

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### OFFENSIVE WEAPONS BILL

*Seventh Sitting*

*Thursday 6 September 2018*

*(Morning)*

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CLAUSES 12 TO 15 agreed to.

CLAUSE 16 under consideration when the Committee adjourned till this day at Two o'clock.

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**Monday 10 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

Thursday 6 September 2018

(Morning)

[JAMES GRAY *in the Chair*]

### Offensive Weapons Bill

#### Clause 12

DEFENCE TO SALE OF BLADED ARTICLES TO PERSONS  
UNDER 18: ENGLAND AND WALES

11.30 am

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

**Louise Haigh** (Sheffield, Heeley) (Lab): Welcome back, Mr Gray. It is a pleasure to serve under your chairmanship.

Clause 12 deals with the age verification systems needed to enforce the measures, it. We will discuss again the standards that will be required by the Home Office if the legislation is to have effect. I hope the Minister can give details of what she considers will meet the requirements of subsection 4(a), which refers to sellers operating

“a system for checking that persons who bought articles to which section 141A applied by the same or a similar method of purchase to that used by the buyer were not under the age of 18.”

What would be a reasonable system? Requiring a person to check a box to say they are over 18? Referring to the electoral roll? Requiring use of a credit or debit card owned by someone over 18, though that would not prove that the individual buying was the owner of the card? What kind of standards will the Home Office require?

Concerns have been raised about the work of trading standards with regard to online test purchases, which is frequently found to be unsuccessful. Can the Minister provide us with statistics on the online test purchases conducted, on the basis for bringing forward the clause, and on prosecutions brought by trading standards over the last year against retailers that have failed to comply with existing legislation on the sale of bladed articles to under-18s?

**Stephen Timms** (East Ham) (Lab): I am pleased to serve under your chairmanship once again, Mr Gray.

The clause is the first of the Bill to deal with knives. I report to the Committee with a heavy heart that there were 702 knife crimes in my borough of Newham last year—the second-highest number in London and a 15% increase on the previous year. Of those, 214 involved injury. In London as a whole, there were 80 fatal stabbings in 2017, including of 20 teenagers. I need not elaborate to underline the horror of those figures, and particularly of the fact that so many young people lost their lives as a result of being stabbed.

That was in 2017. In the first three months of 2018, there were 30 fatal stabbings in London. The fatality rate for those three months was 50% higher than in

2017. Of the 30 people who died, six were teenagers. It was reported in April, I think, that in the first couple months of this calendar year, London had a higher murder rate than New York, which is extremely troubling and chilling for all of us.

I looked this morning at the website of my local paper, the *Newham Recorder*. There are three headlines there at the moment: “Guilty: Three teenagers convicted for stabbing 14-year-old boy in Manor Park”; “Police appeal to find Fatjon Koka following stabbing in Stratford”; and “Man to appear in court following Romford Road stabbing”. Those are three separate and entirely unrelated items in the current issue of my local newspaper. The changes to the law in the Bill to bear down on this scourge are extremely welcome. There is clearly a pressing need to get a grip on what is going on, to change things, and to stop this seemingly rapidly escalating problem affecting so many people, particularly the young.

To get on top of this problem, we will have to increase police resources. For a number of years, the Government cut police resources and police numbers, and crime did not rise, but an increase in crime was utterly inevitable given the scale of the reduction in police numbers. The crime surge was delayed, but it is now very much with us. It is hitting us extremely hard. I very much hope that the clause and the other measures in the Bill will help, but we will need significant additional police resources.

On Tuesday, the Committee discussed how the Bill would affect sellers of corrosive products outside the UK. The same issues arise in the case of sellers of knives who are outside the UK; as I understand it, the Bill deals with them in the same way as sellers of corrosive products. We had a debate on Tuesday about my new clause 9, and as I indicated in the context of corrosive products, I am not convinced that the way the Bill deals with this problem is altogether satisfactory. The concern is greater here, because as I informed the Committee on Tuesday, Mr Raheel Butt has pointed out to me that it seems to be the norm for online purchases of appalling knives to be made from suppliers outside the UK, on platforms such as eBay. The Minister pointed out on Tuesday that the purchase of knives disguised to look like something else is clearly illegal in the UK, but there is no shortage of online platforms offering those products in the UK. They are freely available to purchasers here, even though their purchase is illegal, and in the particular case I mentioned, the suppliers were all located outside the UK.

Will the clause not have effect if a seller is outside the UK, as was the case with corrosive products, which we discussed on Tuesday? Will we therefore need to depend on separate measures—set out, I think, in clause 18, in which a responsibility is placed on delivery companies—to address the problem of sales from outside the UK? If so, can the Minister clarify the position in cases where sellers are located elsewhere in the EU? As I have pointed out previously, eBay offers some pretty ghastly weapons supplied by firms in Germany, which is a member of the European Union, as are we, at the moment. Will clause 12 have no effect on sellers located elsewhere in the EU, as I think the Minister indicated was the case in the parallel discussion we had on Tuesday? If so, I am a little bit puzzled as to why. If a seller in Germany sells a weapon that is illegal in the UK to somebody in the UK, or a knife to a 16-year-old in the

UK, how is it not possible to prosecute that company somewhere else in the European Union for having committed an offence?

We had a debate on Tuesday about amendment 53, tabled by my hon. Friend the Member for Sheffield, Heeley, which proposed that the age threshold for knife purchases be raised from 18 to 21, and the Minister quite properly explained some of the difficulties with that. However, I hope that we will not leave this issue here. There is a compelling case for saying that some of those very unpleasant weapons, the only purpose of which can be to do damage to others, should not be freely available, as they are at the moment, to 19 and 20-year-olds. I take the point that there is not an amendment that would have that effect on the amendment paper at the moment, but I hope that we will not let this matter pass. We have to change the way the age restrictions work and find ways to limit the supply of weapons that are inflicting appalling injuries—and indeed death—on far too many people in our country.

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** It continues to be a pleasure to serve under your chairmanship, Mr Gray. Police records show that knife crime has increased by 16% and possession offences have increased by 28% in the year ending March 2018. The right hon. Member for East Ham has given us a taste of the devastation that those offences cause to not just the people immediately involved in the aftermath of an attack—families and friends—but the wider community. That is why, after months of detailed work with charities, the police, local authorities, health care providers and others, the Government gathered together the evidence and published the “Serious Violence Strategy” in April this year. I hope the right hon. Gentleman and others will see that it is a game-changer in how we tackle serious violence. It does not just focus on how the police tackle serious violence, although that is very important, but puts the emphasis on early intervention. As we know from discussions in this Committee, many perpetrators and victims of these crimes are children.

