

CRIME AND POLICING BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

The Government has tabled further amendments to the Crime and Policing Bill for Commons Committee stage. These amendments introduce new delegated powers. This supplementary memorandum explains why the new powers have been taken and the justification for the procedure selected.

Civil penalties for content managers of platforms advertising etc unlawful weapons:

- a) New clause “*Failure to comply with content manager requirements: civil penalty*” (3): Power to uprate civil penalty for failure to comply with content manager requirements;
- b) New clause “*Failure to comply with content removal notice or decision notice: civil penalty*” (6): Power to uprate civil penalty for failure to comply with content removal notice or decision notice;
- c) New clause “*Content removal notices*” (5)(f): Power to specify form of, and further information contained in, content removal notice;
- d) New clause “*Guidance*”: Power to issue guidance about the exercise of functions under, or in connection with, new Chapter 2 of Part 2.

Power conferred on: Secretary of State

Power exercised by: (a) to (c) Regulations made by statutory instrument
(d) Statutory guidance

Parliamentary procedure: (a) to (c) Negative resolution procedure
(d) None

Context and purpose

1. New clauses “*Relevant user-to-user services*”, “*relevant search services*” and “*service providers*” to “*Chapter 2: interpretation*” and new Schedule “*Penalties for service providers and content managers*”, which together will form new Chapter 2 of Part 2 of the Bill, introduce a sanctions regime for social media platforms, online marketplaces and online search services, together with their senior managers, who fail to take down illegal content relating to knives and offensive weapons. The measures implement the Labour Party’s manifesto commitment to personally hold to account executives of online companies that flout the laws regulating the online sale of knives. These measures also support the tightening of controls on online sales of knives and the Government’s Safer Streets Mission on halving knife crime in a decade.
2. These new clauses grant chief officers of police and the Director General of the National Crime Agency (“NCA”) the power to issue content removal notices (“CRNs”) to online companies and a designated UK based senior manager of that

organisation to act as the “content manager” for the purpose of these provisions. These will require companies to take down specified illegal content relating to the sale of knives and offensive weapons within 48 hours. Recipients of CRNs will have the right to request they are reviewed by the police or NCA, as the case may be.

3. New clauses “*Notice requiring appointment of content manager*”, “*Appointment of content manager following change of circumstances*”, “*Replacement of content manager*” and “*Duty to notify changes in required information*” set out the criteria and process for online companies to appoint an appropriate person as content manager. Subsection (2) of new clause “*Failure to comply with content manager requirements: civil penalty*” confers on the police the power to issue a CPN of up to £60,000 to companies that fail to appoint an appropriate person as content manager when required to do so.
4. Following failure to comply with a CRN, new clause “*Failure to comply with content removal notice or decision notice: civil penalty*” confers on the police the power to issue civil penalty notices (“CPN”) of up to £60,000 to the online company and up to £10,000 to the designated content manager.
5. Subsection (3) of new clause “*Failure to comply with content manager requirements: civil penalty*” and subsection (6) of new clause “*Failure to comply with content removal notice or decision notice : civil penalty*” confers a power on the Secretary of State, by regulations, to uprate the maximum level of the civil penalties of £60,000 and £10,000 to reflect changes in the value of money.
6. Subsection (4) of new clause “*Content removal notices*” sets out the required content of a CRN. Subsection (5)(f) confers on the Secretary of State the power, by regulations, to prescribe the form of a CRN and prescribe additional information that must be included in such a notice.
7. New clause “*Guidance*” confers on the Secretary of State the power to issue statutory guidance to chief officers of police and the Director General of the NCA on how to exercise their functions under new Chapter 2 of Part 2 of the Bill. Chief officers and the NCA Director General must have regard to such guidance when exercising these functions.

Justification for the power

8. By virtue of subsections (5)(a) to (e) of new clause “*Content removal notices*”, the information to be included in a CRN will largely be set out on the face of primary legislation. It is considered appropriate to confer on the Secretary of State to prescribe additional information to be included in a CRN to reflect experience in the operation of the scheme and technological developments. For example, should new forms of social media emerge, additional information in a CPN may help social media platforms locate the specified illegal content to be removed.
9. The power to prescribe a standardised form of a CRN will assist the consistent operation of the scheme across the country to the benefit of both the police/NCA

and online companies/content managers. Leaving the form to be prescribed in secondary legislation will also enable it to be readily updated to reflect experience in operating the scheme and the addition of any new prescribed information to be included in a CRN. Moreover, prescribing the form of a CRN is an administrative matter appropriately left to secondary legislation. There are numerous precedents for the form of statutory notices and other similar documents to be left to subordinate legislation.

