

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eleventh Delegated Legislation Committee

DRAFT SURRENDER OF OFFENSIVE WEAPONS
(COMPENSATION) REGULATIONS 2020

Wednesday 23 September 2020

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 27 September 2020

© Parliamentary Copyright House of Commons 2020

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chair: JULIE ELLIOTT

- | | |
|---|--|
| † Baynes, Simon (<i>Clwyd South</i>) (Con) | † Richardson, Angela (<i>Guildford</i>) (Con) |
| Eagle, Maria (<i>Garston and Halewood</i>) (Lab) | † Rowley, Lee (<i>North East Derbyshire</i>) (Con) |
| † Elmore, Chris (<i>Ogmore</i>) (Lab) | † Sambrook, Gary (<i>Birmingham, Northfield</i>) (Con) |
| † Jones, Sarah (<i>Croydon Central</i>) (Lab) | † Shannon, Jim (<i>Strangford</i>) (DUP) |
| † Lewer, Andrew (<i>Northampton South</i>) (Con) | Smith, Nick (<i>Blaenau Gwent</i>) (Lab) |
| † Malthouse, Kit (<i>Minister for Crime and Policing</i>) | † Stafford, Alexander (<i>Rother Valley</i>) (Con) |
| † Mullan, Dr Kieran (<i>Crewe and Nantwich</i>) (Con) | Thompson, Owen (<i>Midlothian</i>) (SNP) |
| † Mumby-Croft, Holly (<i>Scunthorpe</i>) (Con) | Zoe Backhouse, Anwen Rees, <i>Committee Clerks</i> |
| † Owatemi, Taiwo (<i>Coventry North West</i>) (Lab) | |
| † Pursglove, Tom (<i>Corby</i>) (Con) | † attended the Committee |

Eleventh Delegated Legislation Committee

Wednesday 23 September 2020

[JULIE ELLIOTT *in the Chair*]

Draft Surrender of Offensive Weapons (Compensation) Regulations 2020

9.25 am

The Minister for Crime and Policing (Kit Malthouse):
I beg to move,

That the Committee has considered the draft Surrender of Offensive Weapons (Compensation) Regulations 2020.

It is a great pleasure to serve under your chairmanship, Ms Elliott. The regulations, laid before the House on 9 June, are made under the Offensive Weapons Act 2019. The Act is about tackling serious violence, including violence involving the use of knives, firearms or acids and other corrosive substances. It will prohibit the possession of specified offensive and unpleasant weapons, knives and firearms that would have devastating consequences if they were used violently. Members might recall the detailed scrutiny that was given to these prohibitions during the passage of the Act through the House. Our focus today is on the arrangements for surrendering the weapons to the police and for the payment of compensation.

The regulations reflect the principle that was recognised during the passage of the Act that prohibiting items that are currently lawfully owned impacts on the individual's right to property. It was agreed by both Houses that it would be right and fair that the lawful owners of the weapons who surrendered them to the police in accordance with the arrangements we are making should be fairly compensated for the loss of their property. The arrangements for surrender and compensation will apply to England and Wales and will extend to Scotland and Northern Ireland in respect of firearms and related ancillary equipment only.

The regulations provide for a three-month surrender period during which the lawful owners of the weapons will be able to surrender their property to the police. If they wish to claim compensation, they will need to do so at the same time as the surrender using a form that we will make available before the scheme starts. We will also make available a values list setting out the standard levels of compensation for all the weapons that come within the scheme. A claimant can indicate on the claim form whether they accept the standard level of compensation or whether they are claiming a higher amount, which they are able to do, provided they can support it with a credible and up-to-date valuation. The regulations give some examples of the types of valuations that would be acceptable, but we have sought to avoid undue prescription. Our overarching objective is to compensate fairly those who give up their lawful property so that we can take these dangerous weapons out of circulation.

The claims for compensation will be processed by the Home Office. We will do so as quickly as practicable following the launch of the scheme. The draft regulations

deliver the full intent of the measures set out in the Offensive Weapons Act to allow for surrender and compensation. I commend them to the House.