As part of the strategy, we are investing £22 million over the next two years in a new early intervention youth fund to provide joined-up support to youth groups and communities working with children and young people. The right hon. Member for East Ham mentioned police resources; I will touch on that lightly, as we discuss this subject in many forums. Although the policing response is incredibly important, there are other much bigger drivers of the upsurge in violence. Sadly, we all know the upturn in county lines and know that the drugs market is a major driver of the violence, but that is for another occasion.

**The Chair:** Indeed.

**Victoria Atkins:** On 2 August, we announced the 68 successful bidders for funding from the latest tranche of the local community fund knife budget. The £1.5 million funding helps communities, including smaller charities, to tackle knife crime—I will be writing a “Dear colleague” letter soon to explain which charities have benefited. We have launched a new advertising campaign, #knifefree—

**The Chair:** With reference to clause 12.

**Victoria Atkins:**—to reduce knife crime among young people. The Offensive Weapons Bill is part of that strategy. There is great concern about the sale of knives online to under-18s. It is already illegal, but it seems that sellers are not doing enough to stop children buying knives online. I am getting the figures for the right hon. Member for East Ham about trading standards, but evidence from online test purchase operations has shown that the majority of retailers sampled failed to have effective age verification procedures in place.

A lot of colleagues have written to me about the proposals in this Bill. There seems to be a misunderstanding among some online retailers—not all, by any means—that this law does not apply to them. It does not matter their size; since 1998 the law has been that bladed products cannot be sold online to people under the age of 18. The law was updated in 2006 to make it clear that that covered online sales. The purpose of the provisions is to make absolutely clear our expectations of people who sell knives and bladed products online.

We are introducing clause 12 because we do not want to have simply a box-ticking exercise for retailers, who could be delivering potentially dangerous products without sufficient checks on the people they send them to. We expect our measures—both at the point of sale and at the point of delivery—to really clamp down on the ability of young people to order knives online.

11.45 am

The very sad death of Bailey Gwynne in Scotland is a reminder of just how serious the consequences of children getting hold of knives online can be. He died in 2015 after a 16-year-old boy, during a fight in a school corridor, produced a knife which he had bought online. He bought the knife on Amazon and told police that he had bought it online

“because they don’t check if you’re 18 or not.”

**Louise Haigh:** As the Minister has just made clear, in that instance the seller committed a criminal offence under the existing legislation. Clearly, there is an issue of enforcement, and, as she said, of some online retailers’ awareness of the existing legislation. Can she make clear what the clause requires of online retailers that is not already required? Are they not currently required to have a system for checking that buyers are over 18, and if they are not, how is the current law enforced?

**Victoria Atkins:** Months of work have gone into the “Serious Violence Strategy”, and the Bill will try to assist not only the police but online retailers. I do not for a moment suggest that they are deliberately trying to evade the law, and we want to help law-abiding retailers to fulfil their responsibilities under the law. We hope that setting out these conditions, which will no doubt be widely disseminated in the industry and among retailers, will help retailers satisfy themselves that they have met the expectations of the law on those sales. The clause should be read in conjunction with clause 15, which is another stage in the process of preventing knives that are bought online being delivered to residential premises.

**Stephen Timms:** The Minister gave the example of somebody aged 16 buying a knife online. I am not sure that an offence would have been committed there if the

[Stephen Timms]

supplier of the knife was based outside the UK. I do not know if they were, but that is very likely; they could have been from Germany or China. Was there a prosecution in that case, and if the supplier was outside the UK, is there nothing the law can do about it?

**Victoria Atkins:** Because Bailey was killed, the police who conducted the investigation charged the young boy with murder. The right hon. Gentleman will appreciate that the subsidiary offence of possession was probably not on the indictment—or the Scottish equivalent—although I do not wish to speculate on that. However, Aberdeen City Council conducted an independent review of the circumstances of Bailey’s death and found that the boy had bought the knife via Amazon.co.uk. The point of the clause is to say that if someone is relying on the existing defence of having taken reasonable precautions, they must meet the four conditions in clause 12. It sets out those conditions in a strict manner. I will come on to the point about overseas sales in a moment, if I may.

**Stephen Timms:** By the sound of it, there should have been a prosecution in that case. Someone who was 16 was sold a knife. Clearly, if it was a UK supplier—I think the Minister indicated that it was—a criminal offence had been carried out. Surely there should then have been a prosecution.

**Victoria Atkins:** It was sold by means of Amazon. It was a Scottish case, so I will have to find that out for the right hon. Gentleman, but I make the point about Amazon. If he remembers, we had this discussion about the difficulty with Amazon or a business such as Amazon. That difficulty is discerning when Amazon is selling in its own right as Amazon and when it is acting as a marketplace, antiques fair or whatever analogy one wants to use. That is difficult, a very tricky area in which to put into law the ill-harm we are addressing. The provisions on overseas sales try to address that. I do not pretend that we are 100% there, but we are trying to weave our way through to ensure that companies that knowingly take on online delivery of overseas sales meet the threshold. We will return to that at the appropriate clause.

Clause 12 amends section 141A of the Criminal Justice Act 1988, which makes it an offence to sell bladed articles to people under 18. That defence—namely, that the seller took

“all reasonable precautions and exercised all due diligence to avoid the commission of the offence”—

is modified, or explained, in clause 12 for when the sale is conducted remotely. If sellers do not put in place minimum requirements to meet the conditions set out in the clause, they will not be able to avail themselves of the defence that they took “all reasonable precautions” or “exercised all due diligence” to avoid an offence being committed.

The first requirement is that the seller has a system in place to verify the age of the purchaser. Sellers are expected to have robust age-verification processes to reassure themselves that the person to whom they are selling is 18 or above. The legislation does not prescribe what constitutes a robust age-verification procedure,

and that is deliberate, because we know all too well how quickly the online world is moving. The age-verification industry is evolving rapidly, as we saw with the Digital Economy Act 2017. We do not want to put something in statute that is a commercial decision for retailers or that might result in out-of-date measures in 12 months’ time or ones that could already be improved.

Frankly, it is for business owners to decide which solution is best for their business model. I draw an analogy with the Health and Safety at Work etc. Act 1974, which does not set out what is expected of anyone running a business such as a construction company or an iron foundry, but does set out the expectation that those employers will take all reasonable practicable steps to protect their workforce and members of the public.

**Louise Haigh:** We had part of this debate on Tuesday, when it was made clear that we should not be putting technological processes or procedures into primary legislation. However, it is reasonable to set minimum standards in primary legislation. I am afraid that the comparison with the Digital Economy Act, in relation to age restrictions for online pornography, does not hold water because the issue with age verification there is that there is no connection to an online sale in that Act, but there is in the Bill. That is why the age verification for online gambling is a good standard and should have been replicated in the Bill, because it is connected to a sale. For example, a bank can verify whether an individual is over 18. That does not get us round the issue that I mentioned earlier—that although the age of the card holder can be verified, it is not possible to tell whether the individual using it is over 18—but software is available to enable selfies to show that the person using the card is the owner.

