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GENERAL COMMITTEES

Public Bill Committee

OFFENSIVE WEAPONS BILL

Tenth Sitting

Tuesday 11 September 2018

(Afternoon)

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Saturday 15 September 2018

The Committee consisted of the following Members:

Chairs: Mike Gapes, † James Gray

† Atkins, Victoria *(Parliamentary Under-Secretary of State for the Home Department)*
† Foster, Kevin *(Torbay)* (Con)
† Foxcroft, Vicky *(Lewisham, Deptford)* (Lab)
† Haigh, Louise *(Sheffield, Heeley)* (Lab)
† Huddleston, Nigel *(Mid Worcestershire)* (Con)
† Jones, Sarah *(Croydon Central)* (Lab)
McDonald, Stuart C. *(Cumbernauld, Kilsyth and Kirkintilloch East)* (SNP)
† Maclean, Rachel *(Redditch)* (Con)
† Maynard, Paul *(Lord Commissioner of Her Majesty's Treasury)*
† Morgan, Stephen *(Portsmouth South)* (Lab)
† Morris, James *(Halesowen and Rowley Regis)* (Con)
† Pursglove, Tom *(Corby)* (Con)
† Robinson, Mary *(Cheadle)* (Con)
† Scully, Paul *(Sutton and Cheam)* (Con)
† Siddiq, Tulip *(Hampstead and Kilburn)* (Lab)
† Smyth, Karin *(Bristol South)* (Lab)
† Timms, Stephen *(East Ham)* (Lab)

Mike Everett, Adam Mellows-Facer, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 11 September 2018

(Afternoon)

[James Gray *in the Chair*]

Offensive Weapons Bill

2 pm

The Chair: We now recommence the line-by-line consideration of the Offensive Weapons Bill. We will of course give it due consideration, but none the less might be able to rattle through it in good time.

New Clause 3

Prohibition on the possession of a corrosive substance on educational premises

'(1) A person commits an offence if that person has a corrosive substance with them on school premises or further education premises.

(2) It shall be a defence for a person charged with an offence under subsection (1) to prove that they had good reason or lawful authority for having the corrosive substance on school premises or further education premises.

(3) Without prejudice to the generality of subsection (2), it is a defence for a person charged in England and Wales or Northern Ireland with an offence under subsection (1) to prove that they had the corrosive substance with them for use at work.

(4) Without prejudice to the generality of subsection (3), it is a defence for a person charged with an offence under subsection (1) to show that they had the corrosive substance with them for use at work.

(5) A person is to be taken to have shown a matter mentioned in subsection (4) or (5) if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(6) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to an imprisonment for a term not exceeding 12 months, to a fine or to both;

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;

(c) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or both.

(7) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (7)(a) to 12 months is to be read as a reference to 6 months.

(8) A constable may enter any school or further education premises and search those premises and any person on those premises, if they have reasonable grounds for suspecting that an offence under this section is, or has been, committed.

(9) If, in the course of a search under this section, a constable discovers a corrosive substance they may seize and retain it.

(10) The constable may use reasonable force, if necessary, in the exercise of entry conferred by this section

(11) In this section—

"corrosive substance" means a substance which is capable of burning human skin by corrosion;

"school premises" means land used for the purpose of a school, excluding any land occupied solely as a dwelling by a person employed at a school; and "school" has the meaning given by—

(a) in relation to land in England and Wales, section 4 of the Education Act 1996;

(b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3).

"further educational premises" means—

(a) in relation to England and Wales, land used solely for the purposes of—

(b) in relation to Northern Ireland, land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/ 1772 (NI 15) excluding any land occupied solely as a dwelling by a person employed at the institution'.—*(Stephen Timms.)*

Brought up, and read the First time.

Stephen Timms (East Ham) (Lab): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss:

New clause 4—*Offence of threatening with corrosive substance on educational premises*—

'(1) A person commits an offence if that person threatens a person with a corrosive substance on school premises or further education premises.

(2) In this section—

"corrosive substance" means a substance which is capable of burning human skin by corrosion;

"threatens a person" means—

(a) unlawfully and intentionally threatens another person ("A") with a corrosive substance, and

(b) does so in such a way that a reasonable person ("B") who was exposed to the same threat as A would think that there was an immediate risk of physical harm to B.

"school premises" means land used for the purpose of a school, excluding any land occupied solely as a dwelling by a person employed at a school; and "school" has the meaning given by—

(a) in relation to land in England and Wales, section 4 of the Education Act 1996;

(b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3).

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(3) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to an imprisonment for a term not exceeding 12 months, to a fine or to both;

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both;

(c) on conviction on indictment, to imprisonment for a term not exceeding 4 years, to a fine or both.

(4) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (7)(a) to 12 months is to be read as a reference to 6 months'.

Stephen Timms: Thank you, Mr Gray, and I bid you a warm welcome back to the Chair of our Committee. One of the welcome contributions in the Bill is bringing the law on acid and corrosive substances into line with the law on knives, so that possession without good reason is an offence. There is evidence that, in some cases, criminal gang members have switched from knives to acid because, since possession of acid has not been an offence, it has been less risky for them to carry it than to carry a knife. In my view, the Bill is absolutely right to bring the law on acid into line with the law on knives.

However, there are two respects in which, if the Bill is not amended, the law on acid will still be less demanding than it is on knives. I think they should be aligned throughout, which is what new clauses 3 and 4 are designed to achieve. Proposed new clause 3 makes it an offence to possess a corrosive substance on educational premises. It has long been an offence to have a knife in school. Clause 21 relates to section 139(a) of the Criminal Justice Act 1988 and rightly extends the current ban on possession of knives in schools to cover further education colleges as well. The ban in schools was introduced in the Offensive Weapons Act 1996 when Michael Howard was Home Secretary—that is the second occasion I have had to refer to something he has done. The same ban should cover corrosive substances. It is a lengthy new clause, but with a straightforward effect. I hope that the Minister will recognise the validity of the attempt and be able to accept it, or something very like it.

New clause 4 would extend to corrosive substances the prohibition on threatening people with knives that already applies in schools. It has been an offence in schools since 2012, since the Legal Aid, Sentencing and Punishment of Offenders Act. Again, the Bill is extending the existing prohibition on knives from schools to further education premises, which is the right thing to do. New clause 4 applies the same prohibition to corrosive substances.

I suggest that neither of the proposed new clauses is contentious—none of us wants people to have corrosive substances or threaten other people with them in schools or further education colleges. The new clauses extend to acid existing measures that cover knives and I hope the Minister agrees to them.

It occurred to me that another way of achieving the same result might be to widen the definition of "offensive weapon" to include corrosive substances, because the wording in the existing prohibitions is about offensive weapons. If one said that corrosive substances are offensive weapons, that might have the same effect as proposed new clauses 3 and 4. I would be interested to know whether that was considered. This is an offensive weapons Bill—it does not say anywhere that corrosive substances and corrosive products are offensive weapons and I appreciate that there might be technical difficulties in doing so. In the absence of that, the two new clauses would deal with the gap. I hope the Minister feels able to commend them.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Gray. As the right hon. Gentleman has set out, there are existing offences under section 1 of the Prevention of Crime Act 1953 and section 139A of the Criminal Justice Act 1988, which deals with incidents of threat or possession on school premises. The Bill extends these offences to cover further education premises as well as school premises.

The intention behind the amendments seems reasonable, but there are several reasons why we did not consider it necessary to extend the corrosive substance provisions in this way when developing the Bill. First, the scale of knife crime is significantly higher than that involving a corrosive substance. There were more than 18,000 recorded offences of knife possession last year and more than 40,000 recorded knife offences involving a bladed article. By contrast, there are only around 800 attacks a year using corrosives.

The impact of any crime using a knife or a corrosive substance is devastating, but the scale of the problem is different. In drawing up the Bill, we tried to keep in mind the proportionate use of corrosives. We wanted to take action against the possession of corrosives on the street because there is little evidence to suggest that possession of corrosives on educational premises was an issue. However, I accept that crime and crime types change. We were reassured by the fact that existing offences that can already be used in relation to possession of corrosives on school premises, and in future on further education premises, cover the situations to which the right hon. Gentleman referred.

For example, if a student is carrying a corrosive cleaning fluid on school premises and there is evidence that they intend to use it as a weapon, such as indicating on social media or through talking to friends that they intend to do that, the offence of possessing an offensive weapon on school and further education premises would apply. Similarly, decanting the corrosive into another container to make it easier to use as a weapon would also be covered by that offence. Carrying any corrosive substance on the way to school or college would also be an offence under clause 5.

The only scenario in terms of possession that is not covered is where a student has a corrosive substance on school or further education premises in its original container and there is no evidence that they intend to use the substance to cause injury. This is a very discrete possibility, but one that the right hon. Gentleman has alerted us to. As I have already indicated, I will be happy to consider this further.

Louise Haigh (Sheffield, Heeley) (Lab): I do not quite follow how that instance qualifies as possession of an offensive weapon. My right hon. Friend the Member for East Ham made the case that we could extend the definition. Is it the case that corrosive substances are now considered as offensive weapons under all other offensive weapons legislation because they come under this Bill? Will the Minister clarify that point?

Victoria Atkins: As I was saying, this is a discrete exception to the definition. I accept the point made by the right hon. Member for East Ham that there seems to be a gap in the law on the small area where corrosive substances are in their original container on further education premises and there is no evidence that they are intended to be used to cause injury. That is why I will take that point away to consider.

Louise Haigh: That was not the example I was referring to; I was referring to the example that the Minister gave first. I think she said that if an individual had expressed—for example, on social media—that they were going to use the substance to commit an offence, that would therefore come under possession of an offensive weapon on school

[Louise Haigh]

premises. Will she explain why that would fall under possession of an offensive weapon, given that the legislation relates to the possession of corrosive substances? Corrosive substances do not fall under the definition of an offensive weapon under the legislation.

Victoria Atkins: I am just looking into the detail of that. The fact of the intention makes it different from the very limited set of circumstances that I have just dealt with, where the substance is in the original container and there is no evidence that the person intends to use it to cause injury.

On new clause 4, and the creation of a new offence of threatening with a corrosive substance on school and further education premises, the gap is perhaps even smaller. It is already an offence to threaten someone with an offensive weapon on school premises, which will be extended by the Bill to cover further education premises. Any student threatening someone with a corrosive substance would be caught because they clearly intend the corrosive to cause injury.

As I said, I will continue to consider new clause 3. On that basis I invite the right hon. Member for East Ham to withdraw it.

Stephen Timms: I am grateful to the Minister for agreeing to consider further the content of new clause 3 with, I presume, a view to come back to it on Report.

I thought the argument that she used at the beginning of her remarks was a bit disappointing. She seemed to say, "Well, there aren't that many acid attacks, therefore we don't need to legislate on it." Thankfully that view, which has long been held by Government, has changed, and I very much welcome the fact that the Bill makes the possession of acid an offence without a requirement for evidence that somebody intends to injure somebody with it. That has always been the difficulty: simply possessing acid has not, up until now, been an offence. Thankfully it is made an offence by the Bill, and I welcome that.

The argument for new clause 3 is that possessing acid in schools ought to be an offence as well, because how can a school or further education college show that a student with acid intends to injure somebody with that acid? That is exactly the difficulty that the police have always had. Nevertheless, the Minister has said that she will give the matter further consideration and come back to us on Report. On that basis, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 7

PROHIBITION OF AIR WEAPONS ON PRIVATE LAND FOR THOSE UNDER THE AGE OF 18

"(1) Section 23 of the Firearms Act 1968 is amended in accordance with subsections (2) to (3).

(2) Omit subsection (1).

(3) Omit subsection (3)."—*(Karin Smyth.)*

This new clause would amend the Firearms Act 1968 to prevent a person under the age of 18 from having an air gun on private land other than as part of a sporting club.

Brought up, and read the First time.

Karin Smyth (Bristol South) (Lab): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 8—*Report on the use of air weapons*—

"(1) The Secretary of State must, within six months of this Act receiving Royal Assent, lay a report before Parliament on the safe use of air weapons.

(2) The report under subsection (1) must consider, but is not limited to—

(a) whether existing legislation on the use of air weapons is sufficient;

(b) whether current guidelines on the safe storage of air weapons needs revising;

(c) whether the current age restrictions surrounding the possession and use of air weapons are sufficient."

Karin Smyth: I am pleased to be able to explain my reasoning for introducing these clauses, following a long-standing issue in my constituency regarding a toddler who was very badly injured by an air rifle.

This subject has been discussed several times in the House over many years. We have had a good discussion on statistics and age limits; I hope that some of the discussions in Committee can inform this Bill and others. The statistics on air weapons are not routinely recorded, although we know that 2014-15 was the first year since 2002 in which there was an increase in offences on the previous year. That is a worrying development, but we do not know whether that trend has continued.

There is also no published data on the victims of air gun offences. Data shows the age of victims of crimes involving firearms, but specifically excludes air weapons, which does not seem particularly helpful.

2.15 pm

New clause 7 aims to amend the Firearms Act 1968 to prevent a person under the age of 18 from having an air gun on private land other than as part of a sporting club. Currently it is permissible for a child aged 14 or over to borrow and use an air weapon on private premises if they have the consent of the occupier. I argue that that age bracket is arbitrary and likely to add to the confusion on age restrictions that we have discussed in Committee over the last few days.

Interestingly, that was picked up by a Home Affairs Committee as far back as 2000, which suggested that there was

"a case for rationalising the situation to ensure that young people are not allowed unsupervised access to an air weapon under any circumstances."

The Committee concluded:

"Since most of the incidents involving the abuse of air weapons involve youngsters, such an age limit would be likely to cut down on the incidence of such abuse."

It was quite some time ago that the Committee discussed that and, although I am not going to talk about specific cases, we should pay tribute to the families of the victims there have been over the intervening years. Many hon. Members on both sides of the House have brought to the attention of Governments of both hues the tragedy of loss of life and permanent damage.

With the help of the Library, I have managed to obtain unpublished data from the Home Office on air weapons by age of victim. In 2017, about a quarter of victims of air weapon offences were under the age of 20, which is consistent with the proportion of under-20s in

the general population. However, compared with their share of the population, a disproportionate number of 10 to 19-year-olds were victims of air weapon offences. That also seems to correlate with statistics on hospital admissions. Between April 2012 and March 2017, 687 under-18s were admitted to hospital in England due to an injury caused by "other" and "unspecified" firearms, categories that include most of these air weapons. This equated to 29% of total admissions.

Last Tuesday, we all took great note of the Minister's comments—my right hon. Friend the Member for East Ham did also. She said that under a "teenage" category is the

"internationally recognised age of the child",

and she went on to say that

"although having restrictions against under-18s is also arguably discriminatory, if one takes a libertarian view about these things, it is justified because it replicates measures already in place to deal with knives. It is justified both on public safety grounds and because of the need to safeguard children"—[*Official Report, Offensive Weapons Public Bill Committee,* 4 September 2018; c. 128.]

I agree with that justification, and by the same rationale I therefore question why those restrictions should not extend to lethal air weapons.

The current legislation appears to fail to protect our children from the misuse of such weapons, and new clause 7 would be but a small, logical step towards addressing that. It would add much needed consistency to the age limits in this area of law, which is something the Minister has forcefully argued throughout these proceedings.

Members will be aware that the Government have committed to the publication of a consultation and a report, and new clause 8 simply seeks to establish in law the requirement for the Department to publish a report on the safety of air weapons. As I have indicated, publicly available information on air weapon offences is limited and we do not yet know how detailed the responses to the review will be. Given the seriousness of the offences and the disproportionately young age of their victims, I argue that the Government have a duty to clearly set out both their position and the evidence—evidence is something we have repeatedly come to in these proceedings—and the new clause provides a good opportunity for the Government to commit to doing just that.

Louise Haigh: I rise briefly to support the timely new clauses, and to congratulate my hon. Friend the Member for Bristol South on tabling them. It is indeed time for a public debate on airgun regulations in England and Wales, first because of the role they have played in fatal incidents in recent years, and secondly because of their increasing use in other types of crime.

The inquest into the tragic death of Ben Wragge, who was fatally wounded on 1 May 2016, aged just 13, heard that he had been playing with a group of friends at a friend's home when the incident that was to take his life took place. The court heard that the friend did not even think he had fired the airgun—there was no safety catch on the weapon. After the incident, Ben's relative Zoe Wragge said:

"Following the tragic death of Ben, we very strongly feel that had the law on the licensing, registration and storage of airguns been amended in the past, Ben's death could have been prevented."

The coroner, Dr Dean, asked the Home Office to review the laws relating to airguns, which it is in the process of doing. It is frankly unacceptable that we are still waiting for the publication of that review. In the summer, a further incident involving an airgun killed a six-year-old boy from east Yorkshire, although with an inquest ongoing, it would not be appropriate to comment further on the circumstances.

