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Public Bill Committee, Crime and Policing Bill  
House of Commons

25 April 2025

Dear Sir Roger, Emma, Mark and Rosena,

## **CRIME AND POLICING BILL: GOVERNMENT AMENDMENTS FOR COMMITTEE**

We are writing to provide members of the Public Bill Committee with details of a final tranche of Government amendments that we have tabled yesterday for Committee stage.

### **Online sale of knives and crossbows**

On 19 February, the Home Secretary [announced](#) that the government would be bringing forward a package of measures to strengthen the law on the online sale of knives. Taken together these would be known as “Ronan’s Law” in honour of Ronan Kanda who was tragically killed in 2022 in a case of mistaken identity near his home in Wolverhampton aged 16. The amendments we have tabled today:

- give effect to our manifesto commitment to hold senior managers of online platforms personally liable for failure to take action to remove illegal content relating to knives and offensive weapons;
- strengthen age verification requirements for the online sale and delivery of bladed products and crossbows; and
- introduce a requirement on retailers to report bulk and suspicious sales of bladed articles and offensive weapons.



Personal liability of senior managers of online platforms (new Chapter 2 of Part 2: “Advertising etc of unlawful weapons: civil penalties” and amendment to clause 134)

New Chapter 2 of Part 2 of the Bill (comprising 15 new clauses and a new Schedule) provides the police with the power to require online social media, marketplaces and search services to remove or hide illegal knife and offensive weapon related content.

It provides the police with the power to issue Content Removal Notices to online platforms and a designated UK-based executive of that company. These will require companies to take down specified illegal content relating to the sale of knives and offensive weapons within 48 hours. If the company fails to take down the specified content it will be liable for a Civil Penalty Notice of up to £60,000 and the designated executive will be personally liable for a Civil Penalty Notice of up to £10,000, subject to various safeguards.

When requested to do so by the police, online companies will be required to designate a UK-based senior executive who would be responsible for taking down specified illegal content, if such an appropriate person exists. If the company fails to designate a senior executive or confirm that no such person meets the criteria, then it will be liable for a Civil Penalty Notice of up to £60,000.

The police will exercise the powers under this regime through a national coordination hub. Content Removal Notices will typically be issued where the police come across illegal content in the course of their investigations or when notified of such content by a member of the public.

The provisions apply UK wide.

Age verification for the online sale and delivery of knives and crossbows (new clauses “Remote sales of knives etc”, “Delivery of knives etc”, “Remote sale and letting of crossbows”, “Delivery of crossbows” and “Sale and delivery of crossbows: supplementary provision” and amendment to clause 134)

Remote sale of knives

These amendments prescribe the actions that a seller, a delivery company and delivery driver must carry out to ensure that knives are not sold or delivered to a person aged under 18.

Existing provisions under the Criminal Justice Act 1988 already include the offence of selling to those under the age of 18 and a requirement, as part of the applicable defence, to have systems in place for age verification that meet defined standards. The amendments will require that sellers ensure that a package for delivery is marked as containing a bladed article and that it must only be delivered into the hands of a person aged 18 or over. Where the buyer is an individual, that person must be the buyer.



These provisions will strengthen the standards of age verification at both the point of sale and at delivery. Sellers will be required to check the buyer's age and identity using a passport or driving licence, and a current photograph. We are also introducing a new requirement that the item cannot be delivered to anyone other than the buyer, where the buyer is an individual. At delivery, age and identity will be verified again using an official identity document, namely a passport or driving licence. The delivery person will be required to hand the package only to the buyer and to nobody else, where the buyer is an individual. We anticipate that this two-step verification process will result in fewer instances where knives are sold to, and/or delivered into the hands of, a person under 18.

These provisions apply to England and Wales.

### Remote sale and hire of crossbows

The Crossbow Act 1987 currently makes it an offence to sell or hire a crossbow to a person under 18. The new age verification provisions as set out above for knives will be mirrored as far as possible for the remote sale and hire of crossbows or crossbow parts. The amendments require that sellers (or delivery companies who transfer packages) ensure that packages are marked as containing a crossbow when sent for delivery and that, at point of sale, photographic identification, such as a passport or driving licence, will be required to prove the buyer's age, and at the point of delivery photographic identification will be required to form a two-step verification process.

These provisions apply to England and Wales.

### Report of bulk or suspicious purchases of knives (new clause "*Duty to report remote sales of knives etc in bulk: England and Wales*")

This new clause will create an obligation on knife sellers to report to the police bulk or suspicious purchases of specified bladed articles, as defined under section 141A of the Criminal Justice Act 1988 (excluding cutlery knives, that is knives for eating food other than steak knives with a sharp point), made online. A "bulk" purchase will be defined in the legislation as the purchase of six or more knives on a single occasion. A "suspicious" purchase will be the purchase of six or more knives in more than one transaction in a 30-day period to the same person or same address. In addition, there will be a limited exception for the purchase of sets of knives containing three or more different knives, such as knife blocks. Where more than one set is bought in a single transaction or in a 30-day period this will be considered a bulk or suspicious purchase respectively. The new clause includes a power to amend the definition of a bulk purchase by regulations.

These provisions apply to England and Wales.



**Public order (new clauses “*Places of worship: restriction on protests*”, “*Powers of senior officers to impose conditions on protests*” and “*Amendments relating to British Transport Police and Ministry of Defence Police*” and amendments to clauses 134 and 135)**

The Home Secretary announced on 27 March ([Places of worship to be protected from intimidating protests - GOV.UK](https://www.gov.uk/government/news/places-of-worship-to-be-protected-from-intimidating-protests)) the Government's intention to bring forward amendments to the Bill introducing new measures to protect places of worship, such as synagogues, mosques, churches and other places of worship from intimidating levels of disruption caused by protest activity. New clause “*Places of worship: restriction on protests*” builds on existing powers under sections 12, 14 and 14ZA of the Public Order Act 1986 (the 1986 Act) by providing a new threshold for officers to be able to impose conditions – including on the route and timing of a protest – where the effect of a protest in England and Wales is to intimidate those attending a place of worship and deter them from accessing it. This will give the police clarity on how and when they can protect religious sites from the types of protest designed to disrupt them.

New clause “*Powers of senior officers to impose conditions on protests*” amends the definition of “senior police officer” within sections 12 and 14 of the 1986 Act. Currently, for conditions imposed on planned protests in advance of them going ahead or people gathering, the senior police officer is the chief constable (or the Commissioner in the case of the Metropolitan Police and the City of London Police). For conditions imposed on protests where people are assembling with a view to taking part in the protest or where the protest is already in the process of taking place, the term senior police officer refers to the most senior officer present at the scene at the time. This new clause extends the power to place conditions to the senior officer (in England and Wales) with direct oversight of the operation. This would allow for tactical and strategic commanders, who are not present at the scene but nonetheless are leading the operation, to be able to impose conditions as well as the senior officer present at the scene. The police have stated that this would improve their ability to effectively manage protests to maintain public order and public safety.

Finally, new clause “*Amendments relating to British Transport Police and Ministry of Defence Police*” ensures that public order legislation applies appropriately to the British Transport Police (BTP) and Ministry of Defence Police (MDP). In particular, the new clause addresses the following issues:

- Sections 14 and 14A of the 1986 Act allows for the imposing of conditions on public assemblies and for prohibiting trespassory assemblies that take place in an open-air location. This restriction limits the scope of these powers where a public assembly or a trespassory assembly takes place at a railway station. The new clause amends the 1986 Act definitions to ensure that BTP can properly exercise these powers within their jurisdiction. This provision applies to Great Britain.



- Section 60 of the Criminal Justice and Public Order Act 1994 (the 1994 Act) provides for a power to stop and search in an area where a police authorisation is in place in anticipation of, or after, serious violence. Section 60AA of the 1994 Act then confers a power on a constable to require a person in an area where an authorisation is in place under section 60 or 60AA to remove a face covering or other item where the constable reasonably believes it is being used to conceal the wearer's identity. These powers may be authorised by an officer of at least the rank of inspector. Amendments made to section 60AA in 2004 erroneously prevented BTP from exercising the powers in that section as originally intended. The amendment to section 60AA (which applies to England and Wales only) rectifies this defect in the legislation. In addition, the new clause enables the MDP to exercise the powers in sections 60 and 60AA within their jurisdiction, subject to the same safeguards as provided for in those sections.

**Anonymity of firearms officers (new clauses “*Anonymity for authorised firearms officers charged with qualifying offences*”, “*Anonymity for authorised firearms officers appealing convictions for qualifying offences*”, “*Authorised firearms officers: reporting directions*” and “*Authorised firearms officers: anonymity orders*” and amendment to clause 134)**

In criminal courts, adult defendants do not have a general right to anonymity, reflecting the principles of open justice. However, judges may impose reporting restrictions in exceptional circumstances to prevent the publication of identifying details if doing so would pose a substantial risk of prejudice to the administration of justice. These restrictions only apply after a person has been charged. Suspects who have not been charged with a criminal offence should not ordinarily be named by the police except in exceptional circumstances, such as a threat to life.

The work of armed police officers is unique and dangerous. Firearms officers are trained to use lethal force on behalf of the state to protect life. They and their families are likely to be at increased risk of reprisal from criminals and organised gangs if their identity is revealed following an armed incident.

These new clauses therefore establish:

- a presumption that prevents the names, dates of birth and addresses of firearms officers who are charged with offences relating to, and committed during, their duties from being released in the listing for the first hearing and in open court.
- a presumption that reporting restrictions will be ordered which prevent the publication of details relating to the defendant that are likely to reveal their identity.



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- a statutory power to enable the court to direct that any measure can be taken to prevent the defendant's identity from being known by the public present in the courtroom, where necessary in the interests of justice; and
- a power for the court to consider an application for anonymity to continue post-sentence, where necessary in the interests of justice, should the defendant wish to appeal the conviction.

These provisions apply to England and Wales insofar as they relate to proceedings in respect of firearms officers who are members of a police force in England and Wales, the National Crime Agency, the British Transport Police, Ministry of Defence Police and Civil Nuclear Constabulary, and apply anywhere in respect of proceedings in respect of firearms officers who are members of the armed forces.

**Dangerous cycling (new clause "*Dangerous, careless or inconsiderate cycling*" and amendment to clause 134)**

This new clause amends the Road Traffic Act 1988 to update road traffic law by introducing new offences of causing death by dangerous cycling, causing serious injury by dangerous cycling, causing death by careless or inconsiderate cycling, and causing serious injury by careless or inconsiderate cycling. These new offences match the motoring offences (and maximum penalties) that already exist for similar behaviour by drivers. These new offences will extend to public roads and other public places, again to match the existing motoring offences. This measure applies Great Britain-wide.

We attach supplementary delegated powers and ECHR memorandums.

We are copying this letter to all members of the Public Bill Committee, Dame Karen Bradley (Chair, Home Affairs Committee), Sir Iain Duncan-Smith and Lord Alton of Liverpool (Chair, Joint Committee on Human Rights).

Yours sincerely,

**Diana Johnson DBE MP**  
Minister of State for Policing  
and Crime Prevention

**Alex Davies-Jones MP**  
Parliamentary Under-Secretary  
of State for Victims

# Crime and Policing Bill — Committee Stage

Dame Diana Johnson

Gov

[OPC2]

To move the following Clause—

## **“Remote sales of knives etc**

- (1) Section 141B of the Criminal Justice Act 1988 (remote sales of knives) is amended as follows.
- (2) For subsection (4) substitute—
  - “(4) Condition A is that, before the sale—
    - (a) the seller 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 things obtained under paragraph (a), a reasonable person would have been satisfied that the buyer was aged 18 or over.
- (4A) For the purposes of subsection (4) an “identity document” means—
  - (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
  - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
  - (c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));
  - (d) any other document specified in regulations made by the Secretary of State.”
- (3) In subsection (5)(b), for “a person aged 18 or over” substitute “the buyer”.
- (4) In subsection (6), for “a person aged 18 or over” substitute “the buyer”.
- (5) In subsection (8), omit “or a person acting on behalf of the buyer” in both places it occurs.
- (6) After subsection (9) insert—
  - “(10) Regulations made by the Secretary of State under this section are to be made by statutory instrument.
  - (11) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.””

### Member's explanatory statement

This amendment makes changes to the defences available to a person who sells knives etc to under 18s, in contravention of section 141A of the Criminal Justice Act 1988, where the sale is made remotely (e.g. online).