**The Chair:** Order. Interventions should be brief.

**Louise Haigh:** I am sorry, Mr Gray. My point is that the provision is too vague for online retailers. It is too vague to be effective. We would like the Government to bring forward at least draft guidance for the Committee to show what standards they will require of online retailers.

**Victoria Atkins:** As I say, we have set out the expectations. We have already discussed, in the context of corrosive substances, things like checking the electoral roll and providing proof of a council tax bill, for example, and so on. I think retail will find ways in which to satisfy themselves that the buyer is over 18. Government can do so much, but if retailers are selling these products, all they have to do—I do describe it in that way—is work out that the customers with whom they have a relationship are over the age of 18.

**Louise Haigh:** Will the Minister make it absolutely clear that it will not be sufficient to meet the requirements of the clause for retailers to ask the customer to tick a box confirming that they are over 18?

**Victoria Atkins:** Yes, that is absolutely what we are trying to improve upon. Some retailers think that that is sufficient. It is simply not sufficient. If they are going to

make those sales, I am afraid that, in the interest of the wider community, they have to ensure that they are lawfully permitted to sell to the people to whom they are selling. A tick-box exercise is simply not good enough.

A second requirement is for the package to be marked clearly to the effect that it contains an article with a blade—or one that is sharp and pointed—and that it can be delivered only into the hands of a person aged 18 or over. Frankly, I should have hoped that sellers would already have similar arrangements, if they wanted to ensure that a knife sold remotely would not be handed over to a person under 18, under current legislation. However, unfortunately some sellers do not mark the package as age-restricted, so we are building the further safeguard into the Bill.

The third requirement is for the seller to take all reasonable precautions to ensure that when the package is delivered it is handed to a person aged 18 or over. Again, the seller has a responsibility to ensure that the company delivering the item understands that age must be verified before it is handed over. The fourth requirement is for the seller not to deliver the package, or arrange for it to be delivered, to a locker. Some delivery companies nowadays have those facilities. That is not permissible for the sale of bladed articles—bladed products—under the clause. Obviously it would fall foul of the age verification process.

We expect that, with the placing of those minimum requirements on a statutory footing, they will be standard practice to comply with existing legislation.

**Stephen Timms:** Before the Minister concludes, can I ask the question I raised earlier? Is it the case that a seller outside the UK is outside the jurisdiction of the measures?

**Victoria Atkins:** It is. There are very few offences for which we have been able to seek extraterritorial jurisdiction. The right hon. Gentleman will know, for example, that if murder or female genital mutilation are planned outside the jurisdiction, we can make applications for extraterritorial jurisdiction to be satisfied, but on this occasion if the act of sale takes place outside the UK, it is not covered by the Bill. That is precisely why we are using clause 18 to try none the less to contain that activity.

*Question put and agreed to.*

*Clause 12 accordingly ordered to stand part of the Bill.*

*Clauses 13 and 14 ordered to stand part of the Bill.*

## Clause 15

### DELIVERY OF BLADED PRODUCTS TO RESIDENTIAL PREMISES ETC

12 noon

**Stephen Timms:** I beg to move amendment 46, in clause 15, page 14, line 37, leave out “residential premises” and insert “premises other than a registered business address”.

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

Amendment 48 to clause 15, page 15, line 1, leave out subsections (5) and (6).

Amendment 47 to clause 15, page 15, line 1, leave out “solely”.

**Stephen Timms:** These three amendments are intended to plug what seems to me a fairly obvious loophole in the arrangements set out in clause 15. I should make it clear that I come from a position of wanting to support clause 15, although I recognise that there will be others who will want to express some misgivings about it. Nevertheless, it is right that the clause aims to stop the delivery of weapons to people in their homes.

As the clause makes clear, it will not apply if there is any business carried out from the address in question. Subsection (6) says:

“The circumstances where premises are not residential premises for the purposes of that subsection include, in particular, where a person carries on a business from the premises.”

For example, if somebody lived in a flat above a shop and had the same address as the shop, I think that as the clause stands there would be no bar to their having a knife delivered to their home.

Surely what we ought to be doing is stopping the delivery of weapons to places where people live. Amendments 46 and 48 attempt to do that by restricting the delivery of weapons to a registered business address. At the moment, clause 15 says that weapons cannot be delivered to residential addresses. My amendment suggests that that should be turned around, so that the clause says that they can only be delivered to a registered business address. Amendment 47 would do things rather differently, changing the definition of “residential premises”, so that premises where people both live and work would be included in the bar, by removing “solely” from clause 15(5).

I am conscious that neither approach is entirely without problems, so I do not plan to press the amendments to a vote. However, it is important to raise this issue, as the clause seems to have a significant loophole. Can the Minister reassure the Committee that that loophole will be plugged? I would also like to make some wider comments about the clause 15. Would you like me to do that now, Mr Gray, in the debate on these amendments, or shall I wait?

**The Chair:** It would be very sensible to do that now rather than have a stand part debate, yes. *[Interruption.]* The two Front-Bench spokespeople have indicated to me that they will seek a stand part debate on clause 15. Therefore, broader discussion of the clause will have to wait until then and we will deal with the amendments now.

**Stephen Timms:** I think that my hon. Friend the Member for Hampstead and Kilburn was about to intervene on me.

**Tulip Siddiq** (Hampstead and Kilburn) (Lab): A constituent of mine, Robert from West Hampstead, wrote to me saying that

[*Tulip Siddiq*]

“As a self-employed cabinet maker and a wood carver, I rely on having such tools for my business and, indeed, having them delivered to my home and place of work from time to time.”

Does my right hon. Friend agree that, although his amendment is a sensible one, it is necessary to ensure that the self-employed are not unduly caught up by this well-meaning clause?

**Stephen Timms:** My hon. Friend makes a very fair point and I have no doubt that it was instances such as that that lie behind the framing of the clause as it stands. Indeed, I myself have been contacted by a company that sells tools for hunting; I think that is right. That company asked whether my amendment would exclude the delivery of knives to sole traders—people working from home.

I must say that I have got a bit less sympathy for people who are selling knives from home than for people like my hon. Friend’s constituent, who are simply obtaining tools for their own use to pursue their occupations. Of course, if we went down the amendments 46 and 48 route, whereby such things could be supplied only to a registered business address, that would avoid the difficulty to which my hon. Friend rightly refers. The amendment 47 approach would exclude delivery to people such as my hon. Friend’s constituent, and I accept that that would be difficult to justify. That is why I made the point that I do not think that either of the two approaches I have described is the solution to the problem. The Government are right to want to restrict sales of very dangerous weapons to people’s homes. There is a bit of a loophole here, and I hope it can be addressed.