Such tragic incidents demonstrate the potential power of airguns. It is appropriate that we therefore consider whether Parliament has done enough to ensure that under-18s, in particular, are protected. Many have argued that trigger locks should be mandatory or that there should be increasing regulations on the storage and control of ammunition. Once again, the Committee has to return to the fundamental balancing act that politicians have to achieve. Given what we know the risks, are we satisfied that regulation of access to and use of air weapons is sufficient in this country, while acknowledging that they are legitimately used by tens of thousands of young people who pose no threat to the public at all?

We are concerned that the balance is currently off kilter—away from public safety—but we do not need to tip it far the other way to correct it. We have substantial and compelling evidence from the medical profession that these weapons are easily capable of penetrating human skin and causing serious injury. A report in *The BMJ*, now some years old, stated:

"At first sight, air guns and air rifles may appear relatively harmless but they are in fact potentially lethal weapons. They use the expanding force of compressed air (or gas) to propel a projectile down a barrel and have been in general use since the time of the Napoleonic wars. The projectiles are usually lead pellets or ball bearings. Technological refinements have increased the muzzle velocity and hence the penetrating power of these weapons. In a review of experimental studies"—

it was—

"concluded that the critical velocity for penetration of human skin by an air gun pellet was between 38 and 70 m/sec...Most modern air weapons exceed this velocity and many air rifles can deliver a projectile with similar muzzle velocity to a conventional hand gun."

Potentially of even greater significance are the findings in relation to emergency admissions involving air weapons. The article's authors found that almost half of admissions were for patients under 18, and the majority were the result of accidental shooting, usually in the absence of adult supervision. The full data found that between 1996 and 2001, 73 injuries were caused by air weapons, and 36% were aged 18 or under. That is old data, but as my hon. Friend has said, the data is missing. It is for the Home Office to collect updated data in order to form a proper picture of whether the Government should accept the amendment. Given that these weapons have a similar muzzle velocity to conventional hand guns and that there is evidence of skin penetration and, where the injury is accidental, of incidents predominantly involving under-18s, the question for the Minister must surely be what the justification is for allowing under-18s to have access to air weapons, even with supervision on private land.

Victoria Atkins: I am extremely grateful to the hon. Member for Bristol South, who has been campaigning on this issue because of the experience of a family in her constituency who were so terribly affected by an air rifle being used in circumstances that we cannot begin to imagine. The Government recognise concerns about air

[Victoria Atkins]

weapon safety, particularly with regard to access by under-18s and in terms of security in the home. The Minister for Policing and the Fire Service announced a review of the regulation of air weapons in October last year, following the death of Ben Wragge, who we have just heard about. The review has received more than 50,000 representations.

A large proportion of the responses concerned the shooting with air weapons of domestic cats and other animals, and we recognise that air weapon safety and regulation is a topic that arouses strong feelings. Naturally, the strongest feelings are among those who have been affected by air weapon shootings and, of course, the Members of Parliament who represent them. We will announce the outcomes of the review shortly.

New clause 7 seeks to abolish two of the exceptions, namely that which permits persons aged 14 and over to have an air weapon on private land with the consent of the occupier, and that for persons under the age of 18 when under the supervision of a person aged at least 21. If the new clause were implemented, it would mean that under-18s could possess air weapons in only two circumstances, namely if they shoot either as a member of an approved target shooting club or at a shooting gallery, such as at a fairground, where the only firearms used are air weapons and miniature rifles not exceeding .23 inch calibre.

I listened with great care to what the hon. Lady said. I am also conscious of the fact that the review has received many responses. The issue is being considered very carefully by the Policing Minister, and I, in turn, would like to consider the merits of restricting access to air weapons for under-18s. I will go away and consider it and I ask the hon. Lady not to press the new clause.

New clause 8 would require us to publish, within six months of the Bill receiving Royal Assent, a report on the safe use of air weapons, and it specifies the topics that the report must cover. The review is considering the specified topics, particularly safe storage and access by over-18s. It is also considering other topics, including manufacturing standards, post-sale modification and the merits of introducing a licencing system. We will publish the outcomes of the review shortly and I would therefore ask hon. Members not to press the new clause.

Karin Smyth: I am grateful to the Minister for her comments and for saying that she will consider the age issue, for the sake of consistency. My right hon. Friend the Member for East Ham has made some excellent points about all offensive weapons, so I am grateful for that assurance. We look forward to the report appearing shortly or soon—I am not sure which is quickest. On that basis, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 10

PAYMENT FOR CORROSIVE SUBSTANCES

"(1) It shall be an offence for a seller to receive payment for a corrosive substance except—

(a) by cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable; or

(b) by an electronic transfer of funds (authorised by credit or debit card or otherwise).

(2) In this section 'corrosive substance' means a substance which is capable of burning human skin by corrosion.

(3) A person who is guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to a fine;

(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale."—*(Stephen Timms.)*

Brought up, and read the First time.

Stephen Timms: I beg to move, That the clause be read a Second time.

I will speak briefly to new clause 10. I am worried that it is extremely easy to buy acid and other corrosive substances. They are often very cheap and they can readily be purchased in DIY shops. Recently, one of my constituents brought to me a product that was essentially sulphuric acid, which he had bought extremely cheaply in a pound shop down the road. I welcome the fact that the Bill will make it a bit harder to obtain such substances by banning their sale to under-18s, as well as the step already taken in April to promote sulphuric acid from the lower to the higher category in the explosive precursors regulations, meaning that, since April, the purchaser requires a licence.

New clause 10 goes a step further, making it a requirement that corrosive substances should not be paid for by cash. They would need to be bought either by cheque or by credit or debit card. There are two reasons for taking this step. First, it would end what we have seen too often, which is somebody on the spur of the moment buying a corrosive substance extremely cheaply by cash and therefore completely anonymously, quite likely with no prior intention of doing so. Something gets into their head, they decide to go along and buy this stuff and then go on to cause enormous harm to somebody by throwing it over them. Introducing the requirement for a bit of a pause before making the purchase and having to use a debit or credit card might stop some people taking that spur-of-the-moment step and regretting it for the rest of their lives. It would also mean that when substances are purchased, the purchaser will be traceable. That in itself will cause some potential perpetrators to pause before going ahead, making their purchase and then going on to inflict dreadful injuries on somebody.

2.30 pm

This would not the first time for a requirement to be made in legislation that purchases should not be in cash. The wording in proposed new clause 10 is taken from section 12 of the Scrap Metal Dealers Act 2013. The Home Office impact assessment for that measure said:

"Prohibiting cash will remove a significant driver behind the crime due to the ease with which offenders can receive cash in hand for their metal".

The context here is clearly a bit different, but I think that new clause 10 could help us to bear down on the ease with which people can completely anonymously get hold of acid with the intention of inflicting dreadful injuries on somebody else. I hope that the Minister will feel able to accept that proposal.

Tulip Siddiq (Hampstead and Kilburn) (Lab): My right hon. Friend the Member for East Ham has made an important speech and I rise to support his proposed new clause 10. At present we seem to have a policy framework that encourages those selling corrosive substances to sign up for voluntary commitments, rather than one that compels them to follow very clear rules on receiving payment. To illustrate this, I looked at the report that the Home Office published in July, detailing voluntary measures to which retailers should commit. They included sensible measures such as agreeing to comply with the Poisons Act 1972, promoting staff awareness about what it means to sell corrosive products, and agreeing not to sell to under-18s products that contain potentially harmful levels of acid. Where appropriate, that would include applying Challenge 21 and Challenge 25 policies when asking for age identification.

Those are very sensible voluntary commitments, but they are far weaker than my right hon. Friend's proposed new clause, whose measures should have been enshrined in law a long time ago. Preventing the sale of these substances by cash would make it less likely for young people to get drawn into purchasing such products. Presumably, ensuring that payments are conducted electronically would also help the emergency services in any retrospective investigation into individuals who are accused of an offence. The only thing I would wish to add to the proposed new clause is that it may be worth preventing such transactions from being conducted through contactless payments, given that corrosive products are often cheaper than £30 and today's debit cards, if stolen, can be used for a whole range of purchases without chip and PIN verification.

I believe that the point at the heart of the proposed new clause is that all sales of corrosive substances should be traceable to the individual at the address to which the bank account or credit card is registered. I hope the Government will see fit to support this sensible and reasonable proposal.

Victoria Atkins: I am grateful to the right hon. Member for East Ham for tabling the new clause. This is another one where we have had to conduct a balancing exercise. I very much understand the intention, but on balance we have concluded that the new clause falls a little too heavily on businesses without necessarily having the positive impact that he intends. The hon. Member for Hampstead and Kilburn has hit on our first concern: namely, because we can simply tap a card nowadays, there is not necessarily the traceability that there might have been in years gone by. Cheques are rarely used anymore. Even when a person has used a credit or debit card and has entered a PIN code, that does not help the emergency services when a perpetrator has decanted the product into another bottle to conceal it. We have given the proposal some thought, but have concluded, on balance, that it is probably too much of a burden for businesses, given the small amounts of money that some of these corrosive substances cost.

If the substance has been put into another container, there is not necessarily the evidential trail to help the police anyway. Our focus in the law is on preventing sale to under-18s in the first place, and if they carry the substances in a public place then that is an offence in and of itself as well. I regret that I must resist the new clause.

Stephen Timms: I am grateful to the Minister for her explanation, and to my hon. Friend the Member for Hampstead and Kilburn for the telling points she made. Her point about contactless payment is absolutely right and needs to be considered.

The Government could take one step here to force people to pause and think a little before making a spur of the moment purchase of one of these substances and going on to inflict appalling injuries on someone else—and, as I said, for the perpetrator probably to regret having done so for the rest of their life. I am glad that the Government are legislating on corrosive substances, and this is a serious issue that we need to get to grips with now before it becomes even worse in the future, so I want to press new clause 10 to a vote.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 7, Noes 9.

Division No. 3]

AYES

Foxcroft, Vicky	Siddiq, Tulip
Haigh, Louise	Smyth, Karin
Jones, Sarah	Timms, rh Stephen
Morgan, Stephen	

NOES

Atkins, Victoria	Morris, James
Foster, Kevin	Pursglove, Tom
Huddleston, Nigel	Robinson, Mary
Maclean, Rachel	Scully, Paul
Maynard, Paul	

Question accordingly negatived.

New Clause 11

OFFENSE OF HAVING A CORROSIVE SUBSTANCE IN AN UNMARKED CONTAINER

"(1) A person commits an offence if they carry a corrosive substance in a container in a public place unless that container is clearly marked or labelled as containing a corrosive substance.

(2) A person who is guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to a fine;

(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale."—*(Stephen Timms.)*

Brought up, and read the First time.

Stephen Timms: I beg to move, That the clause be read a Second time.

On 8 January 2018, *The Sun* reported the case of 32-year old Andreas Christopheros. He was the victim of an acid attack on his doorstep in 2014. He lost 90% of his face and will need 10 years of facial reconstructive surgery. He lost the sight of one eye, and is in danger of losing it in the other in due course. As it turned out, it was a case of mistaken identity. The perpetrator wanted revenge on somebody for an alleged assault on a relative but knocked on the wrong door. Mr Christopheros had no connection at all with the incident for which revenge was being sought, but he has a lifetime of problems ahead as a result of the injuries inflicted on him. Given what has happened to him and

[Stephen Timms]

his future prospects, he talked a great deal of sense during the interview published in *The Sun*, and he made the point that

"one bit of legislation which I'd really love to see be pushed through is a decanting legislation; to make it an offence to decant acid from its original, well-labelled bottle, into any other receptacle."

In his case, the acid was held in a beaker by the person who knocked on his front door and then just thrown over him. New clause 11 is another measure that aims to make it a bit harder to use acid to commit a crime. New clause 11 says that a container in a public place holding acid in circumstances in which it is in the public place for good reason must be clearly marked or labelled as containing a corrosive substance. It would be an offence, as in my view it certainly should be, to carry acid around in, for example, a Lucozade bottle, which, as we have heard, has happened too often over the last year or two.

On its own, new clause 11 will not solve our problem, but I think it could help. It will constrain a little the ready and cheap access to liquid capable of inflicting appalling injuries, which is part of the backdrop for the rapid growth in this crime over the past five years.

Victoria Atkins: I am grateful to the right hon. Member for East Ham for tabling this new clause on making it an offence to have a corrosive substance in an unmarked container. I assume that he has introduced it because of concerns that clause 5 does not go far enough. I assure him and others that there is no need for this amendment, because under section 1 of the Prevention of Crime Act 1953, anyone who is in possession of a corrosive substance can be prosecuted as being in possession of an offensive weapon, where it can be proved that they are carrying it with the intention of causing injury. The definition is set out in section 1, whereby an offensive weapon means

"any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him or by some other person".

Intent to cause injury can be inferred from the context of the circumstances surrounding the offence, for example, transferring it into a container that is easier to carry or to use as a weapon. The Crown Prosecution Service has refreshed its guidance to prosecutors on offensive weapons, which includes references to the carrying and use of acid and other corrosives. The guidance covers the appropriate charges and public interest considerations to ensure that any decisions reflect the seriousness of these crimes.

Furthermore, clause 5 strengthens the powers available to the police and the CPS in cases where people are carrying corrosive substances for use as a weapon or to threaten people. By making it an offence to possess a corrosive substance in a public place, we are removing the burden on the police and the prosecution to prove that the person was carrying the corrosive with the intent to cause injury. It puts the onus on the individual to prove that they were carrying a corrosive substance in a public place with good reason or with lawful authority.

I hope that I have persuaded the right hon. Gentleman that the amendment is not required and invite him to withdraw it.

Stephen Timms: I am not convinced. The problem is that the Minister is again going back to the argument about the 1953 Act and the fact that if someone intends to cause injury, it has always been an offence to carry acid. That is true, but if we accept that argument—if the Minister accepts it—we would not have measures in the Bill making possession of acid an offence. I am glad that she has got over the previous argument for not doing that and that the Bill now makes the possession of acid an offence.

I am concerned about the sort of situation where somebody is lawfully carrying acid, because they have a legitimate purpose to use it, and then, for whatever reason, the container falls into the wrong hands. I think we should be very cautious about this stuff. If it is on the streets, it should be clearly marked as a corrosive substance dangerous to life and limb and liable to cause injury. It should therefore be a requirement that the containers in which it is being carried are properly marked accordingly. I do not think the Minister has set out—

Victoria Atkins: In the scenario the right hon. Gentleman has set out, the acid or the corrosive substance is in the possession of someone who has lawful authority or good reason to carry it, and it then falls into other hands—I think those were his words. Of course, the moment it falls into other hands—perhaps someone swipes it in the street, or something—if that other person taking possession of it does not have good reason or lawful authority and they are in a public place, they fall foul of clause 5. I would argue that that is a very simple possession offence. We have included the defence to cover, for example, people going about their lawful business and buying cleaning products because they want to use them at home with no ill intent whatever, but the simplicity of clause 5 is deliberate, in order to cover the sort of scenario where the person is carrying the acid from the shop in a carrier bag and it is stolen. I hope that helps.

The Chair: Order. Interventions should be brief.

2.45 pm

Stephen Timms: Let us suppose that someone who is legitimately carrying acid for work purposes has it in a Lucozade bottle, and they put it down beside them while they are doing their work and someone else picks it up. It might be that someone steals it from them, or there might be some accidental reason why it comes into the possession of somebody else. My point is that that bottle ought to be properly marked as a dangerous substance—not Lucozade or whatever else the container might say on it, but a corrosive substance that can cause serious injuries.

I entirely accept that the person who has the corrosive substance will be behaving completely lawfully and properly; I am arguing that it should be their responsibility to ensure that the receptacle they are carrying this stuff in is clearly marked to show what it is. Otherwise, there is a danger that if, for whatever reason, it falls into someone else's hands, it could cause injury.

I am grateful to the Minister and I appreciate the fact that she has responded seriously to my proposal, but I think an issue remains, and for that reason I will press new clause 11 to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 9.

Division No. 4]

AYES

Foxcroft, Vicky	Siddiq, Tulip
Haigh, Louise	Smyth, Karin
Jones, Sarah	Timms, rh Stephen
Morgan, Stephen	

NOES

Atkins, Victoria	Morris, James
Foster, Kevin	Pursglove, Tom
Huddleston, Nigel	Robinson, Mary
Maclean, Rachel	Scully, Paul
Maynard, Paul	

Question accordingly negatived.

New Clause 12

ADVERTISING DISGUISED OFFENSIVE WEAPONS

"(1) A person or company commits an offence when a website registered in their name is used to advertise, list or otherwise facilitate the sale of an offensive weapon capable of being disguised as something else.

(2) The registered owner of a website that is guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;

(b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the standard scale."—*(Stephen Timms.)*

Brought up, and read the First time.

