

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT CRIMINAL JUSTICE ACT 1988 (OFFENSIVE
WEAPONS) (AMENDMENT) ORDER 2016

Monday 18 July 2016

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The Committee consisted of the following Members:

Chair: PHIL WILSON

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|--|---|
| † Allen, Heidi (<i>South Cambridgeshire</i>) (Con) | Nandy, Lisa (<i>Wigan</i>) (Lab) |
| † Chalk, Alex (<i>Cheltenham</i>) (Con) | † Newton, Sarah (<i>Parliamentary Under-Secretary of State for the Home Department</i>) |
| † Djanogly, Mr Jonathan (<i>Huntingdon</i>) (Con) | Reeves, Rachel (<i>Leeds West</i>) (Lab) |
| Farrelly, Paul (<i>Newcastle-under-Lyme</i>) (Lab) | † Solloway, Amanda (<i>Derby North</i>) (Con) |
| † Griffiths, Andrew (<i>Lord Commissioner of Her Majesty's Treasury</i>) | † Stuart, Ms Gisela (<i>Birmingham, Edgbaston</i>) (Lab) |
| † Harris, Carolyn (<i>Swansea East</i>) (Lab) | † Whittaker, Craig (<i>Calder Valley</i>) (Con) |
| † Hayman, Sue (<i>Workington</i>) (Lab) | |
| † Jackson, Mr Stewart (<i>Peterborough</i>) (Con) | Kevin Maddison, <i>Committee Clerk</i> |
| † Kennedy, Seema (<i>South Ribble</i>) (Con) | |
| † Mackintosh, David (<i>Northampton South</i>) (Con) | † attended the Committee |

Second Delegated Legislation Committee

Monday 18 July 2016

[PHIL WILSON *in the Chair*]

Draft Criminal Justice Act 1988 (Offensive Weapons) (Amendment) Order 2016

4.30 pm

The Parliamentary Under-Secretary of State for the Home Department (Sarah Newton): I beg to move,

That the Committee has considered the draft Criminal Justice Act 1988 (Offensive Weapons) (Amendment) Order 2016.

Good afternoon. It is a pleasure to serve under your chairmanship, Mr Wilson, and I do not plan to detain the Committee too long. We seem to have musical accompaniment from outside on the Terrace, and members of the Committee might want to go and enjoy it later.

The order before the Committee adds zombie knives, zombie killer knives and zombie slayer knives to the list of offensive weapons in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988, the purpose of which is to maintain public safety. Restricting the supply of weapons that may be used in violent crime or to create a fear of violence is a matter of public concern, which is why the Government are taking this action today.

Before I set out further details of the draft order and of what action the Government are taking, I will briefly explain why it is necessary to address zombie knives. We are concerned about the availability of zombie knives, which can be purchased for as little as £10—in fact, the hon. Member for Swansea East tells me that her research revealed one online for as little as £7.99. These weapons are marketed in a way that particularly appeals to young men. Tragically, in 2015 Stefan Appleton, a young man of only 17 years, was murdered with a zombie knife marketed as a “Renegade Zombie Killer Machete/Head Decapitator”.

The Government believe that although sales of such weapons are, pleasingly, relatively low, they have a disproportionate effect because their appearance both creates a fear of violence in law-abiding members of the public and glamorises violence for those to whom such knives appeal. The police strongly advise that such weapons are often used as status symbols by gangs in videos inciting violence, and they have asked us to ban them.

Unlike other types of knife, zombie knives have no legitimate purpose. They are designed for the purpose of violence and creating a fear of violence, and the way they are marketed, using names such as “headsplitter”, “decapitator”, “skullsplitter”, “chopper” or “executioner”, clearly demonstrates the purposes for which they are intended. Such knives pose a danger to the young men themselves and to wider society.

Mr Jonathan Djanogly (Huntingdon) (Con): Although it is surely right that these ghastly looking knives should be banned, they look remarkably similar in some respects

to gardening instruments, particularly machete-type tools. Will a distinction be made between a machete used for gardening and these offensive weapons?

Sarah Newton: My hon. Friend makes an important point. When the guidelines and the definitions within the draft order were being considered, a lot of care and consideration was given to the description, which I will shortly discuss, to make sure that there will be such a distinction. We all enjoy gardening, and quite sizeable knives are also often used appropriately in recreational angling. It is important that we act proportionately and do not ban knives that have legitimate purposes. I will be able to offer him a lot of assurance when I go through the order’s description of these weapons—that is the best way to describe them. Members should intervene further if they feel that I can offer more assurance when I get to that part of the order.

Under section 141 of the Criminal Justice Act 1988, it is an offence to manufacture, sell, hire, offer for sale or hire, expose or possess for the purposes of sale or hire a weapon specified in an order made under that section. The importation of any such weapon is also prohibited. That offence carries a maximum penalty of six months’ imprisonment. The order does not provide for the possession of these weapons to be a criminal offence, but the possession of an article with a blade or point in a public place or school premises without good reason or lawful excuse is a criminal offence under sections 139 and 139A of the Criminal Justice Act 1988, as is the possession of an offensive weapon in a public place by virtue of section 1 of the Prevention of Crime Act 1953.

The Government want to add zombie knives to those weapons prohibited by order. That will be achieved by using the order-making powers in section 141(2) of the 1988 Act to add zombie knives to the list of offensive weapons to which section 141 applies. Those weapons are defined as

“the weapon sometimes known as a ‘zombie knife’, ‘zombie killer knife’ or ‘zombie slayer knife’, being a blade with—

- (i) a cutting edge;
- (ii) a serrated edge; and
- (iii) images or words (whether on the blade or handle) that suggest that it is to be used for the purpose of violence.”

