

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### OFFENSIVE WEAPONS BILL

*Ninth Sitting*

*Tuesday 11 September 2018*

*(Morning)*

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#### CONTENTS

CLAUSES 28 TO 30 agreed to.  
SCHEDULE 2 agreed to.  
CLAUSES 31 TO 40 agreed to, some with amendments.  
New clauses considered.  
Adjourned till this day at Two o'clock.

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**not later than**

**Saturday 15 September 2018**

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**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

(Morning)

[MIKE GAPES *in the Chair*]

### Offensive Weapons Bill

9.25 am

**The Chair:** Before we begin, Members should take their jackets off if they wish; it is incredibly hot in here. That includes officials and anybody else here. Please do not feel inhibited. I also ask Members to make sure that their phones are on silent or are switched off. We will now resume line-by-line consideration of the Bill.

#### Clause 28

PROHIBITION OF CERTAIN FIREARMS ETC: ENGLAND  
AND WALES AND SCOTLAND

*Question proposed,* That the clause stand part of the Bill.

**Louise Haigh** (Sheffield, Heeley) (Lab): It is a pleasure to serve under your chairmanship for the first time in the Committee after recess, Mr Gapes. Welcome back to our scrutiny of the Bill. We now turn to the measures relating to firearms and, particularly, amendments to the Firearms Act 1968.

Opposition Members have received numerous representations relating to this part of the Bill; indeed, several of my hon. Friends have received even more representations in the last couple of weeks relating to several of our amendments. I say to those watching the Committee's proceedings that if they wish to persuade politicians of the merits of their holding firearms and firearms licences and the genuine, legitimate uses for which they use those firearms, they should stay away from veiled threats and aggressive language and should genuinely seek to persuade us. We are persuadable.

I have no prejudice against legitimate shooting activities, although I have to say that I have not been exposed to them much. I grew up in the middle of Sheffield. Not much shooting goes on around there, other than illegitimate shooting, sadly. We have no prejudice on this side of the Committee, but it is the job of Parliament and of this Committee to ensure that we get the right balance between allowing people to participate in legitimate shooting activities and ensuring that the public are as free as possible from risk. The Bill is designed to strike that balance, and it is the Committee's job to ensure that we get that balance right. The Opposition believe that clause 28 gets that balance right at the moment. We received evidence to the contrary, but we also received significant evidence in support of the measures brought forward by the Government in the clause.

I reassure the Minister that the Opposition fully and wholeheartedly support the prohibition of .50 calibre rifles with a kinetic energy of more than 13,600 joules. It is important to say exactly why we support the

measures. The range and penetrative power of .50 calibre rifles makes them more dangerous than other common firearms. Their use in criminal or terrorist activities would present an absolutely unacceptable threat to the public and would be uniquely difficult for the police to control.

Following the theft of one of these large-calibre rifles, the police drew the attention of the Government and the Committee to the potential dangers of such a weapon being available for civilian use and have made the case that such a threat outweighs the arguments made by those who use these weapons for target practice and other undeniably legitimate hobbies. The issue is that such weapons hold the potential to pose a significant danger to public safety, given that .50 calibre rifles were originally designed for military use, to allow for firing over long distances in a manner capable of damaging vehicles and other physical capital. They are also designed to be able to penetrate armour worn by soldiers.

Some submissions argued that the specific ammunition needed to penetrate armour over a long distance are already prohibited. That is right, but if these rifles were used in a criminal capacity, it would allow for the penetration of police body armour and defensive protections, which would not be possible with lower calibres. Even the Fifty Calibre Shooters Association recognises that it is possible for the rifles to immobilise a light or medium-sized vehicle or truck at 1.8 km, and that is at the minimum end of the scale.

The police told the Committee that the weapon has a maximum range of 6.8 km, according to Ministry of Defence data. We know that, according to the National Ballistics Intelligence Service, no protective equipment in the police's arsenal would guard against a .50 calibre rifle. We are extremely sympathetic to the concerns of NABIS and others around legally held firearms being stolen and subsequently used in crime. The threat is that we see an increasing trend of legally held firearms being stolen from certificate holders.

The number of guns being stolen is increasing. So far this year we know from the national firearms licensing management system that 39 rifles from a range of calibres—although none of them .50 calibre—and 165 shotguns have been stolen. Again, we are seeing an increase in the use of firearms in crime—mainly shotguns, as they are the volume guns being stolen. However, there have been examples of rifles coming into use by criminals. This is not fearmongering; firearms, including rifles and shotguns, are being stolen and used in criminal and violent activity. One was used to murder our colleague, Jo Cox, and a .50 calibre rifle was stolen in an incident that was provided to this Committee, an example that provided the basis for their outright ban.

Criminals have shown that they are increasingly determined to steal the weapons of lawful firearm holders. The truth is that we can either pretend that this is not happening and do a severe disservice to our constituents, or we can act to take the most powerful and dangerous weapons out of public hands altogether. Furthermore, we know that the terror threat is sustained and growing. There has been a dramatic upshift in the terror threat, which the director-general of the MI5 described as “the highest tempo I have seen in my 34-year career”, and which is, “especially diverse and diffuse within the UK”.

We should not doubt the determination of terrorists to get their hands on firearms. Twenty Islamist terror attacks have been disrupted since 2013. The plotters have discussed or planned the use of a variety of firearms. The trend in terrorist incidents is to target political symbols, police officers or members of the armed forces or, crucially, areas with large numbers of people. That is why rapid-firing rifles, such as the vz. 58 manually actuated release system rifle, will also be banned under this clause. This rifle can discharge rounds at a much faster rate than conventional bolt-action rifles and is therefore closer to self-loading rifles, which are currently prohibited for civilian ownership. The fire rate of these rifles means that they are capable of inflicting large amounts of casualties or damage within a very short period of time.

In the light of the destructive power of these weapons, we agree that clause 28 strikes exactly the right balance. Nevertheless, I understand that depriving firearms holders of these weapons is an important step by this Parliament, and I want to ensure that during this debate we are fully engaged with the concerns and comments of the Fifty Calibre Shooters Association and others who have expressed concerns. I have read the evidence of all those who are opposed to the move to prohibit this weapon. What I fear is misunderstood by those opposing this move is that it is an assessment of risk by us as parliamentarians.

Finally, I want to deal with a few other queries and points raised with the Committee. Some have argued that other lever firearms have the capacity to fire as quickly as a MARS or lever-release rifle, but will remain legal after the passage of the Bill, so why the focus on MARS and lever-release rifles? NABIS has told us:

“In terms of lever action rifles, they can fire rapidly, but only in the hands of highly skilled experts. They are also very slow to reload. The MARS is much easier to fire rapidly by someone who is not experienced and, using a detachable magazine, they are rapid to reload”.

In addition, we are not convinced of the case for the semi-automatic rifles chambered in calibre .22 to remain legal while other MARS or lever-release rifles are being prohibited for justifiable reasons. The .22 calibre was recently used in a double murder, according to NABIS. While NABIS argued that there has been no request for the semi-automatic .22 to be prohibited, if the concern is over a weapon's rapid fire capability—that is certainly the justification for prohibiting the .50 calibre—that justification would seem to carry over to the .22 calibre semi-automatic as well. Do the exact same principles behind these provisions not also apply to this weapon?

There is undoubtedly an urgent need to tackle violent crime and mitigate the threat of powerful firearms getting into the hands of organised criminals and terrorists. We therefore wholeheartedly reaffirm the Opposition's support for these proposals.

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** It is a pleasure to serve under your chairmanship, Mr Gapes.

It is widely acknowledged that the United Kingdom has some of the strongest gun controls in the world. Nevertheless, it is important to keep those controls under review. Clause 28 seeks to strengthen the controls on two specific types of powerful rapid-fire rifles. Both are currently available for civilian use or ownership under general licensing arrangements administered by the police under section 1 of the Firearms Act 1968,

which means they can be owned only by somebody who has a firearms certificate for which they have been vetted. However, following advice from experts in the law enforcement agencies, we believe it is important to take action to ensure that the controls around these weapons are tightened.

One option is to add these weapons to the list of prohibited firearms provided for in section 5 of the 1968 Act. Such weapons are subject to more rigorous controls than other firearms and may be possessed only with the authority of the Secretary of State. All firearms are by their very nature potentially lethal, but these two types are significantly more powerful than other firearms permitted for civilian ownership under section 1 of the 1968 Act. It is not our intention to unnecessarily restrict the lawful use of firearms, such as for legitimate sporting purposes; however, we are concerned about recent rises in gun crime and the changing threats and heightened risk to public safety.

As my right hon. Friend the Home Secretary explained at the start of Second Reading, the proposals were based on concerns about the potential for serious misuse of these weapons if they were to fall into the hands of criminals or terrorists. That is not to say that there is an imminent threat that they are about to be used by them, but in view of the threat assessment received, the Government have a clear duty to consider the need for these particular types of firearms to be more strictly controlled. However, the Government also recognise that the vast majority of people in lawful possession of firearms use them responsibly and that any controls need to be proportionate. In line with the undertaking given by my right hon. Friend the Home Secretary, we should continue to listen and consider further whether there are other effective alternatives to banning high-powered rifles, such as requiring enhanced security for their storage and use.

Turning to MARS rifles, as they have been called, or rapid-fire rifles, our focus is on weapons that can discharge rounds at a much faster rate than conventional bolt-action rifles, which are permitted under licence and are normally operated manually with an up and back, forward and down motion. The definition refers to the use of the energy from the propellant gas to extract the empty cartridge cases. That brings them much closer to self-loading rifles, which are already prohibited for civilian ownership under section 5 of the Firearms Act. Indeed, the National Ballistics Intelligence Service witness who gave evidence to the Committee, Mr Taylor, described them as being designed to “get around” the UK's firearms legislation. That is why this measure is in the Bill.

