minister also spoke of Labour's concerns over police numbers and spending on local services, believing that these issues were significant contributing factors to the growth in violent crime.³⁴ Concluding, she reiterated Labour's support for the bill, but indicated that the party would be seeking discussions and progress in a number of areas.³⁵

The bill was also backed by the SNP, with the Spokesperson, Stuart C. McDonald, outlining his party's desire to continue working with the Government on the issue of violent crime:

On behalf of the Scottish National Party, let me welcome the bill. We certainly support the broad principles behind it and fully support its Second Reading. The bill will help to reduce the possession and use of weapons, including corrosive substances, so we look forward to engaging with the Secretary of State and his team as it progresses through the House. As is evident from the bill, there has already been extensive and constructive engagement between the Government here and the Scottish Government, reflecting the fact that these issues are a mixture of devolved and reserved matters.³⁶

However, regarding the firearms measures, he stated that the SNP would listen with interest to the Government's reasoning, but would reserve final judgement on the matter until it had heard all the evidence in committee.³⁷

The issue of firearms was also raised by a number of other members. For example, Sir Geoffrey Clifton-Brown (Conservative MP for the Cotswolds and chair of the All Party Parliamentary Group on Shooting and Conservation) questioned the measures originally in the bill (as introduced in the House of Commons) which would have effectively banned .50 calibre firearms. He argued that their design (for example, their weight and size) meant they were unlikely to be used in crimes, and stressed his belief that they never had been.³⁸ Drawing attention to evidence received from the British Shooting Sports Council, he argued that the measures would disadvantage law-abiding people, such as those that are members of legitimate shooting clubs.³⁹ Instead of focusing on banning such firearms, he argued that the rules should be tightened regarding their storage, with license decisions potentially contingent on police approval of secure storage arrangements. He stressed this would be better for public safety than the

³³ [HC Hansard, 27 June 2018, cols 935–6.](#)

³⁴ *ibid* cols 927–34.

³⁵ *ibid*, col 936.

³⁶ *ibid*, cols 940–1.

³⁷ *ibid*, cols 941–2.

³⁸ *ibid*, col 950.

³⁹ *ibid*, col 949.

“disproportionate” measures set out in the bill:

That would be a much more effective and useful way of going forward if we want to stop weapons falling into the wrong hands, and would make it much safer for us all [...] The proposals in the bill are disproportionate. They are unworkable, because they are very easy to get around. They target some of the most law-abiding people in the country and they will not make this country any safer, because the criminal will use a different weapon of choice.⁴⁰

Responding to these points for the Government, the Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability, Victoria Atkins, stressed that the measures were not meant to be an attack on rural sports, but were necessary in light of threat assessments from the police and the National Crime Agency. She explained further:

Given the strong concerns expressed, I will take a moment to explain how clause 28 came into being. For those who are not familiar with such weapons, they are very large and heavy firearms that can shoot very large distances. One example I have been given is that they can shoot the distance between London Bridge and Trafalgar Square—some 3,500 metres. I can share with the House the fact that there has been a recent increase in seizures at the United Kingdom border of higher-powered weaponry and ordnance. The assessment is that those weapons were destined for the criminal marketplace, and that the criminal marketplace is showing a growing demand for more powerful weaponry [...]

That is the background against which we are operating. Having received such an assessment, we must consider it with great care. We have a duty to consider it and to protect the public. I gently correct the suggestion that such high-energy rifles have not been used in crime. As the hon. Member for Belfast East (Gavin Robinson) said, high-energy rifles were used in the 1990s during the troubles to kill people who were charged with securing Northern Ireland.⁴¹

Concluding on this topic, she reiterated that the Government would continue listening to and engaging with the concerns raised by MPs across the House. Subsequently, at report stage, the firearms provisions were narrowed through a government amendment to remove rifles with a kinetic energy of more than 13,600 joules at the muzzle of the weapon (such as .50 calibre rifles) from the scope of the bill (see section 5.1 of this briefing for further details).

