# STATUTORY INSTRUMENTS

# 2020 No. 1321

# The Surrender of Offensive Weapons (Compensation) Regulations 2020

# PART 2

## Compensation for surrendered offensive weapons: England and Wales

### Eligibility for compensation

**3.**—(1) Compensation is payable in accordance with this Part for offensive weapons surrendered in accordance with arrangements made under section 48(1) (surrender of prohibited offensive weapons) of the Act.

(2) Compensation may be claimed by a person—

- (a) in respect of a weapon, possession of which will become unlawful by virtue of-
  - (i) section 44 (prohibition on the possession of certain dangerous knives) of the Act (by itself or in combination with section 43 (amendments to the definition of "flickknife") of the Act), or
  - (ii) section 46 (prohibition on the possession of offensive weapons) of the Act (by itself or in combination with section 47 (prohibition on the possession of offensive weapons: supplementary) of the Act);
- (b) who, in the case of a weapon other than a cyclone knife—
  - (i) owned the weapon on 20th June 2018, or
  - (ii) on or before 20th June 2018 had contracted to acquire the weapon;
- (c) who, in the case of a cyclone knife—
  - (i) owned the cyclone knife on 22 January 2019, or
  - (ii) on or before 22 January 2019 had contracted to acquire the cyclone knife;
- (d) who has surrendered the weapon in accordance with arrangements made under section 48(1) of the Act within the required period; and
- (e) who has made a declaration, in a form approved by the Secretary of State, that the person is the legal owner of the weapon and that it was lawfully acquired.

(3) In paragraph (2), "cyclone knife" means the weapon sometimes known as a "cyclone knife" or "spiral knife" being a weapon with—

- (a) a handle;
- (b) a blade with two or more cutting edges, each of which forms a helix; and
- (c) a sharp point at the end of the blade.

#### **Receipt for weapon surrendered**

**4.**—(1) An officer receiving a weapon must, if satisfied that the criteria in regulation 3(2) 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**

**5.**—(1) The Secretary of State must publish, in such manner as the Secretary of State considers appropriate, a claim form to be used for the purposes of this regulation.

(2) A person who has surrendered a weapon in accordance with arrangements made under section 48(1) of the Act may make a claim to the Secretary of State on the claim form published under 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 regulation 4(1); and
- (d) the amount of compensation sought.

(5) If no standard level of compensation is specified for the weapon surrendered or if the amount of compensation sought is higher than any 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**

**6.**—(1) The Secretary of State must determine a claim made under regulation 5 as soon as reasonably practicable.

(2) No compensation is payable in respect of a claim which amounts to less than  $\pounds 30$ , but subject to that, the amount payable is to be determined in accordance with paragraphs (3) and (4).

(3) Where a standard level of compensation is specified, 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 no standard level of compensation is specified, or 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.