The other change we propose to make to section 5 of the 1968 Act relates to bump stocks. Bump stocks were used in the Las Vegas shootings on 1 October 2017, in which 58 people were killed and more than 800 injured. The gunman used them to significantly increase the rate of fire of his self-loading rifles. The Government responded quickly to the shooting by placing an import ban on bump stocks from 4 December 2017. There are no legitimate uses for bump stocks and we do not think there are any in the UK. The import ban is designed to keep it that way.

**Kevin Foster (Torbay) (Con):** I completely support the proposals for banning bump stocks, which have absolutely no legitimate purpose, but we should also be

[Kevin Foster]

clear that the weapons used in Las Vegas are already illegal under our law. It obviously makes sense to make bump stocks illegal under our current legislation as well.

**Victoria Atkins:** My hon. Friend is quite right; this is about ensuring that we go further and control the manufacture and possession of bump stocks, which are already controlled in terms of importation, because we acknowledge that there is a criminal underworld. We want to make it absolutely clear to those indulging in that sort of activity—and to give powers to the police—that if they are found in possession of a bump stock, that in itself is an offence, let alone all the other offences that that person might be being investigated for. That is what the clause aims to do. It will make the unlawful possession, purchase, manufacture and sale of a bump stock subject to a maximum of 10 years' imprisonment and a minimum sentence for adults of five years' imprisonment.

The hon. Member for Sheffield, Heeley asked me about .22 self-loading rimfire rifles. The lever action will be banned only if they meet the definition. The classic lever-action rifle seen in western films will not be caught; those that use a small lever next to the trigger will be. It is not our intention to ban .22 self-loading rimfire rifles, which, like all rifles and firearms, have the potential for danger, but are less powerful and are used extensively for pest control.

*Question put and agreed to.*

*Clause 28 accordingly ordered to stand part of the Bill.*

### Clause 29

PROHIBITION OF CERTAIN FIREARMS ETC: NORTHERN IRELAND

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** Clause 29 makes equivalent provision to clause 28 in respect of Northern Ireland, through amendments to the Firearms (Northern Ireland) Order 2004, which sets out the controls on the possession and use of firearms that apply there.

*Question put and agreed to.*

*Clause 29 accordingly ordered to stand part of the Bill.*

### Clause 30

CONSEQUENTIAL AMENDMENTS RELATING TO SECTIONS 28 AND 29

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** Clause 30 sets out the consequential amendments in the Bill relating to section 28 on prohibition of certain firearms in England, Wales and Scotland, and section 29 relating to the prohibition of certain firearms in Northern Ireland. The consequential amendments are set out in schedule 2.

*Question put and agreed to.*

*Clause 30 accordingly ordered to stand part of the Bill.*

### Schedule 2

CONSEQUENTIAL AMENDMENTS RELATING TO SECTIONS 28 AND 29

*Question proposed,* That the schedule be the Second schedule to the Bill.

**Victoria Atkins:** Schedule 2 sets out the consequential amendments to various Acts as a result of the prohibitions in clauses 28 and 29.

*Question put and agreed to.*

*Schedule 2 accordingly agreed to.*

### Clause 31

SURRENDER OF PROHIBITED FIREARMS ETC

*Question proposed,* That the clause stand part of the Bill.

**Louise Haigh:** I wonder whether the Minister could provide a bit more detail on the timeframe that she anticipates chief officers will provide holders of firearms that will become prohibited under clause 28 with the requirement to surrender to a designated police station in their police force area.

My understanding is that firearms prohibited under proposed new paragraph (5)(2)(ag) to the Firearms Act 1968—that is, rifles

“with kinetic energy of more than 13,600 joules”—

are used only in specific licensed areas. I do not know the right terminology. Would it not be more appropriate for the police to go and collect them from those areas, sporting clubs or whatever they are, rather than ask the licence holders to transport them to a police station to deposit? Will the Minister provide clarification on whether that would be a more appropriate surrender for those weapons?

9.45 am

**Victoria Atkins:** Clause 31 makes provision for those who currently hold firearms that will become prohibited to hand in those weapons and ancillary equipment to designated police stations. Detailed guidance on how owners surrender firearms and equipment will be published alongside compensation regulations, which will be laid following Royal Assent. We are working at the moment on the premise of a three-month period in which to hand in weapons. If I may, I will return to the hon. Lady on her question about the method by which weapons are collected by the police. I commend the clause to the Committee.

*Question put and agreed to.*

*Clause 31 accordingly ordered to stand part of the Bill.*

### Clause 32

PAYMENTS IN RESPECT OF SURRENDERED FIREARMS OTHER THAN BUMP STOCKS

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** Clause 32 provides for compensation arrangements. It is right and fair that owners of previously legally held firearms who hand them to the police for safe disposal should be compensated. I will provide a draft of the compensation regulations in due course and there will be an opportunity to scrutinise the arrangements when they are laid before the House following Royal Assent. I commend the clause to the Committee.

*Question put and agreed to.*

*Clause 32 accordingly ordered to stand part of the Bill.*

### Clause 33

#### PAYMENTS IN RESPECT OF PROHIBITED FIREARMS WHICH ARE BUMP STOCKS

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** The Government have legislated and banned the importation of bump stocks into the UK—it came into effect from 4 December 2017. Clause 28(3) will move to prohibit their possession to ensure a complete prohibition on those items but it is recognised, as previously, that where members of the public are required to surrender weapons that they hold lawfully, they should be fully compensated for their property. Clause 33 provides for the Secretary of State to set out in regulations the arrangements for payment of compensation to owners who are legally in possession of bump stocks and are required to surrender them as a result of their prohibition under clause 28(3). I commend clause 33 to the Committee.

*Question put and agreed to.*

*Clause 33 accordingly ordered to stand part of the Bill.*

### Clause 34

#### PAYMENTS IN RESPECT OF ANCILLARY EQUIPMENT

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** Clause 34 provides for the Secretary of State to make arrangements for compensation payments to be made to owners of ancillary equipment in order that they be properly compensated. As before, a draft of the regulations will be provided as appropriate in due course. I commend the clause to the Committee.

*Question put and agreed to.*

*Clause 34 accordingly ordered to stand part of the Bill.*

### Clause 35

#### INTERPRETATION OF SECTIONS 28 TO 34

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** Clause 35 provides for the interpretation of sections 28 to 34 of the Act. In respect of section 28, or in sections 31 to 34 as they apply in relation to England and Wales and Scotland, any expression used and which is defined in the Firearms Act 1968 has the same meaning as in that Act. In respect of section 29, or in sections 31 to 34 as they apply in relation to Northern Ireland, any expression used and which is defined in the

Firearms (Northern Ireland) Order 2004—S.I. 2004/702, N.I. 3—has the same meaning as in that order. I commend clause 35 to the Committee.

*Question put and agreed to.*

*Clause 35 accordingly ordered to stand part of the Bill.*

### Clause 36

#### CONSEQUENTIAL AMENDMENTS RELATING TO ARMED FORCES

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** Clause 36 makes consequential amendments relating to the armed forces in respect of provisions within the Bill. Clause 36 amends the Armed Forces Act 2006 to provide that the criminal conduct offences that can be dealt with at summary hearings will include the new offences provided for by this Act in relation to the possession of offensive weapons and corrosive substances and delivery of corrosive products. I beg to move that clause 36 stand part of the Bill.

*Question put and agreed to.*

*Clause 36 accordingly ordered to stand part of the Bill.*

### Clause 37

#### REGULATIONS

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** Clause 37 sets out the detail of where regulations may be made, and by which authority, in relation to the Bill. Full details are set out in the delegated powers memorandum to the Bill. In broad terms, subsection (1) stipulates that any power or duty of the Secretary of State to make regulations under this Act is exercisable by statutory instrument. Subsection (2) further stipulates that any statutory instrument containing regulations under this Act made by the Secretary of State may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament through the affirmative procedure. The remaining subsections relate to where regulations may be made by the devolved Administrations. I commend the clause to the Committee.

*Question put and agreed to.*

*Clause 37 accordingly ordered to stand part of the Bill.*

### Clause 38

#### EXTENT

*Amendments made:* 38, in clause 38, page 32, line 37, at end insert—

“(0) subsection (3A) of section 20, so far as it makes provision in relation to an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, and subsection (1) of that section so far as relating to that provision made by subsection (3A);”.

*See the explanatory statement for Amendment 35.*

*Amendment 39, in clause 38, page 33, line 7, at end insert—*

“(0) subsection (3A) of section 20, so far as it makes provision in relation to an offence under section 1(1) or (1A) of the Restriction of Offensive Weapons Act 1959, and subsection (1) of that section so far as relating to that provision made by subsection (3A);”.

*See the explanatory statement for Amendment 35.*

Amendment 29, in clause 38, page 33, line 13, at end insert “() section11(1B);”.

*See the explanatory statement for Amendment 21.*

Amendment 30, in clause 38, page 33, line 22, leave out paragraph (b) and insert—

“(0 section11(1), (1A) and (2) to (4);  
() section12;”.

*See the explanatory statement for Amendment 21.*

Amendment 31, in clause 38, page 33, line 26, at end insert—

“(0 section (Presumptions in proceedings in Scotland for offence under section 1, 3 or 4);

() section (Presumptions in proceedings in Scotland for offence under section 5);”—(*Victoria Atkins.*)

*See the explanatory statement for Amendment 14.*

*Clause 38, as amended, ordered to stand part of the Bill.*

### Clause 39

#### COMMENCEMENT

*Amendments made:* 32, in clause 39, page 34, line 13, at end insert—

“(0 section 5;  
() section 9;”.