Stephen Timms: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 31—*Offence of hosting a seller on a platform, online third-party reseller or online marketplace used to sell offensive weapons or corrosive products to children online—*

"(1) The owner of a platform, third-party reseller or online marketplace commits an offence if that platform, third-party reseller or online marketplace hosts a seller on a website used to—

(a) sell an offensive weapon to a person under the age of 18; or

(b) sell a corrosive product to a person under the age of 18.

(2) The platform, third-party reseller or online marketplace must operate a system for checking that persons who bought corrosive products or offensive weapons on a platform, third-party reseller or online marketplace were not under the age of 18.

(3) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;

(b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the standard scale."

This new clause is a probing amendment to discuss the responsibility of platforms, online third-party resellers or online marketplace e.g. Facebook Marketplace, eBay or Amazon to ensure that sales by sellers who operate on their platform are compliant with the provisions of this Bill.

Stephen Timms: The Minister pointed out to us last Tuesday that under section 141 of the Criminal Justice Act 1988, the sale and import of disguised knives is illegal, yet these dangerous weapons are freely available, certainly on eBay, but also on other platforms. Anyone in the UK wishing to buy one simply needs to click on that item and enter their credit card or PayPal account details, and the weapon will arrive in the post. The Bill will change nothing. My new clause 12 is intended to address that, and I am grateful to the Clerk for helping me to draft it. It makes it an offence

"to advertise, list or otherwise facilitate the sale of an offensive weapon capable of being disguised as something else."

In other words, it would make it illegal to do what eBay and all the other platforms are freely doing.

It is extraordinary to me that a reputable company such as eBay has on sale in the UK products that it is illegal to purchase in the UK. I was dumbfounded to discover that that is the case. I have not had a discussion with eBay or any of the other platforms about it, but I cannot see how it is possible to defend having these things on sale when it is illegal to purchase them in the UK.

In our debate on new clause 9 last Tuesday, I referred to the availability on eBay of an "Ultralight Self Defense Tactical Defense Pen Outdoor Glass Breaker Writing Pen". It is rather a long name. The tags are all required, which is why words like "pen" occur a couple of times. It is available on eBay for £2.84, and it looks like a pen but is actually a dangerous weapon. It was drawn to my attention my Mr Raheel Butt, whom I have mentioned on a number of occasions in Committee. I am pleased to inform the Committee that that particular product is no longer there, which shows that at least somebody is paying attention to what we say in Committee.

Unfortunately, all the other items that Mr Butt pointed out to me but which I have not previously mentioned are there: "Tactical pen Tungsten steel head Self Defense Woman anti wolf weapons" are available for £5.99 from a Chinese supplier. There is also a "Six inch Tactical Pen Glass Breaker Self Defense" tool, which is described as a "Tactical Pen Great for Self Defense!" and is available for £3.38 from a different Chinese firm. There are a great many more. I looked on gov.uk to find which other weapons it would be an offence to import. The Minister told us that it was an offence to import disguised knives, and there is a long list of other things it is an offence to import, including butterfly knives, flick knives, gravity knives, stealth knives, zombie knives, swords, sword-sticks, push daggers, blowpipes, telescopic truncheons and batons. I looked to see which of them I could buy on eBay, and each one was there. A butterfly knife is on eBay for £4.95. Flick knives are there. Gravity knives are apparently available from a UK firm, which is clearly committing an offence by selling these things in the UK. Telescopic truncheons are available for £11.69 on eBay from a Chinese supplier.

I did not go through the whole list, but it looks as if the great majority of these things—which it is illegal to import into the UK—are being sold on eBay, not to mention other places as well. I am astonished at how this can have been allowed to happen. I am pretty sure

[Stephen Timms]

that I cannot buy hard drugs or child pornography on eBay, which makes sure that those things are kept off its platform, so why does it allow on weapons that are illegal in the UK? I do not know the answer to that question and have not had the opportunity to discuss it with eBay. Is it because the rules for ebay.co.uk are taken not from UK law but from US law? No doubt it is not illegal in the US to purchase any of these weapons, but it is in the UK.

It has been widely accepted that it is illegal to purchase these things in the UK and nobody has seriously argued that it should be lawful to purchase them, so surely it cannot be disputed that it ought to be illegal to advertise, list or otherwise facilitate their sale in the UK. The new clause deals only with disguised knives, not the other things on the gov.uk list, but its effect would be to make it illegal to advertise, list or otherwise facilitate for sale disguised knives. This is a difficult area to get right technically, and there are lots of reasons to be cautious about increasing regulation on the internet, but the case seems to be very strong. That would be the effect of new clause 12; I hope the Minister will be sympathetic to it.

Louise Haigh: I congratulate my right hon. Friend the Member for East Ham on bringing forward such an important amendment and on his forensic examination of the legislation and his detailed research—although I recommend that he deletes his internet search history once the Bill Committee has concluded.

New clauses 12 and 31 get to the heart of our debate about overseas sellers and platform liability. We have received multiple pieces of evidence—we just heard about some from my right hon. Friend—about weapons that are already illegal under UK law being freely available on platforms such as Amazon, eBay and Facebook Marketplace. I have seen examples on the app Wish, which is free to download for anybody of any age. It makes available for as little as 99p knives that are disguised as credit cards, bracelets and knuckle dusters. My understanding is that the Bill will do nothing to prevent under-18s from accessing these things, because they are already accessible, even though their sale is currently illegal.

Unless we take action on platforms and platform liability, the other measures in the Bill, however well-intentioned, will be next to useless, because under-18s will still be able to access these very offensive weapons on these platforms. My right hon. Friend is right that the debate about platforms is complex for many reasons. There are many reasons why we have not managed to crack down properly on child protection issues and online pornography issues, although the Minister was right to highlight the Home Secretary's important speech last week. Because the problems are complex, we have not yet got to the point where we can deliver legislation. There is an understandable difficulty in labelling a platform as liable in law, as it cannot be held responsible for all the content because it is not the owner of the content, it is merely a host. However, whether a platform is a publisher needs to be clarified in law.

The debate is further complicated by issues of free speech and the boundary with hate speech, and even by the regulation of online pornography—we keep making the comparison with the Digital Economy Act 2017. When we ask platforms to take responsibility in these areas, we are asking them to make judgment calls, which is inappropriate. The Government and the courts need to make those judgment calls, not private companies. However, none of those sorts of arguments are applicable in this case. There are no issues of free speech, liability or judgment calls. These weapons are offensive and we want to ban their being made available to under-18s. We want to ban some of them being available to anybody in the UK.

We have banned, or are now banning, the sale of bladed articles and corrosive substances to under-18s. There should be absolutely no need and we should be making sure that there is no way for under-18s to access these substances or articles for sale online. We are asking the platforms to take a relatively straightforward measure: to develop algorithms that restrict to over-18s the viewing of all adverts, whether on eBay, Amazon or Facebook, that contain these offensive weapons or articles.

I genuinely believe that the Government are serious in their intention to limit access of these weapons to under-18s, but they will never be successful unless they are prepared to take on the platforms. I find it bizarre that they are putting so many burdens on small businesses and online retailers while leaving this gaping hole in the market and failing to take on the tech giants that are profiting from the sale of such horrendous weapons to children. I appreciate that the Minister has said that the Government are looking at wider internet safety and will come forward with proposals in the near future. However, if this legislation is to be at all meaningful, they must consider extending it to explicitly cover platform liability.

3 pm

Victoria Atkins: I am grateful to the right hon. Member for East Ham for tabling new clause 12, on one of the most difficult issues of our time—how we police the internet and ensure that those who profit from the exchange of information and ease of sales on the internet conduct their business in a socially responsible way. I am also grateful to the hon. Members for Sheffield, Heeley and for Lewisham, Deptford for new clause 31.

Let me say at the outset—because it sets the scene for my answer—that the Home Office is working jointly with the Department for Digital, Culture, Media and Sport on the forthcoming White Paper on online harms, which will be published in the winter. It will set out the details on the legislation to be brought forward to tackle the full range of online harms, both legal and illegal. Serious violence, including the consideration of the depiction of weapons, falls within its scope, and we are looking at what more we can do to ensure that persons or companies act responsibly and do not facilitate sales of "articles with a blade or point" or "corrosive products" in their platforms. The White Paper will establish a Government-wide approach to online safety that will deliver the digital charter's ambition to make the UK the safest place in the world to be online while also leading the world in innovation-friendly regulation that supports the growth of the tech sector. The White Paper will include a review of the code of practice—which we are already asking technology companies to abide by—to establish transparency reporting. We should therefore consider the new clauses in the light of this major piece of ongoing work.

On new clause 12, as the right hon. Member for East Ham will know, it is already an offence to sell or hire—or to offer to sell or hire—offensive weapons to which section 141 of the Criminal Justice Act 1988 applies. That includes disguised knives. The new clause seems to be aimed at ensuring that the owner of the website where the item is listed is also liable for the offence, and not just the seller. I absolutely agree that website owners and marketplace platforms must comply with the law and should not allow sellers to advertise prohibited weapons in their marketplaces. However, section 141 already makes it a criminal offence to supply an offensive weapon to which it applies, or to offer to do so, and the offence is worded in such a way—this is certainly the CPS view—that it is sufficiently flexible to include the owner of a website on which the article is offered for sale.

Louise Haigh: Does the Minister accept that that legislation is clearly not remotely sufficient, given the proliferation of weapons that the Committee has seen and that are out there on these platforms now? Can she give the Committee an example of a successful prosecution against a platform that was taken forward in the manner that we are attempting to achieve with this new clause?

Victoria Atkins: As I said at the start of my speech, the backdrop to this debate is the major piece of ongoing cross-governmental work on the online harms White Paper. My officials have certainly been looking at the adequacy of existing offences as part of that review, but we already have in place legislation that applies to sales, be they face-to-face or remote, and it would be for the CPS to answer how many offences have been prosecuted under the relevant section. I hope that this debate has enabled the Committee to give comforting reassurance to those who investigate and prosecute that they can and should look at online platforms under the 1988 Act.

Stephen Timms: I am encouraged by what the Minister is saying, but last week she did draw a distinction between platforms—I think she gave the example of Amazon—that were themselves selling a product and those that were simply facilitating the sale of a product from another supplier or seller, perhaps in China. Is she now suggesting that, under the current law, both activities are illegal? Or is it only the former, as she suggested last week?

Victoria Atkins: I am coming to that. It is also possible to bring charges under sections 44 to 46 of the Serious Crime Act 2007—that is, for intentionally encouraging or assisting an offence, encouraging or assisting an offence believing it will be committed, or encouraging or assisting offences believing one or more will be committed. It is possible that a website that facilitates sales, either by selling directly or through a marketplace model, could be prosecuted for allowing an advertisement to sell a prohibited weapon on the website, even if the site is not the seller. Powers are currently in place for persons or companies that list, advertise or facilitate the sale of an offensive weapon through a website registered under their name. In the circumstances and against the backdrop of the online harms White Paper, new legislation to criminalise such behaviour is not required at this stage. I invite the right hon. Gentleman to not press the new clause to a vote.

Subsection (1) of new clause 31 refers to offensive weapons. Those who have looked at it in detail wonder whether, in fact, the intention was to refer to articles with a blade or point, which are subject to age restrictions under section 141A of the Criminal Justice Act 1988. The new clause uses the term "offensive weapon" and, like new clause 12, duplicates existing legislation. It is already an offence under section 141 of the 1988 Act to advertise, list or sell offensive weapons to which the section applies, regardless of the age of the buyer. We consider that if any company or person who owns the website were proven to be selling, offering to sell or exposing for the purpose of sale offensive weapons listed in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988, they would have committed an offence under section 141. On age-restricted sales of articles with blades or points, it is an offence under section 141A of the 1988 Act for any person to sell to a person under the age of 18 an article to which the section applies.

Louise Haigh: I seek the same clarification as my right hon. Friend the Member for East Ham. I take the Minister's point that the new clause probably should refer to bladed articles. Is she confirming that, under existing legislation, a platform that hosts a seller who is selling an offensive weapon is committing a criminal offence? Will the platform be committing a criminal offence in that instance? If not, new clause 31 would not duplicate existing legislation.

Victoria Atkins: Section 141 of the Criminal Justice Act 1988 applies to weapons listed in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988, which include any knife that has

"a concealed blade or a concealed sharp point and is designed to appear to be an everyday object of a kind commonly carried on the person or in a handbag, briefcase or other hand luggage".

The offence applies to all kinds of sales, be they face-to-face or remote. We consider that a website selling directly, or using a marketplace model to allow sellers to use a website, would probably be caught under the wording of the legislation. The Crown Prosecution Service agreed with this analysis—in fact, I have just been handed information that says that there seem to have been no such cases. This is an untested area of law, but the Crown Prosecution Service seems to be of the view that the legislation already covers this area.

Last week, we discussed kitchen knives—or rather, knives that have a legitimate purpose and are not offensive unless they are used with an offensive intent.

Stephen Timms: I am encouraged that the Minister is saying that eBay and all the other platforms—I think this will come as quite a surprise to them—are currently breaking the law. Does she have any idea why there have not been any prosecutions? What would it take to initiate a prosecution of eBay? There is absolutely no dispute: these things are legal, they are all on the website at the moment, and no doubt people are making purchases of them. What would it take to initiate a prosecution?

Victoria Atkins: I just want to clarify that the language of the legislation—I am looking for assistance on this—in relation both to articles with blade or point and to corrosive products, refers to a person who "sells", and we consider that, unlike section 141 of the Criminal Justice Act 1988, it would not apply to a person or

[Victoria Atkins]

company that facilitates the remote sale but is not the seller. I commend the right hon. Gentleman for finding an area of law that we have yet to discover, if I may put it that way, and as the Court of Appeal puts it when they overturn a previous judgement. I would like this to be clarified and I will write to the Committee tomorrow, if I may, with clarification on the legal advice, as it is an important point and there seem to be many manifestations of the advice.

We can see the difficulties of this legislation and I accept that, but we come back to the fact that the White Paper seeks to address many different types of online harms. We would like that to be a consolidated and considered piece of work, and during the couple of months that the Bill makes its way through the House, we propose to stick with the law as it is and we invite the Opposition not to press new clause 31.

Stephen Timms: I hope that the Minister was right that these people are all currently committing offences. We await with interest her letter tomorrow setting out a considered view. This is a matter that we ought not to let drop. It is clearly a significant part of the problem, and it is a significant part of the reason for these dreadful weapons being on the streets and in the wrong hands. I take her point that the issue is terribly complicated. I will return to the issue on Report, but I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 13

Offensive weapons and online videos

"(1) It shall be an offence for a website to host online or distribute a video in which a person displays an offensive weapon in a threatening manner.

(2) No offence is committed under this section if—

(a) the website removes the video within 24 hours of the registered owner of the website being informed that the video includes a person displaying an offensive weapon in a threatening manner.

(3) In this section, 'threatening manner' means that the person ('A') uses the weapon in such a way that a reasonable person ('B') who was exposed to the same threat would think that there was an immediate risk of physical harm."—*(Stephen Timms.)*

Brought up, and read the First time.

Stephen Timms: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss amendment (a) to new clause 13, line 10 at end add—

"(4) The person guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;

(b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the standard scale."

Stephen Timms: On 5 May 2018, Rhyhiem Ainsworth Barton, age 17, was shot dead while playing football with friends in Kennington. He was popular and, by all accounts, idealistic and his dream was to be an architect. A couple of days later, scrubbing his blood from the pavement where he died, his distraught mother made a heartfelt public plea that her son should be the last to die in this way.

Rhyhiem's story was told in a harrowing edition of the programme "Panorama" on 3 September 2018. He lived on the Brandon estate in Camberwell and was a talented rapper and a member of the rap group Moscow17, which plays drill music. They were long-running rivals of another comparable group, Zone 2, based in Peckham. They both posted videos with music and lyrics that threatened each other. Rhyhiem's family had known that he was in some danger because of all this, so he spent some months in Jamaica with relatives. He was safe there, but he felt he was missing out on opportunities in London, so he returned. Within a few months of returning, he had been killed.

On 2 August 2018, Incognito—another member of Moscow17—was also murdered. His real name was Siddique Kamara. On 18 August, four more teenagers were stabbed in a fight on the Brandon estate. What is going wrong? Why is there this unending stream of deaths among young people, particularly young black men, and what are we going to do about it?

3.15 pm

Drugs are clearly a big factor. We have spoken already about the deep cuts in police numbers that mean that the police are much too thinly stretched. The National Audit Office shed some important light on that this morning, saying that Ministers do not know the impact that funding cuts have had on police forces and that the Home Office has made no assessment of the effect of losing 44,000 police officers and staff since 2010. Cuts in youth services are another big factor. In many places, there is no longer a youth service. There are no positive, constructive, engaging activities for young people to be involved in, and some of them get involved in destructive things instead.

