

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

Guidance for surrender of 'zombie-style' knives and 'zombie-style' machetes and claiming compensation.

July 2024



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Summary of the Surrender and Compensation Scheme for 'zombie-style' knives and 'zombie style' machetes.

The Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) Order 2024 adds 'zombie-style' knives and 'zombie-style' machetes to the list of prohibited offensive weapons to which section141 of the Criminal Justice Act 1988 apply. A flowchart of prohibited offensive weapons can be found at Annex A.

The Surrender and Compensation arrangements, set out in this guidance will only apply in England and Wales in respect of 'zombie-style' knives and 'zombie-style' machetes prohibited under Part 2 of the Order.

If you currently possess any of these items, you will not be permitted to keep them once the relevant provisions in the Order are commenced on 24th September 2024. You should surrender the item(s) to the police. If you wish to claim compensation when you surrender the item, the Surrender and Compensation scheme allows you to claim compensation if you meet the eligibility criteria and make a claim in line with the arrangements set out in this guidance and the Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) Order 2024.

The standard compensation amount for each surrendered weapon will be £10, though applicants will be able to claim that the value of their weapon exceeds this amount. For claims for individual items worth over £10, individuals will need to provide acceptable evidence of the value of the item (e.g., purchase receipt). No compensation will be payable in respect of a claim where the total is less than £30. This means that if you have one item to surrender you will not be eligible for compensation, but if you have three items at £10 each, you will be eligible to claim £30 of compensation for the three items.

Claims for compensation must be made at the same time as surrendering the weapon.

If you are the owner of one of the soon to be prohibited items, it is your responsibility to ensure that you have transported it safely to the designated police station (where appropriate), surrendered it to the police in good time and, if seeking financial compensation, submitted your claim <u>at the same time</u> as surrendering your item(s).

It will not be possible to seek compensation at any time after you have surrendered your item, or at any time after the surrender and compensation scheme closes. **The scheme will start on 26 August 2024, 00:00hrs and close on 23 September 2024 at 23:59hrs.**

Which items will become prohibited?

The weapon sometimes known as a 'zombie-style' knife or 'zombie-style' machete, being a bladed article with—

- (i) a plain cutting edge;
- (ii) a sharp pointed end; and

(iii) a blade of over eight inches in length (the length of the blade being the straight-line distance from the top of the handle to the tip of the blade),

which also has one or more of the following features

, the specified features are-

- (a) a serrated cutting edge (other than a serrated cutting edge of up to two inches next to the handle);
- (b) more than one hole in the blade;
- (c) spikes;
- (d) more than two sharp points in the blade other than ---
 - (a) a sharp point where the angle between the edges which create the point is an angle of at least 90 degrees (where there is a curved edge, the angle will be measured by reference to the tangent of the curve);
 - (b) a sharp point on the cutting edge of the blade near the handle.

Will you have to surrender your item(s)?

Once the provisions in the Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) Order 2024 come into force, it will be an offence to possess 'zombie-style' knives or 'zombie-style' machetes. The manufacture, importation, sale and generally supply of these items will also be prohibited. However, before they are prohibited, the Order allows for legal owners of these items to surrender them to the police and claim compensation for their loss if they wish. This guidance sets out how to surrender the item(s) to the police and how to claim compensation. Compensation can only be claimed if the item(s) are surrendered as part of this scheme.

What is the surrender period?

This is a one-month period (29 days) during which you will be able to surrender your 'zombie-style' knives or 'zombie-style' machetes to the police. Compensation can only be claimed if you surrender your item(s) during the surrender period and submit a claim for compensation at the same time.

When will the surrender period start?

The surrender period will start on 26 August 2024,00:00hrs the day that Part 4 the Surrender of the Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) Order 2024 comes into force, as this order will provide the legal framework for the compensation for items surrendered.

When will the surrender period end?

The surrender period will last for a one-month period (29 days), ending on 23 September 2024 at 23:59hrs.