*This amendment confers power on the Scottish Ministers to bring Clauses 5 and 9 (possession of corrosive substances) into force so far as those clauses extend to Scotland.*

Amendment 33, in clause 39, page 34, line 13, at end insert—

“(0 section (Presumptions in proceedings in Scotland for offence under section 1, 3 or 4);  
() section (Presumptions in proceedings in Scotland for offence under section 5);”.

*See the explanatory statement for Amendment 14.*

Amendment 34, in clause 39, page 34, line 16, leave out paragraph (c).

*This amendment confers power on the Secretary of State rather than the Scottish Ministers to bring Clause 19 (definition of “flick knife”) into force so far as that clause extends to Scotland.*

Amendment 40, in clause 39, page 34, line 18, after “20” insert—

“except so far as it makes provision in relation to an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979”.

*See the explanatory statement for Amendment 35.*

Amendment 41, in clause 39, page 34, line 27, leave out paragraph (e) and insert—

“(0 section 20(4) to (6);  
() sections 21 to 23;”—(*Victoria Atkins.*)

*See the explanatory statement for Amendment 35.*

*Clause 39, as amended, ordered to stand part of the Bill.*

### Clause 40

#### SHORT TITLE

*Question proposed,* That the clause stand part of the Bill.

**Victoria Atkins:** Clause 40 sets out the short title on Royal Assent, which is the Offensive Weapons Act 2018. The scope of the Bill is limited to those matters relating to offences involving offensive weapons. The

Bill is not a general Bill about violent crime or crime more generally. It is limited to the criminal use of weapons such as knives, corrosive substances and firearms.

*Question put and agreed to.*

*Clause 40 accordingly ordered to stand part of the Bill.*

### New Clause 5

#### PRESUMPTIONS IN PROCEEDINGS IN SCOTLAND FOR OFFENCE UNDER SECTION 1, 3 OR 4

“(1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 1(1), 3(2) or (3) or 4(4).

(2) Where—

- (a) a substance is found in a container (whether open or sealed), and
- (b) there is on the container a description of the contents of the container,

the substance found is to be presumed to be a substance of that description.

(3) Where an open container is found which—

- (a) is empty or contains an amount of a substance which is insufficient to allow analysis of it,
- (b) was sealed at the time it was sold or delivered, and
- (c) has on it a description of the contents of the container,

the container is to be presumed to have contained, at the time it was sold or delivered, a substance of that description.

(4) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (3) by proving that, at the time of its sale or delivery, the substance in the container was not of the description on the container.

(5) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.—(*Victoria Atkins.*)

*See the explanatory statement for Amendment 14.*

*Brought up, read the First and Second time, and added to the Bill.*

### New Clause 6

#### PRESUMPTIONS IN PROCEEDINGS IN SCOTLAND FOR OFFENCE UNDER SECTION 5

“(1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 5(1).

(2) Where—

- (a) a substance is found in a container (whether open or sealed), and
- (b) there is on the container a description of the contents of the container,

the substance found is to be presumed to be a substance of that description.

(3) Subsection (4) applies where—

- (a) an open container is found,
- (b) a substance has been poured out of, or otherwise removed from, the container,
- (c) the container is empty or contains an amount of the substance mentioned in paragraph (b) which is insufficient to allow analysis of it, and
- (d) the container has on it a description of its contents.

(4) The container is to be presumed to have contained, immediately before the action mentioned in paragraph (b) of subsection (3) was taken, a substance of the description mentioned in paragraph (d) of that subsection.

(5) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (4) by proving that, at the time the offence is alleged to have been committed, the substance in the container was not of the description on the container.

(6) A party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.’—(*Victoria Atkins.*)

*See the explanatory statement for Amendment 14.*

*Brought up, read the First and Second time, and added to the Bill.*

### New Clause 1

#### ANNUAL REPORT ON CORROSIVE SUBSTANCE ATTACKS

‘(1) The Secretary of State must, within twelve months of this Act receiving Royal Assent, publish an annual report on the data available on the number of corrosive substance attacks in the UK in each of the last five years.

(2) The annual reports published under section 1 must include, but are not limited to—

- (a) the location of the attacks;
- (b) the corrosive substance used; and
- (c) any other information as may be available on each attack.’—(*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 25—*Report on the causes behind youth violence with offensive weapons*—

‘(1) The Secretary of State must, within six months of this Act receiving Royal Assent, lay a report before Parliament on the causes behind youth violence with offensive weapons.

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

- (a) the effect of the reduction in police numbers on the levels of youth violence with offensive weapons;
- (b) the effect of the reduction in public spending on—
  - (i) children’s services;
  - (ii) Sure Start;
  - (iii) state-maintained schools;
  - (iv) local authorities;
- (c) the effect of changes in the numbers of—
  - (i) school-excluded children;
  - (ii) looked after children;
  - (iii) homeless children.

(3) The report under subsection (1) and the considerations under subsection (2) must consider the benefits of the public health approach to violence reduction.

(4) The report must publish all departmental evidence held relating to subsection (2).’

*This new clause would require the Secretary of State to review the causes behind youth violence with offensive weapons.*

**Stephen Timms:** I am delighted to be serving under your chairmanship, Mr Gapes. Your constituency adjoins mine and you are familiar with the challenges with which this Committee is grappling.

New clause 1 is a straightforward proposition: that, every year, there should be publication of up-to-date basic data on corrosive substances attacks—the acid attacks—carried out over the previous five years. As we heard last week, the number of acid attacks has risen sharply during the past few years. There was no particular reason to pay them special attention five years ago, but the dramatic increase means that we need to pay much more attention and ensure that essential data about them is available. What little data is available has come from various ad hoc freedom of information requests. I referred last week in Committee to the informative answer received by Councillor James Beckles, a member of Newham council in my borough, to a freedom of information request made by him last summer. The answer contained a lot of useful information about acid attacks across the whole of London, not just in Newham, going back to 2002.

We need that information to be collected and published much more systematically in future. The answer showed that, in London, the number of violent acid offences was 145 in 2002 and 107 in 2003. It stayed below 100 for the best part of a decade from 2004 to 2012 then started to rise: in 2013 it was 142; in 2014 it was 130; in 2015 it was 275; and in 2016 it was 416. During the first nine months of 2017, the number had risen to 411. It is clear that we have a serious problem on our hands in London and elsewhere. In March 2017, in a written question, I asked how many acid attacks there were.

10 am

The then Minister’s written answer, published on 23 March 2017, bluntly informed me:

“The Home Office does not collect data on the number of acid attacks... We are currently working with the National Police Chiefs’ Council lead to gather data through police forces to better understand the extent and scale of crimes involving acid and other corrosive substances.”

In October 2017, in written question number 109629, my hon. Friend the Member for Ilford North (Wes Streeting)—another neighbour of yours, Mr Gapes—asked the Minister’s immediate predecessor,

“what estimate she has made of the number of attacks or assaults on people involving acid in each of the last five years”.

He received a fuller answer than I did, perhaps reflecting the growing concern about this problem. The written answer, published on 30 October 2017, stated:

“The Home Office does not hold the information requested and does not specifically collect data from police forces on acid and other corrosive attacks as part of its regular data collection. Acid and other corrosive attacks resulting in injury are included in Office for National Statistics published statistics within assault with injury offences and assault with intent to cause serious harm offences, but cannot be disaggregated.”

It is time to change that policy. Data on acid attacks specifically should be collected, disaggregated from other larger categories in which they have been included up until now, and published, as set out in new clause 1. New clause 1 specifies that there should be an annual report on the locations of the attacks, the substance used in them and any other information that may be available on each attack. Following our debate last Tuesday, I would like to add to that list the age, if known, of the person convicted or suspected of carrying out the attack. That debate highlighted the importance of this annual report.

We do not have much data on the ages of people carrying out acid attacks. The age threshold for sales of corrosive substances set out in the Bill is 18. The data we have from ad hoc freedom of information requests strongly suggests that that is too low, because the average age of perpetrators—as the Minister pointed out, it varies from one year to another—has been at least 21 for a number of years. That suggests to me that—however inconvenient it may be for some—the age threshold should be set at 21 and not 18.

Publication of the annual report proposed in new clause 1 would allow us to develop properly considered, evidence-based policy, and, not least, to track the impact of the welcome changes introduced in this Bill and review their effectiveness. It might be that we ought to specify additional information on each attack beyond location and substance—both already contained in the new clause—as well as the age of the suspect or perpetrator. It might also be valuable, for example, to include the age of the victim in the report, to inform future development.

I am pleased that there has been some progress in this area since the written answers I referred to were published last year. Assistant Chief Constable Rachel Kearton of Suffolk Constabulary, who is the National Police Chiefs' Council lead for corrosive attacks, gave evidence to this Committee before the summer recess. I was pleased that she told us that she had secured agreement from the Minister's Department that offences of corrosive substance attacks will form part of the annual data return to the Home Office and that all 43 forces across England and Wales will be required to report their instances to the Home Office on an annual basis. One of the issues about these ad hoc freedom of information requests up to now has been that usually not all the police forces have submitted returns that contributed to finding an answer.

It seems that at least the basic data will now be assembled in the Home Office. I hope that the details I have specified in new clause 1 and in my remarks will be included in the data that is published, and that the Minister, drawing on that information, will be able to agree at least with the sentiments behind the new clause and to publish annually the data that it identifies.

**Tulip Siddiq** (Hampstead and Kilburn) (Lab): It is a pleasure to serve under your chairmanship, Mr Gapes.

I support much of the Bill, which is why I rise to contribute to the debate on new clauses 1 and 25. If we are to ensure that vital clauses protecting young people are effective, it is of huge importance that the Government proceed with transparency and that Parliament receives a report from the Secretary of State on progress.