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Dame Diana Johnson

Gov

[OPC4]

To move the following Clause—

#### **“Delivery of knives etc**

- (1) The Offensive Weapons Act 2019 is amended as follows.
- (2) After section 39 insert—

#### **“39A Defences to offence under section 38: England and Wales**

- (1) It is a defence for a person charged in England and Wales with an offence under section 38(2) of delivering a bladed product to residential premises to show that the delivery conditions were met.
- (2) It is a defence for a person (“the seller”) charged in England and Wales with an offence under section 38(2) of arranging for the delivery of a bladed product to residential premises to show that—
  - (a) the arrangement required the person with whom it was made not to finally deliver the bladed product unless the delivery conditions were met, and
  - (b) the seller took all reasonable precautions and exercised all due diligence to ensure that the product would not be finally delivered unless the delivery conditions were met.
- (3) It is a defence for a person charged in England and Wales with an offence under section 38(3) to show that they took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (4) The delivery conditions are that—
  - (a) the person (“P”) into whose hands the bladed product was finally delivered showed the person delivering it an identity document issued to P, and
  - (b) on the basis of that document a reasonable person would have been satisfied—
    - (i) that P was over 18, and
    - (ii) if the buyer was an individual, that P was the buyer.
- (5) In subsection (4) “identity document” means—
  - (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
  - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;



- (c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));
  - (d) any other document specified in regulations made by the Secretary of State.
- (6) A person is to be taken to have shown a matter for the purposes of this section if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (7) The Secretary of State may by regulations provide for other defences for a person charged in England and Wales with an offence under section 38."
- (3) After section 40 insert—

**"40A Delivery of bladed products sold by UK seller to residential premises: England and Wales**

- (1) This section applies if—
  - (a) a person ("the seller") sells a bladed product to another person ("the buyer"),
  - (b) the seller and the buyer are not in each other's presence at the time of the sale and the seller is within the United Kingdom at that time,
  - (c) before the sale the seller entered into an arrangement with a person ("the courier") by which the courier agreed to deliver bladed products for the seller,
  - (d) the courier was aware when they entered into the arrangement that it covered the delivery of bladed products, and
  - (e) pursuant to the arrangement, the courier finally delivers the bladed product to residential premises in England or Wales.
- (2) The courier commits an offence if, when they finally deliver the bladed product to residential premises in England and Wales, they do not deliver it into the hands of a person who—
  - (a) is aged 18 or over, and
  - (b) if the buyer is an individual, is the buyer.
- (3) A person finally delivering the bladed product to residential premises in England and Wales on behalf of the courier commits an offence if, when they deliver it, they do not deliver it into the hands of a person who—
  - (a) is aged 18 or over, and
  - (b) if the buyer is an individual, is the buyer.
- (4) It is a defence for a person charged with an offence under subsection (2) to show that the delivery conditions (within the meaning of section 39A(4)) were met.

- (5) It is a defence for a person charged with an offence under subsection (3) to show that—
    - (a) the delivery conditions (within the meaning of section 39A(4)) were met, or
    - (b) the person did not know, and a reasonable person would not have known, that the person was delivering a bladed product.
  - (6) A person is to be taken to have shown a matter for the purposes of this section if—
    - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
    - (b) the contrary is not proved beyond reasonable doubt.
  - (7) A person guilty of an offence under this section is liable on summary conviction to a fine.
  - (8) Section 39(2) to (5) applies for the purposes of subsection (1)(b) and (e) as it applies for the purposes of section 39(1)(b) and (e).
  - (9) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.”
- (4) After section 42 insert—

**“42A Delivery of bladed articles sold by non-UK seller to premises:  
England and Wales**

- (1) This section applies if—
  - (a) a person (“the seller”) sells a bladed article to another person (“the buyer”),
  - (b) the seller and the buyer are not in each other’s presence at the time of the sale and the seller is outside the United Kingdom at that time,
  - (c) before the sale the seller entered into an arrangement with a person (“the courier”) by which the courier agreed to deliver bladed articles for the seller,
  - (d) the courier was aware when they entered into the arrangement that it covered the delivery of bladed articles, and
  - (e) pursuant to the arrangement, the courier finally delivers the bladed article to premises in England or Wales.
- (2) The courier commits an offence if, when they finally deliver the bladed article, they do not deliver it into the hands of a person who—
  - (a) is aged 18 or over, and
  - (b) if the buyer is an individual, is the buyer.
- (3) A person finally delivering the bladed article on behalf of the courier commits an offence if, when they deliver the bladed article, they do not deliver it into the hands of a person who—
  - (a) is aged 18 or over, and
  - (b) if the buyer is an individual, is the buyer.

- (4) It is a defence for a person charged with an offence under subsection (2) to show that the delivery conditions were met.
- (5) It is a defence for a person charged with an offence under subsection (3) to show that—
  - (a) the delivery conditions were met, or
  - (b) the person did not know, and a reasonable person would not have known, that the person was delivering a bladed article.
- (6) A person is to be taken to have shown a matter for the purposes of this section if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (8) Section 42(2) and (3) applies for the purposes of subsection (1)(b) as it applies for the purposes of section 42(1)(b).
- (9) In this section—
  - “bladed article” means an article to which section 141A of the Criminal Justice Act 1988 applies (as that section has effect in relation to England and Wales);
  - “delivery conditions” has the meaning given by section 39A(4), but reading the reference in that section to a bladed product as a reference to a bladed article.”
- (5) In section 38(10) (offences) for “section” substitute “sections 39A and”.
- (6) In section 39 (delivery of bladed products to persons under 18)—
  - (a) in the heading, at the end insert “: Scotland and Northern Ireland”;
  - (b) in subsection (1)(e) after “premises” insert “in Scotland or Northern Ireland”;
  - (c) in subsection (7) omit paragraph (a).
- (7) In section 40 (defences to delivery offences under sections 38 and 39)—
  - (a) in the heading, after “39” insert “: Scotland and Northern Ireland”;
  - (b) in subsection (1) after “charged” insert “in Scotland or Northern Ireland”;
  - (c) in subsection (2) after “charged” insert “in Scotland or Northern Ireland”;
  - (d) in subsection (3) after “charged” insert “in Scotland or Northern Ireland”;
  - (e) in subsection (4) after “charged” insert “in Scotland or Northern Ireland”;
  - (f) in subsection (5) after “charged” insert “in Scotland or Northern Ireland”;
  - (g) in subsection (6) after “charged” insert “in Scotland or Northern Ireland”;
  - (h) in subsection (7), omit “England and Wales or”;

- (i) in subsection (14), in the definition of “appropriate national authority” omit paragraph (a).
- (8) In section 41 (meaning of “bladed product” in sections 38 to 40)—
  - (a) in the heading, for “40” substitute “40A”;
  - (b) in subsection (1) for “40” substitute “40A”;
  - (c) in subsection (2) for “40” substitute “40A”.
- (9) In section 42 (delivery of knives etc pursuant to arrangement with seller outside UK)—
  - (a) in the heading, at the end insert “: Scotland and Northern Ireland”;
  - (b) in subsection (1)(e), after “article” insert “to premises in Scotland or Northern Ireland”;
  - (c) in subsection (5) omit “England and Wales or”;
  - (d) omit subsection (10)(a);
  - (e) omit subsection (11)(a).
- (10) In section 66(1)(j) (guidance on offences relating to offensive weapons etc) for “42” substitute “42A”.
- (11) In section 68 (regulations and orders)—
  - (a) in subsection (2) after “State” insert, “, except for regulations under section 39A(5)(d),”;
  - (b) after subsection (2) insert—
    - “(2A) A statutory instrument containing regulations under section 39A(5)(d) is subject to annulment in pursuance of a resolution of either House of Parliament.”

**Member's explanatory statement**

This amendment makes changes to the offences and defences relating to delivery of knives to premises in England and Wales following a remote sale.

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**Dame Diana Johnson**

**Gov [OPC13]**

To move the following Clause—

**“Duty to report remote sales of knives etc in bulk: England and Wales**

- (1) In the Criminal Justice Act 1988, after section 141C insert—

**“141D Duty to report remote sales of knives etc in bulk: England and Wales**

- (1) A person (“the seller”) must, in accordance with requirements specified in regulations made by the Secretary of State by statutory instrument, report to the person specified in the regulations any reportable sales the seller makes of bladed articles.
- (2) A reportable sale of bladed articles occurs where the seller, in any of the ways set out in subsection (4), sells—
  - (a) six or more bladed articles, none of which form a qualifying set of bladed articles;

- (b) two or more qualifying sets of bladed articles;
  - (c) one or more qualifying sets of bladed articles and five or more bladed articles that do not form a qualifying set.
- (3) "Qualifying set of bladed articles" means 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.
- (4) The ways are—
  - (a) in a single remote sale where the bladed articles are to be delivered to an address in England and Wales, or
  - (b) in two or more remote sales in any period of 30 days—
    - (i) to one person, where the bladed articles are to be delivered to one or more addresses in England and Wales, or
    - (ii) to two or more persons, where the bladed articles are to be delivered to the same residential premises in England and Wales.
- (5) A sale of bladed articles is "remote" if the seller and the person to whom the bladed article is sold are not in each other's presence at the time of the sale.
- (6) For the purposes of subsection (5) a person ("A") is not in the presence of another person ("B") at any time if—
  - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
  - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (7) A sale is not reportable if the person to whom the articles are sold ("the buyer")—
  - (a) informs the seller that the buyer is carrying on a business, and
  - (b) is—
    - (i) registered for value added tax under the Value Added Tax Act 1994, or
    - (ii) registered as a company under the Companies Act 2006.
- (8) A person who fails to comply with subsection (1) commits an offence.
- (9) It is a defence for a person charged with an offence under subsection (8) to show that the person took all reasonable precautions, and exercised all due diligence, to avoid commission of the offence.
- (10) A person is to be taken to have shown a matter for the purposes of this section if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.

- (11) A person who commits an offence under subsection (8) is liable on summary conviction to a fine.
- (12) In this section—
  - “bladed article” means an article to which section 141A applies (as that section has effect in relation to England and Wales), other than a knife which does not have a sharp point and is designed for eating food;
  - “residential premises” means premises used for residential purposes (whether or not also used for other purposes).
- (13) Regulations made by the Secretary of State under subsection (1) may in particular include requirements about—
  - (a) how reports are to be made,
  - (b) when reports to be made, and
  - (c) the information reports must include.
- (14) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (15) The Secretary of State may by regulations made by statutory instrument amend—
  - (a) the number of bladed articles specified in subsection (2)(a);
  - (b) the number of qualifying sets specified in subsection (2)(b);
  - (c) the number of qualifying sets specified in subsection (2)(c);
  - (d) the number of bladed articles specified in subsection (2)(c);
  - (e) the period specified in subsection (4)(b).
- (16) A statutory instrument containing regulations under subsection (15) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (2) In the Offensive Weapons Act 2019, in section 66(1) (guidance on offences relating to offensive weapons etc) after paragraph (g) insert—
  - “(ga) section 141D of that Act (duty to report remote sales of knives etc in bulk: England and Wales),”

**Member's explanatory statement**

This amendment imposes a requirement on sellers of bladed articles to report bulk sales to a person specified in regulations.

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**Dame Diana Johnson**

**Gov [OPC14]**

To move the following Clause—

**“Remote sale and letting of crossbows**

- (1) The Crossbows Act 1987 is amended as follows.

- (2) In section 1 omit “unless he believes him to be eighteen years or older and has reasonable grounds for the belief”.
- (3) After section 1A insert—

**“1B Defences to offence under section 1: England and Wales**

- (1) It is a defence for a person charged with an offence under section 1 to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) Subsection (3) applies if—
  - (a) a person (“A”) is charged with an offence under section 1, and
  - (b) A was not in the presence of the person (“B”) to whom the crossbow or part of a crossbow was sold or let on hire at the time of the sale or letting on hire.
- (3) A is not to be regarded as having shown that A took all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, A shows that the following conditions are met.
- (4) Condition 1 is that, before the sale or letting on hire—
  - (a) A obtained from B—
    - (i) a copy of an identity document issued to B, and
    - (ii) a photograph of B, and
  - (b) on the basis of the things obtained under paragraph (a), a reasonable person would have been satisfied that B was aged 18 or over.
- (5) For the purposes of subsection (4) an “identity document” means—
  - (a) a United Kingdom passport (within the meaning of the Immigration Act 1971);
  - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;
  - (c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));
  - (d) any other document specified in regulations made by the Secretary of State.
- (6) Condition 2 is that when the package containing the crossbow or part of the crossbow was dispatched by A, it was clearly marked to indicate—
  - (a) that it contained a crossbow or part of a crossbow, and
  - (b) that, when finally delivered, it should only be delivered into the hands of B.
- (7) Condition 3 is that A took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of B.

- (8) Condition 4 is that A did not deliver the package, or arrange for its delivery, to a locker.
- (9) Where the crossbow or part of a crossbow was dispatched by A to a place from which it was to be collected by B, references in subsections (6) and (7) to its final delivery are to be read as its supply to B from that place.
- (10) In subsection (7) “locker” means a lockable container to which the package is delivered with a view to its collection by B, or a person acting on behalf of B, in accordance with arrangements made between A and B.””

**Member's explanatory statement**

This amendment makes changes to the defences available to a person who sells crossbows etc to under 18s, in contravention of section 1 of the Crossbows Act 1987, where the sale is made remotely (e.g. online).

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**Dame Diana Johnson**

**Gov [OPC15]**

To move the following Clause—

**“Delivery of crossbows**

In the Crossbows Act 1987, after section 1B (inserted by section (*Remote sale and letting of crossbows*)) insert—

**“1C Offence of seller delivering crossbows or parts of crossbows to residential premises in England or Wales**

- (1) This section applies if—
  - (a) a person (“A”) sells or lets on hire a crossbow or part of a crossbow to another person (“B”), and
  - (b) A and B are not in each other's presence at the time of the sale.
- (2) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A—
  - (a) delivers the crossbow or part of a crossbow to residential premises in England or Wales, or
  - (b) arranges for its delivery to residential premises in England or Wales.
- (3) A commits an offence if, for the purposes of supplying the crossbow or part of a crossbow to B, A—
  - (a) delivers the crossbow or part of a crossbow to a locker in England or Wales, or
  - (b) arranges for its delivery to a locker in England or Wales.
- (4) In subsection (3) “locker” means a lockable container to which the crossbow or part of a crossbow is delivered with a view to its collection by B, or a person acting on behalf of B, in accordance with arrangements made between A and B.