I hope that that definition gives my hon. Friend the Member for Huntingdon the assurance he was looking for.

I hope hon. Members will agree that the order is important and will prevent these weapons from being used in violent crime or to instil a fear of violence. I commend it to the Committee.

4.37 pm

Carolyn Harris (Swansea East) (Lab): May I say what a pleasure it is to serve under your chairmanship, Mr Wilson? I welcome the Minister to her place and look forward to working with her closely in the coming days.

The addition of zombie knives to the offensive weapons list is warmly welcomed by Labour Members. We take great pride in what we see as a victory, because the Labour police and crime commissioner for the West Midlands, David Jamieson, has campaigned for these knives to be outlawed for a considerable time. A zombie knife is characterised by the following features: a blade

that is more than 3.5 inches long; no practical usage; glorification of violence; bright colours; and over-the-top, unnecessary decoration.

Zombie knives have no practical use whatsoever and are sold as a collector's item. However, they are primarily used by street gangs. With names like "headsplitter" and "death dagger", no reasonable person would advocate their being made available to the public, but unfortunately they are. As the mother of a teenage son, it worries me greatly that these knives are so readily available. In the past three years, just over 11,000 children have been victims of knife crime, ranging from robbery to rape, kidnap and murder. The true figure could be as high as 18,000, as 15 police forces in England and Wales failed to provide official statistics to the "Drop the Knife" campaign. The same campaign claims that a child is arrested every two hours for carrying a knife—that is utterly shocking.

As the Minister mentioned, just two months ago a 17-year-old was sentenced to life imprisonment after attacking 17-year-old Stefan Appleton with a 24-inch zombie killer knife. Stefan died in hospital following the attack, in which the serrated blade was used to stab him in the chest and legs. That is probably the most high-profile case involving a zombie knife, but I am concerned there could be more incidents if these knives are made available. There were approximately 28,000 crimes involving a knife or sharp instrument in 2015, which is 9% up on the 2014 total.

The popularity and availability of zombie knives online is extremely worrying. When I searched "zombie knives UK" on Google, I was horrified to find not only that the top two results on the first page were online shopping results, but, as the Minister has said, that most of the knives were available for as little as £7.99. It is terrifying to think that somebody's life could be taken for just £7.99.

During the House's consideration of the Policing and Crime Bill, Labour Members pressed the Government to accept an amendment that would have ensured that such knives were not illegally sold over the internet to under-18s. The Government rejected the amendment, claiming that they had agreed a new set of principles with major retailers, including Amazon and eBay, targeted at addressing the problem. The agreement had been reached less than a month previously, and the Government asked for more time to give it a "chance to work". The agreement has now been in place for more than three months, so it would be welcome if the Minister could update us on how effective it has been.

We welcome this amendment to the Criminal Justice Act. It is important that we do all we can to reduce the prevalence of all types of knives on our streets, especially zombie knives. Such ferocious knives have no practical use in our society, and I am glad that they will no longer be available on the open market. However, we would be most grateful if the Minister could assure us about the policing of online sales.

4.41 pm

Sarah Newton: I thank the hon. Member for Swansea East for her kind words. I look forward to working with her. Many of the crimes in my portfolio are way too important for any sort of party politics, and I look forward to building common cause with all Members of all parties so that we can prevent harm, particularly to the young people we are talking about today.

I also pay tribute to the work of the police and crime commissioner for the West Midlands and his campaign to prohibit zombie knives. A number of Members of Parliament wrote to my predecessor, my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), and many members of the public have also contacted the Department, so there has been a groundswell of revulsion and disgust at how easy it is to access such weapons. I pay warm tribute to the police and crime commissioner.

As the hon. Member for Swansea East said, knife crime among children is truly shocking. I am sure that the order will play its part, but it is not a silver bullet. I reassure the Committee that the Government take knife crime extremely seriously, and we have introduced a series of measures and are working closely with the police to ensure that they have the tools they need to address knife crime. There is always more we can do, but we have a comprehensive strategy that is kept under continual review.

As the hon. Lady said, one area of work is considering what more we can do to prevent young people under the age of 18 from acquiring any sort of knife online. I am happy to report that work undertaken with the British Retail Consortium and major retailers is bearing fruit. Large online vendors such as Amazon have already introduced measures to ensure that no young people under the age of 18 can be sold a knife online. High street retailers are actively taking steps to educate their staff in carrying out age checks and identity checks before people are able to buy knives. Of course that needs to be kept under constant review and, after three months, it is early days, but I assure her and members of the Committee that I will be keeping a close eye on it to ensure that that education happens.

If necessary, we will introduce further measures, because one life lost is one life too many. Horrendous, life-changing injuries can be caused by such weapons being used by gangs or others. Our primary aim is public safety, and restricting the supply of weapons in order to prevent violence and intimidation is an important contributor to that aim. Other types of blade are used in crime. However, zombie knives have no legitimate purpose, as everyone has agreed today. Unlike other knives, their combination of cutting and serrated edges and the way they are clearly marketed for violent purposes makes such weapons particularly dangerous and appealing to some young people. I hope the Committee will agree that this is a proportionate and sensible measure.

Question put and agreed to.

4.45 pm

Committee rose.

