

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT CRIMINAL JUSTICE ACT 1988
(OFFENSIVE WEAPONS) (AMENDMENT,
SURRENDER AND COMPENSATION) ORDER 2024

Tuesday 23 April 2024

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

Saturday 27 April 2024

© Parliamentary Copyright House of Commons 2024

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: CHRISTINA REES

† Baillie, Siobhan (*Stroud*) (Con)
 Firth, Anna (*Southend West*) (Con)
 † Fletcher, Colleen (*Coventry North East*) (Lab)
 † Henderson, Gordon (*Sittingbourne and Sheppey*)
 (Con)
 † Hodgson, Mrs Sharon (*Washington and Sunderland*
West) (Lab)
 † Hughes, Eddie (*Walsall North*) (Con)
 † Johnson, Dame Diana (*Kingston upon Hull North*)
 (Lab)
 † Mann, Scott (*Lord Commissioner of His Majesty's*
Treasury)

† Morris, Anne Marie (*Newton Abbot*) (Con)
 † Morris, James (*Halesowen and Rowley Regis*) (Con)
 † Norris, Alex (*Nottingham North*) (Lab/Co-op)
 † Spellar, John (*Warley*) (Lab)
 † Stuart, Graham (*Beverley and Holderness*) (Con)
 † Tarry, Sam (*Ilford South*) (Lab)
 † Tugendhat, Tom (*Minister for Security*)
 Winter, Beth (*Cynon Valley*) (Lab)
 † Wright, Sir Jeremy (*Kenilworth and Southam*) (Con)

Chloe Smith, *Committee Clerk*

† **attended the Committee**

Second Delegated Legislation Committee

Tuesday 23 April 2024

[CHRISTINA REES *in the Chair*]

Draft Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) Order 2024

2.30 pm

The Minister for Security (Tom Tugendhat): I beg to move,

That the Committee has considered the draft Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) Order 2024.

As always, it is a very great pleasure to serve under your chairmanship, Ms Rees. The order before us today amends the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 and adds “zombie-style knives” and “zombie-style machetes” to the list of prohibited offensive weapons. I will briefly set out the context. The Government have already taken robust action to address the menace of knife crime. Zombie knives were banned in England and Wales in 2016, followed by cyclone knives in 2019. Our legislation is stronger thanks to the Offensive Weapons Act 2019 and the Online Safety Act 2023, with further new measures contained in the Criminal Justice Bill currently going through Parliament. We have taken lots of measures in the non-legislative space too, not least the bolstering of our police forces with the recruitment of 20,000 officers. The numbers in London have not quite matched that target, but I hope the new Mayor, Susan Hall, will achieve it.

Nevertheless, as the public would expect, we keep our approach under review and will not hesitate when there is a clear and compelling case for further action. That brings me to the details of the order before us today. This legislation responds to concerns expressed by the police about the availability of certain types of machetes and large outdoor knives that do not seem to have a practical use and instead appear to be designed to look menacing. While zombie-style knives and machetes are fortunately used in a relatively low number of crimes, the police tell us that they are favoured by those who want to get hold of weapons for violent crime and to glamorise violence. Their appearance also creates fear in communities affected by knife crime. These weapons, which are advertised as collection items or as tools, can be purchased for as little as £10.

Eddie Hughes (Walsall North) (Con): In 2023, I joined the campaign run by the *Express & Star* to ensure that these types of knives were banned. Surely, just these weapons being on sale, regardless of their described purpose, speaks volumes to the fact that we should not allow them to be available to anybody?

Tom Tugendhat: My hon. Friend makes it absolutely clear why his campaign is right and has been taken up by the Government. He has made the case so forcefully

not just on behalf of his own constituents, but on behalf of the whole country. I am delighted to be here speaking on behalf of the Minister for Crime, Policing and Fire, my right hon. Friend the Member for Croydon South (Chris Philp), who would be championing this, but sadly has been otherwise detained.

Unlike more conventional knives and machetes, these weapons have no legitimate purpose. In our conversations with manufacturers and retailers, they have been clear that in their view, these articles are not designed as tools, but as weapons. Under section 141 of the Criminal Justice Act 1988, it is an offence to possess, import, manufacture, sell, hire, offer for sale or hire, expose or possess for the purposes of sale or hire, a weapon specified in an order made under that section. A number of descriptions of weapons have been specified under section 141 and are therefore prohibited, including butterfly knives, knuckledusters, telescopic truncheons and certain types of swords with curved blades, commonly known as samurai swords.