My experience of the High Speed 2 Bill is defined by a lack of redress for my constituents, because there is no requirement for the Secretary of State to report on the construction process. I realise that I raise my angst with High Speed 2 in this House at every opportunity, but I genuinely believe that the same principles apply to this Bill.

New clause 1 proposes introducing a report that would shed light on the number of corrosive substance attacks that have taken place in the past five years, not only providing important historical data to establish crime trends but clearly illustrating the scale of the challenge that the Bill seeks to correct, as outlined by

my right hon. Friend the Member for East Ham. Any such report would also detail the location of corrosive substance attacks, which would be a positive outcome for my constituency. For one thing, the Metropolitan police would be in a better position to allocate resources more effectively across the worst-affected London boroughs.

New clause 25 would mandate the Secretary of State to report on the causes of youth violence with offensive weapons. Attacks using corrosive weapons are despicable, not only because of the physical ramifications but because of the devastating psychological toll on victims. As we have repeatedly discussed during our consideration of the Bill, acid attacks do not heal quickly and the results are often visible for a victim's entire life.

When processing the gravity of such attacks, I often ask myself how the perpetrators end up engaging in such awful criminality. It is not sufficient simply to point to drugs or gangs, even though those factors are huge. It must be the job of Government to investigate the root causes of such violence and explain whether or not existing legislation is making the problem worse.

In that regard, new clause 25 covers several vital policy considerations. I will focus on subsections 2(a) and 2(b)(i), which cover the reduction in police numbers and the reduction in spending on youth services. Since 2013, in my constituency, Camden has suffered the reduction of 23 constables, 30 detective constables, 28 sergeants, 10 detective sergeants, five detective inspectors, seven inspectors and two chief inspectors. As I have said, in the first few months of 2018 London suffered double the number of fatal stabbings than in the same period in the previous year and, as I have also said previously, half of the victims were aged 23 or younger. Given those numbers, it is surely incumbent on the Secretary of State to investigate whether or not the corresponding reduction in police numbers has acted as a contributing factor to the despair that we have seen on the streets across London.

Let me turn to subsections (2)(b)(i) and (2)(b)(iv) of new clause 25, which would mandate the Secretary of State to report on the reductions in local authority spending as a cause of youth violence. I looked at the Department for Education's data, which shows that over the last 12 months councils in England were expected to have spent a total of £460 million on youth services. The BBC reports that that compares with £418 million the previous year and £622 million between 2014 and 2015.

Efforts are being made locally to mitigate the national picture. For example, in my constituency, Camden Council's community impact scheme offers £1.6 million to local organisations to address youth offending, among other social problems. If the Secretary of State reported to the Commons on whether such efforts were tangibly reducing youth violence, it would help local authorities such as Camden to target their spending better. I think that all hon. Members from across the House wish to see that from local government.

Supporting new clause 25 does not mean giving legislative approval to the notion that reductions in spending or police numbers prompt young people to turn to offensive weapons. Instead, I believe it would satisfy a very clear duty of the Government to consistently measure their policies against points of concern for the public and, in the case of this Bill, to establish how we prevent young people from falling into the clutches of violence.

**Sarah Jones** (Croydon Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Gapes. I rise to support new clause 1 and new clause 25. The suggestion from my right hon. Friend the Member for East Ham regarding data on acid attacks is very sensible. It will help build public confidence in this legislation if, as hoped, it helps to reduce such attacks. If the legislation does not bring down the number of attacks, it is essential we know that. The main area I want to focus on, however, is new clause 25.

Since I set up the all-party parliamentary group on knife crime last year and began working with my hon. Friend the Member for Lewisham, Deptford on her Youth Violence Commission, it has become clear that the drivers of youth violence are seated far more deeply in our society than simply the accessibility of weapons. We can all agree that tightening up the rules around online knife purchasing, restricting certain types of knives and restricting the sale of corrosives is the right thing to do and we applaud the Government for it. However, we also need to take a step back and look again at the problems we are ultimately trying to solve: the growth in acid attacks by and on young people; the continued increase in knife crime across the country; the age of knife carriers getting younger and younger; and the culture of fear that we know exists among a generation of our young people. Without new clause 25, this Bill makes no real attempt to answer these questions. It seeks to address symptoms without looking for the cure.

I am concerned that by prioritising online knife purchasing in this Bill, the Government are overemphasising its role on teenagers carrying knives. Of course, the death of Bailey Gwynne in 2015 was a horrible and avoidable tragedy—even one death from this loophole is one too many. Aside from Bailey's death, the only evidence cited in the Government's impact assessment for the Bill comes from anecdotal reports from the police, trading standards and Members of Parliament about teenagers accessing knives online. It does not appear that the Government actually spoke to young people themselves—and particularly young people who carry knives—about why they are doing so and how they are accessing these weapons.

The summary of consultation responses makes no mention of speaking to young people directly, but the all-party parliamentary group on knife crime has spoken to young people who carry knives. We brought 16 people from across the country to Parliament to meet MPs and peers to talk about why they carry knives. These young people had either been convicted of knife offences or had been victims of knife attacks and, in some cases, both. When asked about their reasons, one young person specifically mentioned online retailers, saying that it is

“so easy, yesterday at Amazon, I swear to go 30 seconds from the homepage to checkout to deliver to my house, about 20 seconds, literally.”

It was very clear from the rest of the young people where the majority of them had got their knives. Let me quote a few of them.

“What's the knife, it's just a trip to the kitchen then you can literally just grab it.”

Another young person:

“It's really easy and you have only got to go to your kitchen drawer and there is a knife”.

Another, asked by an MP where he had got his knife, answered: “Out of the kitchen.” Another young person:

“In Camden, everyone's going to have one—they put it in a sock—and everyone has one.”

I worry that the Government are focusing too narrowly and ignoring the reality that, for most under-18s, accessing a knife is as simple as walking into their kitchen. That is why new clause 25 is so important. If a young person is getting to the point where he or she is trying to buy a knife online, we have already failed them somewhere down the line. If that same young person is faced with tougher restrictions on online purchasing but still feels the need to carry a knife, as we have just heard, they can simply get one from their kitchen. That is not to say that this legislation is not worthwhile, but we need to think bigger and new clause 25 is the start of that.

The all-party parliamentary group on knife crime, the Youth Violence Commission and a host of experts from Scotland to Chicago have all said that the Government must now treat youth violence as a public health issue. A proper public health approach would treat knife crime like an epidemic. We know that violence breeds violence, so we need to tackle the problem at source while immunising future generations against it. We need to recognise that some young people are more at risk of early criminality than others because of their environments, and we must address those environments, changing the social conditions that lie at the root of youth violence.

10.15 am

The police will be the first to admit that they cannot arrest their way out of this. However, it is absurd to argue that cuts to police numbers have not had an impact on violent crime, so it is right that new clause 25 references police numbers. The young people who spoke to our APPG were particularly positive about the value of community policing. They said:

“Community police officers, you may not realise it, but they make you feel safe. When I was younger, if I was doing something naughty, then the community police officer would call my mum—not the police, but my mum—because they are in the community and they know who I am, and that is so much better than going to court and all of that.”

However, we lost 80% of our police community support officers in Croydon due to Government cuts post 2010. The Mayor of London is making efforts to rebuild their numbers, but in the meantime voluntary organisations have had to step in.

Another Night of Sisterhood—ANOS—is based in Thornton Heath in Croydon and offers a support network for mothers facing difficult situations, such as their children being at risk of involvement in crime. However, it is a sad indictment of the situation we are in that parents have to be lucky enough to have an organisation like ANOS in their local community while the state shirks responsibility for prevention. That is why I support the inclusion in new clause 25 of analysis of the impact of cuts to children's services and Sure Start. It is clear that investing in support for vulnerable families at an early stage saves money later. However, according to the Sutton Trust, as many as 1,000 Sure Start centres across England have disappeared.

The easy availability of knives in kitchens is another reason to offer support to parents. Inspector Jack Rowlands—a former Croydon police constable who

founded DIVERT, a police custody diversion programme—recently told a harrowing account of the reality of this situation:

“I once stopped a young lad, received intel that he had a knife. I gave him my grounds, searched him and found a knife on him. He, his friends and a group around me, demanded I tell them what my intel was. I simply couldn’t. Because it was his mum that called us 10 mins before.”

For someone to decide between letting their child roam free with a knife or calling the police and criminalising them seems like an impossible choice, yet the Bill offers no answers to that problem. Why can we not put a system in place to help parents to know what to do if their child takes a knife?

ANOS in Croydon also steps in to help parents when schools and academies try unfairly to expel their children. Sadly, this is a growing issue, and it appears to be driven by two things: an excessively results-focused atmosphere and cuts to school budgets. Croydon Council has analysed the 60 cases of serious youth violence over recent times. In every single case, the child was outside mainstream education. That was the one definer of them all, but there were also other factors. They all had a maternal absence, as well as many having a paternal absence, and many lacked a trusted adult. However, the lack of a mainstream education is a real driver.

I have come across many cases of young people who, because their special needs have not been supported in school, behave badly, get excluded from school and become at risk of committing crime. We have all been told about the pupil referral unit to prison pipeline, and we need to do everything that we can to stop that. Our next APPG meeting will look at the link between knife crime and exclusions. Perhaps the Minister will be able to join us. I wholeheartedly support the new clause from my hon. Friend the Member for Sheffield, Heeley, which would make the Bill so much more meaningful for young people in this country.

**Louise Haigh:** I rise to support new clause 1, tabled by my right hon. Friend the Member for East Ham, and to speak to new clause 25, tabled in my name and that of my hon. Friend the Member for Lewisham, Deptford.