10. The powers to amend the sums specified in new clauses "*Failure to comply with content removal notice or decision notice: civil penalty*" and "*Failure to comply with content manager requirements: civil penalty*" will allow the civil penalties under this regime to be uprated in line with inflation. This will ensure that the amount of these civil penalties is not devalued over time. These are narrow powers, in particular, they do not extend to a power to make quantitative changes to the prescribed sums beyond those necessary to take account of inflation. There are numerous precedents for monetary limits specified in primary legislation being amended by secondary legislation.
11. The purpose of statutory guidance issued under new clause "*Guidance*" is to support the police and NCA in the discharge of their functions under new Chapter 2 of Part 2 of the Bill. Specifically, the guidance will provide detail on the responsibilities of the coordinating officer; the administration of appointment notices, CRNs, and CPN; the process for reviewing CRNs; and any other necessary detail on the operation of the sanctions regime. There is a vast range of statutory guidance, such as this, issued each year and it is important that guidance can be updated quickly to keep pace with operational good practice.

Justification for the procedure

12. By virtue of clause 132(4) of the Bill, regulations made under new clauses "*Failure to comply with content removal notice or decision notice: civil penalty*", "*Failure to comply with content manager requirements: civil penalty*" and "*Content removal notices*" are subject to the negative resolution procedure.
13. In relation to the powers to update the civil penalties in line with inflation, the negative procedure is considered to afford an adequate level of parliamentary scrutiny, notwithstanding that this is a Henry VIII power, as the effect of any such regulations would be no more than to restore the value of the civil penalties as originally approved by parliament when enacting this legislation.
14. In relation to the regulation-making power in new clause "*Content removal notices*", the negative procedure is considered to be afforded an appropriate level of parliamentary scrutiny given the administrative nature of any such regulations which will either simply proscribe the form of a CRN or specify additional information to be included in such a notice (by its nature, any such additional information, must be relevant to the operation of the scheme as set out in primary legislation).
15. Any guidance issued under new clause "*Guidance*" will not be subject to any parliamentary procedure on the grounds that it would provide practical advice on

the discharge by chief officers and the NCA Director General of their functions under new Chapter 2 of Part 2 of the Bill. The guidance will not conflict with, or alter the scope of, the duties on chief officers / the NCA Director General in new Chapter 2 of Part 2. Moreover, whilst chief officers and the NCA Director General will be required to have regard to the guidance when exercising those functions, the guidance will not be binding.

Remote sale of knives and crossbows:

- a) New clause “*Remote sales of knives etc*”: new section 141B(4A)(d) of the Criminal Justice Act 1988 – Power to add to the list of identity documents;
- b) New clause “*Delivery of knives etc*”: new section 39A(5)(d) of the Offensive Weapons Act 2019 – Power to add to the list of identity documents;
- c) New clause “*Remote sale and letting of crossbows*”: new section 1B(5)(d) of the Crossbows Act 1987 - Power to add to the list of identity documents;
- d) New clause “*Delivery of knives etc*”: new section 39A(7) of the Offensive Weapons Act 2019 – Power to provide for other defences for a person charged with an offence under section 38.
- e) New clause “*Delivery of knives etc*”: new section 40A(9) of the Offensive Weapons Act 2019 – Power to provide for other defences for a person charged with an offence under section 40A.
- f) New clause “*Delivery of crossbows*”: new section 1D(6) of the Crossbows Act 1987 - Power to provide for other defences for a person charged with an offence under section 1C.
- g) New clause “*Delivery of crossbows*”: new section 1E(7) of the Crossbows Act 1987 - Power to provide for other defences for a person charged with an offence under section 1E.
- h) New clause “*Delivery of knives etc*”: amendment to section 66(1) of the Offensive Weapons Act 2019 – Power to issue guidance relating to offensive weapons etc
- i) New clause “*Sale and delivery of crossbows: supplementary provision*”: amendment to section 66(1) of the Offensive Weapons Act 2019 – Power to issue guidance relating to offensive weapons etc

