

| | |
|---|------------------------|
| Committee(s): | Date(s): |
| Police Authority Board | 11 July 2019 |
| Subject: The Offensive Weapons Act 2019 | Public |
| Report of: Office of the City Remembrancer | For Information |
| Report author: Jaysen Sharpe, Office of the City Remembrancer | |
| Summary | |
| <p>The Offensive Weapons Act 2019 criminalises the sale of ‘corrosive products’ to persons under the age of 18, their delivery to residential premises, and their possession in public. The Act also makes provision relating to knives and creates a new offence of possession of an offensive weapon, which will include so-called ‘zombie knives’. Further measures include a ban on the delivery of knives to residential premises.</p> | |
| Recommendation(s) | |
| Members are asked to note the report. | |

Main Report

Background

1. The Act received Royal Assent on 16 May 2019 and in addition to the creation of other related offences, bans the sale of corrosive substances to those under 18, ban the delivery of ‘bladed articles’ to residential premises, and make the possession of a ‘zombie knife’ an offence.
2. The provisions of the Act which relate to the sale of corrosive products and offensive weapons will be enforced within the Square Mile by the Common Council acting in its capacity as a weights and measures authority.

Corrosive Substances

3. The Act criminalises the sale of corrosive substances to persons aged under 18 and the delivery of corrosive substances to residential addresses. Possession of corrosive substances in a public place also becomes an offence under the Act, subject to a defence of ‘good reason’ or lawful authority. A defence applies in circumstances where a corrosive product is sold by ‘remote sale’ to a person under 18 if the seller operates a system to check that purchasers are over the age of 18 and the system is likely to prevent those under 18 from purchasing corrosive substances.
4. Of potential relevance to the City of London Police is the amendment to ‘stop and search’ powers under the Police and Criminal Evidence Act 1984. This will

enable a constable to stop and search persons and vehicles where the constable has reasonable grounds for suspecting that a person has a corrosive substance in a public place and will permit a constable to seize any corrosive substance found.

Knives

5. The delivery of 'bladed products' to residential addresses following a remote sale is criminalised. A defence is provided where the seller has procedures in place which were likely to ensure that any bladed product would be delivered to a person aged 18 or over and took all reasonable precautions and exercised all due diligence to ensure that the product would be delivered to person aged 18 or over.
6. This includes bladed tools such as Stanley knives and saw blades. Exemptions are provided where the bladed product was designed or manufactured for the buyer in accordance with their instructions, or where the bladed article is supplied for historical re-enactment or sporting purposes.
7. The Act creates a new summary offence for possessing an offensive weapon in private, whereas the previously the offence could only be committed where the weapon is "manufactured, sold, hired, offered for sale or hire, or possessed for the purpose of sale or hire, imported, or lent or given to any other person". It also amends the list of offensive weapons to include so-called 'zombie knives' and alters the definition of a flick knife.
8. Defences are provided where the offensive weapon is possessed by a person acting as an operator, or on behalf of a museum. This may be of potential relevance to the Museum of London if such weapons are included in their collections. Other relevant defences in relation to the possession of an offensive weapon in private include where "the weapon in question is one of historical importance".

Firearms

9. The Act prohibits the possession of chambered weapons (excluding 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.
10. Additionally prohibited are so-called 'bump stocks', which are devices that enable semi-automatic weapons to achieve a higher rate of fire by using the recoil energy of the rifle to place repeated pressure on the trigger. Provision is made in the Act for the surrender of such weapons and devices to the police and for payments to be made by the Secretary of State in respect of the surrendered weapons and devices.

Jaysen Sharpe

Assistant Parliamentary Affairs Counsel, Office of the City Remembrancer
T: 0207 332 3045
E: jaysen.sharpe@cityoflondon.gov.uk