- (5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).
- (6) The “maximum term for summary offences”, in relation to an offence, means—
  - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;
  - (b) if the offence is committed after that time, 51 weeks.

#### **1D Defences to offences under section 1C**

- (1) It is a defence for a person charged with an offence under section 1C(2)(a) to show that the delivery conditions were met.
- (2) It is a defence for a person charged with an offence under section 1C(2)(b) to show that—
  - (a) the arrangement required the person with whom it was made not to finally deliver the crossbow or part of a crossbow unless the delivery conditions were met, and
  - (b) the person charged with the offence took all reasonable precautions and exercised all due diligence to ensure that the crossbow or part of a crossbow would not be finally delivered unless the delivery conditions were met.
- (3) It is a defence for a person charged with an offence under section 1C(3) to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (4) For the purposes of this section the delivery conditions are that—
  - (a) the person (“P”) into whose hands the crossbow or part of a crossbow was finally delivered showed the person delivering it an identity document issued to P, and
  - (b) on the basis of that document a reasonable person would have been satisfied—
    - (i) that P was over 18, and
    - (ii) if the person to whom the crossbow or part of the crossbow was sold or let on hire was an individual, that P was that individual.
- (5) “Identity document” has the same meaning as in section 1B(5).
- (6) The Secretary of State may by regulations provide for other defences for a person charged with an offence under section 1C.

#### **1E Offence of delivery business delivering crossbows or parts of crossbows to residential premises in England and Wales on behalf of UK seller**

- (1) This section applies if—
  - (a) a person (“A”) sells or lets for hire a crossbow or part of a crossbow to another person (“B”),

- (b) A and B are not in each other's presence at the time of the sale or letting on hire and A is within the United Kingdom at that time,
  - (c) before the sale or letting on hire A entered into an arrangement with a person ("C") by which C agreed to deliver crossbows or parts of crossbows for A,
  - (d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows, and
  - (e) pursuant to the arrangement, C finally delivers the crossbow or part of a crossbow to residential premises in England or Wales.
- (2) For the purposes of subsection (1)(b) a person other than an individual is within the United Kingdom at any time if the person carries on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (3) C commits an offence if, when they finally deliver the crossbow or part of a crossbow to residential premises in England or Wales, they do not deliver it into the hands of a person who—
  - (a) is aged 18 or over, and
  - (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.
- (4) A person finally delivering the crossbow or part of a crossbow to residential premises in England or Wales on behalf of C commits an offence if, when they deliver it, they do not deliver it into the hands of a person who—
  - (a) is aged 18 or over, and
  - (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.
- (5) It is a defence for a person charged with an offence under subsection (3) to show that the delivery conditions (within the meaning of section 1D(4)) were met.
- (6) It is a defence for a person charged with an offence under subsection (4) to show that—
  - (a) the delivery conditions (within the meaning of section 1D(4)) were met, or
  - (b) the person did not know, and a reasonable person would not have known, that the person was delivering a crossbow or part of a crossbow.
- (7) The Secretary of State may by regulations provide for other defences for a person charged with an offence under this section.
- (8) A person guilty of an offence under this section is liable on summary conviction to a fine.

**1F Offence of delivery business delivering crossbows or parts of crossbows to premises in England and Wales on behalf of non-UK seller**

- (1) This section applies if—
  - (a) a person ("A") sells or lets for hire a crossbow or part of a crossbow to another person ("B"),
  - (b) A and B are not in each other's presence at the time of the sale or letting on hire and A is outside the United Kingdom at that time,
  - (c) before the sale or letting on hire A entered into an arrangement with a person ("C") by which C agreed to deliver crossbows or parts of crossbows for A,
  - (d) C was aware when they entered into the arrangement that it covered the delivery of crossbows or parts of crossbows, and
  - (e) pursuant to the arrangement, C finally delivers the crossbow or part of a crossbow to premises in England and Wales.
- (2) For the purposes of subsection (1)(b) a person other than an individual is outside the United Kingdom at any time if the person does not carry on a business of selling articles of any kind from premises in any part of the United Kingdom at that time.
- (3) C commits an offence if, when they finally deliver the crossbow or part of a crossbow to premises in England or Wales, they do not deliver it into the hands of a person who—
  - (a) is aged 18 or over, and
  - (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.
- (4) Any person finally delivering the crossbow or part of a crossbow to premises in England or Wales on behalf of C commits an offence if, when they deliver it, they do not deliver it into the hands of a person who—
  - (a) is aged 18 or over, and
  - (b) if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (6) It is a defence for a person charged with an offence under subsection (3) to show that the delivery conditions (within the meaning of section 1D(4)) were met.
- (7) It is a defence for a person charged with an offence under subsection (4) to show that—
  - (a) the delivery conditions (within the meaning of section 1D(4)) were met, or
  - (b) the person did not know, and a reasonable person would not have known, that the person was delivering a crossbow or part of a crossbow."

### Member's explanatory statement

This amendment creates offences relating to delivery of crossbows to premises following a remote sale equivalent to the offences relating to knives in sections 38 to 42 of the Offensive Weapons Act 2019.

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Dame Diana Johnson

Gov [OPC16]

To move the following Clause—

#### **“Sale and delivery of crossbows: supplementary provision**

- (1) After section 1F of the Crossbows Act 1987 (inserted by section (*Delivery of crossbows*)) insert—

#### **“1G Interpretation of sections 1B to 1F**

- (1) This section applies for the interpretation of sections 1B to 1F.
- (2) A person (“A”) is not in the presence of another person (“B”) at any time if—
  - (a) where A is an individual, A or a person acting on behalf of A is not in the presence of B at that time;
  - (b) where A is not an individual, a person acting on behalf of A is not in the presence of B at that time.
- (3) “Residential premises” means premises used solely for residential purposes.
- (4) The circumstances where premises are not residential premises include, in particular, where a person carries on a business from the premises.
- (5) A person charged with an offence is taken to have shown a matter if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.”
- (2) After section 6 of the Crossbows Act 1987 insert—

#### **“6A Regulations**

- (1) Regulations made by the Secretary of State under this Act are to be made by statutory instrument.
- (2) The Secretary of State may not make a statutory instrument containing (alone or with other provision) regulations under section 1D(6) or 1E(7) unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (3) Any other statutory instrument containing regulations made by the Secretary of State under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 66(1) of the Offensive Weapons Act 2019 (guidance on offences relating to offensive weapons etc), after paragraph (ga) (inserted by section

*(Duty to report remote sales of knives etc in bulk: England and Wales)*  
insert—

“(gb) any of sections 1 to 3 of the Crossbows Act 1987 (sale etc of crossbows) as they have effect in relation to England and Wales,”.”

**Member's explanatory statement**

This amendment makes provision about the interpretation of the new sections added to the Crossbows Act 1987 by amendments [OPC14] and [OPC15] and extends the guidance-making power in the Offensive Weapons Act 2019 to cover offences under the Crossbows Act 1987.

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**Dame Diana Johnson**

**Gov [OPC43]**

Clause 134, page 145, line 5, at end insert—

“(aa) section (*Delivery of knives etc*);”

**Member's explanatory statement**

This amendment provides for the amendments made by New Clause [OPC4] to have the same extent as the legislation they amend.

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**Dame Diana Johnson**

**Gov [OPC102]**

Clause 134, page 144, line 21, at end insert—

“(aa) sections (*“Relevant user-to-user services”, “relevant search services” and “service providers”*), (*Coordinating officer*), (*Notice requiring appointment of content manager*), (*Appointment of content manager following change of circumstances*), (*Replacement of content manager*), (*Duty to notify changes in required information*), (*Failure to comply with content manager requirements: civil penalty*), (*Unlawful weapons content*), (*Content removal notices*), (*Content removal notices: review*), (*Decision notices requiring removal of unlawful weapons content*), (*Failure to comply with content removal notice: civil penalties*), (*Guidance*), (*Notices*) and (*Interpretation of Chapter*) and Schedule (*Civil penalties for service providers and content managers*);”

**Member's explanatory statement**

This amendment provides that new clauses [OPC116], [OPC117], [OPC118], [OPC119], [OPC120], [OPC121], [OPC122], [OPC123], [OPC124], [OPC125], [OPC126], [OPC127], [OPC128], [OPC129], [OPC130] and new Schedule [OPC131], which together are expected to form a new Chapter of Part 2 of the Bill, extend to the whole of the United Kingdom.

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**Gov**

To move the following Clause—

**““Relevant user-to-user services”, “relevant search services” and “service providers”**

- (1) For the purposes of this Chapter—
  - (a) a “relevant search service” is a search service other than an exempt service;
  - (b) a “relevant user-to-user service” is a user-to-user service other than an exempt service.
- (2) In subsection (1), “search service” and “user-to-user service” have the same meanings as in the Online Safety Act 2023 (the “2023 Act”) (see, in particular, section 3 of that Act).
- (3) The following are exempt services for the purposes of subsection (1)—
  - (a) a service of a kind that is described in any of the following paragraphs of Schedule 1 to the 2023 Act (certain services exempt from regulation under that Act)—
    - (i) paragraph 1 or 2 (email, SMS and MMS services);
    - (ii) paragraph 3 (services offering one-to-one live aural communications);
    - (iii) paragraph 4 (limited functionality services);
    - (iv) paragraph 5 (services which enable combinations of user-generated content);
    - (v) paragraph 7 or 8 (internal business services);
    - (vi) paragraph 9 (services provided by public bodies);
    - (vii) paragraph 10 (services provided by persons providing education or childcare), or
  - (b) a service of a kind that is described in Schedule 2 to the 2023 Act (services that include regulated provider pornographic content).
- (4) This Chapter does not apply in relation to a part of a relevant search service, or a part of a relevant user-to-user service, if the 2023 Act does not apply to that part of the service by virtue of section 5(1) or (2) of that Act.
- (5) In this Chapter, “service provider” means a provider of a relevant user-to-user service or a provider of a relevant search service.”

**Member's explanatory statement**

This new clause, which together with new clauses [OPC117], [OPC118], [OPC119], [OPC120], [OPC121], [OPC122], [OPC123], [OPC124], [OPC125], [OPC126], [OPC127], [OPC128], [OPC129], [OPC130] and new Schedule [OPC131] are expected to form a new Chapter of Part 2 of the Bill, defines key terms used in the new Chapter.

To move the following Clause—

**“Coordinating officer**

- (1) The Secretary of State must designate a member of a relevant police force or a National Crime Agency officer as the coordinating officer for the purposes of this Chapter.
- (2) The coordinating officer may delegate any of the officer’s functions under this Chapter (to such extent as the officer may determine) to another member of a relevant police force or National Crime Agency officer.”

**Member's explanatory statement**

This new clause requires the Secretary of State to designate a “coordinating officer” to perform the functions conferred on that officer under the new Chapter referred to in the explanatory note for new clause [OPC116].

To move the following Clause—

**“Notice requiring appointment of content manager**

- (1) The coordinating officer may give a service provider a notice (an “appointment notice”) requiring the provider—
  - (a) either to—
    - (i) appoint an individual who meets the conditions in subsection (2) as the provider’s content manager for the purposes of this Chapter, or
    - (ii) if there is no such individual, confirm that is the case to the coordinating officer, and
  - (b) to provide the coordinating officer with the required information.
- (2) The conditions are that the individual—
  - (a) plays a significant role in—
    - (i) the making of decisions about how a whole or substantial part of the service provider’s activities are to be managed or organised, or
    - (ii) the actual managing or organising of the whole or a substantial part of those activities, and
  - (b) is habitually resident in the United Kingdom.
- (3) “Required information” means—
  - (a) the contact details of any content manager appointed;
  - (b) an email address, or details of another means of contacting the service provider rapidly which is readily available, that may be used for the purpose of giving the provider a notice under this Chapter;
  - (c) information identifying the relevant user-to-user services, or (as the case may be) the relevant search services, provided by the provider.

- (4) An appointment notice must—
  - (a) specify the period before the end of which the service provider must comply with the notice, and
  - (b) explain the potential consequences of the service provider failing to do so (see section (*Failure to comply with content manager requirements: civil penalty*)).
- (5) The period specified under subsection (4)(a) must be at least seven days beginning with the day on which the notice is given.”

**Member's explanatory statement**

This new clause confers a power on the coordinating officer to require a service provider to appoint a senior executive as their “content manager” for the purposes of the new Chapter referred to in the explanatory note for new clause [OPC116] or to confirm that there is no-one who meets the appointment conditions.

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Dame Diana Johnson

Gov [OPC119]

To move the following Clause—

**“Appointment of content manager following change of circumstances**

- (1) This section applies where—
  - (a) the coordinating officer has given a service provider an appointment notice,
  - (b) the provider has confirmed to the officer (in accordance with the appointment notice or under section (*Replacement of content manager*)(5)(b)), that there is no individual who meets the conditions in section (*Notice requiring appointment of content manager*)(2), and
  - (c) at any time within the period of two years beginning with the day on which that confirmation was given, there is an individual who meets those conditions.
- (2) The service provider must, before the end of the period of seven days beginning with the first day on which there is an individual who meets those conditions—
  - (a) appoint such an individual as the provider’s content manager for the purposes of this Chapter, and
  - (b) provide the coordinating officer with the content manager’s contact details.”

**Member's explanatory statement**

This new clause requires a service provider that at any time could not appoint a senior executive as its content manager when required to do so (because there was no-one who met the appointment conditions) to make an appointment if, following a change in circumstances within 2 years, there is someone who meets the conditions.