The reason for new clause 13, however, is that drill music videos are a factor as well. It is not the only factor, and I do not suggest it is the biggest, but it is a factor, as people involved in the drill music scene willingly admit. After Rhyhiem's death, the Metropolitan police asked YouTube to take down dozens of drill music videos containing threats to others and reflecting intensifying gang disputes. I have talked to YouTube, and it has a policy of not permitting videos showing weapons being used to intimidate, but the enforcement of this is, perhaps not surprisingly, rather patchy.

The report on the BBC News website, when the policy was introduced in the UK on 17 September 2008 —almost exactly 10 years ago—stated that

"the introduction of the new rule on weapons and intimidation would be the first time the site had made a policy change targeted specifically at the UK."

The report continued with a quote from YouTube:

"We recognise that there has been particular concern over videos in the UK that involve showing weapons with the aim of intimidation…We have just established a new policy in the UK to prohibit this kind of material".

The ban is not watertight, however, and the videos are not prohibited elsewhere. They are freely hosted by YouTube in the US for example, and people using YouTube in the UK can access them, but if a video is

UK-hosted it can be taken down under the policy. A video filmed in Forest Gate in my borough, featuring balaclava-attired youths glorifying gun and knife violence, was viewed more than 2.5 million times before it was taken down in July. Of course, if YouTube takes such videos down, others are willing to host them, and people repost such things elsewhere. I am told, for example, that they often appear on sites such as Pornhub, and that is my reason for proposing new clause 13. Everyone ought to be involved in trying to stem the surge in youth violence with which these videos are connected.

The new clause makes it clear that there is no offence as long as the website removes the video within 24 hours of its being informed about it, which is a practical, realistic measure. It reflects what YouTube says its current policy is, and the same ought to be done by everyone and have the force of law behind it. I very much hope that the Minister responds sympathetically to the new clause.

Tulip Siddiq: All Members across the Committee will probably agree that legislation is constantly playing catch-up with the social media giants. It is a fact of life that guides my amendment (a) to the new clause. I do not want to repeat what my right hon. Friend has said. Everyone will probably agree that his detailed forensic examination of the Bill is superior to mine and everyone else's. I just want to explain why I think the offence he has discussed should come with the liability set out in proposed subsection (4)(a), which my amendment would add to the new clause.

Before I do so, I want to point out that for many the gut reaction to the creation of a new liability, such as that outlined in the amendment, would be concern over free speech. That is something I have heard over many years. There is no doubt that platforms such as YouTube offer a great opportunity for individuals to publish creative content, air their political views and research, and so on. However, as a result, whenever fines or legislation against such websites are suggested, it creates controversy. That happened last year when the German Bundestag legislated to introduce fines of about £45 million for social media companies that did not remove hate crimes from their sites in under 24 hours.

Just to clarify matters, my amendment does not create liabilities for a website's failure to remove hate crimes, although there are good reasons to support that too. Instead, it is intended to create a sense of urgency among platforms and publishers about removing content in which offensive weapons, as defined by the Bill, are paraded and celebrated. By introducing summary convictions or fines we would be legislating in support of the reasonable assumption that a person who displays an offensive weapon in a threatening manner is acting illegally. It surely follows that those who provide the platform should moderate their content effectively, and should face sanctions for failing to do so.

I think intense concern is shared across the House at the failure of some social media companies—particularly Facebook and Twitter—to act on threatening content. Only last year, Mr Speaker addressed anger over Google's failure to remove the content of proscribed groups such as National Action, following a Home Affairs Committee exchange in which it promised to do so. My right hon. Friend the Member for East Ham has expressed concern about associated issues to do with gangs using music videos to threaten their rivals.

The problem has been acknowledged at the highest level of the Metropolitan police. Commissioner Cressida Dick said that

"we have gangs who make drill videos…they taunt each other and say specifically what they are going to do to who."

That is very worrying, and the police are working closely with YouTube. There has been a significant degree of success, with the *Evening Standard* reporting that half the violent music videos flagged by Scotland Yard have been removed. That is welcome, as is the fact that YouTube has also developed its own policies.

However, YouTube is far from being the only online platform on which an individual can parade offensive weapons, and legislation should make it clear that allowing the spreading of violent material to continue for more than 24 hours will come with a serious liability.

The Chair: I call Sarah Jones, although conventionally one should stand up to catch the Chair's eye—it is the best way to do it.

Sarah Jones (Croydon Central) (Lab): Thank you for clarifying that, Mr Gray.

I support new clause 13 and amendment (a). Jermaine Goupall, a 15-year-old boy from Croydon, was stabbed to death last year. Jermaine was from Thornton Heath, and although he was not involved in gangs he was targeted because of tensions between the CR7 and CR0 postcodes. His killers, themselves teenagers, were convicted earlier this year. The trial was notable because of the emphasis the prosecution placed on the role of social media and the drill music genre.

The court heard how Jermaine's killers—particularly one 17-year-old who published music under the name M-Trap 0—had been posting videos fuelling tensions with the CR7 postcode of Thornton Heath. Some of the videos, featuring lyrics such as "Push the shank straight through", amassed thousands of views. I support the new clause because we cannot ignore the role that social media, and particularly video content, can sometimes play in escalating or triggering youth violence.

I want to make it clear, however, that I do not believe such videos should be considered a root cause of knife crime. The all-party parliamentary group on knife crime held a roundtable earlier this year looking specifically at the issue. Social media companies, young people, charities and those involved in the drill music scene all attended. It was clear from that discussion that the content that had been produced and shared through social media, much of it to an extremely high standard, is more often than not reflective of the social realities and violence many people are facing, rather than being a root cause of that violence. As one young person told me:

"It's not like they are saying go and do this or do that. It's more them just saying it how it is. In my opinion, growing up as a teenager, especially in London, it's a mess. You have got people coming out like 'I might not get home alive today.'"

They are reflecting their lived experience. However, it is also clear that in some situations, such as in Jermaine's death, social media can be the trigger or catalyst that sparks real-world violence. In this, I agree with experts such as the Youth Violence Commission, academics such as Keir Irwin-Rogers and Craig Pinkney and many others.

Ultimately, it seems to me that we cannot expect social media companies to move at the required pace without strengthening legislation. Sometimes, they have

[Sarah Jones]

a difficult job, because the line between artistic expression and inciting violence can be blurry. Sometimes, it can be coded lyrics or hand gestures that spark things off—things that only young people in particular areas will understand. Sometimes, however, it is very clear. If someone is displaying a weapon in a threatening manner in a video, that is not allowed. That is what the new clause seeks to ensure—that content should not be online.

The key point is that many websites already ban this type of content and the clause would simply ensure they apply their own rules properly. As already mentioned, YouTube's community guidelines state,

"we draw the line at content that intends to incite violence or encourage dangerous or illegal activities that have an inherent risk of serious physical harm or death."

The Home Secretary has admitted that YouTube and others have been improving their response to content that incites terrorism, which I heard a lot about when I was on the Home Affairs Committee. I have met Google, Facebook and others several times to discuss their work around knife crime and there is some progress, but it is far too slow. For example, I highlighted one music video to Google, which was on YouTube, and which they subsequently removed. The rapper in this video is known as A6 and he can be seen here—I have got a picture—carrying a knife.

The Chair: Order. The hon. Lady should not use a picture because it cannot be recorded in *Hansard*. It is possible to describe it, but it is not possible to show it to us.

Sarah Jones: I was not aware of that. It does not matter if we cannot see it because you can get it on YouTube now. Earlier, it was removed from YouTube. The rapper's real name is Alexander Elliot-Joahill and he was jailed last year for 15 years after stabbing someone 13 times. These screenshots were taken in the last few days, so a different YouTube account uploaded the same video and it now has thousands of views yet again. Some of the videos featuring Jermaine Goupall's killers showed similar scenes of knives accompanied by similar lyrics, with up to 80,000 views. They were removed only after his family spoke out in the media weeks after his killers' convictions.

There needs to be a bigger incentive for social media companies to act on this type of content. When I first met Google last year, the company refused to say how many staff were employed to review content. Eventually, after repeated pressure from the Home Affairs Committee, it emerged that Google employed just 200 staff directly to view content. It said it had another 4,000 agency staff at other companies who "worked on content moderation", but it is unclear whether they are full-time staff and none is based in the UK. Compare that with Germany, where strict laws mirroring what is proposed in new clause 13 have been introduced. Social media companies have stepped up their game: Facebook reportedly hired hundreds of new staff in Germany to handle their new responsibilities.

I urge the Minister to consider this new clause, but, as I mentioned before, some videos are more nuanced and difficult to set a line for. Social media companies talk about the importance of context and they are completely averse to being the judge of what is and is not acceptable if they can avoid it. Other platforms pose challenges because of their instancy. Snapchat and Instagram stories disappear after 24 hours. Snapchat has been used to document attacks—the actual attacks and their aftermath, such as the killing of drill rapper Showkey in Peckham, which was shared widely on social media. If you google him, you can see a video of him dying on YouTube. It is there now. It is absolutely horrific and nothing has been done about it. I also ask the Minister to consider some of the other proposals that have been raised via the all-party parliamentary group's roundtable and my work with the family of Jermaine Goupall. I spoke to the Minister and she agreed to meet the family, so we need to set that up.

The Minister may be aware of my proposals on the use of criminal behaviour orders to prevent young people who are convicted of a knife offence and have an online presence or persona from posting publicly on social media as part of their punishment. By doing that we can draw a clear distinction between creative expression, which is in many cases brilliant and in most cases not wrong or offensive, and those who wish to use music videos simply to incite violence.

It is clearly not about censoring music. The value of that approach is that it allows us to say to young people, "You are free to make drill or any other type of music. We're not censoring you, but if you offend, this is one of the ways we can punish you." That reflects the value of such creative expression for young people while clearly setting a line. Most of these young people want to be in the studio making music, but they need to do it safely and not let violence spill over into the real world.

3.30 pm

We also need to look at teaching kids in schools about digital resilience and what is and is not acceptable to share online. Tech companies need to do a massive job to improve young people's trust in the flagging system. Currently, too many of them see it as completely pointless to try to flag content—often for good reason.

Finally, young people and experts have highlighted how some young people convicted of violent offences can maintain their profile while in prison through platforms such as Snapchat and YouTube—for example, posting on Snapchat from prison. Perhaps the Government can look at that. We owe it to our young people to do more to protect them online, and I hope the Minister takes those points on board.

Nigel Huddleston (Mid Worcestershire) (Con): I will speak very briefly. I used to work for Google, and therefore for YouTube. Many people do not know this, but Google owns YouTube. I am sometimes accused of being a bit of a poacher turned gamekeeper, because I assure hon. Members that I am not here to defend or support the actions of Google. I am here to criticise them, along with many colleagues.

The intent of the proposals is supported across the House, and hon. Members will be aware that the matter is being investigated as part of the internet safety strategy of the Department for Digital, Culture, Media and Sport. I therefore wonder whether the amendment is in the right place. The intent is very clear. Colleagues have highlighted that it is a very complicated situation, with 133 hours of content uploaded to YouTube every second, and 46,000 hours viewed. It is very difficult for human beings to monitor and assess that volume of activity. The solution therefore has to be some kind of electronic assessing.

I agree with the vast majority of the comments that colleagues have made today. We have to work, and are working, together across the House to try to reach a solution. The reality is that social media companies are not doing enough to tackle the problem. We need to look carefully at solutions being examined in other countries such as Germany, which may or may not offer a model that we wish to follow.

I absolutely support the intent expressed by all colleagues today, but I wonder whether this amendment in this Bill is the right place to try to sort out the problem.

Victoria Atkins: I am extremely grateful to my hon. Friend for bringing his expertise into the Committee Room. He has summarised the Government's position. We understand the concerns voiced about drill music and videos. We are very concerned about the impact that some types of drill videos can have—inciting violence and winding different gangs up. The commissioner, when she speaks on this subject, talks about how the rise of aggression is speeded up by drill videos. Yet we must ensure that our approach is not piecemeal, and that we take a good long look at the responsibilities of online companies, not just in this case but all sorts of cases of online harms. That is why the piece of work later this year will be so important.

In the meantime, however, we are doing a great deal to tackle the use of social media to encourage, facilitate and perpetuate violence. Our serious violence strategy sets out the role of social media as a driver of serious violence, and the range of actions we have committed to in order to tackle it. Through discussions on the serious violence taskforce, in June the Home Secretary announced a new fund to support national police capability to tackle gang-related activity on social media. The new social media hub will be established within the Metropolitan Police Service, transforming the current capability and extending its reach to other forces. It will bring together a dedicated team of approximately 20 police officers and staff to take action against online material, focusing on investigative, disruption and enforcement work against specific gang targets, as well as making referrals to social media companies so that illegal and harmful content is taken down.

Again, I raise here the responsibility of those who advertise online to ensure that their legitimate business interests are not inadvertently or knowingly exploited on some of these channels. These channels can earn the gangs themselves huge amounts of money; they can be a source of profit in themselves, let alone the harm that they perpetuate. We have heard about the extraordinary viewing figures that some of these videos have—though that is not really a matter for the Committee to discuss today. The right hon. Member for East Ham said that they can be up to 2 million. We have to ask ourselves what it is about these videos that people are viewing—perhaps not just once, but repeatedly—and why they are doing so. To my mind, looking at early intervention is part of the rounded approach to serious violence.

We have established a new action group that meets regularly to bring together Government, social media companies, police and community groups to tackle violent material online. The group's aim is to deliver real operational action that will help forces across the country with their work.

Stephen Timms: As before, I thank the Minister for giving way. I agree with a great deal of what she is saying. She talked about efforts to remove illegal material online. The difficulty here is that, as far as I know, the material we have been talking about is not illegal. It is not against the law to host a music video where another gang is threatened. The purpose of the new clause is to make it illegal. Can the Minister hold out the prospect that the Government are going to change the law in this area so that it will become illegal, given the cross-party support that the hon. Member for Mid Worcestershire referred to?

Victoria Atkins: Any video that incites violence—and we have heard awful examples today—is committing an offence. We have a very simple principle, which emerged from the consultation that was conducted earlier this year by the Department for Digital, Culture, Media and Sport—namely, that if it is illegal offline, it is illegal online. Those are principles of which we remind the tech companies repeatedly—not just in this field but in others, such as terrorism and child pornography. We heard that the Home Secretary has rightly praised the large tech companies for their work in tackling terrorism, but it is our expectation that the lessons they have learned in that field are spread to other areas where harms are caused online.

It is already an offence to incite, assist or encourage criminal offences. Indeed, social media companies have policies in place on incitement and threats and we are working with the sector to ensure that those are applied in a timely manner, without delay. We believe that the offences are there in law in terms of incitement; we are very much approaching this in a cross-governmental, holistic way, with the online harms White Paper later this year. I therefore invite the right hon. Gentleman to withdraw the new clause.

Stephen Timms: I am grateful to Committee members for their support. My hon. Friend the Member for Hampstead and Kilburn is absolutely right to press for specific penalties for hosting videos of the kind that we have been talking about. I am grateful to my hon. Friend the Member for Croydon Central for her well-informed observations and her expertise in this area, developed through her work on the Home Affairs Committee and in the all-party parliamentary group. I must say, I did not know that Germany had laws along these lines already, and I am grateful to her for pointing that out to us. I am also grateful to the hon. Member for Mid Worcestershire for affirming the cross-party support in the Committee for action in this area.

My worry about what the Minister said is that I do not think a prosecution of YouTube for one of the videos that my hon. Friend the Member for Croydon Central said are currently available would be successful. I may be wrong, but there certainly have not been any prosecutions, and I do not think that, if there were one, it would succeed. That is why I think the law should be changed, as set out in new clause 13, so it is clear that hosting material that directly, or sometimes rather subtly, incites violence between groups of young people is against the law. That would give the action groups and taskforces that my hon. Friend has been describing the tools they need to get on with their job.

I recognise that this is a rather complicated issue, so I will withdraw new clause 13, but I hope that something

[Stephen Timms]

else will come forward on Report to enable us to make progress. The hon. Member for Mid Worcestershire said that this is perhaps not the right place to make the change. I do not think it really matters where it is done, as long as it is done. This Bill gives us an opportunity, and I hope that in due course it will be taken. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 14

ENFORCEMENT

'(1) It shall be the duty of every authority to which subsection (4) applies to enforce within its area the provisions of Clauses 1, 3, 4, 15 and 18 of this Bill.

(2) An authority in England or Wales to which subsection (4) applies shall have the power to investigate and prosecute for an alleged contravention of any provision imposed by or under this section which was committed outside its area in any part of England and Wales.

(3) A district council in Northern Ireland shall have the power to investigate and prosecute for an alleged contravention of any provision imposed by or under this section which was committed outside its area in any part of Northern Ireland.