One small example of why my right hon. Friend’s new clause is so important relates to our debate on the kits available for acid testing and the offence under clause 5 of acid possession. *The Sun* reported this weekend that officers will be given acid detection kits to help them detect substances that present a danger to the public. *The Sun* reported that the kits are being manufactured at the Porton Down laboratory, as we heard last week. However, as we know from last week’s discussions, the workability of those possession offences are still a concern. Given the information provided in *The Sun*, will the Minister now be able to furnish the Committee with the details—on the operationalisation of the Bill in relation to those kits—that she was unable to provide us with last week?

Our discussion last week assumed that the kits will be rationed, which is completely reasonable, but without adequate information for forces and the Home Office—which my right hon. Friend’s new clause would provide—about attack locations, the substances used and anything else that is pertinent, it will be difficult to prioritise such corrosive substance packs for officers, or for policy makers to understand how many might need to be

available. It is perfectly obvious that officers in Newham, Walthamstow, Camden and Islington will need them, but is it obvious from existing Home Office data that Avon and Somerset, for example, might require such kits? My hon. Friend the Member for Hampstead and Kilburn discussed that last week.

Disaggregating the data should be perfectly easy; it is not a good enough excuse to say that the Home Office does not collect the data and that it cannot be disaggregated. On the police national computer it should be perfectly easy to tag information on corrosive substances, as is done for a host of other incidents or vulnerabilities. Data is a real issue, in particular for bringing policy to bear. The new clause would help to inform parliamentarians, the Government and the public on the location of attacks and, crucially, on what type of substances are used.

To make policy truly effective, partnership would be required across health services, local authorities and law enforcement. The detailed forensic work done on the type of substances that have been used tends to take place in a healthcare setting, rather than a criminal justice one, so I wonder what discussions the Minister has held to ensure that such detail is routinely fed to the police, in particular in cases where the victim refuses to co-operate—sadly, as we know, that occurs in many such instances, whether they involve corrosive substances or bladed articles.

My hon. Friends have already made a compelling case for new clause 25, which relates to the laying of a report on the causes behind youth violence with offensive weapons. I appreciate what the Minister said in discussion of clause 40—that the Bill is intended to focus on the control and prohibition of offensive weapons—but we cannot have that debate in a vacuum. There are reasons why younger, or indeed older, people carry offensive weapons, and questions about how they access them.

**Karin Smyth (Bristol South) (Lab):** I am sure that my hon. Friend, coming as she does from Sheffield, will agree with me, from another city outside London, that what has been happening in London over recent years and the lessons that have been learned through the commission and the all-party group should inform good policy for the rest of the country. We already know some measures that could be put in place.

It is important to highlight the fact that, although London has particular problems, the rest of the country is also seeing many of the same issues, and we need to prevent them from developing further. New clause 25 would help policy makers to ensure that that happens.

**Louise Haigh:** I am grateful to my hon. Friend. I find it seriously frustrating that so much of the debate focuses on London. As she rightly says, many communities and constituencies outside London have experienced significant increases in youth and serious violence.

Only last night, I was at the launch in Sheffield of Operation Fortify, a multi-agency response to tackle youth violence led by the police—yes, it is located in a South Yorkshire police office, but it will include the local authority, education representatives and agencies from across the spectrum, all of which have responsibility for community safety under a groundbreaking piece of legislation introduced under the previous Labour

Government: the Crime and Disorder Act 1998. That Act made it clear that everyone has the job of ensuring community safety.

The point made about ensuring that best practice is rolled out is important. As shadow police Minister, I find it frustrating to go around the country and see so many forces reinventing the wheel time and again—inventing their own pieces of technology when just over the border the police have a completely different system, and the two do not talk to each other. Police are inventing their own responses to issues such as violent crime when just over the border they already have tried and tested methods.

The report proposed in new clause 25 would help to iron out those problems and deliver a level of consistency and the same efficient and effective service to victims, whether in Camden or Cumbria, and, yes, to offenders, whether arrested in Camden or Cumbria. At the moment, there are significant inconsistencies in our criminal justice system and in the service the police are able to deliver. That is our failing, and a failure of the Home Office. The National Audit Office report published today—the most damning report that I have ever read by the NAO—has shown that the Home Office has effectively passed the buck on funding and, in its words, has no idea whether police forces are able to respond to levels of demand locally and nationally because of the way it has approached police funding.

I have been well behaved in this Committee. I have not discussed police officer numbers or police funding at all, because we have had those arguments many times in Committee and the Minister and I are on very different pages. However, given that in this debate the issue is perfectly in scope, and given today's report by the NAO, will the Minister take the opportunity to respond to that report and perhaps signal a change in the Home Office's approach when it comes to the delusion that it has been operating under—that police officer numbers bear no relation at all to violent crime?

Serious violence is threatening to overwhelm our communities. As I said, last night I was in Sheffield for the launch of Operation Fortify, where we heard from mothers, wives, children and grandparents who have lost their loved ones to the scourge of knife crime. I was born and bred in the city and it has always been considered very safe, so it is tragic to see so many of our communities there succumb to the contagion of knife and gun crime. Their heartbreaking stories should spur us all into action.

Many hon. Members on both sides of the House have committed the majority of their time in Parliament to tackling the issue, but the numbers that we are faced with are truly horrifying. The number of children aged between 10 and 15 being treated for stab wounds has increased by 69% since 2013. The Children's Commissioner, who gave evidence to the Committee before the summer recess, has shown that up to 70,000 young people aged up to 25 are feared to be part of a gang network and that 2 million children in need of state support are vulnerable to being exploited by criminal gangs. That means too many young lives wasted, too many families destroyed and too many victims throughout communities as those crimes are committed.

As we have said many times, the conclusion is unavoidable: the structures and safety nets designed to protect a growing, precarious and highly vulnerable

cohort of children are failing all at once: it is the perfect storm that we have long feared and warned about. Behind the tragic spate of violence is a story of opportunities to intervene missed as services have retreated; of children without a place to call home being shunted between temporary accommodation with their parents, at the mercy of private landlords; and of expulsions—as my hon. Friend the Member for Croydon Central has mentioned—and truancy ignored until crisis hits. The current surge in serious violence is a textbook definition of whole-system failure, and the only response can be a whole-system one.

These children are the precarious products of austerity and rising poverty—the Home Office's internal report said as much. It is telling that Ministers still refuse to confirm whether they have had the report that underpinned their serious violence strategy. Some 120,000 children are homeless in this country, and more than 70,000 are in the care system. The Home Office's report said that those children are more at risk of being exploited by gangs and entering into violent crime.

Many thousands are excluded from school; there has been a sharp rise in exclusions in the last few years. A secondary academy in my constituency has excluded at least a third of its students at least once. Another academy in the same academy chain in Ormesby has excluded 41% of its pupils at least once. The pupil referral unit in Sheffield has 120 spaces. Last year, it received 350 children. As we have heard, criminal gangs exploit pupil referral units. They know that those children, who are in desperate need of help and support, do not have the resources to keep them safe. They know that they can go to those places and find children ready and available to conduct their vicious, pernicious and despicable business needs.

As the Children's Commissioner has noted, the pursuit of young children is now a "systematic and well-rehearsed business model".

We now find ourselves in this state of affairs. These are the problems and complex issues that I freely admit we are trying to tackle—not just with the legislation before us, but as a Parliament.

10.30 am

The serious violence strategy suggests that the data shows a shift to youth involvement in serious violence, with an increase in vulnerable groups including homeless children, children in care and school-excluded children, who are particularly susceptible to drug market recruitment. With that in mind, the £22 million the Minister mentioned last week on early intervention and prevention has to be put in the context of £387 million cut from youth services, £1 billion cut from children's services in real terms since 2012, and nearly £3 billion from policing since 2010. Hundreds of millions of pounds have been taken from youth services—138,000 fewer youth places are available and 3,600 youth workers have been lost from our communities.

The services we have lost from local authorities have included drug and alcohol services for young people and adults who are at risk of being sucked into a world where crime is commonplace; programmes to help young people excluded from school to rebuild; community centres that gave young boys and girls a safe place off the street; and schools who employed specialist staff

who supported vulnerable youngsters with mentors, therapists and educational psychologists. All those services have been cut or, in many cases, completely abolished. Since 2009, crime reduction spend by local authorities has been cut in half while the number of council employers working on crime reduction has fallen by a third.

Despite this tsunami of cuts to early intervention and prevention, the ending gang violence and exploitation fund, which part of the Government's much-vaunted strategy, will be allocated £300,000. On early intervention and prevention, the Government are paying nothing more than lip service. This is why the amendment explicitly mentions the public health approach to violence reduction. An example of where this has been successful is on our doorstep in Scotland, where a 20-year strategic approach was taken to reducing youth violence. That is what is required, whereas the Government's strategy is a two-year or at most three-year strategy. Many of the issues we are dealing with are intergenerational. They are entrenched in young people's lives and their communities and require sustained and consistent strategies to stem the rising tide of violence.

It is shocking not to hear the language of the public health model or any response to that approach from a single Minister. To my knowledge, I have not heard one Home Office Minister use the language of public health or say that they have assessed the implications of the public health model in Scotland. I asked a written question about the Government's assessment of the violence reduction unit in Scotland and was told that there had been no analysis of the public health model. We know that violence is contagious and we know we need a response similar to a public health crisis in order to stop the spread of this contagion. Will the Minister take the opportunity to tell the Committee what assessment has been made of the public health model, and in particular the violence reduction unit in Scotland, to underpin the work of the serious violence strategy?

The Government must be honest about the impact, including of police officer numbers, particularly in the light of today's damning National Audit Office report. Crucially, they must commission research on why young people carry weapons. So little of our debate on youth violence in this place focuses on that. It is vital to understand how to tackle the problem, particularly in allowing us to target interventions and spending where they work. We need to evaluate the outcomes of programmes and ensure that we are genuinely reducing the numbers of young people who carry weapons and looking at the causes as to why they carry them in the first place.