Power conferred on: Secretary of State

Power exercisable by: (a) to (g) Regulations made by statutory instrument
(h) and (i) Statutory guidance

Parliamentary procedure: (a) to (c) Negative procedure
(d) to (g) Draft affirmative procedure
(h) and (i) None

Context and purpose

16. New clauses “*Remote sales of knives etc*” and “*Delivery of knives etc*” introduce stricter age verification checks for the online sale and delivery of knives following the stabbing carried out in Southport in July 2024. The attacker had used a false identity to buy knives. The purpose is to impose strict requirements for age verification checks, and to ensure the item is only delivered to the buyer and not given to anyone else (where the buyer is an individual), to mitigate the risk that under 18s use fraudulent ways of identification in order to purchase knives online. The policy intention is to deter the acquisition of knives by under-18s, and to support the wider intention of reducing knife crime. New clauses “*Remote sale and letting of crossbows*”, “*Delivery of crossbows*” and “*Sale and delivery of crossbows: supplementary provision*” make similar provision for stricter age verification checks for the online sale, letting on hire, and delivery of crossbows or part of a crossbow.
17. New clause “*Remote sales of knives etc*” amends section 141B of the Criminal Justice Act 1988 (“CJA 1988”). Section 141A of the CJA 1988 (sale of knives, etc., to persons under 18) provides that a person who sells to a person a ‘bladed article’¹ will be guilty of an offence, subject to a maximum penalty of six months’ imprisonment (to be increased to two years by clause 11 of the Bill) or an unlimited fine or both. It is a defence for the defendant to prove they took all reasonable precautions and exercised all due diligence.
18. Section 141B of the CJA 1988 provides some limitations to that defence. Where the seller or seller’s agent is not in the presence of the buyer, the seller will not be regarded as having taken ‘all reasonable precautions and exercised all due diligence’ unless all of the following conditions were met:
- Condition A: the seller operated a system for checking a buyer is not under 18, and the system was likely to work.
 - Condition B: the package containing the article was clearly marked by the seller that it contained a bladed or sharply pointed article and it should only be delivered into the hands of a person aged 18 or over.
 - Condition C: the seller took all reasonable precautions and exercised all due diligence to ensure that it would be delivered into the hands of someone over 18.
 - Condition D: the seller did not deliver the package (or arrange for its delivery) to a “locker”².
19. Section 38 of the OWA 2019 (delivery to residential premises) provides that where the seller and buyer are not in each other’s presence at the time of the transaction, the seller commits an offence if the seller delivers or arranges delivery of the ‘bladed product’ to a residential premises or to a locker.
20. Section 38 is subject to the defences in section 40, including where:
- the seller took all reasonable precautions and exercised due diligence;

¹ i.e., any knife, knife blade, razor blade, axe and any other article which has a blade or is sharply pointed made or adapted for use causing injury to the person.

² As defined in ss141B(9).

- the seller, when delivering, had procedures in place to ensure it would not be given to a person aged under 18 at residential premises;
- the seller made sure the courier had procedures in place;
- the bladed article was a bespoke item for that buyer or was adapted for the buyer;
- the seller reasonably believed the buyer had bought bladed article for sporting purposes or historical re-enactment.

21. Section 39 of the OWA 2019 (delivery to persons under 18) provides where a UK-based seller has an arrangement with a courier which includes the delivery of bladed products, the courier when delivering to a residential premises commits an offence if the bladed article is not delivered into the hands of a person aged 18 or over. It is a defence for the courier to show they took all reasonable precautions and exercised all due diligence.

22. Where a section 141A 'article' is purchased and the seller and buyer are not present, new clause "*Remote sales of knives etc*" amends Condition A, one of the conditions that need to be met in order for the seller to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of an offence. The revised 'Condition A' requirement is that before the sale of the article (a) the seller must have obtained from the buyer (i) a copy of an identity document issued to the buyer, and (ii) a photograph of the buyer, and (b) on the basis of the documents obtained under paragraph (a), a reasonable person would have been satisfied that the buyer was aged 18 or over. For these purposes, new section 141B(4A)(a) to (c) of the CJA 1988 defines an identity document as a UK passport, a foreign passport, or a GB or Northern Ireland drivers licence.