9.27 am

Sarah Jones (Croydon Central) (Lab): It is a pleasure, Ms Elliott, to serve under your chairmanship. I thank the Minister for his remarks. Labour Members do not intend to divide the Committee on these draft regulations and I will not keep the Committee here too long.

The Opposition support the proposals in the instrument to reimburse those in possession of weapons now banned under the Offensive Weapons Act. We will work with the Government, the police, partners and other public bodies to tackle knife crime and serious violence on our streets. Today we are discussing a technical piece of legislation that is limited in scope, but has implications for the vital task of reducing the number of dangerous weapons on our streets. Although we support the provisions in this limited instrument, the Government's approach to reducing violent crime, particularly knife crime, has been inadequate, as violent crime has continued to rise following a decade of underinvestment in policing, which has resulted in the loss of thousands of officers, police community support officers and staff.

At the same time, demand on the police from recorded crime and non-crime duties has increased substantially. The role of the police keeps expanding, but the resources are not yet there. The Offensive Weapons Act was an opportunity for the Government to make productive changes based on evidence to bring down the decade-long rise in knife crime levels that we have seen under their watch. The Act failed to go far enough. The limited measures outlined in the 2019 Act and in this instrument must work alongside action to tackle the root causes of crime.

I regularly hear from police officers who are worried about how they will manage with the limited resources to tackle rising crime, enforce the Government's coronavirus restrictions and manage the growing number of non-crime incidents that the police are called to as the service of last resort.

The impact assessment outlines the costs to the police to provide individuals who held weapons legitimately prior to the offence's introduction with the opportunity to surrender their offensive weapon and claim compensation. It states that police forces have provided an average estimated cost of approximately £8,000 per force to run a full amnesty, equating to a total cost of approximately £0.3 million across all forces in the first year as an upper-bound estimate. Will the Minister confirm the date that the surrender of weapons scheme will commence and whether the money will be made available to the police, and how will it be made available and paid?

Another point on which I would like clarification is the standard rate of £30 for compensation and the fact that no compensation is payable in respect of a claim that amounts to less than £30. Will the Minister explain to the House the reasons for coming up with that figure? Furthermore, can he clarify Home Office plans to monitor and review the compensation process? The impact assessment for the Bill that became the Offensive Weapons Act 2019 says that

"the number of weapons eligible for compensation...is likely to be small",

given that it has not been legal to purchase most of those weapons for several decades.

The Opposition want to remind the Minister again that this country is facing record levels of knife crime. With incidents continuing to rise across the country, we need a long-term public health approach to tackling violent crime. The limited provision of the Offensive Weapons Act means that this statutory instrument is much more likely to remove from a farmer a weapon that has been in his shed for 20 years than a knife from a vulnerable young person who is carrying it for self-defence.

I conclude by reiterating that we support this draft legislation, even though we are disappointed that the Act with which it is in accordance does not go far enough to reduce the number of people carrying dangerous weapons on our streets.

9.31 am

Jim Shannon (Strangford) (DUP): First, I welcome the legislation and the thoughts that the Minister has expressed, because I think it important that we address the issues of knives and weapons. I really am interested in the matter of compensation and I want to ask a question that the shadow spokesperson touched on in her last comments. I am ever mindful of how the measure refers to Northern Ireland and certain firearms. Obviously, we experienced a type of terrorist campaign for umpteen years in which weapons of all sorts were used and 99% of them were illegal. Sometimes we find that something is in the possession of elderly relatives, which the shadow Minister referred to in her contribution. It might come to light only when the elderly person has passed away. We then find out that something had been tucked away somewhere for however many years. It might be an antique shotgun—probably nothing of any higher calibre than that. When it comes to compensation, which I think would be the issue for me, how will the compensation be agreed? I ask because there will be occasions on which the weapons will be of a fairly high-class order and value. It would not be unusual for someone perhaps to have had a shotgun that was a Boss or a Purdey, or something of a similar calibre and design. The value would probably go into thousands of pounds, so again, when it comes to compensation, how will that be agreed? Also, if a compensation value is not agreed between the relevant person and the family handing over the item, is there a review process to enable the true value to be looked at?