What to do if you own a 'Zombie-Style' knife or 'Zombie-Style' machete

These arrangements in respect of 'zombie-style' knives and 'zombie-style' machetes apply only in England and Wales. If you own one of the 'zombie-style' knives or 'zombiestyle' machetes described, you will be able to surrender this item to the police at a designated police station and claim compensation. You must transport your item safely according to the guidance below. You can find your nearest designated police station by checking the gov.uk website or by contacting your local police force. In order to claim compensation, you will need to download the claim form from gov.uk and complete the 'Zombie-Style' Knives and 'Zombie-Style' Machetes Surrender and Compensation Scheme Claim Form and hand this over to the police when you surrender the item(s). Depending on how much compensation you are seeking, you may need to take supporting evidence of the value of the item(s) you are surrendering. Further detail is provided in Section 2 and 3 and in Annex C.

What happens if you do not surrender an item during the surrender period?

Once the surrender period comes to an end on 23 September 2024, 23:59hrs 'zombie-style' knives and 'zombie-style' machetes will be prohibited. If you are still in possession of one of these items at this point, your possession will become unlawful unless you have a defence. Once the surrender scheme closes, you will still be able to surrender the items to the police, but you might be liable for prosecution having possessed it, and you will not be able to claim compensation for the loss of the item.

Do you need to complete a surrender and compensation scheme claim form if you are not seeking compensation?

If you are not seeking compensation, but are surrendering an item, we request that you only complete Part B to indicate you are not seeking compensation on the '**Zombie-Style**' **Knives and 'Zombie-Style' Machetes Surrender and Compensation Scheme Claim Form** without any personal and bank details and submit this to the police when you are surrendering your item(s).

What to do if you have any special requirements or accessibility needs.

If you have any special requirements or accessibility needs that might impact your ability to surrender your item(s) you should contact your local police force to discuss.

What to do if you think your 'Zombie-Style' Knife or 'Zombie-Style' Machete falls under one of the defences provided in the legislation?

Antiques are exempt from the effect of the Order, and it is therefore not an offence to possess these weapons if they are an antique – manufactured more than 100 years before the date that the offence is committed relating to s141 – Criminal Justice Act 1988.

You are not required to surrender your weapon(s) if it falls under one of the defences. In the event you are charged with an offence, you will need to provide evidence to support the defence you are relying on. Ultimately, it will be for a court to decide whether there is sufficient evidence to support your argument that you have a defence.

Defences

In addition to the general defences contained in s141 Criminal Justice Act 1988 and the Criminal Justice Act 1988 (Offensive Weapons) Order 1988:

- (i) Where possession is for the purposes of functions carried out on behalf of the Crown or of a visiting force.
- (ii) Where the weapon is one of historical importance.
- (iii) Where it is in a person's possession in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.
- (iv) Where possession is for educational purposes only.
- (v) Where possession is for the purpose only of making the weapon available for the purposes of theatrical performances and the production of films and television programmes.
- (vi) It shown that possession is for the purposes only of making the weapon available for, or participating in, a permitted activity i.e., a historical reenactment or sporting activity;
- (vii) Where possession in private is because the weapon in question is one of historical importance.
- (viii) It is shown that possession is for religious reasons or for the purpose of making the weapon available for the purposes of use in religious ceremonies for religious reasons.
- (ix) The person in possession is Sikh and possession is for the purpose only of presenting it to another person at a religious ceremony or other ceremonial event;
- (x) The sword was presented to the person by a Sikh at a religious ceremony or other ceremonial event.
- (xi) Possession is for the purpose only of making the sword available for presentation by a Sikh to another person at a religious ceremony or other ceremonial event.

It is a defence for a person charged -

(a) with an offence under section 141(1) of the Criminal Justice Act 1988; or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

in respect of any conduct of the person relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(sa) to show that the weapon in question is one of historical importance.

It is a defence for a person charged -

(a) with an offence under section 141(1) or (1A) of the Criminal Justice Act 1988; or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

in respect of any conduct of the person relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(sa) to show that the weapon was made by hand.