**Nigel Huddleston** (Mid Worcestershire) (Con): It is understandable why the tone of the debate has changed today. We have had a very co-operative cross-party approach so far. However, I hope the hon. Lady will not make the mistake of saying that there is a simple answer. I think she was alluding to this at the end of her speech. There are such things as personal responsibility and parental responsibility for serious crimes and we should not ignore that fact. The Government are spending more than £800 billion this year and Government net spending is increasing, but the most important thing we need to consider is that local decisions are being made. I get the hon. Lady's point about police numbers, but in West Mercia, for example, we had an announcement

yesterday of an increase in police numbers of 100. That is because of the choices that individual police and crime commissioners are making. We need to consider local responsibility as well.

**Louise Haigh:** I am not suggesting for a second that this is a simple issue—indeed, I believe I said explicitly a few minutes ago that these are very complex issues. No one is suggesting that a simple rise in police officer numbers will stem the surge in serious violence. That is why new clause 25 covers such a wide variety of the issues identified by the Home Office in relation to the rise in serious violence.

**Karin Smyth:** Further to the point made by the hon. Member for Mid Worcestershire, my right hon. Friend the Member for East Ham and, from the Front Bench, my hon. Friend the Member for Sheffield, Heeley are making a plea for the use of evidence and learning, not just from now but from the past. My constituency of Bristol South was blighted by drug offences throughout the 1990s, but through concerted efforts at learning by my predecessor and many other people in the community, including mothers who set up groups to support the young people who had been exploited, we learned a great deal. That influenced the legislation under the next Government. The plea from my colleagues is that we learn from the past, understand how young people are exploited and come together. That is not simple, but the learning has to be taken very seriously.

**Louise Haigh:** My hon. Friend is absolutely right. The last national research on why young people carry knives was in 2006. Therefore we do not know the implications of social media, of drill music, which is often blamed in the media and by some politicians, or of austerity, because there has been no research. We are asking the Government to underpin their measures and legislation with evidence—not to pass legislation for the sake of headlines or just to be able to say, "We are doing something about the problem," but to pass legislation and introduce measures that will tackle the problem.

I hope the Minister accepts the new clauses in the spirit in which they are intended to get to the root of the problems we see in every single one of our communities. Too many of us on both sides of the House have had to speak to families or witnessed the aftermath of the completely avoidable deaths of young people who would have had wonderful lives ahead of them had it not been for the whole-system failure that we are currently experiencing. Therefore, as I said, I hope the Minister accepts the new clauses in the spirit in which they are intended, so that we can get to the root of the issues.

**Victoria Atkins:** I thank the right hon. Member for East Ham for tabling new clause 1 and very much appreciate the interest he has and the expertise he brings—sadly it is from his own constituency. He and I do not restrict our discussions to activities in the Chamber or parliamentary questions. We of course discuss it outside the formal parliamentary procedures as well, because it is a concern that he, I and other Members of the House share.

The right hon. Gentleman has raised many questions, on Second Reading and in Committee, about the statistical data for corrosive attacks. He will know from the parliamentary questions he has tabled that the Home

Office does not collect specific data from police forces on acid and other corrosive attacks as part of its regular data collection. That is going to change. As he said, Assistant Chief Constable Rachel Kearton, the National Police Chiefs' Council lead on corrosive attacks, has stated that my officials are working with the NPCC to look at how offences involving acid and other corrosives can be captured better in police data, to understand the scale of the attacks.

A bid for a new collection on corrosive attacks has been submitted as part of the annual data requirement return to the Home Office. That bid is currently being considered by a group of Home Office and policing experts. If successful, it will require all 43 police forces across England and Wales to report instances of attacks involving corrosives to the Home Office on an annual basis. The intention is for the data collection to be routinely published. I am happy to look at the factors that the right hon. Gentleman has pressed, not just in new clause 1 but in the relation to the point about age. My officials have heard that and I have asked the police to action that.

The publication of data from police forces alongside data on other crimes involving serious violence is the best way forward to understand and address corrosive attacks. I do not believe that a statutory annual report on statistical data is the best way forward in helping us to understand the issue and prevalence of corrosive attacks. I intend the data to be collected and published and the right hon. Gentleman and others will then obviously have access.

**Stephen Timms:** I am grateful to the Minister and encouraged by her answer. Will she confirm that, if the bid she described is successful, information about location, substance and age would be accessible not just to the Home Office but to the public, through the way that the statistics are presented?

**Victoria Atkins:** As I said earlier, my officials have heard what the right hon. Gentleman has said and I will ask for those factors to be included in the assessment of the bid. I do not want to make promises without having spoken to the experts who will making the decision. Clearly, there would be as much as information as possible on a day-to-day basis in collecting the evidence. The data comes from police officers sitting down at a computer entering the data. We need to ensure that officers are using their time at the computer as usefully and productively as possible. I will ensure that the elements he suggests are considered in the assessment of the bid.

The right hon. Gentleman asked for a United Kingdom-wide report. The issue of corrosives used as an offensive weapon is a devolved matter in Scotland and Northern Ireland, and it would therefore be a matter for the devolved Administrations to agree to provide relevant data. Given the great working relationship between the Scottish and UK Governments on this, I am sure we are all heading in the same direction, if I might put it that way. I do not want to pre-empt the Scottish Government but I am sure they will be made aware of this discussion. I hope I have given the right hon. Gentleman enough clarification on the approach ahead in relation to collecting statistical data on corrosive substance attacks and that, on that basis, he will feel able to withdraw new clause 1.

The starting point of new clause 25, which was tabled by the hon. Members for Sheffield, Heeley and for Lewisham, Deptford, sometimes gets lost in the rough and tumble of parliamentary debate. I am grateful to the shadow Minister that that has not been present in this Committee. There has been constructive debate about the Bill because—this is the starting point—we all want this serious violence to stop. I hope Opposition Members believe my sincerity and that of all my colleagues. We may have different ideas about to achieve that but, if we keep returning to that fundamental principle, I am convinced that we will come up with the solutions.

The hon. Member for Bristol South referred to the work of previous Governments and I take on board her learning. That is one reason why we have the serious violence taskforce, which I will come to in more detail in due course. It features not only Home Office Ministers but Ministers from across Government and Members of Parliament from across the House, including Members of the Opposition who have spoken very forcefully on these issues—the right hon. Member for Tottenham (Mr Lammy) is a member of that taskforce, as is my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) because of his experience working with the Centre for Social Justice. There is a willingness to learn from history and other models.

I should clarify one point. The hon. Member for Sheffield, Heeley accused me and other Ministers of never referring to the public health approach. That is not correct. She may not be a regular reader of my blogs, but I wrote only recently on serious violence for *The Voice* and specifically mentioned the joined-up public health approach of the serious violence strategy.

10.45 am

Home Office officials spent months examining evidence from across the world. We know that drugs are a major driver in this violence. The Home Secretary is hosting an international conference to look at international efforts to tackle the very dangerous drugs that we know are the drivers behind this serious violence: drugs such as cocaine that are not produced in this country and have to be imported. We have looked at practice across the board. We have spoken to healthcare, teaching and social care professionals. It has been a gathering experience. We may not label it in the same way as the all-party parliamentary group, but we are clear that this is about a joined-up approach.

**Sarah Jones:** The Minister has talked to education experts. Does she agree that the increase in exclusions is driving some of the youth violence problems we are seeing?

**Victoria Atkins:** It concerns me greatly. Edward Timpson, a former Minister of State for Vulnerable Children and Families at the Department for Education, is doing a big piece of work. He is conducting a review of alternative provision and the vulnerabilities that may be posed by children being in PRUs. We are very much looking into it just as we are supporting the work of charities such as Redthread and getting youth workers into A&E departments in the major hospitals—they are seeing an increase in young people coming in with serious stab wounds. They get those youth workers into the A&E department to act as a friend to those children

[Victoria Atkins]

at the teachable moment, as they call it, as well as staying with them while they are in hospital recovering from what often turns out, sadly, to be major surgery. We help children through knife crime through the anti-knife crime community fund, and support many charities, including larger ones such as the St Giles Trust, that have specific projects dealing with the issues in specific parts of the country.

I was most concerned to hear the concerns of the hon. Member for Sheffield, Heeley about inconsistencies in delivery and policing. We introduced the system of police and crime commissioners in the coalition Government to try and draw accountability for policing closer to the communities served by police officers. The title is deliberate. Although policing is an important part of the brief, the “and crime” part is also an important part of their responsibilities—the prevention of crime, how they help victims in their locality and so on. If there are concerns about the consistency of delivery of services, I hope that we would all go to the police and crime commissioners and ask them what they are doing. It is our role as parliamentarians to hold them to account, just as they hold us to account.

The College of Policing has been a major step forward in terms of professionalising policing and giving it the status it deserves. These are public servants who often put their lives at risk to serve the public. We want to give them the recognition and status that their day-to-day activities deserve. The purpose of the College of Policing is to achieve that, but also to help spread best practice. The hon. Lady will know that a great deal of work is being done on, for example, county lines. We set up the National County Lines Coordination Centre because we recognise that, while major urban centres may have experience of gang activity, rural areas probably do not. We want to tackle that new phenomenon by helping the police draw together all their experience and intelligence, and ease the lines of investigation between forces.

**Louise Haigh:** The concerns about inconsistencies are not mine alone—far from it. I spoke at the Police Superintendents Association conference, where the Home Secretary and the Policing Minister are today. The conference theme is failures of collaboration, which drive inconsistency. Her Majesty’s inspectorate of constabulary has consistently—ironically—raised inconsistencies in policing over the last 20 years. I would argue, as would many policing stakeholders, that those inconsistencies have been worsened by the introduction of police and crime commissioners, because they have put further obstacles in the way of collaboration and evening out the issues we see across 43 police forces in the United Kingdom.