23. New section 39A introduces defences for a seller in England and Wales who delivers or arranges for delivery of a bladed product to residential premises in contravention of the existing offence under section 38. New section 40A creates an offence for courier or person on behalf of the courier to deliver a bladed product sold by UK seller to residential premises. New section 42A creates an offence for courier or person on behalf of the courier to deliver a bladed article sold by non-UK seller to premises.

24. New clause "*Delivery of knives etc*" creates new offences on the part of the seller or courier unless they put measures in place to ensure that the item will not be handed to a person under 18 and to a person other than the buyer. The courier or person delivering on behalf of the courier must deliver the bladed product into the hands of the buyer, who must be at least 18 years old. If the courier or person delivering on behalf of the courier fails to do this, they may commit a summary offence attracting a maximum penalty of an unlimited fine.

25. It will, however, be a defence for a courier or person delivering on behalf of the courier to show that (where the buyer is an individual) they checked an official identity document (again defined as a UK or foreign passport or GB or Northern Ireland drivers licence) and that the ID has the name of the person indicated by the seller, and it shows that the holder is over 18, and that as far as they can tell, the picture in the ID is of the person receiving the package.

26. New section 141B(4A)(d) of the CJA 1988 and new section 39A(5)(d) of the OWA 2019 confer powers on the Secretary of State, by regulations, to add to the list of identity documents for these purposes.
27. New section 39A(7) and 40A(9) of the OWA 2019 enable the Secretary of State, by regulations, to provide for other defences for a person charged with an offence under sections 38 and 40A respectively.
28. Subsection (10) of new clause "*Delivery of knives etc*" amends section 66(1)(j) of the OWA 2019 to extend the power conferred on the Secretary of State to issue guidance relating to offensive weapons to include guidance on the effect of new sections 42A of that Act (delivery of bladed articles sold by non-UK seller to premises). Such guidance would also be capable of covering the provisions in new sections 39A and 40A of the OWA 2019 by virtue of the existing drafting of section 66(1)(j).
29. Subsection (2) of new clause "*Sale and delivery of crossbows: supplementary provision*" also amends section 66(1) of the OWA 2019 to extend the power conferred on the Secretary of State to issue guidance relating to offensive weapons to include guidance on the offences under the Crossbows Act 1987.
30. New clause "*Remote sale and letting of crossbows*" amends the Crossbows Act 1987 ("CA 1987"). Section 1 of the CA 1987 makes it an offence to sell or let for hire 'a crossbow or part of a crossbow' to a person under 18 unless they believe the person to be 18 or older and that they had reasonable grounds for the belief. The maximum penalty is six months' imprisonment or an unlimited fine. Sections 2 and 3 create offences of under-18s buying a crossbow or part of a crossbow and possessing a crossbow or part of a crossbow.
31. Section 1A of the CA 1987, which applies to Scotland only, provides some limitations to the defence in section 1. It is a defence to show that:
- (i) the accused believed the person to whom the crossbow or part was sold or let on hire to be aged 18 or over and either
 - (ii) the accused had taken reasonable steps to establish the purchaser or hirer's age, or
 - (iii) no reasonable person could have suspected from the purchaser or hirer's appearance that the purchaser or hirer was under the age of 18.
32. For the purpose of (i) above, the accused is to be treated as having taken reasonable steps to establish the purchaser or hirer's age if and only if the accused was shown a passport, a UK driving licence or a European Union photocard driving licence (or in the case of Scotland such other documents as the Scottish ministers may by order made by statutory instrument prescribe).
33. The amendments to the CA 1987 to introduce equivalent age verification methods as those in 141B of the CJA 1988 (as described in paragraph 18 above) for the sale or letting of a crossbow or part of a crossbow and with similar amendments to

‘Condition A’ as those proposed in the age verification policy for bladed articles (as described in paragraph 18 above).