For the purposes of sub-paragraph (1), a weapon is made by hand if the making (including construction, finish, and decoration) of the weapon is accomplished predominantly by one or more of the following methods -

(a) hand labour;

(b) manually controlled methods which permit the maker to control and vary the construction, shape, design, and finish of each part of each weapon (including the use of hand-controlled power tools).

It is a defence for a person charged -

(a) with an offence under section 141(1) or (1A) of the Criminal Justice Act 1988; or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

in respect of any conduct of the person relating to a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(r) or (sa) to show that the weapon in question is blunt.

For the purposes of sub-paragraph (1), a weapon is blunt if it does not have any of the following elements—

- (a) a thin edge adapted to cutting;
- (b) a sharp point adapted to piercing;
- (c) any other element adapted to cutting or piercing.

The legislation can be found here: www.legislation.gov.uk/ukdsi/2024/9780348256871/contents

1.Eligibility

You can only apply for compensation for item(s) surrendered under this scheme if you are the legal owner of the item, and you surrender it to the police during the surrender period, in accordance with this guidance. The scheme will start on 26 August 2024, 00:00hrs and close on 23 September 2024 at 23:59hrs.

To be eligible to claim compensation for one of the 'zombie-style' knives or 'zombie-style' machetes set out in you must be the legal owner of the item and, where possible, should provide acceptable proof that you lawfully own the item, such as, a receipt of purchase. You will need to sign <u>Part D - Declaration</u> of the claim form confirming that you are the legal owner of the item and that it was lawfully acquired, when completing the '**Zombie-Style' Knives and 'Zombie-Style' Machetes Surrender and Compensation Scheme Claim Form.**

Compensation is sought by submitting to the police a completed **'Zombie-Style' Knives** and **'Zombie-Style' Machetes Surrender and Compensation Scheme Claim Form.** This must be completed in advance and handed to the police, with any supporting documentation, at the time of the surrender. **Further detail is provided in** <u>Section 5</u>.

2.Entitlement (level of compensation payable)

The standard compensation amount for each surrendered weapon will be £10, though applicants will be able to claim that the value of their weapon exceeds this amount. No compensation will be payable in respect of a claim where the total is less than £30 and must be made at the same time as surrendering the weapon. This is the minimum amount of compensation that the Home Office will pay to the legal owners of items that are surrendered to the police under this scheme. If you consider that your item is worth more than the level of compensation set out, you will need to provide sufficient evidence of the item's value, which must be submitted at the time of surrendering the item to the police. This evidence will then be forwarded to the Home Office for consideration. **Further details are provided in Section 5**.

3.How to surrender

During the one-month (29 days) surrender period, you will be able to surrender the items listed in Annex A to your local designated police station. You can find out your nearest designated police station by checking the gov.uk website or by contacting your local police force.

If you are a retailer or member of the public who intends to surrender high-volume of items at one time (more than 10 items). **You will need to contact your designated police station** in advance to see whether the police would prefer you to make a specific

appointment to attend the police station and comply with the police directive of how to package and seal large consignments.

You must take all reasonable steps to make any item(s) that you are surrendering safe to handle whilst travelling to the police station and whilst on police premises. Items should be made safe to handle for yourself and for the police and must be contained in a manner that allows them to be transported without causing distress or alarm to other members of the public, including members of the public who might be at the designated police station.

Items must be wrapped up and placed in a sealed bag or box. **They must not be carried openly at any time.** Carrying bladed articles in public without a good reason or lawful authority is an offence. Carrying the items according to these instructions and accompanied by the claim form will allow you to claim that you have a 'good reason,' namely that you are about to surrender the articles at your nearest designated police station, if stopped by the police.

Once in the police station, you must not take out the item until you are requested to do so by a police officer or member of police staff.

4. How to claim compensation

You must also submit your claim form to the police at the same time you surrender items at the police station; claims for compensation submitted at a different time or on a later date will not be accepted. You should review the list of the weapons that will be subject to general prohibition and ensure you understand which are eligible for compensation, should you wish to make a claim. If you happen to bring an item that is not covered by the scheme to a police station, you may wish or will be required to surrender the item, without compensation, outside of the scheme.