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Gov



To move the following Clause—

**“Replacement of content manager**

- (1) This section applies where a service provider has appointed an individual as the provider’s content manager (whether in accordance with an appointment notice or under section (*Appointment of content manager following change of circumstances*) or this section).
- (2) The service provider may replace the provider’s content manager by appointing another individual who meets the conditions in section (*Notice requiring appointment of content manager*)(2) as the provider’s new content manager for the purposes of this Chapter.
- (3) The service provider must, before the end of the period of seven days beginning with the day on which an appointment is made under subsection (2), provide the coordinating officer with the new content manager’s contact details.
- (4) If the individual appointed as a service provider’s content manager ceases to meet any of the conditions in section (*Notice requiring appointment of content manager*)(2), the appointment ceases to have effect.
- (5) The service provider must, before the end of the period of seven days beginning with the day on which an appointment ceases to have effect under subsection (4)—
  - (a) either—
    - (i) appoint another individual who meets the conditions in section (*Notice requiring appointment of content manager*)(2) as the provider’s content manager for the purposes of this Chapter, and
    - (ii) provide the coordinating officer with the new content manager’s contact details, or
  - (b) if there is no longer such an individual, confirm that is the case to the coordinating officer.”

**Member's explanatory statement**

This new clause makes provision for the appointment by a service provider of a replacement content manager, including in a case where the original content manager ceases to meet the appointment conditions (and so that appointment ceases to have effect).

To move the following Clause—

**“Duty to notify changes in required information**

- (1) This section applies where a service provider has, in accordance with an appointment notice or under section (*Appointment of content manager following change of circumstances*)(2)(b) or (*Replacement of content manager*)(5)(a)(ii) provided the coordinating officer with required information.

- (2) The service provider must give notice to the coordinating officer of any change in the required information.
- (3) The notice must specify the date on which the change occurred.
- (4) The notice must be given before the end of the period of seven days beginning with the day on which the change occurred."

**Member's explanatory statement**

This new clause requires a service provider that has given the coordinating officer required information (as defined in new clause [OPC118]) to inform the officer of any changes in that information.

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Dame Diana Johnson

Gov [OPC122]

To move the following Clause—

**"Failure to comply with content manager requirements: civil penalty**

- (1) This section applies if the coordinating officer has given a service provider an appointment notice and—
  - (a) the period specified in the notice as mentioned in (*Notice requiring appointment of content manager*)(4)(a) has expired without the provider having complied with the notice,
  - (b) the provider has failed to comply with a requirement under section (*Appointment of content manager following change of circumstances*), (*Replacement of content manager*) or (*Duty to notify changes in required information*),
  - (c) the provider, in purported compliance with a requirement to provide, or give notice of a change in, required information (whether in accordance with an appointment notice or under section (*Appointment of content manager following change of circumstances*)(2)(b), (*Replacement of content manager*) or (*Duty to notify changes in required information*)(2)) makes a statement that is false in a material particular, or
  - (d) the provider makes a statement that is false in giving the confirmation mentioned in section (*Notice requiring appointment of content manager*)(1)(a)(ii) or (*Replacement of content manager*)(5)(b).
- (2) The coordinating officer may give the service provider a notice (a "penalty notice") requiring the provider to pay a penalty of an amount not exceeding £60,000.
- (3) In order to take account of changes in the value of money the Secretary of State may by regulations substitute another sum for the sum for the time being specified in subsection (2).
- (4) Schedule (*Civil penalties for service providers and content managers*) makes further provision in connection with penalty notices given under this Chapter."

### **Member's explanatory statement**

This new clause confers a power on the coordinating officer to impose a monetary penalty of up to £60,000 on a service provider that fails to comply with various requirements imposed by an appointment notice or under new clauses [OPC119], [OPC120] and [OPC121].

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**Dame Diana Johnson**

**Gov [OPC123]**

To move the following Clause—

#### **“Unlawful weapons content**

- (1) For the purposes of this Chapter, content is “unlawful weapons content” in England and Wales if it is content that constitutes—
  - (a) an offence under section 1(1) of the Restriction of Offensive Weapons Act 1959 (offering to sell, hire, loan or give away etc a dangerous weapon),
  - (b) an offence under section 1 or 2 of the Knives Act 1997 (marketing of knives as suitable for combat etc and related publications), or
  - (c) an offence under section 141(1) of the Criminal Justice Act 1988 under the law of England and Wales (offering to sell, hire, loan or give away etc an offensive weapon).
- (2) For the purposes of this Chapter, content is “unlawful weapons content” in Scotland if it is content that constitutes—
  - (a) an offence within subsection (1)(a) or (b), or
  - (b) an offence under section 141(1) of the Criminal Justice Act 1988 under the law of Scotland.
- (3) For the purposes of this Chapter, content is “unlawful weapons content” in Northern Ireland if it is content that constitutes —
  - (a) an offence under Article 53 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24) (offering to sell, hire, loan or give away etc certain knives),
  - (b) an offence within subsection (1)(b), or
  - (c) an offence under section 141(1) of the Criminal Justice Act 1988 under the law of Northern Ireland.”

### **Member's explanatory statement**

This new clause defines “unlawful weapons content” for the purposes of the new Chapter referred to in the explanatory note for new clause [OPC116].

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**Dame Diana Johnson**

**Gov [OPC124]**

To move the following Clause—

#### **“Content removal notices**

- (1) This section applies where an authorised officer is satisfied that content—
  - (a) present on a relevant user-to-user service, or
  - (b) which may be encountered in or via search results of a relevant search service;

is unlawful weapons content in a relevant part of the United Kingdom.

- (2) The authorised officer may give a content removal notice to—
  - (a) the provider of the relevant user-to-user service, or
  - (b) the provider of the relevant search service.
- (3) If the authorised officer gives a content removal notice to a service provider in a case where the coordinating officer has the contact details of the provider's content manager, the authorised officer may also give the notice to that manager.
- (4) A content removal notice is a notice requiring the service provider and (if applicable) the provider's content manager (each a "recipient") to secure that—
  - (a) the content to which it relates is removed (see section (*Interpretation of Chapter*)(2)), and
  - (b) confirmation of that fact is given to the authorised officer.
- (5) A content removal notice must—
  - (a) identify the content to which it relates;
  - (b) explain the authorised officer's reasons for considering that the content is unlawful weapons content in the relevant part (or parts) of the United Kingdom;
  - (c) explain that the notice must be complied with before the end of the period of 48 hours beginning with the time the notice is given;
  - (d) explain that each recipient has the right to request a review of the decision to give the notice and how a request is to be made (see section (*Content removal notices: review*));
  - (e) set out the potential consequences of failure to comply with the notice;
  - (f) contain the authorised officer's contact details;
  - (g) be in such form, and contain such further information, as the Secretary of State may by regulations prescribe.
- (6) The authorised officer may withdraw a content removal notice from a recipient by notifying the recipient to that effect (but withdrawal of a notice does not prevent a further content removal notice from being given under this section, whether or not in relation to the same content as the withdrawn notice).
- (7) In this section—
  - "authorised officer" means—
    - (a) a member of a relevant police force who is authorised for the purposes of this section by the chief officer of the force, or
    - (b) a National Crime Agency officer who is authorised for the purposes of this section by the Director General of the National Crime Agency;
  - "relevant part of the United Kingdom" means—
    - (a) where the authorised officer is a member of a relevant police force in England and Wales, England and Wales;

- (b) where the authorised officer is a member of the Police Service of Scotland, Scotland;
- (c) where the authorised officer is a member of the Police Service of Northern Ireland, Northern Ireland;
- (d) where the authorised officer is a member of the Ministry of Defence Police or a National Crime Agency officer, any part of the United Kingdom."

#### **Member's explanatory statement**

This new clause confers power on the police or an officer of the National Crime Agency to give a service provider and (if there is one) the provider's content manager a notice requiring them to remove unlawful weapons content from the services they provide.

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Dame Diana Johnson

Gov [OPC125]

To move the following Clause—

#### **"Content removal notices: review**

- (1) A person who is given a content removal notice (a "recipient") may, before the end of the initial 48-hour period, request a review of the decision to give the notice.
- (2) A request under subsection (1) is to be made by the recipient giving—
  - (a) a notice (a "review notice") to the authorised officer, and
  - (b) a copy of the review notice to the other recipient (if applicable).
- (3) The grounds on which a recipient may request a review include, in particular, that—
  - (a) content to which the notice relates is not unlawful weapons content;
  - (b) content to which the notice relates is insufficiently identified for the recipient to be able to take the action required by the notice;
  - (c) the provider that received the notice is not, in fact, the provider of the relevant user-to-user service or relevant search service to which the notice relates;
  - (d) the individual who received the notice as the service provider's content manager is not, in fact, that provider's content manager;
  - (e) the notice was otherwise not given in accordance with this Chapter.
- (4) On receipt of a review notice, a review of the decision to give the content removal notice must be carried out—
  - (a) if the authorised officer is a member of a relevant police force, by another member of that force who is of a higher rank;
  - (b) if the authorised officer is a National Crime Agency officer, by another officer who holds a more senior position in the Agency.

The individual carrying out the review is referred to in this section as "the reviewing officer".
- (6) On completing the review or (in a case where two review notices are given) both reviews the reviewing officer must, in respect of each recipient, either—

- (a) confirm in full the decision to give the content removal notice,
  - (b) confirm the decision to give the notice, but in relation to only some of the content to which it relates, or
  - (c) withdraw the notice.
- (7) The reviewing officer must give each recipient a notice (a “decision notice”)—
- (a) setting out the outcome of the review or reviews, and
  - (b) giving reasons.”

**Member's explanatory statement**

This new clause makes provision for the police or the NCA to review the decision to give a service provider or their content manager a content removal notice under new clause [OPC124] where the recipient of the notice requests a review.

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Dame Diana Johnson

Gov [OPC126]

To move the following Clause—

**“Decision notices requiring removal of unlawful weapons content**

- (1) This section applies where the reviewing officer—
  - (a) has carried out a review or reviews under section (*Content removal notices: review*), and
  - (b) confirms the decision to give the content removal notice to the service provider, the provider’s content manager or both of them (in each case whether as mentioned in subsection (6)(a) or (b) of that section).
- (2) If the reviewing officer confirms in full the decision to give the content removal notice, the decision notice must require its recipient to secure that—
  - (a) the content to which the content removal notice relates is removed, and
  - (b) confirmation of that fact is given to the authorised officer.
- (3) If the officer confirms the decision to give the content removal notice but in relation to only some of the content to which it relates, the decision notice must—
  - (a) identify the content to which the confirmation relates (the “confirmed content”), and
  - (b) require its recipient to secure that—
    - (i) the confirmed content is removed, and
    - (ii) confirmation of that fact is given to the authorised officer.
- (4) A decision notice within subsection (2) or (3) must specify the period before the end of which the notice must be complied with, and that period must be whichever of the following is the longest—
  - (a) the period of 24 hours beginning with the time the decision notice is given;
  - (b) the period—

- (i) beginning with the time the review notice or, if there was more than one, the first review notice, was given under section (*Content removal notices: review*), and
  - (ii) ending with the end of the initial 48-hour period.
- (5) In this section, “reviewing officer” has the same meaning as in section (*Content removal notices: review*).”

**Member's explanatory statement**

This new clause provides for the police or NCA, following a review under new clause [OPC125] which confirms (in full or in part) the decision to give a content removal notice, to give the service provider or content manager a decision notice requiring the removal of the unlawful weapons content concerned.

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Dame Diana Johnson

Gov [OPC127]

To move the following Clause—

**“Failure to comply with content removal notice or decision notice: civil penalties**

- (1) Subsection (2) applies where—
  - (a) a content removal notice has been given to a service provider, or to both a service provider and the provider’s content manager, in accordance with section (*Content removal notices*), and
  - (b) the initial 48-hour period has expired without the notice having been complied with or a review notice having been given.
- (2) A senior authorised officer of the issuing force may give a penalty notice—
  - (a) to the service provider, or
  - (b) if the provider’s content manager also received the content removal notice, to the content manager or to both of them.
- (3) Subsection (4) applies where, following a review or reviews under section (*Content removal notices: review*)—
  - (a) a decision notice has been given to the service provider or to both the provider and the provider’s content manager in accordance with section (*Decision notices requiring removal of unlawful weapons content*)(2) or (3) confirming the decision to give the content removal notice, and
  - (b) the period specified in the decision notice under subsection (4) of that section has expired without that notice having been complied with.
- (4) A senior authorised officer of the issuing force may give a penalty notice—
  - (a) to the service provider, or
  - (b) if the provider’s content manager also received the decision notice, to the content manager or to both of them.
- (5) In this section a “penalty notice” means a notice requiring its recipient to pay a penalty—

- (a) where the recipient is a service provider, of an amount not exceeding £60,000;
  - (b) where the recipient is a service provider's content manager, of an amount not exceeding £10,000.
- (6) In order to take account of changes in the value of money the Secretary of State may by regulations substitute another sum for a sum for the time being specified in subsection (5).
- (7) See Schedule (*Civil penalties for service providers and content managers*) for further provision in connection with penalty notices given under this section."

**Member's explanatory statement**

This new clause confers a power on the police or NCA to impose a monetary penalty of up to £60,000 on a service provider or up to £10,000 on a content manager if they have failed to comply with a content removal notice or a decision notice.