34. As with bladed articles, before dispatch of the crossbow or part of a crossbow, the seller must receive from the buyer a copy of an identity document (namely a UK passport, a foreign passport, or a GB or Northern Ireland drivers licence) issued to the buyer and a photograph of the buyer and confirm that they are aged 18 or over.
35. New clause “*Delivery of crossbows*” inserts new section 1C into the CA 1987 to create a new offence on the part of the seller if they deliver or arrange for delivery to residential premises in respect of the sale or letting of a crossbow or part of a crossbow similar to that set out in section 38 of the OWA 2019, with equivalent defences to those in section 39A of the OWA 2019 in new section 1D of the CA 1987.
36. New clause “*Delivery of crossbows*” also inserts new section 1E into the CA 1987 which provides for a new offence on the part of the courier or person delivering on their behalf equivalent to the new offence described for the delivery of bladed article in new 42A of the OWA 2019.
37. The courier or person delivering on behalf of the courier must only provide crossbow or part of a crossbow into the hands of the actual buyer and only at the address the buyer provided at the outset. If the courier or person delivering on behalf of the courier fails to do this, they will commit a summary offence attracting a penalty of an unlimited fine.
38. It will, however, be a defence for a courier or person delivering on behalf of the courier to show that they checked an official identity document (defined as a UK or foreign passport or GB or Northern Ireland drivers licence) and that the ID has the name of the person indicated by the seller, and it shows that the holder is over 18, and that as far as they can tell, the picture in the ID is of the person at the doorstep.
39. New section 1B(5)(d) of the CA 1987 confers power on the Secretary of State, by regulations, to add to the list of identity documents for these purposes.
40. New sections 1D(6) and 1E(7) of the CA1987 enable the Secretary of State, by regulations, to provide for other defences for a person charged with an offence under sections 1C and 1E respectively.

Justification for the delegated power

41. Section 141B of the CJA 1988, section 39A of the OWA 2019 and section 1B of the CA 1987, as amended/inserted by the Bill, will set out the forms of acceptable proofs of identity for the purpose of the schemes relating to the sale and delivery of knives and crossbows provided for in those Acts. It is considered appropriate to include powers in the Bill to add to the list of identity documents for the purposes of these schemes. Such powers are necessary given that both physical and digital identity mechanisms are subject to innovation and technological change. In particular, the Data (Use and Access) Bill currently before the House seeks to set digital identity services on a statutory basis and it is likely that the Government will

want to amend the sales of knives legislation to add digital forms of ID to the list of acceptable forms of proof of identity.

42. The new clauses amending the OWA 2019 and CA 1987 provide for various defences for the offences in sections 38 and 40A of the OWA 2019 and section 1C and 1E of the CA 1987. It is considered appropriate to include powers to add to the list of defences, given that sale and delivery processes are subject to technological change. This may include the development of identity and age verification mechanisms that are not based on documents. Additionally, the Government may consider that it is appropriate to add additional defences to protect employees of sellers and couriers. There is an analogous power in section 40(13) of the OWA 2019 to add to defences provided for in section 40 in respect of the offences in sections 38 and 39 of that Act relating to the delivery of bladed products to residential premises and persons under 18, as such the new powers ensure parity and consistency with the existing legislation.
43. The purpose of guidance issued under section 66 of the OWA 2019 is to aid the implementation of the provisions in Parts 1 to 3 of the Act and existing legislation, as amended by that Act, governing the sale and possession of knives and offensive weapons by supplementing the legal framework provided for in Parts 1 to 3 of the Act and the legislation amended by those Parts. The guidance is available at: [Statutory guidance: Offensive Weapons Act 2019 \(accessible\) - GOV.UK](#). The existing guidance-issuing power already covers the provisions in sections 38 to 42 of the OWA 2019 relating to the sale and delivery of knives etc and the amendments to the scope of the power, including to cover the offences in sections 1 to 3 of the CA 1987, does not materially change the nature of the guidance.

Justification for the procedure

44. By virtue of new section 141B(11) of the CJA 1988, new section 68(2A) of the OWA 2019 and new section 6A(3) of the CA 1987, regulations made under section 141B(4A)(d) of the CJA 1988, section 39A(5)(d) of the OWA 2019 and new section 1B(5)(d) of the CA 1987 are subject to the negative resolution procedure. The negative procedure is considered appropriate given that any additions to the list of authorised identity documents will not alter the core requirements on online retailers to effectively establish the age and identity of their customers while, at the same time, affording greater choice and flexibility to such customers in terms of evidencing their age.
45. By virtue of new section 68(2A) of the OWA 2019 and new section 6A(2) of the CA 1987, regulations made under new section 39A(7) and 40A(9) of the OWA 2019 and new sections 1D(6) and 1E(7) of the CA 1987 are subject to the draft affirmative resolution procedure. The affirmative procedure is considered appropriate given that any regulations will narrow the scope of the relevant offences as approved by Parliament and it is therefore fitting that both Houses should first debate and approve any new defences. The application of the affirmative procedure is consistent with the approach taken in respect of the equivalent power in the OWA 2019