(4) The authorities to which this section applies are—

(a) in England, a county council, district council, London Borough Council, the Common Council of the City of London in its capacity as a local authority and the Council of the Isles of Scilly;

(b) in Wales, a county council or a county borough council;

(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(1);

(d) in Northern Ireland, any district council.

(5) In enforcing this section, an enforcement authority must act in a manner proportionate to the seriousness of the risk and shall take due account of the precautionary principle, and shall encourage and promote voluntary action by producers and distributors.

(6) Notwithstanding subsection (5), an enforcement authority may take any action under this section urgently and without first encouraging and promoting voluntary action if a product poses a serious risk."—*(Stephen Timms.)*

Brought up, and read the First time.

Stephen Timms: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 15—*Investigatory powers for trading standards*—

'(1) Schedule 5 of the Consumer Rights Act 2015 is amended in accordance with subsection (2).

(2) In Part 2, paragraph 10, at end insert—

(none) "section (Enforcement)"."

This new clause is consequential on NC14.

Stephen Timms: In the evidence that the Committee took before the summer, we heard from Trish Burls, the head of trading standards in Croydon—the borough represented by my hon. Friend the Member for Croydon Central—who is the lead in London for the Chartered Trading Standards Institute on test sales of knives. The institute has made it clear that it welcomes the new measures in the Bill, but it also argues—in my view, rightly—that the Bill would be a good deal more effective if trading standards officers, not just police officers, have powers to enforce its provisions.

We have talked today about the fact that the police are woefully overstretched, and the National Audit Office reminded us of that forcefully this morning. Local authority trading standards departments can also make a very valuable contribution in such areas, but to do so they need new powers. As it stands, the Bill omits those powers. These new clauses would insert the power for trading standards officers to act in respect of the sale of corrosive products to under-18s, the delivery of corrosive products to persons under 18 and residential premises, and the delivery of bladed products to residential premises and people under 18.

Unlike the police, who derive their powers from the Police and Criminal Evidence Act 1984, trading standards officers have to be given powers for each piece of legislation they are called on to enforce. My case to the Committee is that they should have powers to enforce the measures we have been debating. I am quite surprised that the powers were not in the Bill when it was first drafted. They certainly should be there, as I hope the Minister will accept.

New clause 14 is based on similar provisions in earlier legislation. New clause 15 amends the Consumer Rights Act 2015 to confer investigatory powers on the enforcers listed in new clause 14. I think there is agreement across the Committee that the powers in the Bill are welcome, but if they are to have the effect we all want them to have, they will need to be properly enforced. It is not realistic to expect the police to do everything. A number of the new powers are exactly the kinds of things that trading standards officers do already and of which we know they can make an excellent job. Let us give them the tools to enable them to do that here as well.

3.45 pm

For example, trading standards officers carry out regular test sales of knives. Ms Burls is the London lead on test sales of knives. That is a pretty effective way of making sure that shopkeepers obey the law when it comes to not selling knives to young people who they should not be sold to. If trading standards officers had the powers that the new clauses would give them, they could undertake, for example, test home deliveries, to make sure that the systems in delivery companies were in place to stop, in accord with clause 15, deliveries of bladed products to residential addresses. To do that job properly, trading standards officers need to access appropriate records in the delivery companies. Those are powers that new clauses 14 and 15 would enable.

It is simply a question of whether we are going to use the full range of resources available to us to enforce powers in the Bill as other comparable powers are enforced. I hope the Minister will agree that the new clauses, or something very like them, should be added to the Bill.

Sarah Jones: I congratulate my right hon. Friend the Member for East Ham on his new clauses, which I support. They would resolve a major failing in the Bill that has the potential to undermine any benefits of the legislation by allowing breaches of it to go unpunished. As he said, there is no point passing Bills if they cannot be properly enforced. The Bill rightly places greater responsibility on retailers and delivery companies, but does not give the relevant authority—trading standards—the statutory powers to investigate breaches properly.

I recently represented the Opposition on the Tenant Fees Bill Committee, where we had a similar problem with the Government not seeming to understand the importance of the role played by trading standards; they had set out a very small amount of funding for a very significant increase in workload. In this Bill, the Government have not given trading standards teams legal powers to enforce the new laws.

The role that trading standards can play in enforcing the Bill, if they are given the powers to do so, is illustrated by the leading work being done by Croydon Council. For years, Croydon Council and Croydon trading standards have been at the forefront of work with retailers to improve their understanding of the law around knife sales through training, to encourage them to go further than required by law through greater responsible retailer agreements and by catching traders willing to break the law on underage sales using test purchasers, both in person and online. Croydon trading standards now has 145 retailers signed up to their responsible retailer agreements. They ran eight "Do you pass?" training sessions with retailers over the past year, encouraging additional measures such as Challenge 25 and the responsible display of knives in stores. The training sessions are a good indicator of which retailers are keen to work responsibly and which might not be. Finally, they have carried out 61 test purchases of knives in the past year to identify those retailers who are not complying with the law.

As Croydon's trading standards manager pointed out to us in evidence, without statutory powers, much of their work on this area will be reliant

"on retailers' good will and common sense."—[*Official Report, Offensive Weapons Public Bill Committee,* 17 July 2018; c. 26, Q42.]

The Committee also heard from trading standards that the additional responsibilities will create

"a large resource issue that will no doubt have an impact."—[*Official Report, Offensive Weapons Public Bill Committee,* 17 July 2018; c. 26, Q46.]

As with the Tenant Fees Bill, I hope the Minister can look at providing trading standards with adequate resources to enforce the provisions of the Bill. I recognise that the serious violence strategy released by the Home Office contained the promise of a prosecution fund for trading standards—a fund for two years to support targeted prosecution activity against online and instore retailers in breach of the laws on sales of knives to the under age—but the strategy is not clear about how much funding will be made available, and it gives no clarity to trading standards about support two years down the line.

The pressure on trading standards is increasing at a time when budgets are stretched to an unprecedented degree. As well as the Tenant Fees Bill and the new requirements in this Bill, there is a new burden on trading standards regarding the use of wood burners and the Government's clean air strategy. Meanwhile, the budget for trading standards teams has been cut by half since 2009, from more than £200 million to barely £100 million. The number of trading standards officers has fallen by 56% in the same period.

As Labour's communities and local government team pointed out in a recent local government health check on trading standards, those cuts have led to the downgrading of the protections that consumers depend on, and the tradition of routine inspections and sampling work has given way to a system based on consumer complaints. Relying on such a system is not an effective way to enforce laws, particularly those related to the purchase of knives or corrosives, which, by their nature, are unlikely to result in a complaint from buyer or seller. I end with a plea to the Minister not to allow this important piece of legislation to be nothing more than words in the statute book because it cannot, in the end, be enforced.

Victoria Atkins: As always, I am extremely grateful to the right hon. Member for East Ham for tabling these new clauses. It is important to note that it is possible for the legislation to be enforced by the police and that the Crown Prosecution Service can prosecute retailers who have breached the law if appropriate. On several occasions in my previous career, there were joint prosecutions—not necessarily just with the CPS, but with the Health and Safety Executive and local councils—and in the old days, prosecutions on housing benefit fraud. There are already powers in law to enable that to happen; the Bill can be enforced through those measures.

It might be helpful briefly to explain how trading standards officers and local authorities enforce the legislation on the age-restricted sale of knives. Local authorities have taken action in the past, and prosecute the sale of knives using the general powers in section 222 of the Local Government Act 1972. Section 222 provides powers to local authorities in England and Wales to prosecute or defend legal proceedings

"Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area".

Those powers have been used to prosecute retailers in this context. Between 2013 and 2017, there were 71 prosecutions of sellers who sold knives to persons under 18. Although it is not possible to identify from the records whether the prosecution was brought by a local authority or the CPS, because the organisations do not maintain a central database that can run a report by specific offence, we understand that it is likely that the majority were brought by trading standards. Indeed, National Trading Standards has agreed to manage the prosecution fund that was introduced as part of the serious violence strategy, and it will work with local authorities in areas hit by knife crime to conduct test purchase operations and prosecute retailers if appropriate.

Stephen Timms: My understanding is that the powers the Minister has referred to could not be used to undertake prosecutions of offences under this legislation. That is the reason for tabling these new clauses—to ensure that trading standards officers have powers to act on the matters covered by the Bill. My understanding is that current powers would not allow that. Can she confirm whether I am right about that?

Victoria Atkins: My next paragraph reads: there is no reason why trading standards could not use the general powers under the Local Government Act 1972 to enforce the provisions in the Bill in relation to the sale of knives and corrosives. Of course, it is possible for the police and the CPS to use it, but I will seek further confirmation of that important point—it is quite right for the right hon. Gentleman to have raised it.

When I think back to the cases I prosecuted with local authorities, usually on behalf of the Health and Safety Executive, I was always struck by how well such

[Victoria Atkins]

organisations could work together and ensure that the needs of the local community were met. We know that the police often have all sorts of issues with time and resources, and it is helpful to have extra resources available through trading standards officers and local councils to assist in prosecuting these sorts of cases. Of course, trading standards officers will have the expertise in these cases, and will not only be experienced in test purchase operations but—

Paul Scully (Sutton and Cheam) (Con): Will the Minister give way?

Victoria Atkins: Yes, gladly.

Paul Scully: The Minister is talking about trading standards. Last year, when I was going round Sutton high street with a couple of anti-knife charities, we saw that there are still a lot of large stores—well-known stores, rather than just the small ones—openly displaying knives, which could be stolen. Under-18s could access them; they should be behind lock and key. There is more that we can do to get those shops to use the voluntary code, but if that is not working we can do more through trading standards and local authorities. Does she agree?

Victoria Atkins: I am extremely grateful to my hon. Friend—in more ways than he could possibly know—for making that point. I know how much work he has done in his constituency, not only to understand the depth of this problem locally but to help law enforcement, and others, in his local area to meet the needs of the local community.

My hon. Friend is right. In due course, we will come on to measures such as cabinets. However, we have been very keen to ensure that if retailers sign up to the voluntary code, they can use measures such as ensuring that their displays help us in tackling this terrible crime.

Kevin Foster (Torbay) (Con): I thank the Minister for giving way. Of course, she will know of my own background in local government. At times, I had responsibility for Coventry City Council's legal services, which regularly carried out entrapment—some people call it that, but test purchases is the best way of putting it, dealing with those people who wish to sell products to under-18s that are not suitable for them.

Does she agree that, in considering such things, there would at least have to be some discussion with the Local Government Association beforehand, given the potential burden placed on councils, although I suspect that they would be keen to do this kind of work? That is why we also need to have the same age restrictions as we have for alcohol and other products, so that there would not have to be the same exercise by an enforcement officer for different ages.

Victoria Atkins: I am extremely grateful to my hon. Friend for the expertise that he brings to the Committee and I also thank him for his point about age. We have seen the complexity of the law in this area in general. I very much understood why the right hon. Member for East Ham tabled an amendment on age and the purchase of corrosives, to try to ensure that trading standards officers could apply the law in a meaningful way on the ground, but this complexity was one of the reasons we felt unable to support it.

I have an answer on whether section 222 can be used—confirmation, it is fair to say, of what I have said already to the Committee. The section does not appear to be restricted. Indeed, we are told that it has been used by trading standards previously for age-restricted products. I hope that satisfies the Committee, and for the reasons that I have given I hope that the right hon. Gentleman can withdraw the new clause.

4 pm

Stephen Timms: I am grateful to the Minister for that response. I tabled the new clause because the Chartered Trading Standards Institute felt that it should be in the Bill.

At the very least, there is certainly some uncertainty, which was perhaps reflected in the pause before the point was answered, about quite what the legal position is. It ought to be very clear; trading standards officers ought to get on to this work as soon as the Bill is on the statute book. I cannot see any reason why we would not want to make the position absolutely clear that trading standards officers have these powers, and we could do that in the same way that it is has been done in other pieces of legislation.

I am encouraged that the Minister says that even without the new clauses trading standards officers will be able to act, but I think it would be right to put the provision in the Bill so that there is no uncertainty. I would, therefore, like to press new clauses 14 and 15 to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 9.

Division No. 5]

AYES

Foxcroft, Vicky	Siddiq, Tulip
Haigh, Louise	Smyth, Karin
Jones, Sarah	Timms, rh Stephen
Morgan, Stephen	

NOES

Atkins, Victoria	Morris, James
Foster, Kevin	Pursglove, Tom
Huddleston, Nigel	Robinson, Mary
Maclean, Rachel	Scully, Paul
Maynard, Paul	

Question accordingly negatived.

The Chair: Am I right in thinking that the right hon. Member for East Ham wishes to press new clause 15 to a Division?

Stephen Timms: I think, Mr Gray, that that purpose has been served by the vote on new clause 14.

The Chair: We now come to new clause 16.

Louise Haigh: I believe that we have had this debate with similar intention in other parts of our proceedings, so I will not move the motion.

New Clause 17

PROHIBITION OF BLADED PRODUCT DISPLAYS

"(1) A person who in the course of a business displays a bladed product in a place in England and Wales or Northern Ireland is guilty of an offence.

(2) The appropriate Minister may by regulations provide for the meaning of "place" in this section.

(3) The appropriate Minister may by regulations make provision for a display in a place which also amounts to an advertisement to be treated for the purposes of offences in England and Wales or Northern Ireland under this Act—

(a) as an advertisement and not as a display; or

(b) as a display and not as an advertisement.

(4) No offence is committed under this section if—

(a) the bladed products are displayed in the course of a business which is part of the bladed product trade;

(b) they are displays for the purpose of that trade; and

(c) the display is accessible only to persons who are engaged in, or employed by, a business which is also part of that trade.

(5) No offence is committed under this section if the display is a requested display to an individual age 18 or over.

(6) The appropriate Minister may provide in regulations that no offence is committed under section 1 if the display complies with requirements specified in regulations.'—*(Louise Haigh.)*

Brought up, and read the First time.

Louise Haigh: I beg to move, That the clause be read a Second time.

New clause 17 introduces the simple requirement of prohibiting the display of bladed products in shops. The clause is the result of a huge amount of work, led by my hon. Friend the Member for Lewisham, Deptford, who is not only the Opposition Whip on the Committee but the chair of the Youth Violence Commission. Due to the horrendous number of deaths in her constituency in the very short time since she and I were elected to Parliament in 2015, she has been leading on this work with Members from across the House, academics, practitioners, youth service workers, the police and experts from the whole range of people connected with youth violence. She is probably one of the foremost experts in this room, if not in Parliament now, on the causes of youth violence and what we need to do to tackle it. I very much commend to the Committee and to any observers of our proceedings the work of the Youth Violence Commission and the report that my hon. Friend recently published.

One of the commission's basic and important recommendations is the prohibition of knife displays in shops, a matter that was discussed when experts gave evidence to the Committee. We asked USDAW, the Union of Shop, Distributive and Allied Workers, whether it believed that putting knives behind displays would be helpful. Doug Russell, representing USDAW, said:

"It would be. Obviously, now big retailers are increasingly going down the route of making it more difficult for customers to get their hand on the product until they have been age-checked and it is a transaction is safe. The problem with it, of course, is that all sorts of bladed things are being sold and it is about where you draw the line."—[*Official Report, Offensive Weapons Public Bill Committee,* 19 July 2018; c. 98, Q239.]

Clearly, we want retailers to check people's ages properly when they seek to purchase knives, but the fact of the matter is that many young people who want to access knives will go into shops and steal them if they are readily available. If they want to get their hands on a knife, they will get their hands on a knife, and if knives are readily available in a shop, not behind any kind of restriction or control, young people will steal one if they want to commit a crime with one.

Similarly, we have spoken to the British Retail Consortium, which has concerns about the definition of bladed products, as we discussed under earlier clauses. New clause 17 is in no way a reflection on the excellent work that the consortium has done on a voluntary commitment on open sale, which went some of the way towards restricting the ready availability of knives. Retailers have to ensure that knives are displayed and packaged securely, as appropriate, to minimise risk. This will include retailers taking practical and proportionate action to restrict accessibility, avoid immediate use, reduce the possibility of injury and prevent theft. However, that only covers those retailers that are signed up to the voluntary agreement. We would like to see those measures go further and to limit the open sale of knives altogether. Ultimately, there is little point in having the provisions in this Bill, and putting all these restrictions and burdens on online retailers, if we are not asking face-to-face retailers or platforms to abide by the same regulations as well.

There are a number of restrictions under law relating to other products, most obviously the extremely restricted provisions relating to the sale of tobacco, which prohibit the display of tobacco products in the relevant shops and businesses in England, except to people over the age of 18. Many believe—as I did before researching the issue—that general display is forbidden, but actually the Tobacco Advertising and Promotion Act 2002 specifically references under-18s, so the principle already exists in law to protect under-18s from harm by prohibiting the open display of goods. We see no reason why that should not be extended to bladed products, given that that is the definition elsewhere in the Bill. Given that the Government are so committed to clamping down on online sales, we hope that they recognise that face-to-face sales is a clear issue that needs further consideration.