⁴⁰ [HC Hansard, 27 June 2018, col 951](#).

⁴¹ *ibid*, cols 997–8.

4. Committee

The bill was considered at public bill committee in the House of Commons across ten sittings, taken between 17 July and 11 September 2018. A number of government amendments and new clauses were added to the bill, all of which were agreed without division. These primarily related to arrangements for the application of the bill's provisions in the devolved administrations (particularly Scotland). In addition, opposition parties tabled amendments and new clauses for consideration, moving seven to a division; these concerned:

- Raising the legal age to buy knives from 18 to 21, which would have made it an offence to sell knives to those aged under 21.⁴²
- A new proposed offence of threatening with a non-corrosive substance (if it was claimed or implied it was corrosive).⁴³
- A new proposed offence of selling corrosive substances via a cash payment.⁴⁴
- A new proposed offence of carrying a corrosive substance in an unmarked container.⁴⁵
- Giving local authorities the powers to enforce the provisions in the bill relating to the sale or delivery of particular items.⁴⁶
- Controls on miniature rifles and ammunition.⁴⁷
- Making it an aggravated offence if a person found to have a corrosive substance in a public place was also on a moped or motorcycle.⁴⁸

Each of these were defeated at division. Full details on the committee debate regarding these issues, and some of the other issues raised in committee, can be found on pages 38 to 54 of the House of Commons Library briefing, [Offensive Weapons Bill 2017–19](#) (11 October 2018). In addition, the last two issues highlighted above were returned to at report stage, and are covered in the following section of this briefing.

5. Report and Third Reading

Report stage and third reading were taken in the House of Commons on 28 November 2018.⁴⁹

⁴² [Public Bill Committee, *Offensive Weapons Bill*, 4 September 2018, 5th sitting, cols 120–31.](#)

⁴³ [Public Bill Committee, *Offensive Weapons Bill*, 11 September 2018, 9th sitting, cols 257–60.](#)

⁴⁴ [Public Bill Committee, *Offensive Weapons Bill*, 11 September 2018, 10th sitting, cols 271–4.](#)

⁴⁵ *ibid*, cols 274–7.

⁴⁶ *ibid*, cols 291–6.

⁴⁷ *ibid*, cols 299–301.

⁴⁸ *ibid*, cols 313–17.

⁴⁹ [HC Hansard, 28 November 2018, cols 280–372.](#)

5.1 Report

Firearms Provisions

Much of the debate during report stage focused on the firearms provisions in the bill. The Government tabled amendments to remove the prohibitions on rifles with a muzzle velocity of 13,600 joules or more (including .50 calibre rifles) that had previously been in the bill. This was opposed by Labour, the Liberal Democrats and the Scottish National Party. In addition, Labour tabled a number of amendments and new clauses to strengthen the firearms provisions in the bill.

Speaking to the Government's amendments to remove certain rifles from the scope of the Bill, Jonathan Djanogly (Conservative MP for Huntingdon and chairman of the British Shooting Sports Council (BSSC)) thanked the Government for having listened and acted on the concerns raised regarding these prohibitions, stressing that the BSSC wished to fully "engage with the Government on getting the law right in this policy area".⁵⁰ He continued:

The proposal in the bill to ban firearms with a muzzle velocity of more than 13,600 J, including .50 calibre guns, was not, under any interpretation of the facts, going to help the fight against crime. The guns are very expensive, costing around £20,000 each. There are therefore very few in number, with only 150 or so in private hands. They are extremely bulky, heavy at 30 lb and slow to load, with large, hand-loaded ammunition. In fact, one could hardly find a firearm less likely to be used in a crime. They are simply too big. That is probably why they have never been used in a crime in this jurisdiction.⁵¹

Mr Djanogly also referred to evidence received from the National Crime Agency (NCA) in relation to the proposed prohibitions, querying some of its statements.⁵² For example, he believed other firearms were equally dangerous and that the .50 calibre could have been adapted to avoid the prohibition anyway:

The irony is that .50 calibre firearms could have their barrels shortened, thus taking them beneath the maximum velocity. The 13,600 joules limit is entirely arbitrary, and many owners and manufacturers could simply adapt their guns down to the new limit. The NCA refers to recent seizures of guns, including fully automatic weapons, as showing that crime groups are seeking more powerful weapons, but the .50 calibre is not automatic and there is no evidence

⁵⁰ [HC Hansard, 28 November 2018, col 283](#). Check against HC.