You will also need to bring with you evidence to confirm your identity (such as a valid passport or driving licence) and, where possible, evidence to establish that you are the legal owner of the item(s) that you are surrendering. If it is difficult for the legal owner to attend a police station and you are surrendering items on their behalf, you must bring evidence to confirm their identity, their consent for you to surrender the item and, where available, evidence of proof of purchase of the item(s).

The police will take steps to verify your ownership and eligibility under the scheme, including verifying that the item you are surrendering is one covered under the scheme. The police will then take possession of the item(s) and provide you with a copy of your claim form as a receipt if you are seeking compensation. The receipt provides you with a unique reference number in relation to the item(s) you surrender for the purposes of tracking the compensation claim. You must keep this unique reference number safe, as it may be required later if the Home Office contact you about your claim.

Your compensation claim form and supporting documentations will then be forwarded by the police to the Home Office where it will be considered. The Home Office will contact you once the claim has been considered.

Even though the police have accepted your surrendered item(s) and compensation claim form, it does not necessary guarantee that you will receive compensation. Your claim will be considered by the Home Office.

With regards to high-volume stocks, claims for compensation may be made but you must provide proof of value.

Claims may only be made where the total value of the claim is at least £30.

The Checklists provided at Annex B for member of publics with less than 10 items and Annex C for retailers and members of the public with more than 10 items may help you to ensure that you have completed all the steps needed to successfully surrender your item(s).

5.What happens next?

If you are surrendering an item or items but you are not seeking compensation, once the police have taken possession of your item(s) the surrender process is completed. Your item(s) will be disposed of under normal police operational procedures.

If you are surrendering an item or items and are seeking compensation, once the police have taken possession of your item(s) they will retain the item(s) until your claim for compensation has been determined, unless that item poses a safety risk. Once determined the item(s) will be disposed of under normal police operational procedures or where it poses a safety risk it may need to be destroyed sooner.

If you have surrendered an item and you are seeking compensation and have indicated this on the '**Zombie-Style' Knives and 'Zombie-Style' Machetes Claim Form**, your form and any supporting documentation submitted to the police, will be forwarded by the police to the Home Office where it will be considered.

If for any reason it is determined that compensation should not be paid, you will be notified of this together with the reasons for the decision.

If the Home Office needs to contact you in relation to your claim, for example to clarify details on the form or to discuss the evidence of value that you have submitted, they will use the contact details you have provided on your claim form.

6.Contact

If you have a query in relation to your claim, you can send this to the Home Office case working team via email at <u>ZombieStyleKnivesCompensation@homeoffice.gov.uk</u>

If it is in relation to a claim that you have already made, please include your full name and your claim unique reference number.

7.Data Handling

Your details will be held with the police and the Home Office and recorded on the case working team's system and handled in line with data protection legislation. The Home Office's Personal Information Charter how we look after your information can be found here: https://www.gov.uk/government/organisations/home-office/about/personal-information-charter.

Annex A: Types of 'Zombie-Style' Knives and 'Zombie-Style' Machetes.

Note: Compensation can only be claimed for any of the items below if the total amount of the claim amounts to £30 or more.



Annex B: Checklist for members of the public



8	•If you accept the standard value of compensation, you must complete all sections of the compensation claim form. You should download a copy of the form from gov.uk. You should than take your weapon(s) and the completed claim form to a designated police station (see 10 below). Following the guidance in this document about safe storage during travel.
9	•If you do not accept the standard value of compensation and wish to seek a different amount, you must complete all sections of the compensation claim form and obtain evidence to support the higher value that you are claiming. You should download a copy of the form from gov.uk. You should then take your weapons and the completed claim form to a designated police station (see 10 below). Following the guidance in this document about safe storage during travel.
10	•Are you able to travel to a designated police station? You can find the nearest designated police station to you by looking at the list on gov.uk or by contacting your local police force. If you are able to travel yourself to a designated police station, go to step 12. If you are not able to travel yourself to a designated police station, go to step 11.
11	•If you are unable to travel yourself to a designated police station, you can ask somebody else to do this for you. You should give them your completed claim form, the weapon you are surrendering, evidence of value if appropriate and if possible along with written authoriasation for that person to surrender your weapon on your behalf. They will need to take some form of identification with them, they must follow the guidance in this document about safe storage of weapons whist travelling and in the police station. Now go to step 12.
12	•You, or your authorised representative can surrender your weapon at a designated police sation, following the guidance in this document about keeping the weapon safe while travelling and in the police station, and following instructions given by the police. You or your representative will be given a unique reference number which you should keep safe for future use.
13	•The Home Office will contact you as soon as possible about your compensation claim.
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Annex C: Checklist for retailers and members of the public with bulk surrendering