**Victoria Atkins:** I am grateful to the right hon. Gentleman for his amendment. We have tried to limit the impact of these measures wherever possible to the issue of real concern: preventing young people from having access to the most offensive types of knives online. We are not trying to make life difficult for the constituent of the hon. Member for Hampstead and Kilburn. It is a balancing act.

Amendment 46 would have the effect of restricting the range of addresses to which a remote seller can send a bladed product. It might mean, for example, that bladed products bought online could not be sent to a school or a hospital, which may not be registered as business addresses. A person working from home—for example, someone working part-time or engaged in irregular work from home—might not have registered their home as a business address. A farm might or might not be registered as a business address. We are very conscious of the fact that clause 15 will already have an impact on the online trade of bladed products, which can cover anything from breadknives to specialist bladed knives used for woodworking or agricultural activities, as the right hon. Member for East Ham described. We are trying to limit the impact on that legitimate trade by allowing deliveries to businesses to continue. The business could be a farm, a hospital, a school or a business run from someone’s home.

We considered using a registered business address as the basis for the offence, but we decided against that because there is no simple way for sellers to ascertain whether a premise is a registered business address—particularly if the person working there is self-employed or part-time. Of course, not all types of businesses that

we would want to be able to receive deliveries will necessarily operate from a registered business address. We therefore took the approach of preventing the dispatch of bladed products to a premise that is used solely as a residential premise. That will allow deliveries to continue to hospitals, hotels, care homes, schools, restaurants, farms and any residential premise from which a business operates, such as a plumber who operates from home.

The right hon. Gentleman gave the example of a flat above a shop. It depends on the construction of the premise, but if it is a divided premise—in other words, if the flat has nothing to do with the shop—I suspect it would be viewed as a residential premise and so would be covered by the clause.

**Louise Haigh:** Will the Minister confirm how the seller is meant to confirm that a residential premise that they are being asked to deliver a bladed product to is used only for residential purposes?

**Victoria Atkins:** There are a range of ways in which the seller may satisfy themselves of that purpose. They could ask the buyer to produce evidence that the address to which they are delivering is a business. It might take the form of a document confirming that it is a registered business address. It might be that the buyer supplies business papers showing the address, a document setting out that the property is subject to business rates or a simple confirmation email from the buyer to confirm that they work from that address.

There are many ways in which to tackle this issue, and the step-by-step process that the Bill proposes will make it less and less likely that a young person who is sadly on a path of criminality will think it is worth the hassle, frankly. Sellers emailing buyers to confirm their business address and to ask what sort of business they operate and so on will put a responsibility on the buyer as well, and rightly so. I hope that that explanation of our approach satisfies the right hon. Gentleman, and I invite him to withdraw his amendments.

**Stephen Timms:** I am grateful to the Minister for that response, which she set out clearly. I am interested to hear that officials considered the approach based on a registered business address. In my mind, given the importance of restricting access to dangerous weapons, it might not be a bad thing to say to people that, if they want to buy what can be used as a dangerous weapon, they will have to register their address as a business address. However, I take the point that that is perhaps not the appropriate step to take for now. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

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

**Louise Haigh:** I fully understand and appreciate why my right hon. Friend the Member for East Ham tabled his amendments, and that was an interesting discussion. However, I believe that the clause is fraught with potential consequences that could result from its application.

I think I am right in saying that the clause’s sole purpose is to ensure that the clause around sale to under-18s is absolutely safeguarded; as the Minister just described, the Bill, as it goes through, step by step, enforces previous clauses. However, it does not seem that other options presented to the Government, the Home Office and the Committee that would equally

enforce those clauses have been properly considered by the Home Office, and I am confused about why they have not been added to the Bill.

One potential solution lies within the Bill itself. As we have discussed, clause 18 sets out the provisions by which an international seller can use a delivery company to deliver a bladed article, and the obligations on that delivery company to ensure that it is delivered into the hands of an adult. Could we not mirror that clause for UK sales, so that delivery companies for all UK sellers required age verification to prove that a buyer was over 18? Alternatively, the Minister could consider section 151 of the Licensing Act 2003, which covers the delivery of alcohol to children and when a seller is liable to a fine if a delivery is made to a person under the age of 18.

As the Committee has established, the clause's potential consequences are extremely far-reaching; we have heard one example already, but others abound. I am sure that many Committee members will have received representations from businesses in their constituencies. As someone from Sheffield, I have obviously heard from plenty of knife manufacturers from the great steel city. I will come on to their concerns shortly.

I am concerned that an outright prohibition on sales to residential addresses, and all the unintended consequences that would follow, would not be necessary if the Government were clear on measures for online age verification. Surely, if we are prescriptive enough on age verification standards, these clauses would be unnecessary. However, the Bill makes no provision for such standards. We still do not know what the guidance, which the Government intend to issue, will say, when it will be issued or whether it will be statutory. It would be helpful if the Minister provided the Committee with the draft guidance that the Government intend to issue to online retailers on age verification. The Digital Economy Bill Committee, which passed verification measures, received draft guidance to help us scrutinise that Bill.

12.15 pm

I do think there is repetition in the comparison with online gambling, because online gambling sites are required to prove that their customers are over 18 through their sales. That is set in legislation, and I see no reason why that cannot be mirrored in the Bill.

Those who sell knives and currently deliver them to residential addresses have come up with an alternative solution to the ban. They have provided it in evidence to the Committee and I believe it may solve more issues than the Government's proposals. They propose a mandatory online knife dealers' licensing scheme that would rely on a defined age verification standard, funded by the dealer licence fee; it would be an offence to sell knives online in the UK without a licence or to ship knives on behalf of an unlicensed dealer. We could go further and make it an offence to purchase from a non-licensed site. The licence conditions could set out approved age verification systems and processes requiring full audit trail and record keeping—essentially an ISO 2001. What consideration was given to such a scheme? Was it fully considered by the Home Office in response to its consultation proposals? Why it was rejected in favour of the proposals in the clause?

If the clause's purpose is to ensure that under absolutely no circumstances are children to purchase knives—I think we are sure of that—is the problem that the Home

Office does not have faith in the age verification systems currently used and required in other areas of law? If we do not trust the systems currently on the market, could we not require couriers to demand identification?

A raft of options is available to the Government and, if we are honest, they have chosen one that will not have much of an impact on the problem. If a child wants to get hold of a knife and they cannot buy one online, they will find other ways to get hold of one. As we have heard, many overseas sellers are evading the current legislation, and they will continue to do so because we do not have sufficient legislation around platforms and their responsibility in enforcement. I will come to that shortly.

It would be much more effective to require online retailers to adhere to a high standard of AV on their websites, which could be carried to platforms such as eBay, Amazon and Facebook Marketplace, and the Wish app that we have discussed. That would have a wider reach in preventing children from accessing knives online. Under such a licensing scheme, platforms could be required to restrict the viewing of knives or corrosive products to over-18s so that children could not see the products online, let alone attempt to purchase them.