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**Dame Diana Johnson**

**Gov [OPC128]**

To move the following Clause—

**"Guidance**

- (1) The Secretary of State may issue guidance to the persons mentioned in subsection (2) about the exercise of their functions under this Chapter.
- (2) The persons are—
  - (a) the chief officer, and any other member, of a relevant police force;
  - (b) the Director General of the National Crime Agency and any other officer of the Agency.
- (3) The Secretary of State may revise any guidance issued under this section.
- (4) The Secretary of State must publish any guidance or revisions issued under this section.
- (5) A person mentioned in subsection (2) must have regard to any guidance issued under this section when exercising a function under this Chapter."

**Member's explanatory statement**

This new clause confers power on the Secretary of State to issue guidance to the police and the National Crime Agency about the exercise of their functions under the new Chapter mentioned in the explanatory statement to new clause [OPC116].

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**Dame Diana Johnson**

**Gov [OPC129]**

To move the following Clause—

**"Notices**

- (1) This section applies in relation to any notice that must or may be given to a person under this Chapter.



- (2) A notice may be given to a person by—
  - (a) delivering it by hand to the person,
  - (b) leaving it at the person's proper address,
  - (c) sending it by post to the person at that address, or
  - (d) sending it by email to the person's email address.
- (3) A notice to a body corporate may be given to any officer of that body.
- (4) A notice to a partnership may be given to any partner or to a person who has the control or management of the partnership business.
- (5) A notice sent by first class post to an address in the United Kingdom, is treated as given at noon on the second working day after the day of posting, unless the contrary is proved.
- (6) A notice sent by email is treated as given at the time it is sent unless the contrary is proved.
- (7) In this section—
  - "director" includes any person occupying the position of a director, by whatever name called;
  - "email address", in relation to a person, means—
    - (a) an email address provided by that person for the purposes of this Chapter, or
    - (b) any email address published for the time being by that person as an address for contacting that person;
  - "officer", in relation to an entity, includes a director, a manager, a partner, the secretary or, where the affairs of the entity are managed by its members, a member;
  - "proper address" means—
    - (a) in the case of an entity, the address of the entity's registered office or principal office;
    - (b) in any other case, the person's last known address;
  - "working day" means any day other than—
    - (a) a Saturday or Sunday, or
    - (b) a day that is a bank holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971.
- (8) In the case of an entity registered or carrying on business outside the United Kingdom, or with offices outside the United Kingdom, the reference in subsection (7), in the definition of "proper address", to the entity's principal office includes—
  - (a) its principal office in the United Kingdom, or
  - (b) if the entity has no office in the United Kingdom, any place in the United Kingdom at which the person giving the notice believes, on reasonable grounds, that the notice will come to the attention of any director or other officer of that entity."

## Member's explanatory statement

This new clause makes provision about the ways in which a notice can be given, and the time at which a notice is to be treated as given, under the new Chapter mentioned in the explanatory statement to new clause [OPC116].

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Dame Diana Johnson

Gov [OPC130]

To move the following Clause—

### **“Interpretation of Chapter**

(1) In this Chapter—

“appointment notice” has the meaning given by section (*Notice requiring appointment of content manager*)(1);

“authorised officer” in relation to a content removal notice, means the member of a relevant police force, or officer of the National Crime Agency, who gave the notice;

“chief officer”—

(a) in relation to a police force in England and Wales, means the chief officer of police of the force;

(b) in relation to any other relevant police force, means the chief constable of that force;

“contact details”, in relation to an individual, means the individual’s—

(a) full name;

(b) telephone number;

(c) email address;

(d) residential address, or other service address, in the United Kingdom;

“content” has the same meaning as in the Online Safety Act 2023 (see section 236(1) of that Act);

“content manager”, in relation to a service provider, means the individual for the time being appointed as the content manager of the provider (whether in accordance with an appointment notice or under section (*Appointment of content manager following change of circumstances*) or (*Replacement of content manager*));

“content removal notice” has the meaning given by section (*Content removal notices*)(4);

“coordinating officer” means the individual designated as such under section (*Coordinating officer*)(1);

“decision notice” means a notice given under section (*Content removal notices: review*)(7);

“encounter”, in relation to content, has the same meaning as in the Online Safety Act 2023 (see section 236(1) of that Act);

“entity” has the same meaning as in that Act (see section 236(1) of that Act);

“initial 48-hour period”, in relation to a content removal notice, means the 48-hour period specified in the notice as mentioned in section (*Content removal notices*)(5)(c);

“issuing force”—

- (a) in relation to a content removal notice given by a member of a relevant police force, means that force;
  - (b) in relation to a content removal notice given by a National Crime Agency officer, means the National Crime Agency;
- “relevant police force”—
- (a) in relation to England and Wales, means—
    - (i) a police force in England and Wales, or
    - (ii) the Ministry of Defence Police;
  - (b) in relation to Scotland, means—
    - (i) the Police Service of Scotland, or
    - (ii) the Ministry of Defence Police;
  - (c) in relation to Northern Ireland, means—
    - (i) the Police Service of Northern Ireland, or
    - (ii) the Ministry of Defence Police;
- “relevant search service” and “relevant user-to-user service” have the meanings given by section (*“Relevant user-to-user services”, “relevant search services” and “service providers”*);
- “required information” has the meaning given by section (*Notice requiring appointment of content manager*)(3);
- “review notice” has the meaning given by section (*Content removal notices: review*)(2)(a);
- “search content” and “search results” have the meanings given by section 57 of the Online Safety Act 2023;
- “senior authorised officer”, in relation to a relevant police force, means—
- (a) the chief officer of the relevant police force, or
  - (b) a member of the relevant police force of at least the rank of inspector authorised for the purposes of this Chapter by the chief officer;
- “senior authorised officer”, in relation to the National Crime Agency, means—
- (a) the Director General of the National Crime Agency, or
  - (b) an officer of the Agency who—
    - (i) holds a position in the Agency the seniority of which is at least equivalent to that of the rank of inspector in a relevant police force, and
    - (ii) is authorised for the purposes of this Chapter by the Director General;
- “service address” has the same meaning as in the Companies Acts (see section 1141 of the Companies Act 2006);
- “service provider” has the meaning given by section (*“Relevant user-to-user services”, “relevant search services” and “service providers”*).
- (2) For the purposes of this Chapter, a reference to “removing” content—
- (a) in relation to content present on a relevant user-to-user service, is a reference to any action that results in the content being removed from the service, or being permanently hidden, so users of the

service in any part of the United Kingdom in which the content is unlawful weapons content cannot encounter it;

- (b) in relation to content which may be encountered in or via search results of a relevant search service, is a reference to taking measures designed to secure, so far as possible, that the content is no longer included in the search content of the service that is available in any part of the United Kingdom in which the content is unlawful weapons content;

and related expressions are to be read accordingly.

- (3) The following provisions of the Online Safety Act 2023 apply for the purposes of this Chapter as they apply for the purposes of that Act—
  - (a) section 226 (determining who is the provider of a particular user-to-user service or search service);
  - (b) section 236(5) and (6) (references to content being present)."

#### Member's explanatory statement

This new clause contains definitions of terms used in the new Chapter mentioned in the explanatory statement to new clause [OPC116].

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Dame Diana Johnson

Gov [OPC131]

To move the following Schedule—

#### "SCHEDULE

Section (Failure to comply with  
content manager requirements: civil  
penalty)

#### CIVIL PENALTIES FOR SERVICE PROVIDERS AND CONTENT MANAGERS

##### *Introduction*

##### 1 In this Schedule—

"penalty notice" means a penalty notice under section (*Failure to comply with content manager requirements: civil penalty*) or (*Failure to comply with content removal notice: civil penalties*);

"relevant officer"—

- (a) in relation to a penalty notice under section (*Failure to comply with content manager requirements: civil penalty*), means the coordinating officer;
- (b) in relation to a penalty notice under section (*Failure to comply with content removal notice: civil penalties*), means the senior authorised officer of the issuing force who proposes to give the notice;

"respondent"—

- (a) in relation to a penalty notice under section (*Failure to comply with content manager requirements: civil penalty*), means the service provider to which the notice is to be given;

- (b) in relation to a penalty notice under section (*Failure to comply with content removal notice: civil penalties*), means the service provider to which, or the content manager to whom, the notice is to be given.

#### *Notice of intent to issue penalty*

- 2 (1) The relevant officer may give a penalty notice only after—
  - (a) the officer has given the respondent a notice of intent,
  - (b) the period for the respondent to make representations in accordance with the notice of intent has expired, and
  - (c) the officer has considered such representations (if any).
- (2) A “notice of intent” is a notice—
  - (a) specifying that the relevant officer proposes to give a penalty notice, the officer’s reasons for doing so and the proposed amount of the penalty,
  - (b) inviting the respondent to make representations to the officer about the proposal, and
  - (c) specifying the means by which, and the period within which, any representations must be made.
- (3) The period specified under sub-paragraph (2)(c) must be at least 28 days beginning with the day on which the notice of intent is given.

#### *Contents of a penalty notice*

- 3 (1) A penalty notice must—
  - (a) give reasons for the imposition of the penalty;
  - (b) specify the amount of the penalty and how it is to be paid;
  - (c) specify the period within which the penalty must be paid;
  - (d) contain details of the right of appeal against the penalty (see paragraph 6);
  - (e) set out the consequences of not paying the penalty.
- (2) The period specified under sub-paragraph (1)(c) must be at least 28 days beginning with the day on which the penalty notice is given.

#### *Withdrawal of notice of intent or penalty notice*

- 4 The relevant officer may at any time withdraw a notice of intent or penalty notice by giving notice to that effect to the respondent.

#### *Excuse for non-compliance with content removal notice requirements*

- 5 (1) This paragraph applies where a penalty notice is given under section (*Failure to comply with content removal notice: civil penalties*).
- (2) The respondent is excused from paying the penalty if the respondent shows that they took all reasonable steps to comply with the content removal notice or (as the case may be) decision notice.
- (3) A penalty notice under section (*Failure to comply with content removal notice: civil penalties*) (or a notice of intent) may be given without the

relevant officer having established whether sub-paragraph (2) applies in respect of the respondent.

### *Appeal*

- 6 (1) The respondent may appeal to the court against a decision to give a penalty notice.
- (2) The grounds for appeal are—
  - (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the amount of the penalty was unreasonable;
  - (d) in a case to which paragraph 5 applies, that the respondent is excused from payment by virtue of sub-paragraph (2) of that paragraph;
  - (e) any other reason.
- (3) Any appeal must be brought before the end of the period of 28 days beginning with the day on which the penalty notice was given.
- (4) The court may—
  - (a) allow the appeal and cancel the penalty,
  - (b) allow the appeal and reduce the amount of the penalty, or
  - (c) dismiss the appeal.
- (5) An appeal is to be a re-hearing of the relevant officer's decision to impose the penalty and is to be determined having regard to any matter which the court considers relevant (which may include matters of which the officer was unaware).
- (6) Sub-paragraph (5) has effect despite any provision of rules of court.
- (7) In this paragraph "the court" means—
  - (a) the county court, if the appeal relates to a penalty notice given to—
    - (i) a content manager who is habitually resident in England and Wales,
    - (ii) a service provider where the provider's registered office, or principal office in the United Kingdom, is in England and Wales, or
    - (iii) a service provider where the provider has no office in the United Kingdom;
  - (b) a sheriff or summary sheriff, if the appeal relates to a penalty notice given to—
    - (i) a content manager who is habitually resident in Scotland, or
    - (ii) a service provider where the provider's registered office, or principal office in the United Kingdom, is in Scotland;
  - (c) a county court in Northern Ireland, if the appeal relates to a penalty notice given to—
    - (i) a content manager who is habitually resident in Northern Ireland, or

- (ii) a service provider where the provider's registered office, or principal office in the United Kingdom, is in Northern Ireland.

*Enforcement etc*

- 7 (1) A sum payable as a penalty under section (*Failure to comply with content manager requirements: civil penalty*) may be recovered as a debt due—
  - (a) if the coordinating officer is a member of a relevant police force, to the chief officer of that force, or
  - (b) if the coordinating officer is a National Crime Agency officer, to the Secretary of State.
- (2) A sum payable as a penalty under section (*Failure to comply with content removal notice: civil penalties*) may be recovered as a debt due to—
  - (a) the chief officer of the issuing force, or
  - (b) if the issuing force is the National Crime Agency, to the Secretary of State.
- (3) An amount paid by way of a penalty under section (*Failure to comply with content manager requirements: civil penalty*) or (*Failure to comply with content removal notice: civil penalties*) must be paid into the Consolidated Fund."

**Member's explanatory statement**

This new Schedule makes provision for the procedure to be followed in giving a penalty notice under new clause [OPC122] or [OPC127] and about appeals in relation to penalty notices.

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Dame Diana Johnson

Gov [OPC49]

To move the following Clause—

**"Dangerous, careless or inconsiderate cycling**

- (1) The Road Traffic Act 1988 is amended as set out in subsections (2) to (6).
- (2) Before section 28 (dangerous cycling) insert—

**"27A Causing death by dangerous cycling**

A person who causes the death of another person by riding a cycle dangerously on a road or other public place is guilty of an offence.

**27B Causing serious injury by dangerous cycling**

- (1) A person who causes serious injury to another person by riding a cycle dangerously on a road or other public place is guilty of an offence.
- (2) In this section "serious injury" means—
  - (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
  - (b) in Scotland, severe physical injury."

