

Draft Order laid before Parliament under section 141(11E) of the Criminal Justice Act 1988, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No.

CRIMINAL LAW, ENGLAND AND WALES

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

Made - - - -

Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 141(2), (11D) and (12A) of the Criminal Justice Act 1988(1).

In accordance with section 141(11E)(2) of that Act, a draft of the instrument was laid before Parliament and approved by a resolution of each House of Parliament.

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.

(1) 1988 c.33. Section 141(11D) is inserted by section 43(4) of the Violent Crime Reduction Act 2006 (c.38). Section 141(12A) is inserted by section 46(15) of the Offensive Weapons Act 2019 (c. 17).

(2) Inserted by section 43(4) of the Violent Crime Reduction Act 2006 (c.38).

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(3) 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—

(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

(3) 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.

- (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

SCHEDULE

Article 8(1)

Claim Form

SURRENDER AND COMPENSATION SCHEME CLAIM FORM

PART A – Your Details

Title

Forename

Surname

Date of Birth

Day

Month

Year

Your address

House number

Street

Village, Town or City

County

Postcode

Contact number

Email

PART B - Do you want to claim financial compensation for the item(s) you are surrendering to the police? Note your claim must amount to £30 or over to be eligible for compensation. Tick which box applies.

Yes Now go to Part C of this form

No Now go to Part D of this form

PART C – Your bank account

All compensation payments will be made by cheque if it is determined that compensation is payable. Please provide here the details of the bank account into which any compensation awarded to you will be paid. These details will be included on any cheque that is issued by the Home Office.

Name of account holder

Account number

Bank sort code

PART D – Declaration and signature

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

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

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

I confirm that I owned the weapon(s) on the relevant date or contracted to acquire it on or before that date in order to be eligible to make a claim. The date is as follows: 26th August 2024.

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

Yes

No

Some

If “Yes” is ticked, I accept that the police may dispose of the item(s) concerned straightaway.

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

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

Signature..... Date.....

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

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

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

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

Title

Forename(s)

Surname

Date of birth Day Month Year

Your address House number

Street

Village, town or city

Postcode

Signature..... Date.....

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

<i>Ref. Official use only</i>	<i>How many zombie- style knives or machetes?</i>	<i>Seeking compensation Enter Y/N</i>	<i>If Y, do you accept the standard value of £10? Enter Y/N</i>	<i>If N and claiming individual value, enter value (£)</i>	<i>Has evidence to support individual value been provided? Enter Y/N</i>	<i>Total claim for items</i>
---------------------------------------	---	---	---	--	--	----------------------------------

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

<i>Ref. Official use only</i>	<i>How many zombie- style knives or machetes?</i>	<i>Seeking compensation Enter Y/N</i>	<i>If Y, do you accept the standard value of £10? Enter Y/N</i>	<i>If N and claiming individual value, enter value (£)</i>	<i>Has evidence to support individual value been provided? Enter Y/N</i>	<i>Total claim for items</i>
---------------------------------------	---	---	---	--	--	----------------------------------

Annex A: Guidance for completing the Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) Order 2024 - Claim Form

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

PART A – Your details

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

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

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

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

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

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

PART C – Your bank account

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

PART D – Declaration

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

You will accept the compensation value listed in this document for your item(s);

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

You will accept the compensation value listed in this document for some of your item(s) but will not accept the compensation value listed for other item(s).

You must tick which box applies to your application. If you are claiming compensation for an offensive weapon, you must have been the lawful owner on 26th August 2024.

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

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

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

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

**Application unique reference number: Format is Police Station Code + Property booking in reference. E.g. XXX-123456
Police Force**

Name of receiving officer or staff (please print)

Receiving station name

Date received

Identity of claimant confirmed? (Y/N)

Ownership of claimant confirmed? (Y/N)

**All surrendered items correctly detailed? (Y/N) if no, use the box below for details
Is the value of the claim £30 or over? (Y/N)**

Valuation of relevant items provided and attached? (Y/N)

Declarations completed and signed by application? (Y/N)

Additional comments: The space below is for the police to record any other information not provided elsewhere in this form. If required, further detail can be recorded on another page.

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

EXPLANATORY NOTE

(This note is not part of the Order)

Section 141 of the Criminal Justice Act 1988 (“section 141”) provides that any person who manufactures, sells or hires or offers for sale or hire, exposes or has in his possession for the purpose of sale or hire, or lends or gives to any other person, a weapon to which that section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine or both. The importation of any such weapon is prohibited. Section 141 also provides that any person who possesses in private a weapon to which the section applies is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.

The Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (S.I. 1988/2019) (the “1988 Order”) specifies descriptions of weapons to which section 141 applies and sets out defences to the section 141 offences.

Part 2 of this Order adds a new weapon description at paragraph 1(sa) in the Schedule to the 1988 Order (the weapon sometimes known as a “zombie-style knife” or “zombie-style machete”), provides for defences to the section 141 offences in relation to this new weapon description, and provides for a bluntness defence which applies to both paragraph 1(sa) and paragraph 1(r) weapons (curved swords).

Parts 3 and 4 of this Order provide for a scheme under which compensation can be claimed by persons surrendering weapons which fall under the new paragraph 1(sa).

Article 6 makes provision as to eligibility for compensation, article 7 provides for officers accepting the surrendered items to issue a receipt, article 8 provides for claims to be submitted where knives have been surrendered and for the forms to be transmitted to the Secretary of State, and article 9 provides for determination of claims and payment by the Secretary of State. The claim form is set out in the Schedule.

The standard level of compensation for these weapons, set at £10, is the amount of compensation payable unless the person claiming the compensation contends that the value exceeds that amount. If the person claims that the value exceeds the standard level, valuation evidence must be submitted and the level of compensation payable is to be determined by the Secretary of State.

The surrender arrangements referred to in this instrument may be obtained at gov.uk.

A full impact assessment of the effect that this instrument will have on the costs to business is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.