Using the order-making powers in section 141(2) of the Criminal Justice Act 1988, the Government wish to add “zombie-style knives” and “zombie-style machetes” to the list of offensive weapons to which section 141 applies. These weapons are defined as being a bladed article with a plain cutting edge, a sharp pointed end and a blade of over eight inches in length. The length was chosen in order to exclude knives designed for legitimate purposes such as many kitchen and outdoors knives. In order to be within the scope of the ban, the article should also have one or more of the features specified in new paragraph 1A, namely: a serrated cutting edge, more than one hole in the blade, spikes, or more than two sharp points in the blade.

Although it is right that we take the firmest possible action to prevent violence and stop dangerous weapons getting into the wrong hands, we are not seeking to criminalise law-abiding citizens. We are confident that the description of

“zombie-style knife or zombie-style machete”

does not include tools traditionally used in agriculture, farming, gardening or outdoor activities, nor indeed does it include my infantry sword.

We have included in the legislation defences to cover a range of circumstances, including where the article in question is of historical importance; made by hand; possessed, sold or imported for religious purposes; or was given as a gift by a Sikh to another person at a religious ceremony or other ceremonial event. Antiques are already exempt from section 141 of the Criminal Justice Act 1988. We are also providing a defence for blunt items to protect the legitimate fantasy knives market, and we have taken the opportunity to extend this defence to curved swords.

There are a couple of further points to mention before I finish. First, parts 3 and 4 of the instrument provide for a surrender and compensation scheme through which owners of weapons in scope of the ban will be able to surrender them. Secondly, regarding territorial scope, the statutory instrument will apply only to England and Wales. We very much hope that the devolved Administrations in Northern Ireland and Scotland will take similar action to ensure that these dangerous knives are prohibited across the United Kingdom. To this effect, officials have engaged the Governments in Northern Ireland and Scotland.

If these dangerous knives remain available, there is a risk that they will be used in violent crime or to intimidate or cause fear. That is not a risk this Government are prepared to tolerate, nor is it one that my hon. Friend the Member for Walsall North would accept. As we have shown again and again, we will always act to protect our communities and keep the public safe. That is why we are introducing this order, which I commend to the Committee.

2.36 pm

Alex Norris (Nottingham North) (Lab/Co-op): As ever, it is a pleasure to serve with you in the Chair, Ms Rees.

Knife crime is a scourge on our communities. In 2022, we saw the highest number of people killed with a knife for over 70 years, and the biggest increase was among young boys aged 16 to 17. Compared with 2015, total knife crime was up 70%, and that included record levels of knife-enabled rape and threats to kill. Last year, 75% of teenage homicides involved a knife or sharp instrument.

As a result, we are now in a situation where it is thought that more than 200,000 children are vulnerable to serious violence. In 2021-22, a record number of children were victims of crime. Those numbers can blur into one, but behind every one is a family, broken hearts and an empty place at the table at Christmas. Many people do not recover from the trauma of that. It is therefore right that we want to act in this space.

Seemingly frequently, we see horrific attacks and threats by people using such weapons as zombie-style knives and machetes in the media. These weapons trade on their supposed aesthetic appeal and the harm they can inflict. It is chilling to see how these weapons are advertised and, frankly, how easy they are to purchase. Any member of this Committee could have bought one, probably a couple, during the length of the Minister's speech; that is how available and well advertised they are. The intent to cause serious harm is abundantly clear there.

Campaigners have pushed hard to get the Government to act on this, and I pay tribute to those incredibly brave families who have turned their experience of dreadful personal loss into heroic campaigning. This is their day. It ought to be recognised that this is a ban that has been announced 16 times by the Government in some form or other. It should have been introduced sooner, but it is welcome and we certainly will support it in this Committee. We have long called for such a ban, and we now want to see it as swiftly as possible.

The Minister may be able to help me with a technical point. Like colleagues, perhaps, I always find compensation for the surrender of such weapons to be a jarring concept. However, as they were legal products at the point of purchase, it is probably fair, as well as being in line with the Offensive Weapons Act 2019. Article 5 of the draft order sets the compensation at £10, but the surrender and compensation scheme claim form set out in the schedule states that an individual must be owed "£30 or over to be eligible for compensation."