- (3) In section 28—
  - (a) in subsection (1) for “on a road dangerously” substitute “dangerously on a road or other public place”;
  - (b) omit subsections (2) and (3).

- (4) After section 28 insert—

**“28A Meaning of “dangerous cycling”**

- (1) This section applies for the purposes of sections 27A, 27B and 28.
- (2) A person is to be regarded as riding dangerously if (and only if) the condition in subsection (3) or (4) is met.
- (3) The condition in this subsection is met if—
  - (a) the way that the person rides falls far below what would be expected of a competent and careful cyclist, and
  - (b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.
- (4) The condition in this subsection is met if it would be obvious to a competent and careful cyclist that riding the cycle in its current state would be dangerous.
- (5) In determining the state of a cycle for the purposes of subsection (4), regard may be had (among other things) to—
  - (a) whether the cycle is equipped and maintained in accordance with regulations under section 81 (regulation of brakes, bells etc, on pedal cycles);
  - (b) anything attached to or carried on the cycle and the manner in which it is attached or carried.
- (6) In determining what would be expected of, or obvious to, a competent and careful cyclist in a particular case, regard is to be had both to—
  - (a) the circumstances of which the person could be expected to be aware (taking account of, if relevant to the case, the age of the accused), and
  - (b) the circumstances shown to have been within the knowledge of the accused.
- (7) References in this section to something being “dangerous” are references to it resulting in danger of—
  - (a) injury to any person, or
  - (b) serious damage to property.

**28B Causing death by careless, or inconsiderate, cycling**

A person who causes the death of another person by riding a cycle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.



## **28C Causing serious injury by careless, or inconsiderate, cycling**

- (1) A person who causes serious injury to another person by riding a cycle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.
- (2) In this section "serious injury" means—
  - (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
  - (b) in Scotland, severe physical injury."
- (5) In section 29 (careless, and inconsiderate, cycling)—
  - (a) after "a road" insert "or other public place";
  - (b) after "the road" insert "or place".
- (6) After section 29 insert—

### **"29A Meaning of careless, or inconsiderate, cycling**

- (1) This section applies for the purposes of sections 28B, 28C and 29.
- (2) A person is to be regarded as cycling without due care and attention if (and only if) the way the person cycles falls below what would be expected of a competent and careful cyclist.
- (3) In determining what would be expected of a competent and careful cyclist in a particular case, regard is to be had both to—
  - (a) the circumstances of which the person could be expected to be aware (taking account of, if relevant to the case, the age of the accused), and
  - (b) the circumstances shown to have been within the knowledge of the accused.
- (4) A person (A) is to be regarded as cycling without reasonable consideration for other persons only if those persons are inconvenienced by A's cycling."
- (7) The table in Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences) is amended as follows.
- (8) After the entry relating to "RTA section 27" insert in columns 1 to 4—

"RTA section 27A	Causing death by dangerous cycling.	On indictment.	Imprisonment for life.
RTA section 27B	Causing serious injury by dangerous cycling.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: the general limit in a magistrates' court or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both. (b) 5 years or a fine or both."

(9) After the entry relating to “RTA section 28” insert in columns 1 to 4—

“RTA section 28B	Causing death by careless or inconsiderate cycling.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: the general limit in a magistrates’ court or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both. (b) 5 years or a fine or both.
RTA section 28C	Causing serious injury by careless or inconsiderate cycling	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: the general limit in a magistrates’ court or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both. (b) 2 years or a fine or both.””

#### Member's explanatory statement

This new clause creates new offences of causing death or serious injury by dangerous, careless or inconsiderate cycling with penalties corresponding to the penalties applicable to the existing offences for causing death or serious injury by dangerous, careless or inconsiderate driving. It also extends the existing offences of dangerous, and careless or inconsiderate, cycling so as to apply to cycling that takes place on public places that are not roads.

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Dame Diana Johnson

Gov [OPC86]

Clause 134, page 145, line 10, at end insert—

“(fa) section (*Dangerous, careless or inconsiderate cycling*);”

#### Member's explanatory statement

This amendment provides for New Clause [OPC49] to extend to England and Wales and Scotland.

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Dame Diana Johnson

Gov [OPC57]

To move the following Clause—

#### “Places of worship: restriction on protests

- (1) The Public Order Act 1986 is amended as follows.
- (2) In section 12(1) (imposing conditions on public processions)—
  - (a) at the end of paragraph (ab) omit “or”;
  - (b) at the end of paragraph (b) insert “or
  - (c) in the case of a procession in England and Wales, the procession is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from—

- (i) accessing that place of worship for the purpose of carrying out religious activities, or
  - (ii) carrying out religious activities at that place of worship,".
- (3) In section 14(1) (imposing conditions on public assemblies)—
  - (a) at the end of paragraph (ab) omit "or";
  - (b) at the end of paragraph (b) insert "or
  - (c) in the case of an assembly in England and Wales, the assembly is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from—
    - (i) accessing that place of worship for the purpose of carrying out religious activities, or
    - (ii) carrying out religious activities at that place of worship."
- (4) In section 14ZA(1) (imposing conditions on one-person protests)—
  - (a) at the end of paragraph (a) omit "or";
  - (b) at the end of paragraph (b) insert "or
  - (c) the protest is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from—
    - (i) accessing that place of worship for the purpose of carrying out religious activities, or
    - (ii) carrying out religious activities at that place of worship.""

#### **Member's explanatory statement**

This amendment gives the police power to impose conditions on public processions, public assemblies and one-person protests that may intimidate people and deter those people from accessing a place of worship for carrying out religious activities or from carrying out religious activities there. It does not provide power to impose conditions where those who may be intimidated are using a place of worship for other purposes.

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**Dame Diana Johnson**

**Gov [OPC58]**

To move the following Clause—

#### **"Powers of senior officers to impose conditions on protests**

- (1) The Public Order Act 1986 is amended as follows.
- (2) In section 12 (imposing conditions on public processions)—
  - (a) in subsection (1), for "the", in the first place it occurs, substitute "a";
  - (b) in subsection (2)—
    - (i) in the words before paragraph (a) omit "the";

- (ii) in paragraph (a) for the words from “, the most” to the end substitute “—
    - (i) the most senior in rank of the police officers present at the scene, or
    - (ii) in the case of a procession in England and Wales, a police officer authorised by a chief officer of police for the purposes of this subsection, and”.
- (3) In section 14 (imposing conditions on public assemblies)—
  - (a) in subsection (1), for “the”, in the first place it occurs, substitute “a”;
  - (b) in subsection (2)—
    - (i) in the words before paragraph (a) omit “the”;
    - (ii) in paragraph (a) for the words from “, the most” to the end substitute “—
      - (i) the most senior in rank of the police officers present at the scene, or
      - (ii) in the case of an assembly in England and Wales, a police officer authorised by a chief officer of police for the purposes of this subsection, and”;
  - (c) in subsection (2ZB), for “reference in subsection (2)(b) to a chief officer of police includes”, substitute “references in subsection (2) to a chief officer of police include”.

**Member's explanatory statement**

This amendment allows the powers in sections 12 and 14 of the Public Order Act 1986 to impose conditions on public processions and public assemblies to be exercised by a police officer authorised to do so by a chief officer of police.

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**Dame Diana Johnson**

**Gov [OPC59]**

To move the following Clause—

**“Amendments relating to British Transport Police and Ministry of Defence Police**

- (1) The Public Order Act 1986 is amended in accordance with subsections (2) and (3).
- (2) In section 14A(9) (prohibiting trespassory assemblies), in the definition of “land”, after ““land”” insert “, except in subsections (4A) to (4C) of this section,”.
- (3) In section 16 (interpretation), in the definition of “public assembly”, for the words from “wholly” to the end substitute “—
  - (a) wholly or partly open to the air, or
  - (b) within any of paragraphs (a) to (f) of section 31(1) of the Railways and Transport Safety Act 2003;”.

- (4) The Criminal Justice and Public Order Act 1994 is amended in accordance with subsections (5) and (6).
- (5) In section 60 (powers to stop and search in anticipation of or after violence), after subsection (9A) insert—
  - “(9B) So far as they relate to an authorisation by a member of the Ministry of Defence Police—
    - (a) subsections (1) and (9) have effect as if the references to a locality in a police area were references to a place in England and Wales among those specified in section 2(2) of the Ministry of Defence Police Act 1987, and
    - (b) subsection (1)(aa)(i) has effect as if the reference to a police area were a reference to the places in England and Wales specified in section 2(2) of the Ministry of Defence Police Act 1987.”
- (6) In section 60AA (powers to require removal of disguises)—
  - (a) for subsection (8) substitute—
    - “(8) So far as subsections (1), (3) and (6) relate to an authorisation by a member of the British Transport Police Force, those subsections have effect as if the references to a locality or a locality in a police area were references to a place in England and Wales among those specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.
    - (8A) So far as subsections (1), (3) and (6) relate to an authorisation by a member of the Ministry of Defence Police, those subsections have effect as if the references to a locality or a locality in a police area were references to a place in England and Wales among those specified in section 2(2) of the Ministry of Defence Police Act 1987.”;
  - (b) in subsection (9) omit “and “policed premises” each”.”

#### **Member's explanatory statement**

This amendment extends certain powers under Part 2 of the Public Order Act 1986 to land which is not open to the air; allows Ministry of Defence Police to issue authorisations under section 60 of the Criminal Justice and Public Order Act 1994; and allows British Transport Police and Ministry of Defence Police to issue authorisations under section 60AA of that Act.

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**Alex Davies-Jones**

**Gov [OPC132]**

Clause 135, page 146, line 3, after “105,” insert “(Anonymity for authorised firearms officers charged with qualifying offences), (Anonymity for authorised firearms officers appealing convictions for qualifying offences), (Authorised firearms officers: reporting directions) and (Authorised firearms officers: anonymity orders)”

#### **Member's explanatory statement**

This amendment provides for new clauses [OPC133], [OPC134], [OPC135] and [OPC136] to come into force at the end of the period of two months beginning with the day on which this Bill is passed.

To move the following Clause—

AFO1

**“Anonymity for authorised firearms officers charged with qualifying offences**

- (1) This section applies where in criminal proceedings in a court in England and Wales, or in proceedings (anywhere) before a service court, a person (“D”) is charged with a qualifying offence.
- (2) An offence is a “qualifying offence” if—
  - (a) it is alleged to have been committed by D acting in the exercise of functions as an authorised firearms officer,
  - (b) the conduct alleged to constitute the offence involved the use by D of a lethal barrelled weapon to discharge a conventional round, and
  - (c) D was, at the time of the alleged offence, authorised by the relevant authority to use that weapon with that round.
- (3) The court must—
  - (a) cause the following information to be withheld from the public in proceedings before the court, in each case unless satisfied that it would be contrary to the interests of justice to do so—
    - (i) D’s name;
    - (ii) D’s address;
    - (iii) D’s date of birth;
  - (b) give a reporting direction (see section (*Authorised firearms officers: reporting directions*)) in respect of D (if one does not already have effect), unless satisfied that it would be contrary to the interests of justice to do so.
- (4) The court may, if satisfied that it is necessary in the interests of justice to do so, make an anonymity order (see section (*Authorised firearms officers: anonymity orders*)) in respect of D.
- (5) If D is convicted of the offence—
  - (a) subsections (3) and (4) cease to apply in respect of D, and
  - (b) any restriction put in place under subsection (3)(a) and any reporting direction given, or anonymity order made, under this section in respect of D cease to have effect at the time D is sentenced for the offence.
- (6) In subsection (1), “authorised firearms officer” means—
  - (a) a member of a relevant police force who is authorised by the relevant chief officer to use a lethal barrelled weapon with a conventional round in the exercise of functions as a constable,
  - (b) a National Crime Agency officer who is authorised by the Director General of the National Crime Agency to use a lethal barrelled weapon with a conventional round in the exercise of functions as a National Crime Agency officer,
  - (c) a member of the Police Service of Scotland or the Police Service of Northern Ireland who—

- (i) is provided under section 98 of the Police Act 1996 for the assistance of a police force in England and Wales, and
    - (ii) is authorised by the relevant authority to use a lethal barrelled weapon with a conventional round in the exercise of functions as a constable, or
  - (d) a member of the armed forces who—
    - (i) is deployed in support of a relevant police force or the National Crime Agency, and
    - (ii) is authorised by the Secretary of State to use a lethal barrelled weapon with a conventional round for the purposes of that deployment.
- (7) In this section—
- “conventional round” means any shot, bullet or other missile other than one designed to be used without its use giving rise to a substantial risk of causing death or serious injury;
- “lethal barrelled weapon” has the meaning given by section 57(1B) of the Firearms Act 1968;
- “member of the armed forces” means a person who is subject to service law (see section 367 of the Armed Forces Act 2006);
- “relevant authority” means—
- (a) in relation to a member of a relevant police force, the relevant chief officer;
  - (b) in relation to a National Crime Agency officer, the Director General of the National Crime Agency;
  - (c) in relation to a member of the Police Service of Scotland, the Chief Constable of the Police Service of Scotland;
  - (d) in relation to a member of the Police Service of Northern Ireland, the Chief Constable of the Police Service of Northern Ireland;
  - (e) in relation to a member of the armed forces, the Secretary of State;
- “relevant chief officer” means—
- (a) in relation to a police force in England and Wales, the chief officer of police of that police force;
  - (b) in relation to the British Transport Police Force, the Chief Constable of the British Transport Police Force;
  - (c) in relation to the Ministry of Defence Police, the Chief Constable of the Ministry of Defence Police;
  - (d) in relation to the Civil Nuclear Constabulary, the Chief Constable of the Civil Nuclear Constabulary;
- “relevant police force” means—
- (a) a police force in England and Wales,
  - (b) the British Transport Police Force,
  - (c) the Ministry of Defence Police, or
  - (d) the Civil Nuclear Constabulary;
- “service court” means—
- (a) the Court Martial, or
  - (b) the Court Martial Appeal Court.