**Victoria Atkins:** Our expectation is that police and crime commissioners should collaborate. I am wandering a bit off my brief because this is technically the Policing Minister’s portfolio, but we have raised the point of collaborating on purchasing uniforms and so on. When I sat on the Select Committee on Home Affairs, I was surprised to learn that my local constabulary had bought the second most expensive trousers in the country. On any view, why would on earth would it do that?

I thank the hon. Lady for mentioning the inspectorate—I was just coming to it—which assesses constabularies’ performance. The message must be repeated to chiefs and PCCs that, when it comes to quality of services, we expect a member of the public, whether they are a victim or not, to receive the same quality regardless of where they live. I hope we can agree across the Committee on that aim. In giving PCCs the powers they have and making them accountable to the public in an election, we hope that the public will be able to judge them at the end of their five or four-year term.

The final piece of the delivery jigsaw is the National Policing Chiefs’ Council itself. The Committee has seen the work that NPCC leads can do and the influence they can have. If there are problems with delivery, I would be happy for colleagues to give me examples from their own constituencies so that we can hold the NPCC and the relevant chief to account. I hope the hon. Lady is reassured by the jigsaw of structures in place.

**Louise Haigh:** Before the Minister sits down, will she give way?

**Victoria Atkins:** I have a long way to go, but if it is on that point, I will.

**Louise Haigh:** The Minister mentioned the serious violence taskforce. Will she inform the Committee how many times it has met and what actions have arisen out of it since its introduction?

**Victoria Atkins:** If I may, I will come to that in a moment, after I have laid down the basis of the strategy as a whole.

The strategy arose out of the former Home Secretary’s concerns in the summer of last year that serious violence was beginning to rise. A great deal of work went into it. It also includes the assessment of preventative interventions, and our national and local responses to that. The hon. Member for Croydon Central referred to the Bill—perhaps I misheard her. I can reassure her that it is but one strand of the strategy. I know that she has studied it in detail, given her great interest through chairing the APPG, which I would be delighted to attend—she knows that I have been trying.

The strategy looks at early intervention, prevention and drugs as a major driver. Through that we have set up a new early intervention youth fund, which was doubled to £22 million by the Home Secretary in July. Please do not think that the early intervention youth fund is the only funding. Business-as-usual funding, including helping charities such as Redthread, St Giles Trust and so on, will continue. This is in addition. We have also continued our anti-knife crime community fund. As I said earlier, I hope to send a letter to colleagues so that they know the charities in their areas that may have benefited.

We deliberately used that fund to help smaller charities. We listened to people within the youth sector and to parliamentarians who told us that it is sometimes the smaller charities that can do great work in their local area. Indeed, I visited a great charity in Derby earlier this year. It was set up in a local community hall and, interestingly, has close links to the secondary school

just down the road. The club acts as a friend—there is almost an older brother or sister relationship between many of its youth workers and the young people it helps. We are keen to help smaller charities as well as the larger charities such as St Giles Trust and Redthread.

**Louise Haigh:** I appreciate entirely what the Minister says about the burdens on smaller charities in achieving this. However, what evaluation will there be of the outcomes of the charities and organisations receiving grants, and particularly of the education programmes that we deliver in schools? Police forces have told me that they reached 30,000 children in their force area with a narrative or class, as if that is the only measure by which they should be judged. I worry that the performance culture inherent in the police, which I fully accept was a product of the last Labour Government's obsession with targets, is still there and blocks money being directed in the right ways and to the most effective organisations.

**Victoria Atkins:** I do not for a moment criticise the officer who may have referred to that in that way. It can be difficult for officers delivering important education programmes on the ground, and it is sometimes difficult for him or her to express how they felt the programme worked.

However, we are clear that this is not a numbers game. I hope the hon. Lady knows of our trusted relationships fund, for example, which offers up to £13 million over four years to help the most vulnerable children, who have probably been let down by most if not all the adults in their lives. The focus is not on the number of children reached but on the qualitative impact the scheme has on each individual. That can involve speaking to youth workers, many of whom have lived experiences themselves, which can be critical in switching on the attention of a young person. The police can obviously play a vital role in education, but we know that for some young people, attitudes to the police are shaped by all sorts of factors outside the police's control. Their being able to speak to someone who has lived experience and does not wear a uniform can break down the barriers that a police uniform can inadvertently instil.

The hon. Member for Croydon Central asked about young people. Shortly after I came into this role, I invited youth charities, young people and former gang members into the House, and she was good enough to attend. Such meetings are important not only for me as the Minister—I have the pleasure of meeting these young people and charities frequently—but for all colleagues across the House, to whom they are not necessarily available. Inviting people into the House to tell us of their experiences in their own words was part of the engagement exercise not only for the Bill but for the strategy. I want to continue that because it is very valuable. I also visit the many charities that we support, and value each enormously.

11 am

The hon. Lady raised the issue of kitchen knives. This is a reality that we have had to face. It is why, for example, having listened to young people's concerns that were raised by a youth worker representing a major charity that we support—she and I spoke just after the

first serious violence taskforce meeting—we sent a letter to schools, before the summer holidays, to try to support staff in teaching children about the danger of carrying knives, of picking one up from the kitchen drawer at home. I am also conscious that it is not just young people we need to help through, for example, campaigns such as #knifefree. We need to try to help parents too. If parents or carers are concerned about what is happening to their young person, the #knifefree campaign has numbers they can ring for help and advice. We have not quite got there yet; we need to do more, and I am very much working on this.

I return to the point that police and crime commissioners and elected Mayors have budgets to help to prevent crime, and I would hope that the Mayor of London and PCCs elsewhere were looking to see whether they were spending those budgets in the most effective way to tackle knife crime or corrosives attacks—whatever type of violence is affecting their immediate area.

To support the delivery of the strategy, we have established the serious violence taskforce, the membership of which I have explained. We have met three times already. There are 61 commitments and actions in the strategy, and a good deal of work is going on in the taskforce. It is an opportunity for the Home Secretary, who chairs it, to hold us all to account for what we are doing, whether from a healthcare perspective—Public Health England, for example—or by listening to the work that charities and charitable trusts can do. We want to ensure that Parliament is kept fully informed about our action to tackle serious violence, and we very much appreciate the need to do so, but we do not believe that a statutory requirement to lay the report before Parliament six months after Royal Assent is the best way forward.

The hon. Member for Hampstead and Kilburn is tempting me into discussing HS2, but I am afraid that that is an invitation I will decline. We are not persuaded by the new clause because it would impose an inflexible approach, and would duplicate the range of forums in which we already discuss the issue in the House, including in the Home Affairs Committee, which has an inquiry under way into serious violence, and debates, and through parliamentary questions and the work of the APPG and others.

**Louise Haigh:** We had a spike in knife crime and youth violence in 2008, which was not similar or not directly comparable to the current trend, because the current increase has happened over four years. However, during that spike, the Home Office led a similar taskforce to that which the Minister describes, which met weekly to deliver the implementation of a knife crime action plan. Does the Minister think that the current taskforce, having met three times since being set up in April, is sufficient to drive forward the many measures that are clearly needed, not just in the serious violence strategy but beyond it, as we have discussed?

**Victoria Atkins:** I am not familiar with the detailed workings of the previous taskforce. The current taskforce involves the Mayor of London. I do not know his diary, but I suspect that trying to get him together on a weekly basis with all the other players in the room, including Secretaries of State, the heads of Public Health England and other such organisations, is not easy, which is why

[Victoria Atkins]

we have set our sights on meeting once a month. However, that does not mean that intensive work is not going on in between the meetings. At the moment, the Home Secretary has set the meetings and is content that we are making progress, but it is about what we achieve through them.

The hon. Lady raised the issue of police funding. As she raised it, I will gently rebut her assertions—I hope in a similar tone. We are committed to working closely with the police and have protected police funding over the last few years.

**Louise Haigh:** Can the Minister confirm whether the Government have protected police funding in real terms in the last few years? What does she mean by the last few years?

**Victoria Atkins:** When the Prime Minister was Home Secretary, she insisted on that protection. That was in 2015. This year, the Minister for Policing and the Fire Service met or spoke to every chief constable. With the help of police and crime commissioners, we are securing an extra £460 million in overall police funding.

In terms of the numbers, the hon. Lady mentioned the last violent crime peak. I am not sure that it was just 2008—I do not necessarily accept her assertion that that is not comparable with this period. Of course, we had far higher police officer numbers in the mid to late 2000s, yet we had that last violent crime peak. That is why we are steering a middle course by raising police funding as far as we can, and by giving police and crime commissioners the power to recruit more officers if they wish to. Indeed, most police and crime commissioners are recruiting more officers, and we welcome that—that is their decision.

**Stephen Timms:** Earlier, my hon. Friend the Member for Sheffield, Heeley referred to today's National Audit Office report, which, as I understand it, makes the point that the Home Office has not made an assessment of the effect of the reduction in the number of police officers and police staff by 44,000 since 2010. In what sense can a reduction of 44,000 be described as protecting police resources?

**Victoria Atkins:** The right hon. Gentleman will know that in 2010 we had to make changes to the Home Office budget, and other budgets in Government, because of the serious financial situation we found ourselves in. We know the reasons for that. We had to make tough decisions, which have been borne not just by the police but by others. We have to live within our means. As we have seen this year, we have reached a place where we have been able to increase the amount of overall police funding, but if we are going to have this debate, let us not forget the reasons why the coalition Government were in that position in the first place. It is not a fair representation.