Victoria Atkins: I thank the hon. Member for Sheffield, Heeley for raising those important points. The issue of the display of knives was raised by the British Retail Consortium and the British Independent Retailers Association during the Committee's oral evidence sessions. We note their concern about the potential cost implications for small retailers of having to operate the secure displays and install the fixtures and layouts in their stores. The voluntary agreement with retailers, including larger retailers already sets out a requirement in relation to the display of bladed articles.

Sarah Jones: A couple of months ago someone in Croydon tweeted me, because Poundland, which has signed up to the voluntary code, had a large display of knives in its shop window. I wrote to Poundland and it removed the display, apologised and said it should never have happened—but it did happen. The fear with the voluntary code is that we can never be sure that people are doing what they say they will do.

Victoria Atkins: I was not aware of that specific example, but I appreciate the concerns. I am told that we would have to have a full public consultation on such a measure. That is certainly something about which I would like to think further, to see what can be achieved

[Victoria Atkins]

within the realm of the public consultation and so on. I would like us to keep the pressure up on those retailers that are already signed up to the voluntary agreement. I will consider this point in further detail.

Louise Haigh: Given the importance of the new clause and the fact the Minister has agreed to go away and look at the details, I am content to leave it and return to the issue on Report. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 19

CONTROLS ON MINIATURE RIFLES AND AMMUNITION

"(1) The Firearms Act 1968 is amended as follows.

(2) Omit subsection (4) of section 11 (Sports, athletics and other approved activities).'—*(Louise Haigh.)*

This new clause would amend the Firearms Act 1968 to prevent persons being able to acquire an unlimited number of .22 rifles and ammunition without background checks or making the police aware.

Brought up, and read the First time.

Louise Haigh: I beg to move, That the clause be read a Second time.

New clauses 19 to 21 consider various loopholes that we know law enforcement officials are concerned about. We know that the architecture of firearms law in this country is incredibly strong, but there are still weakness in that armour that it is always necessary for Parliament to review and consider. As we have heard, as the supply of guns becomes ever more restricted, the lengths to which determined criminals and organised crime are prepared to go in order to find guns become ever more sophisticated.

National counter-terrorism police are concerned about a particular loophole, which our new clause 19 seeks to fix. The concern is focused on the section 11(4) exemption of the Firearms Act 1968, which allows for non-certificate holders to acquire and possess miniature rifles not exceeding .23 calibre and ammunition in connection with the running of a miniature rifle range. It is the strong belief of law enforcement that that exemption needs to be repealed to avoid persons completely unknown to the police having access to firearms and ammunition.

There are concerns that persons who have been convicted for firearms offences, who would not be granted a firearm or shotgun certificate under any other circumstances, could be acquiring .22 rifles using the section 11(4) exemption. Let me outline the concerns of the National Ballistics Intelligence Service. Section 11(4) allows a person claiming they are running a miniature rifle range to acquire an unlimited number of .22 rifles and ammunition without any background checks being completed or the police being aware. Those persons or clubs operating under the section 11(4) exemption are able to allow members of the public immediate access to firearms and ammunition, on payment, without any backgrounds checks having taken place.

The Home Office scheme for the approval of shooting clubs is specifically designed not to allow day membership, and limits the number of guest days. Yet the section 11(4) exemption continues to undermine that important control, and we know of incidents where such rifles have been stolen from commercial premises and used in crimes. I am genuinely interested to hear whether the Government intend to support the new clause. It is of clear concern to the national counter-terror police, and it is vital that the loophole is dealt with.

Victoria Atkins: The new clause would remove the provision in the Firearms Act 1968 that exempts from control the operators and users of miniature rifle ranges and shooting galleries. For those who are not familiar with firearms, those are less powerful than other weapons under clause 28.

Section 11(4) of the 1968 Act allows a person conducting or carrying on a miniature rifle range or shooting gallery at which only miniature rifles and ammunition not exceeding .23 inch or lower-powered air weapons are used to purchase, acquire or possess miniature rifles or ammunition without a firearm certificate. Additionally, a person can use those rifles and ammunition at such a range without a certificate. The 11(4) provision is used extensively by small-bore rifle clubs, and by some schools and colleges. There are smaller clubs, which do not meet the criteria to qualify as Home Office-approved clubs, that would be severely affected by removal of the exemption.

Exemption certificates issued by the National Small-bore Rifle Association or the Showmen's Guild do not have legal force, but the Home Office firearms guide indicates that they may be considered proof that a person is operating a miniature rifle range or shooting gallery when, for example, a person relying on the 11(4) provision is purchasing a firearm from a registered firearms dealer. The exemption from certificate control for miniature rifle ranges and shooting galleries has been in place for many years, and removal of the provision did not feature among the recommendations for legislative change made by the Law Commission in its December 2015 report.

Louise Haigh: Will the Minister confirm whether she has received representations from NABIS or counter-terrorism police that the exemption be removed?

Victoria Atkins: I have not.

Many of the Law Commission recommendations were subsequently acted on by Government, with the aim of strengthening firearms controls and protecting public safety, in the Policing and Crime Act 2017. The Bill's priorities must be to address the areas that present the most risk to public safety. On that basis, I invite the hon. Member for Sheffield, Heeley to withdraw the new clause. However, it is vital that firearms law is kept under review. We will continue to assess the position relating to section 11(4) and listen carefully to the advice of law enforcement personnel and any concerns they have about how the provision operates.

4.15 pm

Louise Haigh: I find it very odd that NABIS would recommend this new clause and tell the official Opposition but not the Government that it needs it. I trust that it needs it and I believe the evidence it has presented to us, so I will press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 9.

Division No. 6]

AYES

Foxcroft, Vicky	Siddiq, Tulip
Haigh, Louise	Smyth, Karin
Jones, Sarah	Timms, rh Stephen
Morgan, Stephen	

NOES

Atkins, Victoria	Morris, James
Foster, Kevin	Pursglove, Tom
Huddleston, Nigel	Robinson, Mary
Maclean, Rachel	Scully, Paul
Maynard, Paul	

Question accordingly negatived.

New Clause 20

REPORT ON SECTION 9 OF THE FIREARMS ACT 1968

"(1) The Secretary of State must, within six months of this Act receiving Royal Assent, lay a report before Parliament on Section 9 of the Firearms Act 1968.

(2) The report under subsection (1) must consider, but is not limited to—

(a) whether an auctioneer, carrier or warehouseman should continue to be exempt from the controls of the aforementioned Act;

(b) evaluate the risks to the public of Section 9.

(3) The report under subsection (1) and the considerations under subsection (2) must seek the advice of—

(a) National Counter Terror Policing;

(b) the National Crime Agency;

(c) the National Ballistics Intelligence Service."—*(Louise Haigh.)*

This new clause would require the Secretary of State to review Section 9 of the Firearms Act 1968.

Brought up, and read the First time.

Louise Haigh: I beg to move, That the clause be read a Second time.

This is a simple probing new clause. Like the previous new clause, it deals with an area where there is a potential loophole in the law. It attempts to close the loophole of section 9 of the Firearms Act 1968, which provides an important exemption for auctioneers. Again, law enforcement authorities are concerned that the loophole means that there is significant potential for firearms to be stolen. Under the exemption, auction houses and carriers are exempt from firearms checks, which means that individuals who have not had any background checks completed on them or any of their employees have access to large quantities of section 1 and 2 firearms.

We would welcome a report on the exemption, which has been in place for many years, perhaps by the new firearms committee, which we hope to establish in new clause 21. We must consider what further safety measures must be put in place to prevent such weaknesses in the architecture of the firearms law. I look forward to the Minister's response.

Victoria Atkins: New clause 20 would require the Home Secretary to review the exemption under section 9 of the Firearms Act 1968, which relates to auctioneers, carriers and warehousemen, and to report back to Parliament within six months. The exemption allows auctioneers, carriers, warehousemen and their servants to possess firearms and ammunition in the ordinary course of their business, without needing to hold a firearm or shotgun certificate.

However, there are some controls relating to the exemption. Section 14 of the Firearms (Amendment) Act 1988 requires that an auctioneer, carrier or warehouseman must take reasonable precautions for the safe custody of the firearms or ammunition in their or their servants' possession. The loss or theft of any such firearm or ammunition must be reported to the police immediately. Failure to comply with those requirements is an offence carrying a maximum penalty of six months' imprisonment. Before an auctioneer can sell firearms or ammunition by auction, they must either be registered with the police as a registered firearms dealer, or they must have obtained a permit from the police for that purpose.

It is also worth noting that the exemption does not apply where those people want to possess prohibited weapons or ammunition. In such circumstances, they must first obtain the Secretary of State's authority under section 5 of the 1968 Act. The Government are not aware that the exemption is causing any public safety problems, and nor have the police and wider law enforcement agencies identified it to us as a priority for Government action. I have noted, however, what the hon. Member for Sheffield, Heeley said. Although I invite her not to press the new clause, I will take that point away for confirmation. Of course, we keep all aspects of firearms law under review in order to maintain public safety and to tackle crime.

Louise Haigh: I am grateful to the Minister for that response. This was a probing amendment and I am satisfied, so I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 21

FIREARMS ADVISORY COMMITTEE

"(1) There shall be established in accordance with the provisions of this section a firearms consultative committee consisting of a chairman and no fewer than 12 other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters—

(a) the possession, use or keeping of, or transactions in, firearms;

(b) weapon technology; and

(c) the administration or enforcement of the provisions of the Firearms Acts 1968 to 1997.

(2) Subject to subsection (3) below, a member of the committee shall hold and vacate office in accordance with the terms of his appointment.

(3) Any member of the committee may resign by notice in writing to the Secretary of State; and the chairman may by such a notice resign his office as such.

(4) It shall be the function of the committee—

(a) to keep under review the working of the provisions mentioned in subsection (1)(c) above and to make to the Secretary of State such recommendations as the committee may from time to time think necessary for the improvement of the working of those provisions;

(b) to make proposals for amending those provisions if it thinks fit;

(c) to advise the Secretary of State on any other matter relating to those provisions which he may refer to the committee; and

(d) to make proposals for codifying the law on firearms.

(5) The Committee shall make particular reference to the working of the provisions in relation to counter-terrorism, serious organised crime and crimes of violence.

(6) The committee shall in each year make a report on its activities to the Secretary of State who shall lay a copy of the report before both Houses of Parliament.

(7) The Secretary of State may make to members of the committee such payments as he may determine in respect of expenses incurred by them in the performance of their duties."—*(Louise Haigh.)*

This new clause would establish a firearms advisory committee empowered to make recommendations to the Secretary of State concerning firearms law and the codification of that law.

Brought up, and read the First time.

Louise Haigh: I beg to move, That the clause be read a Second time.

The purpose of the new clause is to ensure that changes in firearms legislation are considered on an expert basis in a way that does not further confuse and fragment the legislation. I accept that the Minister says that firearms legislation and the exemptions are kept under constant review, but the advisory committee was in existence until the last Government abolished it, and we are suggesting it be re-established because it played an important part in advising Government on firearms legislation from a variety of experts.

This issue has been a key concern of the Law Commission, particularly in relation to the codification of the legislation. The view of law enforcement, from a counter-terror perspective, is that the Firearms Act 1968, as amended, is not fit for purpose given the nature of the current threat.

There are a number of glaring examples of how vulnerable public safety is from potential acquisition of firearms and ammunition from the lawful community. We have already debated some of them in relation to miniature rifles and auctioneers, and we will come on to another in the next clause on the component parts of ammunition. There is also a system for issuing visitor firearm permits to non-residents of the UK, to permit them to travel to the UK with their firearms and ammunition. However, UK police make minimal background checks and the whole scheme assumes that their country of origin has a robust licensing scheme in place. I cannot quite wrap my head around the folly that the police would assume that any other country in the world would operate a similar licensing scheme as robust as ours, given that we are proud of the fact that we have such strict controls on firearms in this country.

It is of great concern that there is no system in place at our borders to ensure that firearms and ammunition brought into the UK by virtue of visitor firearm permits are actually taken back out of the UK by the visitor. The Law Commission recommended codification of the Firearms Act in its December 2015 report, but so far the Home Office has not progressed that—I would have thought that the Offensive Weapons Bill would be a convenient vehicle for doing just that. The purpose of the re-establishment of the firearms committee is to allow for expert consideration of such loopholes in the current law in the light of the current threat environment and to allow for consideration of the implementation of the codification of firearms law.

Victoria Atkins: A firearms consultative committee existed for a number of years following the introduction of the Firearms (Amendment) Act 1988. It consisted of representatives from shooting organisations, law enforcement, technical experts and other interested parties. The purpose of the committee was to keep the workings of the Firearms Acts under review, following the terrible shootings by Michael Ryan in Hungerford in 1987 and the subsequent introduction of the 1988 Act.

The committee was discontinued in 2004, so it is something for which the coalition Government cannot be blamed. Thereafter the views of interested parties and experts have been sought by Government when particular issues arise. For example, the Government have held meetings and sought views widely when developing policy on issues in relation to antique firearms and fees for prohibited weapon authorities, and we will shortly be conducting a public consultation on the introduction of statutory guidance to the police on firearms.

This consultative approach continues in a more flexible way than is envisaged through the proposed introduction of a statutory consultative committee. There would inevitably be greater administration and cost associated with introducing and supporting the functioning of a statutory body to which particular members are appointed, and potentially less flexibility and speed of response than there is with the current approach, whereby the Government consult interested parties swiftly as firearms issues arise. I therefore invite the hon. Lady to withdraw the new clause.

Louise Haigh: I apologise to the Committee, to the Government and to the previous Government—the abolition took place under the previous Labour Government. I am normally one to hold my hand up to mistakes made by former Labour Governments. I am comforted by the Minister's assurance that the Government will consult on the codification. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 22

Possession of component parts of ammunition with intent to manufacture

'(1) Section 1 of the Firearms Act 1988 is amended as follows.

(2) After subsection (5) insert—

"(6A) A person commits an offence if—

(a) the person has in his or her possession or under his or her control the component parts of ammunition; and

(b) the person intends to use such articles to manufacture the component parts into ammunition.

(6B) A person guilty of an offence under this section is liable—

(a) on summary conviction—

(i) in England and Wales to imprisonment for a term not exceeding 12 months (or in relation to offences committed before Section 154(1) of the Criminal Justice Act 2003 comes into force six months) or to a fine or both;

(ii) in Scotland to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine, or to both.'—*(Louise Haigh.)*

Brought up, and read the First time.

Louise Haigh: I beg to move, That the clause be read a Second time.

The new clause proposes a simple change that I hope the Government will support, on something that came to light during the evidence session. I think that many Committee members were surprised to hear about the ease with which individuals could get their hands on deactivated or antique weapons. They can manufacture ammunition, and no offence has been committed until the ammunition is viable and capable of being used. Over the summer there was also a good documentary—I believe it was a "Panorama" one—on antique weapons, which demonstrated clearly the ease with which people could get their hands on them without committing an offence and be in possession of deadly weapons.

Everything up to that point—purchasing deactivated or antique weapons and collecting component parts from which ammunition can be manufactured—is perfectly legal. As Gregg Taylor of NABIS stated about the case of Paul Edmunds, a rogue firearms dealer who sold weapons to gangs:

"The ammunition was actually key to that case. As I said, guns are exempt from the Firearms Act if they are kept as a curiosity or an ornament. If ammunition is made to fit the gun, that is when it reverts back to being a prohibited weapon, so the making of the ammunition is key. That is what we see in criminal use right now. People out there make ammunition to fit these obsolete guns, and there are no restrictions on the components of the ammunition. It is only when the ammunition is made as a whole round that it becomes licensable, but the actual components, and the sourcing of them, can be done freely on the internet."—[*Official Report, Offensive Weapons Public Bill Committee,* 17 July 2018; c. 39, Q91.]

That is clearly unjustifiable in the current climate. Our restrictive gun laws are leading to criminals attempting to find—and easily finding—plausible ways around the lack of supply of legal weapons.

Gregg Taylor was extremely critical of the loopholes in the law. He also said:

"There is a lack of control and legislation around purchasing and acquiring ammunition components. People can freely acquire all the equipment they need to make ammunition; the offence kicks in only once you have made a round."—[*Official Report, Offensive Weapons Public Bill Committee,* 17 July 2018; c. 42, Q99.]

Mark Groothius of counter-terrorism policing said:

"In respect of the ammunition…I think we need to go further, in so much as we find people with the primers. The possession of a primer is not an offence. Possession of the cartridge case is not an offence. Possession of bullet heads is not an offence. With the question of the powder, there probably is an offence, but it is one of those offences hidden in the explosives regulations and it is difficult to actually prosecute. If we had a new offence for possession of component parts with intent to manufacture, that would assist us greatly. We do not have that at the moment."—[*Official Report, Offensive Weapons Public Bill Committee,* 17 July 2018; c. 44, Q102.]