46. Guidance issued under section 66 of the OWA 2019 is not subject to any parliamentary procedure on the basis that it deals with practical advice to those affected by the legislation and has been the subject of consultation with interested parties before it is issued (as required by section 66(6)). The guidance does not, and indeed cannot, conflict with the statutory framework governing the sale and delivery of knives, offensive weapons and crossbows and there is no statutory duty for persons to have regard to or abide by the guidance. The extended power to issue guidance under section 66 does not materially change the nature of the power or the guidance and, as such, the Government continues to consider that it is appropriate for such guidance not be subject to any parliamentary procedure.

Bulk sale of knives etc - new clause “Duty to report remote sales of knives etc in bulk: England and Wales”:

- (a) new section 141D(1) of the Criminal Justice Act 1988 – power to make provision about the reporting of remote sales of knives etc;**
- (b) new section 141D(15) of the Criminal Justice Act 1988 – power to amend definition of a reportable sale of bladed articles**
- (c) amendment to section 66(1) of the Offensive Weapons Act 2019 – Power to issue guidance relating to offensive weapons etc**

Power conferred on: Secretary of State

Power exercisable by: (a) and (b) Regulations made by statutory instrument
(c) Statutory guidance

Parliamentary procedure: (a) Negative resolution procedure
(b) Draft affirmative procedure
(c) None

Context and purpose

47. New clause “Duty to report remote sales of knives etc in bulk: England and Wales” inserts new section 141D into the CJA 1988 which creates a duty on sellers to report “bulk” online sales, following the Clayman review. The Clayman review recommended that retailers are required to report bulk or suspicious sales of knives³. The purpose of the reporting is to enable informed law enforcement intervention to inhibit circumvention of controls on knife sales by individuals or “grey market” resellers of knives. These resellers typically do not apply requirements relating to age verification in the CJA 1988, or in the requirements in respect of the marketing of knives in the Knives Act 1997.

48. The reporting requirements for bulk sales will apply to sales of section 141A ‘articles’⁴ purchased or supplied when the seller and buyer are not present, but:

³ The Clayman Review is available at the following link: [Independent end-to-end review of online knife sales - GOV.UK](#)

⁴ i.e., any knife, knife blade, razor blade, axe and any other article which has a blade or is sharply pointed made or adapted for use causing injury to the person. This definition will also include knives, the possession of which are prohibited (subject to statutory defences) under the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 and the Restriction of Offensive Weapons Act 1959.

- i) excluding cutlery that does not have a sharp point; and
 - ii) with separate provision for sets of knives, such as those found in “knife blocks”, or hobby knife sets, according to which they are treated as a single purchase if conditions are met.
- 49. The reporting requirements will only apply if the buyer is an individual (as opposed to, for example, a company).
- 50. Failure to comply with the reporting requirements will be an offence, subject to a maximum penalty of an unlimited fine.
- 51. New section 141D(2) defines a reportable sale of bladed articles as any of the following:
 - (a) 6 or more bladed articles, none of which form a qualifying set;
 - (b) 2 or more qualifying sets;
 - (c) 1 or more qualifying sets and 5 or more bladed articles that do not form a qualifying set.
- 52. New section 141D(3) defines a “qualifying set” as “three or more bladed articles packaged together for sale as a single item, where each bladed article is a different size or shape from the others”.
- 53. The requirement to report applies where the number of bladed articles, qualifying sets or combination of the two as specified in new section 141D(2) are purchased either (a) in a single remote sale, or (b) in two or more remote sales in any period of 30 days— (i) to one person, or (ii) where the bladed articles are to be delivered to the same residential premises (see new section 141D(4)). The term “remote sale” is defined in new section 141A(5).
- 54. New section 141D(1) of the CDA 1988 confers a power on the Secretary of State to prescribe the details of the reports and the reporting process, that is to whom reports must be made. By virtue of new section 141D(13), such regulations may in particular include requirements about:
 - (a) how reports are to be made (that is the method of submission and to whom (expected to be a central police unit)),
 - (b) when reports are to be made, and
 - (c) the information reports must include (expected to be the details of the purchase and the name, address, and age of the purchaser) .
- 55. New section 141D(15) of the CJA 1988 confers a power on the Secretary of State to amend:
 - a) the number of bladed articles specified in new section 141D(3)(a);
 - b) the number of qualifying sets specified in new section 141D(3)(b);
 - c) the number of qualifying sets specified in new section 141D(3)(c);
 - d) the number of bladed articles specified in new section 141D(3)(c); and
 - e) the period specified in new section 141D(4)(b).