Annex D: 'Zombie-Style' Knives and 'Zombie-Style' Machetes Surrender and Compensation Claim Form





SURRENDER AND COMPENSATION SCHEME CLAIM FORM

(Please ensure that you have read the accompanying guidance before completing this form)

PLEASE COMPLETE IN BLOCK CAPITALS

PART A – Your Details

Title			
Forename			
Surname			
Date of Birth	Day	Month	Year
Your address	House number		
	Street		
	Village, Town, or City		
	County		
	Postcode		
Contact number			
Email			
PART B - Do you want to claim financial compensation for the item(s) you are surrendering to the police? Note your claim must amount to £30 or over to be eligible for compensation. Tick which box applies.			
Yes Now go to Part C of this form			
No Now go to Part D of this form			
PART C – Your bank account All compensation payments will be made by cheque if it is determined that compensation is payable. Please provide here the details of the bank account into which any compensation awarded to you will be paid. These details will be included on any cheque that is issued by the Home Office.			
Name of account ho	Name of account holder		
Account number			
Bank sort code			

PART D – Declaration and signature

I declare that I have read the guidance for the scheme.

I declare that I am the legal owner of the weapon(s) that I am surrendering to the police and it was/they were lawfully acquired by me.

I confirm that I understand that in surrendering the item(s) described in this form to the police, I have relinquished any entitlement to the ownership or use of the item(s).

I confirm that I owned the weapon(s) on the relevant date or contracted to acquire it on or before that date in order to be eligible to make a claim. The date is as follows:

If seeking compensation: I will accept the listed value in relation to the items for which I am making a claim. Tick which box applies.

Yes		No 🗌	Some	
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If "Yes" is ticked, I accept that the police may dispose of the item(s) concerned straightaway.

To the best of my knowledge and belief all the item(s) surrendered as part of this application are eligible for payment under the published terms of this scheme.

By signing this declaration, I authorise the police to pass on the information contained in this form to the Home Office for the purposes of processing any claim that I am making for financial compensation.

Signature of legal owner..... Date.....

PART E – Person surrendering the item(s) if not the legal owner

If you are surrendering the item(s) on behalf of the legal owner, please fill in the below form with your details. This is in addition to the signature of the legal owner above.

If you are surrendering item(s) on behalf of the legal owner, if the owner is unable to do so for any reason.

Title			
Forename(s)			
Surname			
Date of birth	Day	Month	Year
Your address	House number		
	Street		
	Village, town, or city		
	Postcode		

Signature of legal owner.....

Date.....

PART F – Official use only

Ref. How many Seeking Official zombie- Compensa use style tion? Enter Only knives or Y/N machetes?	If Y, do you accept the standard value of £10? Enter Y/N	If N and claiming individual value, enter value (£)	Has evidence to support individual value been provided? Enter Y/N	Total claim for item(s)
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Annex A: Guidance for completing the Criminal Justice Act 1988 (Offensive Weapons) (Amendment Order) 2024 - Claim Form

This section provides guidance for individuals completing this form. Further information can be found in 'The Criminal Justice Act 1988 (Offensive Weapons) (Amendment Order) 2024 - Guidance for surrender and claiming compensation' available on www.gov.uk. Alternatively, you can ask for assistance at the police station in which you are surrendering your items, you can email your question to the Home Office (email address will be published on gov.uk).