The Opposition in Committee heard that evidence. We want to assist the counter-terror police and NABIS greatly in their work and in their aim to stop organised criminal gangs getting hold of weapons that they can turn into deadly ones as easily as they can now. We therefore hope that the Minister will be willing to support our simple amendment.

Victoria Atkins: I thank the hon. Lady for this new clause, which addresses an issue raised in Committee by the police during the evidence sessions.

Those who look at such things and know about drafting are of the view that the new clause as drafted is probably technically defective. It would insert the new offence into section 1 of the Firearms (Amendment) Act 1988, although that section amends section 5 of the Firearms Act 1968 to extend the class of prohibited weapons and ammunition and to enable the Secretary of State to add weapons or ammunition to section 5 by order.

The key components of ammunition are the gunpowder, which burns rapidly to propel a projectile from a firearm, and the primer, which is an explosive chemical compound that ignites the gunpowder. The remaining components are the cartridge case and the projectile itself, which are inert metal. Primers are controlled by the Violent Crime Reduction Act 2006. Under section 35, it is an offence to sell or purchase primers unless the purchaser is authorised to possess them, for example, by being a registered firearms dealer or by holding a firearms certificate authorising them to possess a firearm of the relevant kind. The maximum penalty for this offence is six months' imprisonment.

4.30 pm

The possession of gunpowder is controlled under the Explosives Regulations 2014, which require that, with certain exceptions, anyone wanting to acquire or keep explosives must hold an explosives certificate issued by the police. Should anyone obtain components and use them unlawfully to manufacture complete rounds of ammunition, there are a range of offences in firearms law to address that, such as under section 1 of the 1968 Act. Under section 5(2a) of the same Act, it is an offence to manufacture and supply prohibited ammunition, with a maximum penalty of life imprisonment.

Concerns about the unlawful manufacture of ammunition were first raised before the Committee in the context of antique firearms. The increasing use of antique firearms in crime is a serious issue. The Government are actively strengthening the controls on antique firearms to tackle their misuse. Following a review by the Law Commission in 2015, the Government introduced provisions through the Policing and Crime Act 2017 to define "antique firearm". Late last year, the Home Office undertook a full public consultation to seek views on the detail of the regulations. We are considering all the responses received and we aim to lay regulations before Parliament shortly.

There are already controls on the components of ammunition and whole rounds of ammunition. The Government are addressing the specific issue of ammunition for antique firearms.

Louise Haigh: We have heard evidence from law enforcement that the clause would help them in their ability to disrupt gang networks and access to lethal weapons. Although I appreciate that there may be issues with the drafting of the amendment and there is legislation

[Louise Haigh]

that covers some of it, I have not heard a good argument for why we should not bring this in to help law enforcement even more.

Victoria Atkins: I am not saying this critically, but we can only vote on the clause we have before us. On the substantive point, we are looking at these issues in the context of antique firearms. The Government intend to introduce regulations later this year. On that basis, unless there is anything else, I ask the hon. Lady to withdraw the clause.

Louise Haigh: We will come on to clauses on antique weapons. It is quite frustrating that we are waiting for the regulations to come forward, but we will have to wait for them to be able to scrutinise them properly. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 23

ANTIQUE FIREARMS

'(1) The Firearms Act 1968 is amended as follows.

(2) In section 16A (1) (Possession of firearm with intent to cause fear of violence) for "or imitation firearm" substitute ", imitation firearm or antique firearm".

(3) In section 19 (carrying a firearm in a public place), after subsection (d) insert—

"(e) antique firearm."

(4) In section 20 (1) (Trespassing with firearm) for "or imitation firearm" substitute ", imitation firearm or antique firearm".

(5) In section 20 (2) (Trespassing with firearm) for "or imitation firearm" substitute ", imitation firearm or antique firearm".'—*(Louise Haigh.)*

Brought up, and read the First time.

Louise Haigh: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 24—*Antique Firearms (No. 2)*—

'(1) The Firearms Act 1968 is amended as follows.

(2) In section 17 (1) (Use of firearms to resist arrest), for "or imitation firearm" substitute ", imitation firearm or antique firearm".

(3) In section 17 (2) (Use of firearms to resist arrest), for "or imitation firearm" substitute ", imitation firearm or antique firearm".

(4) In section 18 (1) (Carrying firearm with criminal intent) for "or imitation firearm" substitute ", imitation firearm or antique firearm".

(5) In section 18 (2) (Carrying firearm with criminal intent) for "or imitation firearm" substitute ", imitation firearm or antique firearm".'

New clause 26—*Offence of buying antique firearms for cash etc*—

'(1) A person commits an offence if they purchase an antique firearm other than by—

(a) a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable; or

(b) by an electronic transfer of funds (authorised by credit or debit card or otherwise).

(2) The Secretary of State may by order amend subsection (1) to permit other methods of payment.

(3) In this section paying includes paying in kind (with goods or services).

(4) If an antiques dealer ("the purchaser") is in breach of subsection (1), each of the following is guilty of an offence—

(a) the antique dealer;

(b) any person who makes the payment acting for the dealer.

(5) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under this section to prove that the person—

(a) made arrangements to ensure that the payment was not made in breach of subsection (1); and

(b) took all reasonable steps to ensure that those arrangements were complied with.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.'

New clause 27—*Compulsory register of transaction in antique firearms*—

"(1) Any person who by way of trade or business manufactures, sells or transfers antique firearms must provide and keep a register of transactions and must enter or cause to be entered therein the particulars specified by order of the Secretary of State.

(2) Every entry required by subsection (1) of this section to be made in the register shall be made within 24 hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom that subsection applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.

(3) Every person keeping a register in accordance with this section shall (unless required to surrender the register under section 38(8) of the Firearms Act 1968) keep it for such a period that each entry made after the coming into force of this subsection will be available for inspection for at least five years from the date on which it was made.

(4) Every person keeping a register in accordance with this section shall on demand allow a constable or a civilian officer, duly authorised in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand, and must on request by an officer of police so authorised or by an officer of customs and excise—

(a) produce the register for inspection; or

(b) if the register is kept by means of a computer, produce a copy of the information comprised in that register in a visible and legible form for inspection

provided that, where a written authority is required by this subsection, the authority shall be produced on demand.

(5) Every person keeping a register in accordance with this section by means of a computer shall ensure that the information comprised in the register can readily be produced in a form in which it is visible and legible and can be taken away.

(6) It is an offence for a person to fail to comply with any provision of this section or knowingly to make any false entry in the register required to be kept thereunder.

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 5 on the standard scale."

Louise Haigh: The Minister just mentioned the recommendations of the Law Commission, which formed the consultation last year. In the "Panorama" documentary that I just referred to, the police suggested that it was irrational to impose greater obligations on scrap metal dealers than upon those who sell firearms, albeit antique ones. At present, an antique firearm can be bought for

cash with no verification of the identity of the purchaser. That means there is no way of tracing who has purchased an antique firearm.

This state of affairs seems particularly unsatisfactory when one considers that by virtue of section 12 of the Scrap Metal Dealers Act 2013, which was mentioned by my right hon. Friend the Member for East Ham, a scrap dealer must not pay for scrap metal except by cheque or electronic funds transfer, including by credit or debit card. Additionally, by virtue of sections 11 to 15 of the Act, scrap metal dealers must record each transaction, the method of payment and to whom the payment was made, having verified their identity.

The benefit of imposing a similar obligation upon those who sell antique firearms is that it would aid the investigation of crimes in which such items are used, and that is what new clause 26 is designed to do. The Law Commission provisionally provides that the sale of antique firearms ought to take place by cheque or electronic funds transfer. The National Ballistics Intelligence Service and the Crown Prosecution Service are in favour of imposing such an obligation. Although we realise that dealers and collectors have expressed serious misgivings, we believe the balance should tip in favour of keeping the public safe.

New clause 24 seeks to change the offences in sections 17 and 18 of the Firearms Act 1968 to make it absolutely clear that antiques are covered by that Act. The Law Commission stated that, on one interpretation, the Act exempts antique firearms

"from every other provision in the Firearms Act 1968, including the offences contained in sections 16 – 25. This part of the Act is entitled *Prevention of crime and preservation of public safety*. The relevant offences are…possession of a firearm with intent to cause any person to believe that unlawful violence will be used against him or her…use of a firearm with intent to resist or prevent the lawful arrest or lawful detention…carrying a firearm with intent to commit an indictable offence…carrying a firearm in a public place…trespassing with a firearm…purchasing or selling firearms to minors…supplying a firearm to a minor…supplying a firearm to a person drunk or insane."

I do not know whether we use such language in legislation any more.

The Law Commission continued:

"To take one example, the effect of section 58(2) might be that it would not be an offence contrary to section 17 to use an antique firearm to resist arrest. This strikes us as a loophole that ought to be closed."

This is similar to our discussion about imitation firearms. The commission added:

"If it is an offence to use an imitation firearm to resist arrest, then it should also be an offence to use an antique firearm…The offences in section 16 – 25 could be amended to put beyond doubt that they can also be committed by someone with an antique firearm. This…we believe…would have no detrimental impact upon legitimate antique firearms collectors."

Victoria Atkins: The Government share the concerns expressed about the increasing use of antique firearms in crime, and we are committed to strengthening controls to tackle the problem. That is an important part of our work to tackle gun crime, as set out in the "Serious Violence Strategy".

It may help to explain our position on the new clause if I explain the background to this issue and what the Government are doing to address it. As has been stated, in 2015 the Law Commission carried out an independent review of firearms law. It raised the issue of the increasing use of antique firearms in crime and recommended that the exploitation of the definition of "antique firearm" to obtain old, functioning firearms should be addressed by introducing a statutory definition. The Government accepted that recommendation and included provisions in the Policing and Crime Act 2017 to define "antique firearm" in regulations by reference to a firearm's propulsion system and the type of cartridge it was designed to use. A cut-off manufacture date, after which a firearm cannot be considered an antique, can also be specified.

Late last year, the Home Office undertook a full public consultation to seek views on the detail of the regulations. As I said, we are considering the responses we received, many of which were unnecessarily technical, and it is our intention to lay regulations before Parliament by the end of the year. I hope that reassures the Committee that the Government are taking steps to tackle this serious issue.

New clauses 23 and 24 would add antique firearms to the scope of specified offences in the Firearms Act 1968. I am pleased to say that the new clauses are not necessary, since their effect is covered by existing legislation. Section 126(3) of the Policing and Crime Act 2017 will amend the 1968 Act by extending the offences in sections 19 and 20 of that Act to antique firearms. Section 126 will be brought into effect early next year. The remaining offences covered by the two new clauses already apply to antique firearms because those offences require the weapon to be used with criminal intent. Anyone using an antique firearm in that way would not be possessing it as a curiosity or ornament and the exemption for antique firearms would therefore not apply. The Law Commission reached the same conclusion in 2015.

New clause 26 would make it an offence to purchase antique firearms by cash and other non-traceable methods. That is intended to provide a record of transactions involving antique firearms that would enable the police to trace the supply chain when they are recovered in crime. The Law Commission considered that aspect of the controls in 2015. It concluded that although stopping cash payments might in theory allow the police to trace a purchaser, it could work only if they knew who the seller was. The owners and dealers of antique firearms are not licensed and so are not known to the police or other authorities. In that light, the Law Commission made no recommendation on that point.

The new clause would therefore not be effective—it would require a form of licensing of antique firearms and those who deal in them and there are no current plans to introduce such a licensing scheme. The vast majority of owners and dealers are law abiding and do not present a public safety risk. We want to be proportionate in controlling antique firearms, targeting criminal misuse while recognising legitimate collectors and dealers. We are none the less strengthening the controls on antique firearms by defining them in law. We have also proposed arrangements regularly to review the controls, to give us a chance to monitor how they are working and, if necessary, to consider further measures.

New clause 27 would require anyone who trades in antique firearms to keep a register of transactions. Like new clause 26, it is intended to provide an audit trail of transactions to allow the police to trace the supply of antique firearms that are recovered in crime. The Law Commission considered that and made no recommendation. As with the cash payments proposal,

[Victoria Atkins]

it could work only if the police knew who the seller was. In the absence of any licensing or registration of owners and dealers, it is not possible. New clause 27 would therefore not work.

As I set out, we are actively strengthening the controls on antique firearms by defining them in law. We are also committing to regular reviews of the controls involving law enforcement and other stakeholders. I am grateful to the hon. Member for Sheffield, Heeley for tabling the new clause. I hope the explanation of the Government position has helped with the complexities of this important issue and therefore ask her to withdraw the proposals.

Louise Haigh: I am grateful to the Minister for her comprehensive reply. I am satisfied and pleased to hear that new clauses 23 and 24 are not necessary given their introduction in the Police and Crime Act 2017—the Government have beaten me to it. However, I am not convinced by the argument against new clauses 26 and 27. An audit trail when purchasing firearms, be they antique or otherwise, is vital. That a licensing or registration scheme for antique firearms dealers does not exist to make it workable does not mean that we should not introduce one. If people want to sell weapons that can be used as deadly weapons on our streets to maim and kill children in every one of our constituencies, we should be able to establish who they are selling them to. We could return to that on Report and possibly when the regulations are introduced, before the end of the year. For now, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

The Chair: We have debated new clause 24, which I presume the shadow Minister does not wish to move. We then come to new clause 25, which was debated in an earlier group, and new clause 26, which was debated a moment ago, but she does not wish to move them formally. Clause 27 is also not moved.

New Clause 28

CONTROLS ON PURCHASE OR ACQUISITION OF SHOTGUN AMMUNITION

"(1) The Firearms Act 1968 is amended as follows.

(2) In section 1(b) (Requirement of a firearm certificate) after "to have in his possession" leave out "to purchase or acquire".

(3) After section 1(b) insert—

"(c) to purchase or acquire, any ammunition to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised."

(4) After section 1(4) insert—

"(5) Notwithstanding subsection 1(3) and 1(3)(a) shotgun ammunition within the meaning of this Act is not exempt from an offence under 1(c).'"—*(Louise Haigh.)*

This new clause would make it an offence to purchase or acquire shotgun ammunition without a valid firearm certificate.

Brought up, and read the First time.

4.45 pm

Louise Haigh: I beg to move, That the clause be read a Second time.

This new clause is also based on the compelling evidence that the Committee received early on, particularly from Mark Groothuis from counter-terrorism policing, who said:

"It is actually relatively easy to obtain shotgun ammunition. If you want to purchase it, you must produce a shotgun certificate, but I can give shotgun ammunition to a person who is 18 or above without a shotgun certificate. In theory anyone in this room could possess up to 15 kg net explosive quantity of shotgun cartridges, which is a huge quantity—probably in excess of 10,000 rounds—with no certification at all. The controls around shotgun ammunition are particularly loose. The control is there to purchase, but not to be given"—

that is, not to supply. He continued to say that, as another witness had said,

"if you have shotgun ammunition, you can take the shooter's powder out of it and use it for other purposes."—[*Official Report, Offensive Weapons Public Bill Committee,* 17 July 2018; c. 43, Q102.]

That is what the amendment seeks to address. I appreciate why the exemption is already in law, because when someone is out on a hunt, they should not be criminalised for passing shotgun cartridges or ammunition to a fellow hunter or shooter, but surely that threshold of 15 kg is far too high and creates unnecessary loopholes in the legislation. I hope the Government will seriously consider our amendment and maybe give us just one little win.

Victoria Atkins: I am tempted. I thank the hon. Lady for tabling the new clause, but again—I feel sorry to point this out—those who know about these things believe the wording to be technically defective. The relevant certificate would be a shotgun certificate rather than a firearm certificate, for example.

On the substance, we believe that the new clause is unnecessary, because legislation already contains an appropriate level of control on shotgun ammunition. It is not subject to licensing, and therefore does not have to be entered on a certificate in the same way as firearm ammunition, but section 5 of the Firearms (Amendment) Act 1988 applies an important check at the point of sale by making it an offence to sell shotgun ammunition to anyone who is not a registered firearms dealer or a shotgun certificate holder. The maximum penalty is six months' imprisonment.

A purchaser must present a valid shotgun certificate to a dealer before she or he can be sold shotgun ammunition, or must otherwise demonstrate their entitlement to be sold the ammunition. It is true that that does not prevent someone who has lawfully purchased shotgun cartridges from subsequently gifting them to a non-certificate holder, but we are not aware that that is happening in practice or that it is causing a serious public safety problem. If it is, we would be keen to see the evidence so that we can consider what might be done in response.

Louise Haigh: Will the Minister explain to the Committee why the threshold is so high, at 10,000 rounds of shotgun ammunition? If the exemption is there to allow me to pass ammunition to a fellow shooter, why does it have to be at 10,000 rounds? It seems completely excessive.