Am I right in my understanding that a person would therefore need to return three items in order to be eligible for compensation? Does the Minister have any concerns that that may impair surrender rates? I wonder what modelling has been done.

I want to put on the record my frustration that this measure appears in secondary rather than primary legislation. The Government consulted on knife crime last year and then set out a welcome series of changes that they intended to implement in response to it. The draft order makes one such change, but there are others; those that require legislation have tended to be contained in the Criminal Justice Bill. A Bill is amendable: hon. Members and Members of the other place have a chance to table amendments to it and debate them at length in a Committee Room on this corridor. Today, however, we have been deprived of that chance and have been given a yes or no question. The answer must be yes, but we still feel that there are gaps, particularly in relation to ninja swords.

Ninja swords are very much in the same spirit as a zombie knife: they are sold and marketed to young people for their aesthetic appeal and their threat. We know that they are being used to cause serious harm; the dreadful case of the murder of Ronan Kanda with a ninja sword in Wolverhampton springs to mind. I always apply the Ronan Kanda test: would the action that the Government are taking have taken that weapon off the street? It would not have, and it still would not. That result is a shortfall. Can the Minister say why ninja swords have not been included in the ban and why the strategy is being implemented in a two-tier way via primary and secondary legislation? We might be missing an opportunity here.

Can the Minister tell us where the Criminal Justice Bill is? It contains hugely significant provisions relating to knife crime and organised crime, and it is the pledged vehicle for the stand-alone offence of violence against retail workers. However, we read online, seemingly every weekend, that perhaps it will not be coming back. Can the Minister confirm that it will?

We need a broader approach to tackling knife crime. Bans like this one are a really good start, but when the Minister talks about the policing approach, he knows as well as I do that there are 10,000 fewer neighbourhood police deterring and detecting on our streets than in 2015. That means that there are weaknesses in our attempts to tackle knife crime. Similarly, education and youth services have been denuded in the past 14 years, which has weakened our approach.

The draft order is welcome, but there is much more to do. I hope that the Minister will address the issues that I have raised and that we can go a little further in the remaining stages of the Criminal Justice Bill, if not today.

2.42 pm

Tom Tugendhat: I thank the hon. Member for Nottingham North for his speech and for the tone with which he has approached the debate. He has been a good friend for many years and has championed many aspects of this work. It has been very much a cross-party effort, and I am grateful for his approach.

I am also grateful that the hon. Gentleman highlighted the pain that, sadly, families face in so many areas. I am sure he welcomes, as I do, the fall in violent crime in the United Kingdom over the past year: it is down 14%, which is a huge achievement not just for the Home Office, but for police forces across our country. That fall in England and Wales is a tremendous achievement that we should welcome.

[Tom Tugendhat]

The hon. Gentleman asked a fair question about ninja swords. While concerns have been raised, and while those types of swords have been used in crime, we have looked carefully at whether to extend the ban to a wider range of swords. Ninja swords that have the features set out in legislation will of course be banned, but those that do not have such features will not be. We have focused our action to date on the types of weapon that the National Police Chiefs' Council has raised as being of particular concern, namely zombie-style weapons. However, we will keep the legislation under review and will be looking at what more we can do in the area if the police tell us that they have evidence that such swords are increasingly being used in crime.

We need to strike the right balance. Large sections of the public own modern swords as collectable items, and many of my former comrades own their regimental swords and keep them at home. They are not bladed weapons in the usual sense, but blunt ceremonial items.

They are prized by members of the family, and many of them have been in the family for generations. We need to ensure that we craft the law in the right way to prevent harm and remove the danger that too many families have sadly faced, but that at the same time we respect people's right to keep ceremonial or public items that are not of concern to the police. That is an important balance to strike, and we are listening very carefully to the police.

The hon. Gentleman is right that the compensation is £10 per item. A person claiming that the value of their item is higher will have to provide evidence, and the Home Office will assess their claim. That is why there may be a slight discrepancy. I am happy to write to the hon. Gentleman if he would like me to go through the details.

Question put and agreed to.

2.45 pm

Committee rose.