⁵¹ *ibid.*

⁵² See: National Crime Agency, '[Letter from the National Crime Agency to the Home Secretary, Sajid Javid, on the Offensive Weapons Bill](#)', 11 October 2018.

of crime gangs ever having wanted to use it.⁵³

He concluded that people should have the right to engage in shooting sports, “unless serious possible injury to the public can be proved”, and stated he did not believe in banning things “for the sake of it”. Similar points supporting the Government’s proposed amendments were raised by a number of other MPs, including Sir Geoffrey Clifton-Brown (Conservative MP for the Cotswolds and chair of the All Party Parliamentary Group on Shooting and Conservation).⁵⁴

However, the Shadow Minister for Policing, Louise Haigh, expressed Labour’s concerns over the proposed amendments, stating that they weakened the bill. Although she reiterated her party’s support for the bill, she accused the Government of making concessions to backbenchers and not listening to the advice of “senior counter-terror and security experts”:

This should have been a comprehensive and honest response to the horrifying surge in violence that we are seeing in every community in our country. Instead, it is a relatively meagre collection of proposals that, rather than being strengthened in making its way through the House, has been watered down, as the Government have rolled over in response to their backbenchers [...] They have refused to listen to the voices of the most senior counter-terror and security experts in the country and instead have once again allowed ideology to win the day.⁵⁵

She also criticised the Government for simply removing the provisions, rather than making amendments which instead required greater security for such weapons, as had been suggested by Sir Geoffrey Clifton-Brown at second reading:

His amendments simply seek to preserve the status quo, leaving the security of these very dangerous weapons unchanged. In contrast to the suggestions from the hon. Member for The Cotswolds (Sir Geoffrey Clifton-Brown)—and, indeed, agreement from the shooting lobby—that security should be upgraded to level 3, meaning that the gun, the bolt and the ammunition should be in three separate safes, the Government are now proposing that security remain the same.⁵⁶

She asserted that the measures contained in the bill were necessary, stating it was a “proportionate ban affecting weapons of staggering power”. She also stated it had been “backed up with expert justification of the risk assessments and we are convinced that that assessment has been made in

⁵³ [HC Hansard, 28 November 2018, col 284.](#)

⁵⁴ *ibid*, cols 289–93.

⁵⁵ *ibid*, col 286.

⁵⁶ *ibid*, col 288.

good faith”.⁵⁷

She also spoke to two new clauses proposed by Labour to strengthen the regulation of firearms. These sought to make it an offence to possess component parts of ammunition with the intent to manufacture and to remove the current exemption relating to miniature rifle ranges (as previously raised during public bill committee). Explaining the latter proposal further, she stated:

New clause 3 would bring miniature rifle ranges under the existing provisions of the Firearms Act 1968. It would remove a loophole in our decades-old firearms law that is providing easy access for non-firearms holders to get their hands on ammunition. Law enforcement officials have been clear on this. They have said in no uncertain terms that the exemption in section 11(4) of the Firearms Act is glaring and provides an easy route for terrorists and criminals to access firearms. This little-known exemption allows non-certificate holders to acquire and possess up to .23 calibre miniature rifles and ammo in connection with the running of a miniature rifle range.