The clause as it stands ignores the capability of internet sales to be better controlled than face-to-face sales, because they provide a superior audit trail. It presumes that online retailers will have, or will have easy access to, physical stores where face-to-face age checks may take place, and it ignores expert panel recommendations from the Better Regulation Delivery Office, which has reported on how proper age verification can take place online. An important point was made in response to the Government consultation about disabled people and people who live in isolated areas, who might rely on delivery for steak knives or gardening tools and would find it difficult to access the nearest collection point designated by an online retailer. Will the Minister explain how those people could work around the Bill's provisions?

It seems odd that age verification software has not been chosen, given that it is now relatively well established and used well in other areas of law. Either clear AV standards or measures on delivery would clearly solve the difficulties that will follow on from the catch-all restrictions of this ban.

Should the Government not take up those alternatives, it is clear from evidence to the Committee that it will be necessary to extend the defences and carve-outs to amend the definition of products in order to define them more tightly. The made-to-measure carve-out in clause 16(3), which is supposed to cover products where the bladed product has been made to a unique specification and for that particular purpose, is nowhere near sufficient to cover the plethora of small businesses, agricultural workers and hobbyists who will be caught by the clause and who have raised their concerns.

We have received more representations for this clause than for almost any other. The issues at stake matter to those retailers, small businesses and individuals who have been in touch. Their combined concerns are for a highly restrictive section that covers a wide range of products.

The definition of "bladed product" in clause 17 is at the heart of the issue; it is a new definition that does not currently exist in English law. It has caused most concern

by potentially extending the remit of this legislation so that it could be far wider than anything that exists. A bladed article, which currently exists under the Criminal Justice Act 1988, is

“any knife, knife blade or razor blade...any axe and...any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person.”

This definition of a bladed product is any knife product that

“has a blade, and...is capable of causing a serious injury to a person which involves cutting that person’s skin.”

I believe it is the Government’s intention that that definition should be narrower than the definition of a bladed article under the Criminal Justice Act, but that is certainly not the reading of many of those who have given evidence to the Committee—including the British Retail Consortium, whose members will be required to enforce and comply with the clause. They have said that clause 17 has a different requirement for bladed products that cannot be delivered to a residential address. We are told that the intention is that the list of products in clause 17 should be shorter than that under the Criminal Justice Act. The explanatory memorandum simply states:

“This provision is self-explanatory and forms part of the law of the United Kingdom.”

It does not seem self-explanatory to the BRC or to me.

The BRC does not understand the intention of the clause and is concerned that, in fact, it will be interpreted by the criminal justice system as being more extensive than the Criminal Justice Act definition, and could include anything with a blade, such as a coffee grinder or a food processor. It is concerned that the clause would give rise to different interpretations and leave a lot open to case law. The key aim is certainty, as I am sure we would agree. Those members request further explanation in guidance or by including an order-making power in the Bill to list the items that are allowed to be delivered. That is not an unreasonable request for certainty for online retailers.

The members believe that an order setting out the items to be banned or allowed would be amended as appropriate, as technology provides a watertight method by which such deliveries could be made safely and age verification securely checked. Businesses that employ such technology could receive assured advice from their primary authority and be allowed to make residential deliveries of appropriate articles.

Reading through the written evidence, it is clear that it is the definition of a bladed product that has caused so much consternation and has captured a range of interests, pursuits, hobbies, businesses and occupations. They include Ken Hilton from the National Federation of Coppice Workers, who outlined the impact that clause 15 will have on his members and their livelihoods. As I understand it, they have been captured only because the definition of “bladed product” would extend to their tools. They have said:

“A great many of the tools a coppice worker will use are specialised and not available in a retail environment and have to be obtained either by mail order or from the internet and sent by post. Many coppice workers work in remote rural areas and do not have ready access to high streets even if the tools were available... If section 15 remains intact a great number of coppice workers will not be able to carry on. This will be a loss...for them and...industry”—

and he makes the case for the whole country, although I must confess I did not know what a coppice worker was until starting work on this legislation.

There is another piece of evidence from an owner of an agricultural smallholding. He says:

“I use a scythe to manage the grass in the orchard areas of my holding. I occasionally need replacement scythe blades which are a specialist item not available from normal retailers and are delivered by post...to my residential address.”

There is another from an artist:

“I feel compelled to have an input into the...Bill as it directly impacts me as an online retailer. I am a self employed Artist, and I sell my kits to the general public via online methods...However, because my kits are for beginners and delivered to a non-business, residential address 90% of the time...I will no longer be able to sell my kits—my main income. The art which I undertake is Paper Cutting, this involves taking a scalpel blade and carving bits of paper away to leave behind an intricate piece of art. These blades used are surgery grade scalpel blades, which cannot be purchased in a high street store and can only be accessed from certified Swann Morton distributors...if I cannot sell these to the public within my kits, it will render my business useless”.

I was also particularly struck by the evidence provided by the chairman of Whitby and Co, the UK’s largest multi-saw and pocketknife distributors. They raise several reasonable queries. For example, they make the valid point that our knife crime statistics are not broken down into offences by weapon, so we do not know—as far as I am aware—how many offences are committed with blades, knives or other pointed objects such as screwdrivers, or glass or nails. It would be very helpful if the Government provided the basis on which they are focusing on bladed products rather than pointed objects, as in other parts of the legislation. There is also some query about the validity of the online test purchases that the Home Office has undertaken.

By no stretch of the imagination do these examples provide an exhaustive list of all those affected by the clause and the inadequate defences in the Bill. I am concerned that there will be an impact on a huge range of specialist businesses and individuals. It is vital that the Government look again at the definition of bladed products. If they do not provide a tighter definition, they must provide clear guidance on exactly what the definition will cover. As the CPS has said:

“The Bill must strike the right balance between ensuring that it goes far enough to effectively reduce the risk of serious violence while not unduly impacting small businesses that may design and make specialist knives for a range of purposes.”

Even if the definition were amended, it would not deal with these groups and associations. Presently, the only carve-out is for a sporting purpose, a historical re-enactment or if the blade has been specifically designed or adapted.

The concerns of retailers operating in this space are obvious. They believe they conduct legitimate sales, with thorough age verification checks on any number of products. Of course we support the objective of the clause to limit the ability of all under-18s to purchase knives online, but there are several other options available to the Government that would better achieve that.

**Stephen Timms:** My hon. Friend has drawn the Committee’s attention to an interesting alternative approach suggested by industry. If I have understood correctly what she has said, the real problem is stopping knives from getting to under-18s. I am more sympathetic to what I understand the Government’s aim to be—stopping

dangerous weapons getting to anybody, however old they are, and being delivered to them at home, but my hon. Friend raised some interesting and telling points.

