

CRIME AND POLICING BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

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

Remote sale of knives and crossbows - Power to prescribe alternative process for age verification:

- (i) **Amendment to clause 31 – amended section 141B(4) of the Criminal Justice Act 1988**
- (ii) **New clause “Remote sale or letting of knives etc: Scotland”(2) – new section 141C(5)(a)(ii) of the Criminal Justice Act 1988**
- (iii) **New clause “Remote sale of knives etc: Northern Ireland”(2) – new Article 54A(4)(a)(ii) of the Criminal Justice (Northern Ireland) Order 1996**
- (iv) **Amendments to clause 32 – amended new section 40(4)(a)(ii) and 40D(8)(a)(ii) of the Offensive Weapons Act 2019**
- (v) **Amendment to clause 33 – amended new section 1B(4)(a)(ii) of the Crossbows Act 1987**
- (vi) **Amendments to clause 34 – amended new sections 1D(4)(a)(ii) and 1H(8)(a)(ii) of the Crossbows Act 1987**
- (vii) **New clause “Remote sale and letting of crossbows: Northern Ireland” – new Article 3B(3)(a)(ii) of the Crossbows (Northern Ireland) Order 1988**
- (viii) **New clause “Delivery of crossbows: Northern Ireland” - new Articles 3D(4)(a)(ii) and 3H(8)(a)(ii) of the Crossbows (Northern Ireland) Order 1988**

Power conferred on: Secretary of State, Scottish Ministers and Department of Justice in Northern Ireland

Power exercisable by: Regulations or order made by statutory instrument

Parliamentary procedure: Draft affirmative resolution procedure

Context and Purpose

Remote sales of knives – (i) to (iii).

1. Clauses 31 and 32 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 an 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 means 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. Clauses 33 to 35 make similar provision for stricter age verification checks for the online sale, letting on hire, and delivery of crossbows or part of a crossbow.

2. Clause 31 amends section 141B of the Criminal Justice Act 1988 (“CJA 1988”). Section 141A of the CJA 1988 (sale of knives, etc., to persons under 18) provides that a person who sells to a person a ‘bladed article’¹ will be guilty of an offence, subject to a maximum penalty of six months’ imprisonment (to be increased to two years by clause 11 of the Bill) or an unlimited fine or both. It is a defence for the defendant to prove they took all reasonable precautions and exercised all due diligence.
3. Section 141B of the CJA 1988 provides some limitations to that defence. Where the seller or seller’s agent is not in the presence of the buyer, the seller will not be regarded as having taken ‘all reasonable precautions and exercised all due diligence’ unless all of the following conditions were met:
 - Condition A: the seller operated a system for checking a buyer is not under 18, and the system was likely to work.
 - Condition B: the package containing the article was clearly marked by the seller that it contained a bladed or sharply pointed article and it should only be delivered into the hands of a person aged 18 or over.
 - Condition C: the seller took all reasonable precautions and exercised all due diligence to ensure that it would be delivered into the hands of someone over 18.
 - Condition D: the seller did not deliver the package (or arrange for its delivery) to a “locker”².
4. Section 38 of the Offensive Weapons Act (“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.
5. Section 38 is subject to the defences in section 40 of the OWA 2019, including where:
 - the seller took all reasonable precautions and exercised due diligence;
 - 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;

¹ i.e., any knife, knife blade, razor blade, axe and any other article which has a blade or is sharply pointed made or adapted for use causing injury to the person. (A folding pocketknife with a blade of three inches or less and safety razors are excluded from the definition.)

² As defined in section 141B(9).

- the seller reasonably believed the buyer had bought bladed article for sporting purposes or historical re-enactment.
6. 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.
 7. Where a section 141A 'article' is purchased and the seller and buyer are not physically present together, clause 31 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 driving licence.
 8. A Government amendment to clause 31(2) adds a requirement to section 141B of the CJA 1988 for a passport or driving licence used as proof of age on a remote sale of a knife to be a physical version, and allows the Secretary of State, to make regulations prescribing an alternative process for age verification (such as digital ID). New clauses "*Remote sale or letting of knives etc: Scotland*" and "*Remote sale of knives etc: Northern Ireland*" make analogous provision for Scotland (conferring the power on Scottish Ministers) and Northern Ireland (conferring the power on the Department of Justice of Northern Ireland) respectively (see replacement section 141C(5)(a)(ii) of the CJA 1988 and new Article 54A(4)(a)(ii) of the Criminal Justice (Northern Ireland) Order 1996).