Section 11(4) also allows a person claiming that they are running a miniature rifle range to acquire an unlimited number of .22 calibre rifles and ammunition without any background checks being completed or the police being made aware. In this context, the term “miniature rifle” is something of a misnomer. They are semi-automatic rifles and go far beyond that which is safe in the hands of a non-certificate holder. These are potentially lethal weapons, so this exemption is far too broad.⁵⁸

In addition, other Labour MPs, such as David Hanson (MP for Delyn) and Karin Smyth (MP for Bristol South) spoke to further proposed new clauses. This included making it an offence to fail to store an air weapon in a locked cabinet and a clause calling for the Government to publish a report on the use of air weapons. Karin Smyth believed a report was necessary because “statistics on air weapons offences are not routinely recorded and official data is difficult to find”.⁵⁹ The report would also have required consideration of the existing legislation, the safe storage guidelines and the age restrictions for their possession.

Speaking for the Scottish National Party, Spokesperson, Stuart C. McDonald stated that he believed some of the Labour Party’s amendments were best dealt with on a devolved basis. However, he did express support for Labour’s proposed new clauses regarding miniature rifle ranges and

⁵⁷ [HC Hansard, 28 November 2018, col 289.](#)

⁵⁸ *ibid*, col 287.

⁵⁹ *ibid*, col 281.

possessing the component parts of ammunition.⁶⁰ Turning to the government amendments to remove the prohibition on certain rifles, he supported the Shadow Minister's view that these amendments should be opposed:

On high-energy and .50 calibre rifles, having looked at all the evidence in the round, we would have supported the position set out by the Home Secretary and the Minister at every previous stage of the bill's passage. We echo much of what the shadow Minister has said today. In Committee, we heard persuasive evidence from the NCA, the National Police Chiefs Council, ballistics experts and counter-terrorism police about the power of these weapons. The evidence we heard was that these rifles are dangerous because of their range and because there is little—perhaps nothing—that the police have in the way of body armour or even protected vehicles that could go up against some of these weapons.

I emphasise that we are not in favour of prohibition for the sake of it. If those same expert witnesses think that an alternative solution to alleviate risk can be found, we will listen. We fully appreciate the impact that this would have on the recreation of a small number of citizens, but it is a small number.⁶¹

He stated he had not heard an adequate explanation for why the Government had changed course, and highlighted the fact that no alternative measures were being proposed. He asserted that the Government was going against “evidence received from the NCA, the National Police Chiefs Council, ballistics experts and counter-terrorism police, as well as what I have been told by Police Scotland”.⁶²

Responding for the Government, the Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability, Victoria Atkins, stated the Government had been listening to views on the provisions to prohibit certain rifles, and had decided to launch a consultation on the subject.⁶³ She explained that she recognised the strong feelings on the subject from across the House and that it was a “balancing act” between effectiveness and proportionality. She stated:

The Home Secretary has listened very carefully to those concerns, as well as to the representations and advice from law enforcement colleagues. In the light of those circumstances, it is now the Home Secretary's view that we should give further detailed consideration to this and other issues relating to firearms that have arisen during the

⁶⁰ [HC Hansard, 28 November 2018, col 293.](#)

⁶¹ *ibid*, cols 293–4.

⁶² *ibid*, col 294.

⁶³ *ibid*, col 300.

course of the Bill. It is therefore our intention to launch a full public consultation on a range of issues on firearms safety that have arisen over the past few months during the passage of the bill. Accordingly, we have decided to remove those clauses at this stage. I emphasise that the current licensing arrangements remain in place. The consultation will include other issues that have arisen, including for example, points relating to miniature rifle ranges raised by colleagues across the House.⁶⁴

In addition, regarding Labour's proposed new clauses in relation to air weapons, Ms Atkins stated that these matters were being considered as part of a special review, which she anticipated would be published "shortly".⁶⁵ As such, she urged Labour not to push these clauses to a vote.

The Government's amendments to remove the provisions in the bill prohibiting certain rifles were agreed on division, by 309 votes to 274.⁶⁶ None of the Labour amendments and new clauses relating to firearms were agreed or moved to a vote.