PART A – Your details

Please use this Part to provide the relevant details in the correct boxes. The police will need to verify your identity and it is important to provide correct contact details so you can be contacted regarding your claim(s) for compensation. Your phone number can be a landline or mobile.

Part A should include an email contact address. Contact by email rather than by post will avoid any delays in considering claims or paying compensation.

PART B – Do you want to claim financial compensation for the item(s) you are surrendering to the police?

Under the Criminal Justice Act 1988 (Offensive Weapons) (Amendment Order) 2024 Surrender and Compensation Scheme, legitimate and eligible owners of zombie-style knives or zombie-style machetes are entitled to financial compensation to cover the value of any item surrendered.

Please use this Part to indicate whether you are claiming financial compensation by ticking the relevant box - 'Yes' or 'No.'

Note, in the Order, the Home Office has set at £10 the standard amount of compensation that will be paid to the lawful owners of items that are surrendered to the police under this scheme. If you consider that your item is worth more than the standard amount of compensation, it is open to you to make a claim for the higher amount and if you wish to do so you must provide acceptable evidence of this value. This evidence, which must be submitted at the time of surrendering the item to the police, will be forwarded to the Home Office for consideration alongside your compensation claim. The amount of compensation due to you will be decided by the Home Office. If your claim is for over £10 for any single item, you will need to provide proof of ownership and it is recommended that you provide a photograph of the item as well. Further information on your potential entitlement and how to claim compensation can be found in The Criminal Justice Act 1988 (Offensive Weapons) (Amendment Order) 2024 - Guidance for surrender and claiming compensation' which is available on www.gov.uk.

PART C – Your bank account

If it is determined that compensation is payable, we will issue a cheque for that amount to be paid into the account specified in Part C of this form.

PART D – Declaration

You are required to complete this Part to confirm that you are the legal owner of the item(s) that you are surrendering, that it was lawfully acquired and that you are eligible to claim compensation, if applicable. You should have also read and ensured that you understood the guidance for the scheme before signing. Signing this Part also signals that you understand that in surrendering the item(s) you relinquish your ownership of the item(s) you are surrendering. If you are claiming financial compensation, you are also required to use this Part to confirm the following:

- 1. You will accept the compensation value listed in this document for your item(s).
- 2. You will not accept the compensation value listed in this document for your item(s) and are seeking a higher amount.

- 3. You will accept the compensation value listed in this document for some of your item(s) but will not accept the compensation value listed for other item(s).
- 4. You must tick which box applies to your application. If you are claiming compensation for an offensive weapon, you must have been the lawful owner on 1st September 2024.

If you acquired any of the above items after the relevant dates, you would still need to safely dispose of the items and should do so by surrendering them to the police at a designated police station. You will not, however, be eligible to claim compensation under this scheme. Signing the declaration also confirms that you agree that the police can pass on the information contained in this form to the Home Office for the purposes of processing any claim that you are making for financial compensation. Further information on your potential entitlement and how to claim compensation can be found in 'The Criminal Justice Act 1988 (Offensive Weapons) (Amendment Order) 2024 - Guidance for surrender and claiming compensation' which is available on www.gov.uk.

Annex B – This section is to be completed by the police

To be completed by the police. Once completed, a copy will be provided to the claimant as a receipt.

Application unique reference number: Format is Police Station Code + Property booking in reference. E.g., XXX-123456	
Police Force	
Name of receiving officer or staff (please print)	
Receiving station name	
Date received	
Identity of claimant confirmed? (Y/N)	
Ownership of claimant confirmed? (Y/N)	
All surrendered items correctly detailed? (Y/N) if no, use box below for details	
Is the value of the claim £30 or over? (Y/N)	
Valuation of relevant items provided and attached? (Y/N)	
Declarations completed and signed by application (Y/N)	
	e police to record any other information not ed, further detail can be recorded on another

For police use: Once completed, the entire form with all supporting documents should then be sent to and email address which will be published in gov.uk in due course (with the compensation claim's unique reference number added to the subject line. The Home Office will review the claim and respond directly to the claimant to confirm progress and next steps in due course. A copy or photo of the completed receipt at Annex B should be given to the claimant.