When I read clauses 15 to 17, I did wonder whether the Government intend to stop the delivery of cutlery to people's homes. The Minister is indicating that that is not the Government's intention, but it is not clear to me where that is carved out in the wording of the Bill. As my hon. Friend pointed out, clause 17 tells us what a bladed product is, and I cannot see there where cutlery is carved out. I will be interested to hear what the Minister has to say about that.

**Louise Haigh:** My understanding is that a bladed product must be able to provide serious injury. I do not believe that that would include cutlery, although steak knives would be covered.

**Stephen Timms:** I am sure my hon. Friend is right. The real question I wanted to raise here is different: the position of sellers from overseas. As we have now discussed on a number of occasions, there is a real difficulty in stopping overseas sellers who are contacted online from doing things that the Bill does not want them to do.

In the case of clause 12, which is about the sale of bladed articles to under-18s, clause 18, which puts an onus on the delivery company where the seller is outside the UK, had to be alongside it. In clause 15, as far as I can see, there is not another parallel clause placing responsibility on the delivery company.

I hope I am wrong—if I am, I am sure the Minister will point it out—but it looks to me as though sellers outside the UK will be entirely exempted from the requirement set out in clause 15, because there is no way for them to be penalised for sending a dangerous weapon to residential premises somewhere. If that is the case, the clause will simply force everybody who wants these things delivered to their homes to buy them from overseas suppliers instead of UK suppliers, such as those based in the constituency of my hon. Friend the Member for Sheffield, Heeley. That would be a pretty damaging outcome.

If clause 15 is going to be made to work, something must be done to address the problem of overseas sellers simply carrying on sending dangerous weapons to people's homes, which the Bill as it stands makes no effort to address. The clause will be pointless because people will get round it in a very straightforward way.

12.30 pm

**Victoria Atkins:** Clause 15 provides that where a sale is carried out remotely, it is an offence for a seller to deliver or arrange for the delivery of a bladed product to residential premises or to a locker. Checks should not be done only at the point when the seller processes the sale, but at the moment when the product is being given to or issued by the despatcher. The reason for that is the methodical journey of the sale process. If young people want to get their hands on dangerous knives, we must make it as difficult as possible, with the help of retailers, and ensure that that does not happen.

Various points have been raised. I have noticed in the correspondence over the past few months that there seems to be a misunderstanding, so this is a great opportunity to clarify exactly what is meant by clauses 15 and 17. We are not seeking to stop the online sale of

knives or bladed products. We are trying to craft the law so that those who are entitled under the law to buy knives that have sharp blades can do so if they are over 18. We have used the phrase “bladed product” precisely because we want to differentiate it from the phrase “bladed articles” used in the 1988 Act, which is not as restrictive.

In answer to the right hon. Gentleman's question, we have excluded cutlery, because we appreciate that people will want to be able to buy cutlery. With the best will in the world, a table knife will not meet the criteria set out in clause 17(1)(b). If we had not defined it, it would be an offence to sell a disposable plastic knife to someone under-18, which would miss the point of the legislation. The wording seeks to pinpoint the risks that we are trying to address.

**Louise Haigh:** Will the Minister give way?

**Victoria Atkins:** I will just finish this point. The hon. Lady has raised concerns from a variety of stakeholders and if their products fall within the definition of clause 17, they must satisfy themselves that they fall within it. We are not saying they cannot sell the products online. We are simply saying they have to meet the conditions of clause 12 and that, when it comes to delivery, the product should be delivered to the local post office, delivery depot or village shop that acts as the delivery depot for a company. Picking up packages from the post office and delivery depots is a fact of life in the modern age, when we all order stuff on the internet. The clause is not about stopping food processors being sent to people; we will just have to go to the post office to pick them up. I represent a rural constituency, so I am rather pleased that we will drive more business to rural post offices so that they continue to thrive in our villages and market towns. The clause is not about stopping bladed products being sold and delivered to people in a lawful manner.

**Louise Haigh:** Is the Minister confirming that the definition of a bladed product will cover food processors, coffee grinders, scissors and razors, and that those products will no longer be able to be delivered to residential addresses?

**Victoria Atkins:** Folding knives with a blade of less than 3 inches are excluded from the definitions of both “bladed article” and “bladed product”, and a scalpel would be covered by both. All I am saying is that the purchaser will have to go to the post office with identification to pick up such a product—that is it.

**Louise Haigh:** But what about the examples I just gave: food processors, coffee grinders, razors and scissors?

**Victoria Atkins:** I am afraid I do not have expert knowledge of the lengths of the blades in a Magimix food processor. The definition is clear. Products with blades of less than 3 inches are excluded from the definitions of both “bladed article” and “bladed product”.

**Louise Haigh:** I am sorry, but the definition is not clear in the slightest. Will it cover scissors? Will it cover razors? The people who gave us evidence were not clear, and I do not know about other Members but I am not clear either. I do not think it is unreasonable to ask the Minister to answer to those questions.

**Victoria Atkins:** If a blade is less than 3 inches, it is excluded from both definitions and as an article under CJA 1988. Some scissors are; some are not.

**Kevin Foster (Torbay) (Con):** I thank the Minister for the way she is responding. I am struggling to think of a pre-packed men's razor over 3 inches apart from traditional cut-throat razors, for which, to be blunt, there should be a separate regime. I do not really see the difficulty with what the Minister says.

**Victoria Atkins:** Precisely. We have tried to acknowledge the different ways in which we rely on blades in day-to-day life. We know children do not go out with encased razors to threaten people on the street. They use knives, clearly. That is what the definition seeks to clarify. If Opposition Members had a yearning to buy a pair of scissors with blades longer than 3 inches, they could do so—they would just have to go to the post office to pick it up. That is the point.

If we did not have such a system, the seller could do everything they were supposed to do to check age at the point of sale, but the item may be put through the letterbox anyway and get into the hands of someone under 18. We know that has happened; we just want to stop it happening again. Again, I do not pretend that this is a magic solution that will solve all knife crime, but we are trying to build a journey for bladed articles and products that makes it substantially more difficult for young people, if they are so minded, to get around the measures that retailers take when selling them.

The condition that such articles cannot be delivered to a locker is also important. The clause is about deterring young people from trying to buy such articles online and getting around the law.

**Louise Haigh:** The Minister helpfully mentioned that the Government's assumption is that such an article will be delivered to someone's local post office or sorting office, or to a depot. Why, therefore, is there no mention in the Bill of the requirements on the individuals handing over the bladed product? Will there not be a corresponding offence for them of not verifying someone's age? If there is not, how can we enforce checking at that point of the delivery?