- (8) This section does not apply in relation to proceedings begun before the coming into force of this section.”

**Member's explanatory statement**

This new clause provides for a presumption of anonymity for authorised firearms officers charged with (but not convicted of) an offence relating to the discharge of their firearm in the course of their duties.

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Alex Davies-Jones

Gov [OPC134]

To move the following Clause—

**“Anonymity for authorised firearms officers appealing convictions for qualifying offences**

- (1) This section applies where a person (“D”) is convicted of a qualifying offence in proceedings in a court in England and Wales, or proceedings (anywhere) before a service court.
- (2) The court by or before which D is convicted may, if satisfied that it is necessary in the interests of justice to do so—
  - (a) cause any or all of the information mentioned in section (*Anonymity for authorised firearms officers charged with qualifying offences*)(3)(a)(i) to (iii) to be withheld from the public in proceedings before the court;
  - (b) give a reporting direction in respect of D (see section (*Authorised firearms officers: reporting directions*));
  - (c) make an anonymity order in respect of D (see (*Authorised firearms officers: anonymity orders*)).
- (3) Any reporting direction given, or anonymity order made, under subsection (2) ceases to have effect at the end of the appeal period unless, before the end of that period, D brings an appeal against the conviction.
- (4) Where, before the end of the appeal period, D brings an appeal against the conviction, the court dealing with the appeal may, if satisfied that it is necessary in the interests of justice to do so—
  - (a) cause any or all of the information mentioned in section (*Anonymity for authorised firearms officers charged with qualifying offences*)(3)(a)(i) to (iii) to be withheld from the public in proceedings before the court;
  - (b) give a reporting direction in respect of D;
  - (c) make an anonymity order in respect of D.
- (5) The court dealing with the appeal must at the earliest opportunity determine the issue of whether to exercise any or all of the powers under subsection (4).
- (6) Any reporting direction given, or anonymity order made, under subsection (2) ceases to have effect upon the making of the determination mentioned in subsection (5) (whether or not the court dealing with the appeal gives a direction or makes an order).



- (7) Any reporting direction given, or anonymity order made, under subsection (4) ceases to have effect if the appeal against conviction is abandoned or dismissed.
- (8) In this section—
  - “appeal period” in relation to a person convicted of a qualifying offence, means the period allowed for bringing an appeal against that conviction, disregarding the possibility of an appeal out of time with permission;
  - “qualifying offence” has the meaning given by section (*Anonymity for authorised firearms officers charged with qualifying offences*)(2).
- (9) This section does not apply where the proceedings in which D was convicted were begun before the coming into force of section (*Anonymity for authorised firearms officers charged with qualifying offences*)."

#### Member's explanatory statement

This new clause, which is related to new clause [OPC133], provides courts with a power to preserve the anonymity of authorised firearms officers convicted of an offence relating to the discharge of their firearm in the course of their duties, pending any appeal against that conviction.

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Alex Davies-Jones

Gov [OPC135]

To move the following Clause—

#### **“Authorised firearms officers: reporting directions**

- (1) A reporting direction, in relation to a person (“D”) charged with (or convicted of) a qualifying offence, is a direction that no matter relating to D may be included in any publication if it is likely to lead members of the public to identify D as a person who is, or was, alleged to have committed (or who has been convicted of) the offence.
- (2) The matters relating to D in relation to which the restrictions imposed by a reporting direction apply (if their inclusion in any publication is likely to have the result mentioned in subsection (1)) include in particular—
  - (a) D’s name,
  - (b) D’s address,
  - (c) the identity of any place at which D works, and
  - (d) any still or moving image of D.
- (3) A relevant court may by direction (“an excepting direction”) dispense, to any extent specified in the excepting direction, with the restrictions imposed by a reporting direction if satisfied that it is necessary in the interests of justice to do so.
- (4) An excepting direction—
  - (a) may be given at the time the reporting direction is given or subsequently;
  - (b) may be varied or revoked by a relevant court.
- (5) A reporting direction has effect—

- (a) for a fixed period specified in the direction, or
  - (b) indefinitely,
 but this is subject to subsection (5)(b) of section (*Anonymity for authorised firearms officers charged with qualifying offences*) and subsections (3), (6) and (7) of section (*Anonymity for authorised firearms officers appealing convictions for qualifying offences*).
- (6) A reporting direction may be revoked if a relevant court is satisfied that it is necessary in the interests of justice to do so.
- (7) In this section—
  - “publication” has the same meaning as in Part 2 of the Youth Justice and Criminal Evidence Act 1999 (see section 63 of that Act);
  - “qualifying offence” has the meaning given by section (*Anonymity for authorised firearms officers charged with qualifying offences*)(2);
  - “relevant court”, in relation to a reporting direction, means—
    - (a) the court that gave the direction,
    - (b) the court (if different) that is currently dealing, or that last dealt, with the proceedings in which the direction was given, or
    - (c) any court dealing with an appeal (including an appeal by way of case stated) arising out of the proceedings in which the direction was given or with any further appeal.”

**Member's explanatory statement**

This new clause, which supplements new clauses [OPC133] and [OPC134], makes provision about reporting directions that may be given under either of those new clauses.

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Alex Davies-Jones

Gov [OPC136]

To move the following Clause—

**“Authorised firearms officers: anonymity orders**

- (1) An anonymity order, in relation to a person (“D”) charged with (or convicted of) a qualifying offence, is an order made by a court that requires specified measures to be taken in relation to D to ensure that the identity of D is withheld from the public in proceedings before the court.
- (2) For the purposes of subsection (1), the kinds of measures that may be required to be taken in relation to D include measures for securing one or more of the following—
  - (a) that identifying details relating to D be withheld from the public in proceedings before the court;
  - (b) that D is screened to any specified extent;
  - (c) that D’s voice is subjected to modulation to any specified extent.
- (3) An anonymity order may not require—
  - (a) D to be screened to such an extent that D cannot be seen by—
    - (i) the judge or other members of the court (if any), or
    - (ii) the jury (if there is one);

- (b) D's voice to be modulated to such an extent that D's natural voice cannot be heard by any persons within paragraph (a)(i) or (ii).
- (4) The court that made an anonymity order may vary or discharge the order if satisfied that it is necessary in the interests of justice to do so.
- (5) In this section—
  - "qualifying offence" has the meaning given by section (*Anonymity for authorised firearms officers charged with qualifying offences*)(2);
  - "specified" means specified in the anonymity order concerned."

**Member's explanatory statement**

This new clause, which supplements new clauses [OPC133] and [OPC134], makes provision about anonymity orders that may be made under either of those new clauses.

## CRIME AND POLICING BILL

### EUROPEAN CONVENTION ON HUMAN RIGHTS

#### Second Supplementary Memorandum by the Home Office, Department for Transport and Ministry of Justice

##### Introduction

1. This memorandum supplements memorandums dated 23 February 2025<sup>1</sup> and 22 April<sup>2</sup> prepared by the Home Office and Ministry of Justice, which addressed issues under the European Convention on Human Rights (“ECHR”) in relation to the Crime and Policing Bill (“the Bill”).
2. This supplementary memorandum addresses the issues under the ECHR from further Government amendments tabled on 24 April 2025 for Commons Committee stage. This memorandum has been prepared by the Home Office, Department for Transport and Ministry of Justice.
3. The amendments considered in this memorandum are:
  - a. Remote sale of knives: New clauses “Remote sales of knives etc.” and “Delivery of knives etc.” amend the Criminal Justice Act 1988 and the Offensive Weapons Act 2019 to impose a two-stage age verification procedure on those involved in the sale and delivery of knives, to prevent sales of knives to persons under 18, and create further offences for failure to comply with those requirements.
  - b. Reporting bulk sales of knives: New clause “Duty to report remote sales of knives etc in bulk: England and Wales” amends the Criminal Justice Act 1988 to insert an obligation on remote sellers of knives to report bulk sales to the police. These provisions are aimed at individuals or ‘grey market’ sellers who buy knives in large numbers and then sell them on to others via, for example, social media platforms without carrying out age verification checks which are required under existing law.
  - c. Remote sale or leasing for hire of crossbows: New clauses “Remote sale and letting of crossbows” and “Delivery of crossbows” amend the Crossbows Act 1987 to impose a two-stage age verification procedure on those involved in the sale, letting for hire and delivery of crossbows to prevent such sales, letting or delivery of crossbows to persons under 18, and create further offences for those who fail to comply with those requirements.
  - d. Sanctions for senior managers of online companies: New clauses ““Relevant user-to-user services”, “relevant search services” and “service

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<sup>1</sup> [ECHR Memo.pdf](#)

<sup>2</sup> [Crime and Policing Bill: ECHR supplementary memorandum 22 April 2025 - GOV.UK](#)

providers”” to “Interpretation of Chapter” and new Schedule “Penalties for service providers and content managers”, which together will form new Chapter 2 of Part 2 of the Bill, introduce an obligation on certain online companies and their relevant managers to comply with a police notice requiring removal of unlawful weapons internet marketing. Failure to comply with a notice could ultimately result in a financial civil penalty being imposed on the company in question (up to a maximum of £60,000) and its relevant content manager (up to a maximum of £10,000).

- e. Public Order – places of worship: restriction on protests: New clause “Places of worship: restriction on protest” amends the Public Order Act 1986 to provide the police with the power to impose conditions on assemblies, processions or a protest that may intimidate people and deter those people from accessing or carrying out religious activities at a place of worship.
  - f. Public Order – amendments to allow the British Transport Police to exercise further powers: New clause “Amendments relating to the British Transport Police and Ministry of Defence Police” amends the Public Order Act 1986 (“the 1986 Act”). These amendments will allow the British Transport Police Force (“the BTP”) to exercise the powers in sections 14 and 14A of the 1986 Act for assemblies being held within its jurisdiction. The clause also amends sections 60 and 60AA of the Criminal Justice and Public Order Act 1994, to enable the Ministry Defence Police (“the MDP”) to issue authorisations to enable MDP officers to exercise the powers contained in those sections; this aspect of the clause is not assessed to give rise to issues under the ECHR.
  - g. Presumption of anonymity for firearm officers: New clauses “Anonymity for authorised firearms officers charged with qualifying offences”, “Anonymity for authorised firearms officers appealing convictions for qualifying offences”, “Authorised firearms officers: reporting directions” and “Authorised firearms officers: anonymity orders” create a presumption of anonymity for firearms officers facing criminal trial who are accused of an offence involving the discharge of their firearm.
4. It is not considered that any other Government amendments tabled on 24 April 2025 give rise to issues under the ECHR.

### **Remote sale of knives**

- 5. New clauses “Remote sales of knives etc.” and “Delivery of knives etc.” amend the Criminal Justice Act 1988 and the Offensive Weapons Act 2019 to impose a two-stage age verification procedure on those involved in the sale and delivery of knives, to prevent sales of knives to persons under 18 and by creating further offences for failure to comply with those requirements.

## **Article 8 – Right to respect for private and family life, home and correspondence**

6. These provisions may engage Article 8 because they require a person to supply photographic identification, namely a passport or UK driving licence, and a photograph of themselves for comparison before purchasing knives remotely. This engages a person's right to privacy and their right to their images. Some purchasers may not wish to supply their personal information.
7. The Government is satisfied that these requirements are justified in accordance with Article 8(2) as necessary and proportionate to disrupt the long-term trend of an increase in serious violence and knife crime (the prevention of disorder or crime and the protection of the rights and freedom of others), and that any interference is therefore compatible with Article 8.

### **Reporting bulk sales of knives**

8. New clause "Duty to report remote sales of knives etc in bulk: England and Wales imposes an obligation on remote sellers of knives to report bulk sales to the police. Specifically, persons must report any "reportable sales" as defined in new section 141D(3) to (5) of the Criminal Justice Act 1998 (as inserted by the clause). This seeks to address risks – including as outlined in the independent end-to-end review of online knife sales conducted by the National Police Chiefs' Council (31 January 2025) - concerning unscrupulous individuals buying large numbers of knives online and then re-selling them, potentially ending up in incidents of violence, without detection.<sup>3</sup>

### **Article 8 – Right to respect for private and family life, home and correspondence**

9. These provisions may engage a buyer's Article 8 rights as they require a seller to provide the police with a buyer's personal details for behaviour which may not be linked to criminality (for example, a private landlord equipping kitchens for more than one property or a person buying multiple sets of knives as presents). The Government is satisfied that this requirement, which only applies to defined bulk sales, is a proportionate means of disrupting the long-term trend of an increase in serious violence with knives (the legitimate aim of the prevention of disorder or crime and the protection of the rights and freedoms of others).
10. It is possible that the subsequent use of the information by the police may also engage Article 8, for example where data is retained on the Police National Database, if individuals are visited by the police as part of investigations arising from the report or if information is disclosed on an enhanced Disclosure and Barring Service check.<sup>4</sup> The Government is satisfied that there are sufficient safeguards to ensure any such action is the least intrusive method of police

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<sup>3</sup> The NPCC independent end-to-end review of online knife sales noted the lack of requirement for law enforcement to be informed as to where knives are being sold, particularly where sold in volume, "created opportunities for great market sellers to buy knives in bulk and resell them, potentially ending up in incidents of violence, without detection" (page 12 – accessible here: [Independent end-to-end review of online knife sales](#)).