Other Government Amendments

Additional Government amendments and new clauses were added to the bill at report stage, with each being agreed without a division. This included new clauses creating the offence of threatening with an offensive weapon in a private place, and a range of miscellaneous provisions (including the provisions relating to the possession of certain blades for religious reasons). Speaking to the new clauses on threatening with offensive weapons in a private place, Ms Atkins explained:

The offence will apply in any private place, which means anywhere other than a public place or school, or further education premises, where it is already an offence. In respect of a corrosive substance, a private place means anywhere other than a public place. The lawyers have been terribly exercised about that.⁶⁷

However, she stated that the drafting would "avoid householders having to justify owning their kitchen knives".⁶⁸

Opposition Amendments

Louise Haigh spoke to a number of new clauses and amendments tabled by

⁶⁴ [HC Hansard, 28 November 2018, cols 300–1.](#)

⁶⁵ *ibid*, col 300.

⁶⁶ *ibid*, col 308.

⁶⁷ *ibid*, col 317.

⁶⁸ *ibid*, col 318.

the Labour Party.⁶⁹ This included new clauses related to the retail of offensive weapons, including bans on the display of bladed items and protection for shop workers if consumers attempt to threaten them to sell them age restricted items, and further limitations on crossbow sales. She stated that the clauses were intended to “strengthen and improve the weak legislation before us today”.⁷⁰ In addition, she discussed her party’s clause calling for a report into the causes of youth violence, asserting that the Government’s current serious violence strategy was “weak”. She intended the report to consider the impact of the “reduction in police numbers” and the “Government’s austerity agenda” on rising crime levels.⁷¹

In addition, Tulip Siddiq (Labour MP for Hampstead and Kilburn) spoke to proposed new clause 26, which would have made it an aggravated offence when committing certain offences on a moped or motorcycle (also discussed at committee). Explaining her proposal, she stated:

Criminals use mopeds because of the element of surprise it gives when attacking the victim, the victim’s helplessness when hit by someone on a moped, and the speed at which the criminal can get away, which makes it particularly effective for theft. Constituents in Hampstead and Kilburn have told me that they are now scared to walk down the street either talking on their phone or showing any of their possessions because they fear someone on a moped snatching those items away. I speak today to give those people a voice and to speak up on behalf of those who believe that the existing legislation to deal with such crimes is no longer sufficient [...]

New clause 26 seeks to introduce an aggravated offence of possessing a corrosive substance or dangerous knife. A person would be guilty under the new clause if they committed an offence under clause 6 while driving a moped or while a passenger on a moped. If found guilty, offenders would be liable to imprisonment for a term not exceeding two years, or to a fine, or to both. The liability would be the same for England, Wales and Scotland.⁷²

Responding to some of Labour’s proposals, Victoria Atkins argued that protection already existed for retail workers who may be threatened, stating:

A number of criminal offences are available to cover a wide range of unacceptable behaviour, including that described in the tabled amendments, ranging from abusive and threatening language to actual violent offences against the person. So, we submit that there is no

⁶⁹ [HC Hansard, 28 November 2018, cols 338–40.](#)

⁷⁰ *ibid*, col 340.

⁷¹ *ibid*.

⁷² *ibid*, col 341.

gap.⁷³

Turning to retail displays of knives, Ms Atkins stressed that the Government had looked carefully at the suggestion, but was concerned about applying a blanket ban. Instead, she stated that the Government was seeking voluntary action from retailers to address situations where risks are evident:

Our concern is that the prohibition is a blanket requirement. I have looked into whether there are ways that we could make it more targeted, so that councils with a particular problem with knife crime can lay an order covering the display of bladed products in shops in their locality. What we are doing—not what we would like to do, but what we are in the process of doing—is encouraging much stronger voluntary action by retailers to take more robust measures on displays using a risk-based approach.⁷⁴

She also rejected calls for a report on the causes of youth violence, stating that progress and scrutiny of this issue would be covered by the serious violence strategy and by the serious violence taskforce.⁷⁵