**Victoria Atkins:** It is actually because the Government are trying to help post office workers by not making them criminally liable for handing over a package when all they are doing is their job and when they have had no involvement in the act of purchasing. Indeed, we have been in a great deal of discussion with delivery companies, including Royal Mail, about how together we can ensure that the Bill's intentions are met in a way that balances the risks regarding young people with not placing post office workers, delivery drivers and so on under such a level of criminal liability. If the retailer has not done its job, I would feel uncomfortable about putting that duty on post office workers.

**Kevin Foster:** Will the Minister reflect on the fact that a range of age-related products—films and other things—are already successfully delivered with enforcement arrangements and that similar principles could be applied in this area? Actually, even in the most rural of locations there is usually a post office not a million miles away where an urgently needed product can be collected.

**Victoria Atkins:** This is all it is. I hope that this message is made clear to those retailers who have understandably expressed concerns: it is simply about ensuring that, at the point of sale, they have done what they should have done to check the age of the customers they are selling to. Frankly, they should have been doing that for the past 30 years. Let us not forget that the item will be clearly labelled at the point of handover—that is a condition of clause 12, as it is for the retailer to ensure that the delivery company, the post office, or whoever, knows that—and those conditions must be met. A great deal of thought has gone into the clause. We have very much tried to balance the needs of small businesses, Royal Mail and other delivery drivers, and of the law-abiding community who want to purchase knives online. We have excluded businesses run from home because we have listened to the responses to the consultation. We accept that a farm may well require bladed articles, and a farm on which someone lives and from which they run their business is frankly not the target of the Bill.

**Stephen Timms:** As I have indicated, I am comfortable with the clause, although the Minister should acknowledge what my hon. Friend the Member for Sheffield, Heeley pointed out. It will not be possible in future to have kitchen scissors, for example, delivered to a home because they have blades longer than 3 inches. That is what the Minister is telling the Committee, and I have no problem with that, but she must acknowledge that that is indeed the implication. If kitchen scissor blades are longer than 3 inches, which normally they are, as I understand the clause it will not be possible to have those scissors delivered to a home; they will have to be picked up from a post office.

I want to ask her, as well, about my point on overseas sellers. As I understand it, someone selling products to customers outside of the UK will be able to carry on posting them directly to customers' homes without any hindrance. Is that correct?

**Victoria Atkins:** I am afraid I will not say that all kitchen scissors are prohibited under the legislation, as the right hon. Gentleman would like me to do. With the best will in the world, I cannot say whether every pair of kitchen scissors has 3-inch blades or not. *[Interruption.]* I am sorry, I did not hear the intervention from the hon. Member for Sheffield, Heeley. Manufacturers will have to look at the definition. We have tried to accommodate the needs of business while keeping the intent of the Bill intact.

We will move on to the international element in clause 18, but extraterritorial jurisdiction issues mean that because the point of sale is overseas and English jurisdiction does not stretch to Germany or China, we have had to try to deal with what we can here in the UK. We will move on to that debate in due course, but there is a reason we have differentiated UK and international sales. If a manufacturer or a seller has an existing agreement with a delivery company, and the delivery company knows the person to whom they are selling products, we expect them to make age checks themselves. That is a different scenario from, say, the woodcutter in Hampstead who sells the items. They can use all the delivery companies in this country as long as they follow the steps, and someone will have to go to a shop or a post office to pick the package up.

12.45 pm

**Louise Haigh:** Can the Minister confirm that the legislation will not ban the delivery of screwdrivers to residential premises?

**Victoria Atkins:** Again, if it meets the criteria of the Bill, it will. If it does not meet the criteria, it will not. I will not go into a long speculative list of items because someone will always come up with another item that has a blade. The idea of a gang member walking down the street with a Magimix is a new one in my portfolio. I will not list items, because the wording is there in the Bill.

**Tulip Siddiq:** I understand the Minister does not want to go through an extensive list of items, but if there are household items that in the past have not had to be delivered to a post office and could be directly delivered to a house, there must be some merit in clarifying that a legislative change will mean that people who have normally had such items delivered to their houses can no longer have that. It is about public awareness, which is what I think my colleagues are getting at.

**Victoria Atkins:** It is the job of business to have that conversation with their sellers. We know already that online retailers such as John Lewis, which has signed up to our voluntary code for businesses in trying to prevent the sale of knives and corrosive substances, have stopped selling knives online because that is a business decision they have taken. For other sellers, when somebody puts an order in, they will have that conversation and say, "I'm sorry; you will have to go to the post office to pick this up."

**Louise Haigh:** I am afraid it is not the job of business; it is the job of the Committee and the Government. When introducing a new definition into legislation, we must be clear what that definition covers. We have to provide guidance to those that will come under the legislation and that definition. I asked about screwdrivers because, as the Minister knows, they are routinely used in violent offences. The legislation might stop children accessing knives online, but it will not stop them buying screwdrivers online and using them in violent offences. My point is that the ban will have far-reaching consequences for individuals and businesses, but it will probably not have a significant impact on the number of violent offences committed by children.

**Victoria Atkins:** I have to say that I do not share the hon. Lady's pessimism. If I may say so, her assertion is not made on the basis of evidence. To accept that, one would be extrapolating from the idea that children, having listened to this Public Bill Committee debate, will then suddenly start purchasing screwdrivers to commit violent acts. I fully accept that young people use screwdrivers as well, but the purpose of the Bill is to try to address the concerns that the police, charities and others have about the types of wounds they see emerging in A&E departments, and we need to fill the loophole we have discovered when it comes to the online sale of bladed products.

I could go through every item and say tick or cross, but I do not believe that is the duty of this Committee. The definition is set out in the Bill. It is for those affected by the definition to ensure that they meet the

standards expected by law, which are already in existence; the concept of not being able to sell knives to under-18s has been in existence now for nearly 30 years. This is about addressing the problem of children getting hold of knives online, which we want to try to stop as much as possible. The Bill is directed at achieving that.

**Louise Haigh:** The Minister has not answered the questions about the licensing system that many knife retailers have put forward. She mentioned a loophole, but it seems to me that the licensing system would address many of the loopholes, including the platform issues that we have discussed at length.

**Victoria Atkins:** We have based the Bill on existing offences, rather than setting up a completely new approach. There has been a lot of talk about small businesses. The system that the hon. Lady described strikes me, as someone who used to be self-employed, as a whole raft of new bureaucracy, in a way that these measures will not be. We did not consider that option, because we felt that this system is preferable to trying to construct a whole new system that would place a burden on the woodcutter in Hampstead or the occasional crafter in rural areas. We believe that these conditions are sensible and reasonable, and I think that they will become part of day-to-day business life very quickly.

*Question put and agreed to.*

*Clause 15 accordingly ordered to stand part of the Bill.*

## Clause 16

### DEFENCES TO OFFENCE UNDER SECTION 15

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I beg to move amendment 45, in clause 16, page 15, line 26, at end insert "for a particular lawful purpose."