<sup>4</sup> An enhanced criminal records check may be requested by employers in relation to a list of certain positions, such as teachers, social workers and carers.

investigation, contact, or disclosure for their proportionate aims. The police, as a public authority, must act compatibly with the ECHR (under section 6 of the Human Rights Act 1998 (“the HRA 1998”)) as well as relevant data protection legislation. The College of Policing Management of Police Information (“MOPI”) guidance provides a way for balancing proportionality and necessity<sup>5</sup> in respect of police retention and use of information. The statutory test for disclosure of information on an enhanced criminal record certificate, contained in section 113B(4) of the Police Act 1997, and accompanying statutory disclosure guidance,<sup>6</sup> provide safeguards against improper disclosure. In respect of police investigative actions, in line with their duty under the HRA 1998 the police will need to carefully consider the most proportionate means of achieving contact (where contact is deemed necessary), for example seeking to avoid contacting individuals at their place of work, or study, or in a manner likely to alert a third party.

11. The Home Office will work closely with the police to ensure safeguards are in place to ensure follow up policing actions, which should only be undertaken if corroborating evidence supports them, are no more than are necessary and proportionate to disrupt the long-term trend of an increase in serious violence with knives.
12. Given the above, the Government is satisfied that the clause is compatible with Article 8.

### **Remote sale or leasing for hire of crossbows**

13. New clauses “Remote sale and letting of crossbows” and “Delivery of crossbows” amend the Crossbows Act 1987 to impose a two-stage age verification procedure on those involved in the sale, letting for hire and delivery of crossbows to prevent such sales, letting or delivery of crossbows to persons under 18, and creates further offences for those who fail to comply with those requirements.

### **Article 8 – Right to respect for private and family life, home and correspondence**

14. These clauses may engage Article 8 in the same way as the clause on the remote sale and delivery of knives discussed above (at paragraphs 9 to 11). The same analysis of that Article applies in respect of this clause.

### **Sanctions for senior managers of online companies**

15. New clauses ““Relevant user-to-user services”, “relevant search services” and “service providers”” to “Interpretation of Chapter” and new Schedule “Penalties for service providers and content managers”, which together will form new Chapter 2 of Part 2 of the Bill, create **personal liability measures for senior managers of online platforms** for failure to take action to remove illegal content relating to knives and offensive weapons. Upon identification of content illegally

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<sup>5</sup> See: [Management of police information | College of Policing](#)

<sup>6</sup> See: [\[Title\]](#)

marketing prohibited weapons or knives, the police will have the power to issue Content Removal Notices to online companies and a designated UK based senior manager (the “appointed content manager”) of that organisation. If the company fails to remove the specified content, the online company and appointed senior manager will be respectively liable for penalty notices of up to a maximum of £60,000 and £10,000 respectively (subject to various safeguards). The measure extends UK wide.

## **Article 6 – Right to a fair trial**

16. The civil limb of Article 6 is engaged, in light of the imposition of a monetary penalty. There are safeguards built into the scheme, including a right to request the police to review the initial decision and the potential for an appeal to the County Court if a defendant wishes to challenge the civil penalty (including whether the level of the financial penalty imposed was proportionate to the misconduct). On appeal, the court may cancel, or reduce the amount of, the penalty. Additionally, a person can avoid a penalty by complying with the requirement to take down the material. The Government is therefore satisfied that the measure is compatible with the fair trial requirements of Article 6.

## **Article 8 – Right to respect for private and family life, home and correspondence**

17. Article 8 is engaged as a company will be obliged to provide to police the personal data of its senior manager. This data processing will be legitimate and proportionate, handled in accordance with relevant data protection legislation. It is clearly in pursuit of a legitimate aim, the prevention of unlawful marketing of knives and weapons and, thereby, the driving down of knife crime. The Government is therefore satisfied that the measure is compatible with Article 8.

## **Article 1, Protocol 1 – Right to peaceful enjoyment of property**

18. Article 1, Protocol 1 will also be engaged by the financial penalties imposed on the online company and/or managers (up to a maximum of £60,000 and £10,000 respectively), which will deprive individuals of their possessions (money). The Government assesses the interference, however, to be proportionate and necessary in the public interest; the deprivation will only arise if the individual or company unjustifiably fail to remove the unlawful weapons content (following a valid content removal notice). Appointed content managers are excused from paying the penalty where they can show they took “all reasonable steps” to comply with the content removal notice or decision notice. The levels of the financial penalties will be adjusted on a case-by-case basis so as to be proportionate in light of the level of culpability, and the Home Office will produce guidance to assist decision makers in ensuring penalties are imposed at an appropriate level. The Government is therefore satisfied that any interference is compatible with Article 1 Protocol 1.

## **Places of worship: restriction on protests**



19. New clause “Places of worship: restriction on protest” amends sections 12, 14 and 14ZA of the Public Order Act 1986 (“the 1986 Act”) to set an additional statutory threshold, which enables the police to make directions in relation to a public procession or assembly or give directions to a person organising or carrying on a one-person protest, which is in the vicinity of a place of worship. A senior police officer may impose conditions if he reasonably believes that such a procession, assembly or protest may intimidate persons of reasonable firmness with the result that those persons are deterred from accessing that place of worship for the purpose of carrying out religious activities or carrying out religious activities at that the place of worship. This supplements the existing thresholds, such as if a public assembly or procession may result in serious public disorder, serious property damage or serious disruption to the life of the community.

### **Articles 10 and 11 – Right to freedom of expression and freedom of assembly and association**

20. The amendment relates to the policing of assemblies, processions and one-person protests. Articles 10 and 11 are likely to be engaged when the police powers under sections 12, 14 and 14ZA of the 1986 Act are exercised.
21. Whilst the amendment extends the scope of existing police powers under sections 12, 14 and 14ZA of the 1986 Act, by setting an additional threshold, it is not anticipated that it will result in any significantly increased interference with these rights, as the police can already give directions to assemblies, processions and one-person protests under the existing thresholds in the 1986 Act. Moreover, the amendment is designed to better protect the rights of individuals, who access places of worship, under Article 9 (freedom of thought, conscience and religion).
22. The Government considers any interference with Articles 10 and 11 to be in accordance with the law and justified as a proportionate and necessary interference in pursuit of a legitimate aim. The legitimate aims pursued are the prevention of disorder and public safety, as well as the protection of the rights of others. The amendments are considered necessary to give clarity to police when dealing with assemblies, processions and one-person protests that take place in the vicinity of places of worship, ensuring more consistency of use, and as such to give clarity and foreseeability to the public in relation to the police use of their powers in these circumstances.
23. The police have extensive guidance<sup>7</sup> around the use of their powers in relation to public order, which ensures that decision making under sections 12, 14 and 14ZA of the 1986 Act will be exercised in a focused, non-arbitrary and ECHR-compatible way. Alongside this guidance, which will be updated to address the new statutory threshold, the police’s duties under section 6 of the Human Rights Act 1998 provides assurance that the powers will be used only in a manner proportionate to the circumstances.

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<sup>7</sup> <https://assets.college.police.uk/s3fs-public/2023-06/National-protest-operational-advice.pdf>

24. As such, the Government is satisfied the clause is compatible with Articles 10 and 11.

### **Public Order: British Transport Police powers**

25. Subsection (2) of new clause “Amendments relating to British Transport Police and Ministry of Defence Police” amends the definition of “land” in section 14A(9) of the 1986 Act and subsection (3) amends section 16 of the 1986 Act. These amendments will allow the British Transport Police Force (“the BTP”) to exercise the powers in sections 14 and 14A of the 1986 Act for assemblies being held within its jurisdiction.

### **Articles 10 and 11 – Right to freedom of expression and freedom of assembly and association**

26. These provisions may be used in the context of protests where people are exercising their Article 10 right to freedom of expression and their Article 11 right to freedom of assembly. These are qualified rights. A restriction on those rights can be justified if it is prescribed by law and necessary in a democratic society to further one of the legitimate aims identified in the Convention. These include, relevantly, the prevention of disorder or crime, and the protection of the rights and freedoms of others: the latter will include the Article 1 Protocol 1 property rights of the station owners as well as the freedom of passengers to access their trains without undue inconvenience.

27. The Government is also satisfied that if the statutory requirements for placing conditions on an assembly under section 14 and for the making of a section 14A order were satisfied, it is likely to be sufficient to establish that the order is compatible with Articles 10 and 11. Case law establishes that, provided the section 14 criteria are satisfied, any prosecution for breach of the conditions under section 14 will be a proportionate interference with Articles 10 and 11.<sup>8</sup>

28. As such, the Government is satisfied the clause is compatible with Articles 10 and 11.

### **Presumption of anonymity for firearm officers**

29. New clauses “Anonymity for authorised firearms officers charged with qualifying offences”, “Anonymity for authorised firearms officers appealing convictions for qualifying offences”, “Authorised firearms officers: reporting directions” and “Authorised firearms officers: anonymity orders” create a presumption in favour of the court in criminal proceedings withholding from the public the defendant’s name, address, and date of birth, as well as a presumption in favour of reporting restrictions prohibiting the publication of anything likely to identify the defendant. These presumptions will only apply to defendants who are firearms officers and who are accused of having committed an offence in which they discharged their firearm in the course of their duty as a firearms officer (‘a qualifying offence’). The

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<sup>8</sup> *James v DPP* [2016] 1 WLR 2118

clauses also create a statutory power to allow the court to order further measures to withhold the identity of the defendant from the public present in the courtroom where such measures are necessary in the interests of justice.

30. Once a defendant is sentenced for a qualifying offence, the presumptions will cease to apply. However, before sentencing, the defendant may apply for in-court anonymity measures and reporting restrictions to apply in anticipation of bringing an in-time appeal against conviction. Such an order may be granted if the court is satisfied that it is necessary in the interests of justice. If an appeal is lodged before the end of the appeal period, the Court of Appeal may reaffirm or reissue the order if it is satisfied that its continuation is necessary in the interests of justice.
31. The ECHR rights engaged by this provision are Article 10, and Article 14 taken together with Articles 2, 3, and 8. These rights are primarily engaged by the presumptions created by the clauses.

### **Article 10 – Freedom of expression**

32. Article 10 is engaged since anonymity measures will restrict the freedom of expression of those who wish to report on the identity of a qualifying defendant in criminal proceedings by preventing them from learning that information and preventing them from disseminating it. However, Article 10 is a qualified right which may be restricted where to do so is necessary in a democratic society. One reason why it may be necessary to restrict Article 10 rights is where publication of a defendant's identity would give rise to a real and immediate risk to the defendant's life. The presumption reflects the fact that the disclosure of the identity of a firearms officer in criminal proceedings is particularly likely to give rise to such a risk to the officer, given the nature of their work. The court can depart from the presumptions where to order reporting restrictions or in-court anonymity measures would be contrary to the interests of justice.
33. An important safeguard is provided by the involvement of the media in applications for anonymity measures, including pursuant to these clauses. When considering whether to make an anonymity measure the court should invite media representations. Appropriate procedures should also be in place for notifying the media once an order has been made. The media, and any other directly affected party, has the right to apply to revoke or vary an anonymity measure. Additionally, the media, and any other aggrieved person, has a right of appeal to the Court of Appeal against reporting restrictions made in a trial on indictment in the Crown Court. The jurisdiction of the Court of Appeal on such an appeal is not limited to reviewing the decision of the Crown Court; the court should form its own view on the material before it and may reverse, confirm or vary any order made.
34. Given the court's discretion to depart from the presumption, and the safeguards provided by the role of the media, the Government is satisfied that these clauses are compatible with Article 10.

### **Article 14 – Prohibition of discrimination**

35. Article 14, together with Articles 2, 3, and 8 may be engaged by this measure on the basis that it could be argued that a defendant's Article 2, 3, and 8 rights are better protected where a defendant is a firearms officer charged with a qualifying offence as compared to any other defendant. In order for Article 14 to be engaged, a defendant's status as a firearms officer charged with a qualifying offence would have to amount to 'other status' for the purposes of Article 14.
36. If Article 14 is engaged by this measure, the Government is satisfied that it is compatible with Article 14 because there is an objective justification for different treatment which bears a reasonable relationship of proportionality to the legitimate aim being pursued. Firearms officers standing trial in respect of a qualifying offence are particularly likely to face a risk to their life if their identity is disclosed, so that it is appropriate for the starting point to be that reporting restrictions or in-court anonymity measures will be ordered. However, the court need not order reporting restrictions or in-court anonymity measures where to do so would be contrary to the interests of justice. Given the court's discretion to depart from the presumptions, the Government does not anticipate that the difference in treatment between a firearms officer and any other defendant will be disproportionately stark in light of the justification for different treatment.

**Home Office, Department for Transport and Ministry of Justice**  
**24 April 2025**

## 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’<sup>1</sup> 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”<sup>2</sup>.
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;

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<sup>1</sup> 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.

<sup>2</sup> 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 knives<sup>3</sup>. 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’<sup>4</sup> purchased or supplied when the seller and buyer are not present, but:

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

<sup>4</sup> 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**  
**24 April 2025**