Part 3 of the order deals with compensation, and I welcome the fact that compensation may be claimed in respect of a firearm that has a bump stock. I presume that we all know that such a weapon would be totally unacceptable. It might be okay in America, but it is certainly not okay here. Therefore, I welcome the fact that compensation will be available for that type of weapon. My contribution is really just questions. I know that the Minister will know the answers to them all—he always does.

9.33 am

Kit Malthouse: I thank hon. Members for their contributions. I will deal first with the questions from the hon. Member for Croydon Central, who speaks for the Opposition. I hope that she will be reassured to have, from the person who led the fight against the last spike in knife crime in the capital, between 2008 and 2012, my personal commitment to dealing with what is undoubtedly an increase in knife crime over the past

couple or three years. We are taking lots of action on that. Of course, we are, as she knows, rapidly expanding police capacity. The recruitment of police officers is going extremely well: we are well ahead of target on our first 6,000, and I am confident that we will get to 20,000 over the next two and a half years or possibly before. That will address many of the capacity concerns that she expressed.

On start dates, we have not yet agreed a start date. Given the current stage of the pandemic, we have to be careful about judging a time at which it is appropriate for people to travel to police stations and at which the police have capacity to administer the scheme. In discussion with the police, we are hoping to agree a date later this year, but we will have to see how the pandemic progresses.

On the standard rate of compensation and related questions from the hon. Member for Strangford, we had to set a base price somewhere and there were two considerations: first of all, that the administration of the scheme did not cost us more than the worth of the item; but, secondly, that by setting a bar too low we might stimulate people, frankly, to go to their kitchen drawer, find a knife and turn up to get some money for it. So, £30 was deemed an appropriate level, whereby we would not stimulate that kind of activity but that would still provide a fair level of compensation for the majority of people we are talking about.

I should just point out that obviously these regulations do not cover items such as Purdey shotguns; those shotguns are still perfectly legal, subject to licensing conditions, and will continue to be so. They do cover certain types of rifle and bump stocks, and a list of other weapons, which should, in theory, have been circulated to Members. I am happy to write to the hon. Gentleman with specific details about what might be on that list.

Jim Shannon: Perhaps I have got it wrong, and if I have I apologise to the Minister. As he knows, the firearms law in Northern Ireland is very different from the law here on the mainland; we need to have a licence for everything from an air rifle to a high-calibre rifle and so on, and in between we have shotguns. Any weapon that someone has that is not licensed is illegal. Therefore, if someone finds it as I have outlined, it is not as if it is legal any more. Does that mean that those shotguns perhaps do not come under this scheme? I just want to clarify that, to be sure. If it is an illegal weapon, and it is not held under a firearms certificate, then I ask the question: does it qualify?

Kit Malthouse: As far as I am aware, the intention of the scheme—I am happy to write to the hon. Gentleman to clarify matters, because, as he says, the arrangements in Northern Ireland are slightly different from those in the rest of the country—is just to compensate people for those items that were banned by the 2019 Act, which does not include shotguns. There will be a list of items attached to the form, with the standard list of compensations, and in Northern Ireland it will not include offensive weapons, other than firearms and ancillary equipment such as bipods, sights and those kinds of things. It is largely for firearms where there is, as it were, gas-assisted expulsion of ammunition. However, as I say, I am happy to write to him to clarify matters, so that he is clear in his mind and can communicate the

[Kit Malthouse]

requirements to his constituents. On the compensation issue that he raised, while there will be standard rates, it is possible for people to make a higher claim, subject to a valuation, and the regulations detail the types of evidence that can be offered to make a case for a higher valuation.

In a small number of circumstances, it may be the case that there are some items of historical importance. We are in conversation with Ministers at the Department

for Digital, Culture, Media and Sport about how we might allow people to surrender such weapons, perhaps to museums or to other organisations, where that importance can be recognised. Hopefully, I have answered the questions that were asked and we can move towards consideration of the regulations.

Question put and agreed to.

9.38 am

Committee rose.