*This is a probing amendment to allow debate on the appropriate scope of defences under Clause 16.*

It is a pleasure to serve under your chairmanship, Mr Gray. Given the vigorous debate we have had on clause 15, clause 16 is also important, because it provides the defences to the offence that we have just been discussing. One of those defences is simply that the seller did all they reasonably could to avoid delivery to residential premises, but the other three set out circumstances in which the law will deem it justified to sell and deliver to residential premises and a defence can therefore be made.

The Minister referred to a balancing act. That is the test that we have here. On the one hand, there is clearly a concern—we have heard it today—to ensure that the defences are wide enough to protect legitimate businesses. On the other hand, there is also a concern to concern that we do not draft the defences so widely that they can be abused to avoid culpability, or in a way that means that the offence set out in clause 15 becomes worthless.

The amendment is designed to provoke discussion about whether we have that balance right. It asks a couple of immediate questions. First, why is there a particular purpose test in clause 16(3), which relates to

[*Stuart C. McDonald*]

sellers who have adapted bladed products in accordance with specific instructions, but there is no particular purpose tests in clause 16(2), where a bladed product has been designed or manufactured in accordance with specific instructions? It is not immediately clear to me why the purpose of either the adaptation or the design is relevant to one but not the other.

Secondly, does there need to be more restrictions on the range of purposes that will allow for the defence to arise? All that is required now is that it is a particular purpose. I am guessing that it is implied in law that the purpose must to be lawful—for example, adapting a blade for the particular purpose of making it more efficient as a weapon does not amount to a defence—but I would appreciate confirmation.

**Tulip Siddiq:** I am inclined to agree with the hon. Gentleman that the section could be more specific in scope. For example, if historical re-enactment is to be included as a defence, as it is in line 35, surely it will be necessary to have a comprehensive list of bladed articles associated with that activity, so that carrying them is not classified as an offence. Does he agree that the clause could benefit from greater detail and clarity over exemptions for reasonable, law-abiding people, such as the self-employed artists in my constituency who have been lobbying me on this?

**Stuart C. McDonald:** That is a perfectly legitimate question. I look forward to hearing what the Minister has to say to that. It begs the question: to what extent is there an onus on the seller to scrutinise the claimed purpose of the adaptation, be it for historical re-enactment or anything else? Is it simply a case of whether the adaptation was consistent with the claimed purpose, or is there more involved?

We have already heard about the other defence, and the specific purposes set out that would make it acceptable to deliver to residential premises—sporting purposes and historical re-enactments. It gets to the point where I wonder whether, in an ideal world, we might simply provide an exhaustive list of purposes for which it would be acceptable to deliver. I appreciate that that would not be easy, or without risks, but it might be a much clearer way of approaching the challenge. Obviously a list could be added, perhaps by statutory instrument.

The amendment flags up concerns about whether the defences will really do the job of protecting from prosecution the businesses that we do not want to be prosecuted, while ensuring that the provisions cannot be abused by those who want to do harm.

**Victoria Atkins:** Clause 16 sets out the defences that apply in relation to the offence in clause 15. Subsection (1) sets out that it is a defence for the accused to prove that they took all reasonable precautions and exercised all due diligence to avoid sending the item to a residential address. That is an important safeguard. We expect sellers to check that the address to which the bladed article is to be delivered is not residential and, in case of doubt, to send the package to a collection point. However, sellers should not be penalised if, for instance, records show incorrectly that an address is a business address when in fact it is residential.

I will deal with subsections (2) and (3) together because the rationale behind them is the same. Subsection (2) provides an exemption if the bladed product was designed or manufactured in accordance with specifications provided by the buyer. Subsection (3) provides that it is a defence if the bladed product was adapted for the purpose of enabling or facilitating its use for a particular purpose. So those who sell or manufacture custom-made bladed articles, or who adapt them, will continue to deliver those specialist items at a residential address. The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East mentioned the impact on disabled people. The provisions may well help in circumstances where, for example, someone has to have a knife adapted because of disability. The defence would be available to the seller that it was delivered to a residential address for that purpose.

Subsection (4) provides for a defence if the bladed product is to be used for sporting purposes or historical re-enactment. We received a lot of submissions on historical re-enactments—I am surprised and delighted to see that so many people in the country engage in that interesting activity. Subsections (8) and (9) set out what is meant by the phrases “historical re-enactment” and “sporting purposes”.

**The Chair:** Order. Perhaps I may interrupt the Minister briefly. I think that she is addressing the stand part debate, rather than amendment 45, proposed by the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East.

**Victoria Atkins:** Forgive me, Mr Gray. I had got the wrong note.

I am extremely grateful to the hon. Gentleman for probing the defences. It may be useful if I set out the background to the defences in the Bill. Clause 15 makes it a criminal offence to arrange for the delivery of bladed products bought remotely in the UK to premises used solely for residential purposes.

A large number of businesses are involved in the manufacture and sale of bladed products. That includes craftsmen, and the selling of knives not readily available on the high street. That may include sporting swords or replica historical knives. The scale of those businesses is such that they are viable only as online sellers; they do not sell enough to be able to afford a high street presence. The only way buyers who need those types of bladed products can acquire them is online.

We have taken the representations we received during the consultation on board. We note that many of these products are very expensive and highly unlikely to be bought by a young person for criminal purposes. The issue of the clause’s impact was raised strongly in the consultation, so we have taken a number of steps to try to ensure that we get the response right. We have made it clear that the clause will not cover deliveries to businesses. We have limited the definition of bladed product so that it excludes things such as table knives and plastic disposable knives. We have also exempted encased razor blades and folding knives with a blade of less than 3 inches.

Under clause 16, we have provided defences for three types of bladed product, including bladed products that are designed and manufactured for a buyer in accordance

with specifications provided by the buyer, and bladed products for the purposes of sport or historical re-enactment. There is a power in clause 16(7) for the Secretary of State, Scottish Ministers or the Department of Justice in Northern Ireland to add further defences, by secondary legislation, should it become clear that they are required.

I appreciate that the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East has tabled this as a probing amendment. Adding the phrase “for a particular lawful purpose” at the end of the defence for bespoke bladed products would mean that to use the defence, it would need to be shown both that the product was made to specifications from the buyer and that the buyer was acquiring it for a lawful purpose. We suspect

that adding this phrase might be meaningless, as the buyer would presumably just say yes, but it is also unnecessary. Such items are expensive and there will be a relationship between maker and buyer that makes the risk of their being sold to a person under 18 very slight. Again, this is part of the balancing exercise to ensure that the intent of the Bill is implemented by the legislation. I therefore invite the hon. Gentleman to withdraw the amendment.

*Ordered, That the debate be now adjourned.—(Paul Maynard.)*

1.2 pm

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