**Nigel Huddleston:** I hope we do not descend into a party political debate after a very constructive Committee, as I said earlier. The nature of crime and policing is changing. For example, one key area of change is the move to cyber-crime and that kind of challenge. All hon. Members present, by virtue of the fact that we are

sat here, have extreme empathy and support for everything that we are trying to do in the Bill, but conflating that into a bigger debate and obsessing about police numbers—important as they are—while ignoring the bigger picture that the nature of crime has fundamentally changed, will do none of us any good.

**Victoria Atkins:** I am grateful to my hon. Friend. Last week, the Home Secretary delivered an important speech about the threat of online child sexual exploitation, which is expanding in a way that was frankly beyond our imagination and worst fears five years ago—reports have risen by 700% in the last few years—because mobile phones make it much easier for paedophiles and others to use the internet to film their disgusting images across the world.

On social media in general, the Home Secretary has set out his expectation that the tech companies will up their game substantially in relation to CSE by November. We have also set expectations of tech companies when it comes to drill music and online videos. This month, a social media hub is being set up—a specialist unit within the Met. It is a pilot unit, and if it works we want to expand it nationally. It is about helping the identification of these violent videos—they are calls to violence, let us be very clear about that.

When police officers have reported such videos, tech companies are expected to take them down. There is an interesting debate more generally regarding the role of wider society and, particularly, businesses. I hope that people who run major corporations are having very serious conversations at board level about how their advertising budgets are spent. We know that legitimate, proper, lawful corporations are paying for advertising and, without their knowledge—usually to their horror—their adverts are appearing on the sorts of websites with which nobody in this room would wish to be associated.

**The Chair:** May I make a gentle suggestion that applies to all Members? We are having a very interesting debate, but could we move slightly back towards the clauses that we are considering? I do not want a general debate about tech companies and social media.

**Victoria Atkins:** Of course, Mr Gapes. I apologise—we feel passionately about this subject across the House.

I am very conscious of factors such as homelessness, school exclusions and domestic abuse. We will introduce a draft Domestic Abuse Bill, which I hope will have very positive consequences regarding children entering violent crime as a knock-on effect. Such legislation is all part of our overall strategy on violent crime, and on ensuring that children grow up with good life chances.

I hope that I have given hon. Members enough clarification on how we want to advance the serious violence strategy and I invite the right hon. Member for East Ham to withdraw new clause 1.

**Stephen Timms:** We have had an interesting and valuable debate, and my hon. Friends have made a compelling cause for new clause 25.

My hon. Friend the Member for Croydon Central was right to draw attention to the problem of growing exclusions from school as a big contributor to rising youth violence. My hon. Friend the Member for Sheffield,

Heeley had some troubling statistics from her area about what academy chains are doing on that front. I am glad that the Minister said that she is also worried about that problem as part of the pattern. Alongside that are big worries about community policing resources. I noticed that the National Audit Office said this morning that police and crime commissioners

“received 19% less funding from central and local sources in 2018-19 than they received in 2010-11, in real terms.”

The Minister made a perfectly fair point about what the coalition Government set out to do in 2010, but it is clearly not the case that police resources have been protected; they have been very sharply reduced since 2010, and that is part of the present problem. The cuts in youth services that have been mentioned are an important part of the backdrop. We need a much more serious and substantial, long-term, whole-system response to the problem of youth violence than we have seen so far.

I was encouraged by the Minister’s answer to my remarks on new clause 1. She was unable to give me the cast iron guarantee that I would have liked that all the information will be made public very soon. However, she has persuaded me that she would like it to be if possible. On that basis, I beg to ask leave to withdraw the new clause.

**The Chair:** To clarify, we will vote on new clause 25 later in proceedings.

*Clause, by leave, withdrawn.*

## New Clause 2

### OFFENCE OF THREATENING WITH A NON-CORROSIVE SUBSTANCE

“(1) A person commits an offence if they threaten a person with a substance they claim or imply is corrosive.

(2) It is not a defence for a person to prove that the substance used to threaten a person was not corrosive or listed under schedule 1 of this act.

(3) In this section, “threaten a person” means—

- (a) that the person unlawfully and intentionally threatens another person (“A”) with the 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.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale”.—(*Stephen Timms.*)

*Brought up, and read the First time.*

11.15 am

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

The new clause arises from my discussions with the office of the Mayor of London, Sadiq Khan. I pay tribute to the work of the Mayor on the topic of acid attacks, and also to that of my colleague, Unmesh Desai, who represents east London and the City on the London Assembly and is deputy chair of the London Assembly’s police and crime committee. He has highlighted the problem of acid attacks as one of his priorities.

There is a problem with people pretending to have acid when they just have water or something innocuous, and using that pretence to threaten and frighten people. I have a couple of examples. There was a headline in *The Independent* on 19 July 2017: “Water thrown at terrified Muslim women in ‘fake acid attack hate crime’ outside Southampton mosque”.

On 8 December last year, *The Times* quoted Assistant Chief Constable Rachel Kearton, who the Committee has met and to whom we have already referred this morning. That report stated:

“Thieves have taken to faking acid attacks to steal mobile phones, police said as they admitted that officers lack the tools and powers to defend the public from the growing menace. The emerging trend of throwing liquid, which victims presume is acid, to cause fear during robberies or for the purpose of intimidation was highlighted by the National Police Chiefs’ Council yesterday.”

The police should have the tools to deal with such incidents and the new clause provides those powers.

There is precedent for a measure along those lines. Section 16A of the Firearms Act 1968 makes it an offence for a person to possess an imitation firearm with the intent to cause another to believe that unlawful violence will be used against them. We are all familiar with and have heard examples of offences involving imitation firearms and the law rightly makes them an offence. That measure was inserted into the 1968 Act by the Firearms (Amendment) Act 1994—a very simple, one-clause Act—when Michael Howard was Home Secretary. He was right to put that measure into legislation and I believe it has been effective in the case of imitation firearms. We now need a comparable measure for fake acid, so that if people are intimidated and frightened by people pretending to have acid, they will know that those people who are conducting the pretence are committing an offence. I very much hope that the Minister will accept new clause 2.

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): New clause 2 is the first of a number of official Opposition amendments that would create new criminal offences. This may be a good point to repeat what I said when we started line-by-line consideration of the Bill. So far as Scotland is concerned, the Bill is a complex mix of devolved and reserved competencies. The UK and Scottish Governments have agreed that it would be better to combine them in one Bill rather than have parallel Bills going through the Scottish Parliament and here.

Criminal law is a devolved matter and there are some criminal law provisions in the Bill that would generally have been a matter for the Scottish Parliament. They have been carefully considered by both Governments and there has been agreement that they should be included and a legislative consent motion will be sought. Some of the Opposition amendments that we are about to consider would usually be matters for the Scottish Parliament. Some of the amendments make absolutely clear the territorial extent does not include Scotland. Some are a bit unclear about that and some clearly do include Scotland. My support or otherwise for the amendments will not necessarily be a reflection of the spirit behind the amendments, but their impact on devolved matters, and whether they should properly be left to the Scottish Parliament.

[Stuart C. McDonald]

New clause 2 is an example of that. It relates to the offence of threatening behaviour. The Scottish Parliament last legislated in that area in 2010 and I believe that the police have the required tools to deal with some of the situations that the right hon. Member for East Ham was referring to. In the absence of a clear argument about why we should be altering the spirit behind the 2010 legislation, I would not be able to support this particular new clause. There may be a similar consideration for some of the other Opposition amendments.

**Victoria Atkins:** First, may I express my sympathy—and, I am sure, the sympathy of the Committee—for those whom the right. Hon. Member for East Ham described as victims of these fake corrosive attacks, if I may put it that way. I very much hope that they received the support they needed in dealing with those awful and frightening situations.

Cases where a person threatens another with what purports to be a weapon are already criminal offences. The law already provides sufficient powers to the police and CPS to prosecute that type of offending and we would suggest that there is no gap in the law. I am now going to read the detail.

There are various offences that would cover this type of threat—for example, the offence of common assault and the offences available under the Public Order Act 1986. Common assault is any conduct by which a person causes another to apprehend immediate and unlawful personal violence. This offence could be charged where a person threatens another with a substance that that person claims or implies is corrosive.

Section 4 of the Public Order Act 1986 makes it an offence to use threatening, abusive or insulting words or behaviour towards another person with the intent of causing that person to believe that immediate, unlawful violence will be used against him or her. We would argue therefore that these offences would already apply to the scenarios that the right hon. Gentleman has described. Section 5 of the Public Order Act also makes it an offence for a person to use threatening or abusive words or behaviour or disorderly behaviour that is likely to cause harassment, alarm or distress. Again, we would say that such incidents could fall within the definition of section 5.

Finally, I would like to draw attention to the fact that police officers and others can also consider the facts of the case and, if relevant, consider whether the crimes committed fall under the category of hate crime. If the crimes have a racially or religiously motivated intent, courts can impose strong sentences.

I hope that I have answered the very proper points raised by the right hon. Gentleman and alleviated any concerns he may have about a potential gap in the law. I therefore invite him to withdraw his proposed new clause.

**Stephen Timms:** I am grateful to the Minister for her response. The police view, which is set out clearly in the article from *The Times* of 8 December, is that “officers lack the tools and powers to defend the public from the growing menace”.

That is quoting the work of the National Police Chiefs’ Council, naming Assistant Chief Constable Rachel Kearton. It seems to me that there is a problem here and I would like to press the proposed new clause to a vote.

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

*The Committee divided: Ayes 7, Noes 9.*

**Division No. 2]**

#### 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.*

11.25 am

*The Chair adjourned the Committee without Question put (Standing Order No. 88).*

*Adjourned till this day at Two o’clock.*