The clause calling for a report on the causes of youth violence was moved to a division, and defeated by 303 votes to 272.⁷⁶ In addition, clause 26, relating to aggravated offences involving mopeds, was also moved to a division, and was defeated by 300 votes to 235.⁷⁷

5.2 Third Reading

Introducing the third reading debate, the Home Secretary, Sajid Javid, spoke of the importance of tackling rising levels of violent crime. He stated that the provisions in the bill formed an “incredibly important part” of the Government’s response, highlighting measures to restrict the sales and possession of knives and certain corrosive products, particularly in relation to young people.⁷⁸ However, he acknowledged that the bill had raised some difficult issues regarding proportionality, but stressed his belief that the right balance had been struck:

We recognise, for instance, that knives, corrosives and firearms are not in themselves offensive weapons, and that they have many lawful and legitimate uses in people’s everyday lives. That means that a balance needs to be struck between protecting the public and ensuring

⁷³ [HC Hansard, 28 November 2018, col 321.](#)

⁷⁴ *ibid*, col 327.

⁷⁵ *ibid*, col 353.

⁷⁶ *ibid*, col 359.

⁷⁷ *ibid*, col 363.

⁷⁸ *ibid*, col 367.

that legitimate activities are in no way unduly affected. I believe that the bill strikes the right balance.⁷⁹

He also referred to the points raised on the firearms provisions, reiterating that the Government would be launching a consultation to consider these issues further. Overall though, he urged the House to support the bill, stressing it contained key measures for public safety:

Ultimately, I urge Members to focus on the important changes that this bill will bring about, and I am in no doubt that the Bill is key to tackling violent crime. The public rightly want violent crime to be dealt with properly and to be dealt with urgently. They want to feel that their neighbourhoods and their children are safe, and this bill will help to ensure just that.⁸⁰

Responding for the Opposition, the Shadow Minister for Policing, Louise Haigh, stated that Labour would be supporting the bill, but criticised it as only providing “limited measures”.⁸¹ She stated that the rise in violent crimes represented a trend, rather than a new phenomenon, and argued that the Government’s approach did not go far enough:

The levels of serious violence are not a spike; they are part of a now five-year trend. Behind the figures are stories of young lives destroyed and families torn apart. The serious violence strategy and the Offensive Weapons Bill stand as the Government’s response—it is nowhere near enough. It does not even begin to scratch the surface. As long as they insist on underfunding our police, nobody can say that they are taking serious violence seriously.⁸²

She highlighted the various measures proposed by Labour during the bill’s progress, asserting that these would have improved the bill. She also again criticised the Government for limiting the extent of the firearms provisions in the bill, stating it had “capitulated to their Back Benchers in the face of overwhelming evidence from police, security and intelligence officials”.⁸³ She stated that Labour had “backed the measures in the bill; it is a shame that the Home Secretary did not back his own measures”.

She asserted that, although Labour did not oppose the bill, it did not believe it would be enough to “stem the tide of serious crime” without further measures to “address its root causes”.⁸⁴

⁷⁹ [HC Hansard, 28 November 2018, col 367.](#)

⁸⁰ *ibid.*

⁸¹ *ibid.*, cols 367–8.

⁸² *ibid.*, col 368.

⁸³ *ibid.*

⁸⁴ *ibid.*

Stuart C. McDonald, the SNP Spokesperson, welcomed the provisions in the bill overall, particularly those relating to corrosive substances and knife sales. However, he also raised concerns over the changes to the firearms provisions, and stressed that more needed to be done alongside the bill to reduce the incidence of violent crime:

As we all know, the bill is not a game-changer, and I do not think anyone can pretend it will be. Much more important are efforts to stop individuals feeling the need or desire to carry and use knives and other weapons in the first place. Strategies and policies that work require support, such as the successful violence reduction unit based in Glasgow, which has been mentioned earlier in debates. In short, we need proper resourcing of public services by the Chancellor—that would be a genuine game-changer.⁸⁵

⁸⁵ [HC Hansard, 28 November 2018, col 369.](#)