Victoria Atkins: That is a very interesting question, and one that I might need to reflect on. If I may, I will take the chance to reflect on it now, because that does seem like a very large number of shotgun cartridges. I do not shoot myself, but I know those who do.

Kevin Foster: I am conscious that the Minister may be about to get official advice, but does she agree that one of the reasons for the threshold might be to ensure that no one was innocently caught out? To do that, it would have to be set at a level that was clearly well beyond that, at a point where a jury would be only too happy to convict someone and could be beyond reasonable doubt that that person clearly had no good reason to be passing the ammunition on, other than to avoid firearms legislation.

Victoria Atkins: That is a very interesting suggestion. The explosives regulations also come to mind, because the limit on holding gunpowder is set by those regulations, and these are the limits set by those regulations. I will take away the suggestion that perhaps the regulations need to be looked at to ensure that they meet the public safety test and expectations that we all have. That will be consistent with us keeping firearms law under review, as always, and examining any significant vulnerabilities that are brought to our attention. I hope the hon. Member for Sheffield, Heeley will withdraw her amendment.

Louise Haigh: Although I am still unsatisfied as to why the threshold should be so excessively high, I will go back and look at the explosives regulations and perhaps we will return with further amendments on Report. For now, I beg to ask leave to withdraw the new clause.

Clause, by leave, withdrawn.

The Chair: We come now to new clause 29.

Louise Haigh: Like the other new clauses, new clause 29 has been covered in our consideration of other amendments and in other debates, so I shall not move it now.

New Clause 30

AGGRAVATING FACTOR

"(1) Where a court is considering for the purposes of sentencing the seriousness of an offence under subsection 5(1), and either of the facts in subsection (2) are true, the court—

(a) must treat any fact mentioned in subsection (2) as an aggravating factor (that is to say, a factor that increases the seriousness of an offence), and

(b) must state in open court that the offence is so aggravated.

(2) The facts referred to in subsection (1) are that, at the time of committing the offence, the offender was—

(a) the driver of a moped or motor bicycle, or

(b) a passenger of a moped or motor bicycle.

(3) For the purposes of this section, "moped" and "motor bicycle" have the same meanings as in section 108 of the Road Traffic Act 1988."—*(Tulip Siddiq.)*

Brought up, and read the First time.

Tulip Siddiq: I beg to move, That the clause be read a Second time.

I am also aware that everyone wants to leave, so I will try to be as quick as I possibly can be—*[Interruption.]* At least I have one agreement from Government Members so far.

Subsection 5(1) argues that a person commits an offence if they have a corrosive substance with them in a public place. I tabled new clause 30 to force a court to consider, for the purposes of sentencing the offence set out in subsection 5(1), that the use of a moped is an aggravating factor. This would mean that if the offender was in possession of corrosives while driving a moped, or while a passenger on a moped, they would face a longer sentence.

Aggravating offences, as set out by the Sentencing Council, already include

"Use of a weapon to frighten or injure victim"

and

"An especially serious physical or psychological effect on the victim".

Attacks using corrosive substances are clearly intended to frighten and, as we have discussed, they cause especial physical and psychological effects on a victim. However, I would like to see mopeds, as defined in subsection (3) of my new clause, explicitly listed as an aggravating factor for possession.

I do so for four key reasons: one, an individual who carries a corrosive substance on a moped poses an additional risk to the public; two, corrosive substance attacks committed from a moped uniquely heighten the physical and psychological effect on the victim; three, mopeds are deliberately chosen by offenders to escape detection and conviction; and, four, conviction rates for moped-related crimes are especially low, and explicitly listing mopeds as an aggravating factor will serve as a future deterrent.

In my constituency of Hampstead and Kilburn, moped crimes and offensive weapons have wreaked havoc in the lives of local residents, especially the attacks in recent months on two local councillors, who were both coming home from late-night council duty and were both targeted by people on mopeds.

The statistics are alarming, not only for my constituency but for London generally. In Brent, 512 crimes using offensive weapons took place between July 2016 and July 2018, and in Camden in the same time period 394 crimes using offensive weapons took place, which represented an increase of 16% between July 2017 and July 2018. In June 2017 alone, Camden suffered 1,363 moped crimes. In 2017-18, there were over 20,000 moped-related crimes in London.

The correspondence from my constituents at the height of these crimes has often been desperate and angry in equal measure. I will quickly give two examples from the many, many emails that I have received on this topic. Jessica from Belsize Park said:

"I have never written to my MP before but I am growing increasingly concerned about the spate of violent moped attacks taking place across London. I had a near-miss last week and almost didn't report it to the police as I felt that there was nothing they could or would do."

Gaurav from Hampstead Town said:

"I am frankly appalled at how inaction is emboldening gangs to strike with impunity. This has to stop. I feel scared about my family and children walking in the area."

Sarah Jones: I apologise to the Committee for what will be a brief intervention; I just wanted to stress the point that my hon. Friend is making. Last week, I met a couple who had been walking along the street in Croydon with their young daughter, and two people on mopeds who were wearing masks came up to them and held a knife at the neck of the daughter, who is about seven years old. Fortunately, in the end nobody was hurt and the police are doing what they can, but my hon. Friend is making a really serious point. This is a real issue and it would be very useful if the Minister could consider accepting the new clause.

Tulip Siddiq: I thank my hon. Friend for that intervention and I am sorry to hear about what happened to her young constituent; it must have been quite frightening. That also leaves a huge impact afterward as people think about what happens as someone is speeding past. I know that now when I walk past any moped I quickly hide my phone; I think many of my constituents have started to do the same as well. I am hardly going to be able to fight anyone off—I am aware of my strengths there.

Returning to my point, I have had dozens of emails similar to the ones that my hon. Friend describes, and they all describe the sense of fear created by those committing offences under subsection 5(1) from the back of mopeds. Many of my constituents see the use of a moped in such a circumstance as unduly reckless, negligent and therefore threatening, and would naturally agree that perpetrators of those offences should face tougher sentencing in the courts.

I believe that the recent case of Derryck John illustrates the threat of carrying corrosive substances on the back of mopeds. Mr John was convicted in March after being found guilty of carrying out six acid attacks against moped riders in less than 90 minutes. He sprayed his victims with a poisonous liquid, leaving one man with 30% sight loss in one eye. He stole two mopeds and tried to take another four from their owners before being arrested. Mr John was able to cause such significant damage to his victims in such a short period of time precisely because he was using a moped.

Coming back to my constituency, it is worth saying that moped crimes have plummeted about 80% since their peak. That is because of the innovative responses from the Metropolitan Police: Operation Attrition, the increase in unmarked Q cars, the use of spray-tagging of mopeds, motorcycle patrols and tactical collusions have all proved effective. However, the figures for detection and conviction rates for moped crimes remain astonishingly low. In 2017-18, detection rates for offences resolved through a sanction stood at just 2.6%, which means that more than 97% of moped criminals escaped justice in that year. That is appalling and unjust.

My new clause may not dramatically reverse that picture—after all, criminals must be caught before they are brought to trial—but it will definitely act as a deterrent to those who would be so reckless as to possess offensive weapons, particularly corrosive substances, in a public place on a moped. There can be no excuse for it, and the process of sentencing should reflect the additional fear and risk posed by the use of a moped in such instances. That is what my new clause is intended to do, and I hope that Government Members will see fit to support it.

Stephen Timms: I rise briefly to support the new clause tabled by my hon. Friend the Member for Hampstead and Kilburn and to welcome the fact that she has raised this in the Committee.

There is certainly a close link between acid attacks on one hand, and the use of mopeds on the other. I will highlight one particular group of victims here, which is moped delivery drivers. I think the series of attacks that she referred to was aimed at a group of drivers, a number of whom I have met. In particular, I pay tribute to Mr Jabed Hussain, who was himself a delivery driver with UberEats and was the victim of one of these attacks. He has since joined the International Workers Union of Great Britain to bring together the very vulnerable people who work delivering meals and all sorts of things around London. There are large numbers of them now, but they are pretty exposed, and if people come after them with acid they are in a dangerous situation.

When I last spoke to him, Mr Hussain had not yet been able to get back to his work because of the trauma he had suffered as a result of the attack inflicted on him. I am grateful to my hon. Friend for raising this important issue and I hope the Minister will be able to respond sympathetically to what she has said.

Victoria Atkins: I am grateful to the hon. Member for Hampstead and Kilburn for tabling this new clause. We understand why she and the right hon. Member for East Ham, and those from other constituencies, are rightly concerned about the use of motorcycles, mopeds and scooters to commit crime. We know also that the use of corrosive substances in these circumstances is a worryingly frequent occurrence. Indeed, the fear, and short-term and long-term effects that such attacks can have, were made clear to me when the constituent of the right hon. Member for East Ham, Mr Jabed Hussain, came to talk to me about the effects that such attacks have on him and his fellow delivery drivers.

5 pm

We are working closely with the police, industry, representatives from the motorcycle-riding community and other partners, and have developed a comprehensive action plan, which is focused on preventing offending and keeping the public safe. The plan covers a number of key themes, including understanding offender motivations and identifying opportunities for early interventions, as well as practical solutions such as more secure parking facilities and improving the security on mopeds, scooters and motorcycles to prevent their theft and use in further crimes.

Naturally, we focus on the terrible psychological and physical impacts of these crimes, but often, as the right hon. Member for East Ham said, there is an economic impact. If a delivery driver is attacked, it will, by definition, have an impact—often longstanding—on their livelihood. Part of this plan also ensures that sentences reflect the full impact that these crimes have on victims and the wider community. I will return to sentencing in a moment.

The hon. Member for Hampstead and Kilburn has rightly commended the Metropolitan police for its operational and tactical response, including the use of off-road bikes to aid pursuits, greater use of intelligence-led ambush and funnelling of suspect offenders, and the successful use of DNA marker sprays, which have brought about some incredible results in proving the participation of offenders to crimes, often weeks after the events. That is truly revolutionary evidence and perpetrators should be very worried about it. All of that work has contributed to the month-on-month fall in motorcycle-enabled crime in the capital since its peak in July last year, with the number of these crimes falling by 38.5% in the four months to May this year, compared to the four months to January.

That is not cause for complacency and the action plan continues, as part of which I will continue to meet all of our partners. Against that background, I am a

little cautious about the new clause, which proposes the imposition of a statutory aggravating factor, because such aggravating factors are a rare exception to the general principle that it is for judges to determine the appropriate penalty on the individual facts of a case. We know that judges across the capital—this seems to be a particular issue in the capital—are reflecting this, not only when prosecutors present the case to judges and magistrates, but when judges are considering sentence.

The Sentencing Council's definitive guideline on bladed articles and offensive weapons came into effect in June. As part of that, the guidance is presented to courts,

"for the sentencing of offenders convicted of the possession of a bladed article or offensive weapon, such as acid, in public, and of using one to threaten someone."

The aggravating factors in those guidelines are non-exhaustive, and courts can and do consider other factors relevant to sentencing. I am cautious when it comes to the imposition of such statutory aggravating factors, not least because it could be too restrictive, in terms of only applying to mopeds and motorcycles. The papers recently reported an awful case in which someone walked up to a car and threw acid in. As a prosecutor, I would find it difficult to differentiate the criminality in that case from others. I regret, therefore, that I am unable to support the clause and I invite the hon. Lady to withdraw it.

Tulip Siddiq: I appreciate the Minister's response, and the sympathy she has expressed for victims. I, too, commend the work of the Metropolitan police, but I do not feel that the legislation is strong enough to tackle the kind of crime I have described. The conviction rates are too low not to press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 9.

Division No. 7]

AYES

Foxcroft, Vicky	Siddiq, Tulip
Haigh, Louise	Smyth, Karin
Jones, Sarah	Timms, rh Stephen
Morgan, Stephen	

NOES

Atkins, Victoria	Morris, James
Foster, Kevin	Pursglove, Tom
Huddleston, Nigel	Robinson, Mary
Maclean, Rachel	Scully, Paul
Maynard, Paul	

Question accordingly negatived.

Victoria Atkins: On a point of order, Mr Gray. As we are nearing the end of our deliberations, may I say a few words of thanks to everyone who has been involved in the scrutiny process? We have scrutinised the Bill seriously and thoroughly, and have had plenty of time to consider it in great detail. I am grateful to you, Mr Gray, and to Mr Gapes, for the excellent chairing, keeping us all in order in what has been a very warm Committee Room.

I am incredibly grateful to all Committee members for the constructive way in which they have approached their deliberations. I am also grateful that, despite points of disagreement, the Committee's passion and determination to help law enforcement and others to tackle these serious crimes has come through very strongly. I am particularly grateful to the hon. Member for Sheffield, Heeley and the right hon. Member for East Ham for their many considered and expert contributions, and to—wish me luck—the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East. He is not even here to appreciate my efforts, but he brought a different perspective to the issues we have been debating.

I also thank my officials. Our consideration of the issues has demonstrated how complex their job has been, both in preparing the Bill and as we have been scrutinising it. I also thank everyone who has supported the Committee, including the Doorkeepers, the *Hansard* reporters and, of course, the Committee Clerks. I am sure that our deliberations in Committee have put us in a good place as the Bill progresses.

Louise Haigh: Further to that point of order, Mr Gray. I, too, thank you and Mr Gapes for keeping us in order and for your invaluable guidance in Committee. I thank the Minister for her thoroughness and graciousness in taking our interventions and providing us with thorough responses. I also thank all Committee members who have engaged in such a constructive, thoughtful debate. I believe we have scrutinised the Government's legislation before us and brought forward additional clauses that we think the Bill is lacking. We hope that will continue as the Bill passes through Parliament.

I thank in particular my fantastic team on the Opposition side—sorry to the Government Back Benchers—and my fantastic Whip, my hon. Friend the Member for Lewisham, Deptford, who is such an expert in this area as chair of the Youth Violence Commission. I think I am uniquely blessed in that I have a team of people who wanted to be on the Bill Committee and have such personal expertise and interest in this area. I hope the others will not mind if I thank in particular my right hon. Friend the Member for East Ham, who has schooled us all in scrutiny of the legislation and brought his personal expertise and experience, which is sadly born out of the horrific experience and events in his constituency.

I also thank the officials, the Clerks, the Doorkeepers and *Hansard* as well as everyone who gave evidence to the Committee, who have been heard. They might not all be satisfied with the outcomes, but we have listened and considered all the evidence submitted. If I may, Mr Gray, I will also thank my researcher, Danny Coyne. The Government have an entire team of civil servants, but my poor researcher has been up till midnight most nights helping me write my speeches.

The Chair: Of course, both points of order were entirely bogus, but none the less they were extremely welcome.

Victoria Atkins: On a point of order, Mr Gray. I hope this is a legitimate point of order. As we have finished earlier than anticipated, I would be grateful if the Committee would give me leave to submit a letter tomorrow that will provide a note on the English votes for English laws conditions.

So that I do not get into trouble, I will also take this chance to thank my Whip, the Lord Commissioner of Her Majesty's Treasury, my hon. Friend the Member for Blackpool North and Cleveleys.

The Chair: The Minister has asked for the Committee's permission to raise that letter after the Committee has finished sitting. Unless I hear to the contrary, I presume that the Committee is content that she should do so.

Bill, so far as amended, to be reported.

5.11 pm

Committee rose.

Written evidence to be reported to the House

OWB 82A Mr M D Jenvey

OWB 82B Mr M D Jenvey

OWB 106A Springfields (further written evidence)

OWB 165 Dhan Panesar

OWB 166 Rupert Fitzsimmons, on behalf of Cambridge University Small Bore Club and Cambridge University Rifle Association

OWB 167 Gareth Corfield, on behalf of British Young Shooters' Association

OWB 168 Michael Venus on behalf of A. S. Handover Ltd

OWB 169 John-Paul Gabbott on behalf of Alpha Batteries Ltd

OWB 170 Ian Menzies

OWB 171 Doug Eckford on behalf of Axiotech Automotive Ltd

OWB 172 Leighton Colegrave

OWB 173 Oliver Fallows

OWB 174 Isen Wharton

OWB 175 Steve Hunnisett

OWB 176 Simon Fowler

OWB 177 Jeff Clarke

OWB 178 Neil Hains

OWB 179 R Hawkins

OWB 180 Earl Williamson

OWB 181 Martin Osment

OWB 182 Independent Automotive Aftermarket Federation (IAAF)

OWB 183 Matthew Hartley

OWB 184 Outdoor365

OWB 185 Andy McGarty

OWB 187 Andy Beal

OWB 188 Christopher Walker Antiques

OWB 189 Robin Garratt

OWB 190 Roger Ellis

OWB 191 Mal

OWB 192 British Battery Industry Federation (BIFF)

OWB 193 Simon Pamment

OWB 194 Ron Comben

OWB 195 The Lanes Armoury

OWB 196 Vintage Arms Association

OWB 197 Deactivated Weapons Association

OWB 198 Greg Hassall