56. Subsection (2) of new clause “*Duty to report remote sales of knives etc in bulk: England and Wales*” amends section 66(1) of the OWA 2019 to extend the power conferred on the Secretary of State to issue guidance relating to offensive weapons to include guidance on the effect of new sections 141D of that CJA 1988 (Duty to report remote sales of knives etc in bulk: England and Wales).

Justification for the delegated power

57. New section 141D establishes the duty to report bulk purchases of bladed articles. The administrative arrangements in respect of the submission of reports, including the detail to be included in such reports, the method of submission, to whom they are to be sent and the deadline for submission, may appropriately be left to secondary legislation. The relevant details may change over time, for example if the central hub for receipt of such reports were to change or if additional categories of information were considered to be necessary, and leaving such details to regulations would enable necessary changes to be made promptly (as necessitated by the public safety purpose of the reporting scheme). There is an analogous power in respect of the reporting of suspicious sales of regulated or reportable substances under section 3C(7) of the Poisons Act 1972.
58. Similarly, new section 141D sets out what constitutes a bulk purchase for the purposes of the reporting duty. As the reporting requirement beds in, evidence may emerge that supports specifying a different qualifying number of bladed articles and/or qualifying sets or a different period for the purposes of new section 141D(4). For example, the police may find that they receive too many reports that do not form useful intelligence and request that the limits are increased. In these circumstances, it is considered appropriate that the specified qualifying amounts or the 30-day period can be changed promptly via secondary legislation to reduce the burdens on business and the police.
59. The purpose of guidance issued under section 66 of the OWA 2019 is to aid the implementation of the provisions in Parts 1 to 3 of the Act and existing legislation, as amended by that Act, governing the sale and possession of knives and offensive weapons by supplementing the legal framework provided for in Parts 1 to 3 of the Act and the legislation amended by those Parts. The guidance is available at: [Statutory guidance: Offensive Weapons Act 2019 \(accessible\) - GOV.UK](#). The existing guidance-issuing power already covers the provisions in sections 38 to 42 of the OWA 2019 relating to the sale and delivery of knives etc and the amendment to the scope of the power to cover the duty to report bulk sales does not materially change the nature of the guidance.

Justification for the procedure

60. By virtue of new section 141D(14) of the CJA 1988 any regulations made under new section 141D(1) are subject to the negative resolution procedure. The negative resolution procedure is considered appropriate for the power in new section 141D(1) given that regulations made under that subsection will essentially deal with the administrative arrangements for the submission of report. The

negative procedure mirrors the position with the analogous power in the Poisons Act 1972.

61. By virtue of new section 141D(16) of the CJA 1988 any regulations made under new section 141D(15) are subject to the draft affirmative resolution procedure. In relation to the power in new section 141D(15), the affirmative procedure is considered appropriate given that one potential effect of any regulations would be to place more onerous burdens on businesses to report knife sales to the police. The affirmative procedure is also considered apt as this is a Henry VIII power.
62. Guidance issued under section 66 of the OWA 2019 is not subject to any parliamentary procedure on the basis that it deals with practical advice to those affected by the legislation and has been the subject of consultation with interested parties before it is issued (as required by section 66(6)). The guidance does not, and indeed cannot, conflict with the statutory framework governing sale and delivery of knives and offensive weapons, including the new duty to report bulk sales, and there is no statutory duty for persons to have regard to or abide by the guidance. The extended power to issue guidance under section 66 does not materially change the nature of the power or the guidance and, as such, the Government continues to consider that it is appropriate for such guidance not be subject to any parliamentary procedure.

Home Office
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