
DRAFT STATUTORY INSTRUMENTS

2024 No.

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

PART 1

Introductory

Citation, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) Order 2024.

(2) This Order comes into force as follows—

- (a) This Part and Part 3 come into force on 26th June 2024;
- (b) Part 2 comes into force on 24th September 2024;
- (c) Part 4 comes into force on 26th August 2024.

(3) This Order extends to England and Wales.

PART 2

Amendment of the Criminal Justice Act (Offensive Weapons) Order 1988

2.—(1) The Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988(1) is amended as follows.

(2) In paragraph 1, after sub-paragraph (s) insert—

- “(sa) the weapon sometimes known as a “zombie-style knife” or “zombie-style machete”, being a bladed article with—
- (i) a plain cutting edge;
 - (ii) a sharp pointed end; and
 - (iii) a blade of over 8 inches in length (the length of the blade being the straight-line distance from the top of the handle to the tip of the blade),

which also has one or more of the features specified in paragraph 1A and which is not a weapon that falls under paragraph 1(s);”

(3) After paragraph 1, insert—

“**1A.—(1)** For the purposes of paragraph 1(sa), the specified features are—

(1) [S.I. 1988/2019](#), amended by [S.I. 2002/1668](#), [2004/1271](#), [2008/973](#), [2008/2039](#), [2016/803](#) and the Offensive Weapons Act 2019 (c. 17). There are other amendments but they are not relevant.

- (a) a serrated cutting edge (other than a serrated cutting edge of up to 2 inches next to the handle);
 - (b) more than one hole in the blade;
 - (c) spikes;
 - (d) more than two sharp points in the blade (other than a sharp point of a kind specified in sub-paragraph (2)).
- (2) The kinds of sharp point mentioned in sub-paragraph (1)(d) are—
- (a) a sharp point where the angle between the edges which create the point is an angle of at least 90 degrees (where there is a curved edge, the angle will be measured by reference to the tangent of the curve);
 - (b) a sharp point on the cutting edge of the blade near the handle.”
- (4) In paragraph 5A, after “paragraph 1(r)” in both places where those words occur insert “or (sa)”.
- (5) In paragraph 5B —
- (a) in sub-paragraphs (1) to (4), after “curved sword”, in each place those words occur, insert “, zombie-style knife or zombie-style machete”;
 - (b) after “the sword”, wherever those words occur, insert “, knife or machete”;
 - (c) in sub-paragraph (5), after the definition of “curved sword”, insert—
““zombie-style knife or zombie-style machete” means a weapon to which section 141 of the Criminal Justice Act 1988 applies by virtue of paragraph 1(sa);”
- (6) After paragraph 5B, insert—
- 5C.** It is a defence for a person charged—
- (a) with an offence under section 141(1) of the Criminal Justice Act 1988; or
 - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

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

5D.—(1) It is a defence for a person charged—

- (a) with an offence under section 141(1) or (1A) of the Criminal Justice Act 1988; or
- (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

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

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

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

5E.—(1) It is a defence for a person charged—

- (a) with an offence under section 141(1) or (1A) of the Criminal Justice Act 1988; or
- (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

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

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

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

PART 3

Arrangements for surrender of weapons

Arrangements for surrender of weapons

3.—(1) The Secretary of State must make such arrangements as the Secretary of State thinks fit to secure the orderly surrender at designated police stations in England and Wales of weapons the possession in private of which will become unlawful by virtue of Part 2.

(2) The chief officer of police for any area may designate any police station in the chief officer’s area as being suitable for the receipt of weapons surrendered in accordance with the arrangements made under paragraph (1).

PART 4

Compensation for surrendered weapons

Interpretation

4. In this Part—

“officer” means any person authorised to accept surrender of weapons in accordance with arrangements made under article 3;

“the standard level of compensation” means the level of compensation provided in article 5.

Value of surrendered weapons

5. The standard level of compensation to be paid for each weapon surrendered in accordance with arrangements under this Part is £10.

Eligibility for compensation

6. Compensation may be claimed by a person—

- (a) in respect of a weapon, possession in private of which will become unlawful by virtue of Part 2;
- (b) who—

- (i) owned the weapon on 26th August 2024, or
- (ii) on or before 26th August 2024 had contracted to acquire the weapon;
- (c) who has surrendered the weapon in accordance with arrangements made under article 3 within the period beginning with 26th August 2024 and ending with 23rd September 2024; and
- (d) who has made a declaration that the person is the legal owner of the weapon and that it was lawfully acquired.

Receipt for weapon surrendered

- 7.—(1) An officer receiving a weapon must, if satisfied that the criteria in article 6 have been met, issue a receipt containing a unique reference number to the person who surrendered the weapon.
- (2) The officer must ensure that a copy of the receipt is retained with the weapon surrendered.

Claims for compensation

- 8.—(1) The claim form to be used for the purposes of this article is set out in the Schedule.
- (2) A person who has surrendered a weapon in accordance with arrangements made under article 3 may make a claim to the Secretary of State on the claim form mentioned in paragraph (1).
- (3) The claim form, to be forwarded by the officer to the Secretary of State, must be submitted at the same time as the weapon is surrendered.
- (4) The claim form must contain—
- (a) the claimant’s full name, date of birth and address;
 - (b) details of the bank account into which any compensation is to be paid;
 - (c) the unique reference number contained on the receipt issued under article 7; and
 - (d) the amount of compensation sought.
- (5) If the amount of compensation sought is higher than the standard level of compensation, the claimant must provide sufficient evidence of valuation of the weapon to enable the Secretary of State to determine the claim.
- (6) Evidence of valuation of a weapon may include—
- (a) a valuation from an auction house;
 - (b) evidence of the price paid for the purchase of the weapon and the date of purchase; or
 - (c) published evidence of the value of the weapon.
- (7) If not satisfied that the evidence of valuation supplied under paragraph (5) is sufficient to enable a determination of the claim to be made, the Secretary of State may request additional evidence to be supplied.

Determination and payment of claims

- 9.—(1) The Secretary of State must determine a claim made under article 8 as soon as reasonably practicable.
- (2) No compensation is payable in respect of a claim which amounts to less than £30, but subject to that, the amount payable is to be determined in accordance with paragraphs (3) and (4).
- (3) The amount of compensation payable for a weapon, if any, is the standard level of compensation, unless the claimant has indicated that a higher amount of compensation is sought.

(4) Where the claimant has sought a higher amount of compensation than the standard level of compensation, the amount payable, if any, is to be determined by the Secretary of State taking account of the valuation evidence supplied.

(5) If satisfied that compensation is payable under this Part, the Secretary of State must—

- (a) notify the claimant in writing of the amount of compensation that the Secretary of State considers is payable and give reasons for the decision; and
- (b) make payment of the amount determined into the bank account nominated for this purpose on the claim form submitted by the claimant.

(6) If not satisfied that compensation is payable under this Part, the Secretary of State must notify the claimant in writing that no compensation is to be paid and give reasons for the decision.

Date

Name
Minister of State
Home Office