Delivery of a bladed product to residential premises – (iv)

9. Clause 32(2) inserts new section 39A into the OWA 2019 which provides for replacement defences to the offence of delivery of a bladed product to residential premises (contained in section 38(2) of the OWA 2019).
10. New section 39A(1) applies where a seller delivers a bladed product to residential premises. It provides for a defence for the offence in section 38(2) where the seller can show that the delivery conditions are met.
11. New section 39A(2) applies where a seller based in England and Wales arranges the delivery of a bladed product to residential premises by a delivery company. It provides a defence to the offence under section 38(2) where the seller can show that they had arrangements in place which required the deliverer to deliver a bladed product only when the delivery conditions were met, and that the seller took all reasonable precautions and exercised all due diligence to ensure that the bladed

product would not be delivered to a residential premise unless the delivery conditions were met.

12. New section 39A(4) defines the delivery conditions, namely that the person “P” to whom the bladed product is handed showed the person delivering it a prescribed identity document and on the basis of that document a reasonable person would have been satisfied that P was over 18, and (if the buyer was an individual) the buyer. The prescribed forms of identity are a passport or a UK driving licence or any other prescribed identity document (new section 39A(5)).
13. Government amendments to clause 32(2) provides for what was to be new section 39A of the OWA 2019 to become substituted section 40 of that Act (i.e. to replace the existing section 40, which prescribes defences to offences under section 38 or 39) . The revised subsection (4) of section 40 adds a requirement that an identity document shown to a person delivering a bladed product must be a physical version, and allows the appropriate national authority (namely, the Secretary of State, Scottish Ministers, or Department of Justice in Northern Ireland) to make regulations prescribing an alternative process for age and identity verification (such as digital ID).

Remote sale and letting of crossbows – (v) to (viii)

14. Government amendments to clauses 33 and 34 and Government new clauses “*Remote sale and letting of crossbows: Northern Ireland*” and “*Delivery of crossbows: Northern Ireland*” confer identical delegated powers (variously, on the Secretary of State, Scottish Ministers and Department of Justice in Northern Ireland) in the context of the sale or letting of crossbows.

Justification for the delegated power

15. These new delegated powers are intended to future proof the Bill in anticipation of the introduction of digital ID.
16. The Department for Science, Innovation and Technology (DSIT) is working to enable the widespread use of trusted digital verification services across the economy. These services can be used to prove things about a person, like identity, age or address without presenting physical documents and therefore have application when purchasing age-restricted products such as knives and crossbows. Digital verification services can make transactions quicker and more secure for those that choose to use them.
17. The Office for Digital Identities and Attributes (OfDIA), which sits within DSIT, is creating a framework of standards and governance (the UK Digital Identity and Attributes Trust Framework), underpinned by legislation in the Data (Use and Access) Act 2025. This framework provides a potential opportunity for companies providing age verification services to be certified, to prove they are delivering age verification solutions that meet government standards.
18. In anticipation of the introduction of such digital ID, it is considered appropriate to make provision in the Bill for such new methods of confirming a person’s identity

and age to be applied to the framework for identity and age verification checks in respect of the remote sale and delivery of knives and crossbows. As the introduction of trusted digital verification services remains subject to development, may need to be defined through technical specifications which are likely to vary over time as the technology develops, it is considered appropriate to leave to secondary legislation the detail of alternative methods of establishing a purchaser's identity and age.

Justification for the procedure

19. By virtue of amendments to the Criminal Justice Act 1988, OWA 2019, Criminal Justice (Northern Ireland) Order 1996, Crossbows Act 1987 and Crossbows (Northern Ireland) Order 1988 the relevant regulations are subject to the draft affirmative procedure. The draft affirmative procedure is considered appropriate here as the relevant regulations will set out the steps which must be taken and which, if made out, would absolve a seller or delivery company of liability for the relevant offences in the Criminal Justice Act 1988, OWA 2019, Criminal Justice (Northern Ireland) Order 1996, Crossbows Act 1987 and Crossbows (Northern Ireland) Order 1988. The precise terms of other defences are set out on the face of primary legislation, consequently a high level of parliamentary scrutiny should apply to regulations providing for other defences.

Remote sale of knives and crossbows – Powers to add to list of identity documents, provide for other defences and issue guidance:

- (i) **New clause “*Remote sale or letting of knives etc: Scotland*”(2): new section 141C(5A)(d) of the Criminal Justice Act 1988 – Power to add to the list of identity documents;**
- (ii) **New clause “*Remote sale of knives etc: Northern Ireland*”(2): new Article 54A(4A)(d) of the Criminal Justice (Northern Ireland) Order 1996 – Power to add to the list of identity documents;**
- (iii) **Amendment to clause 32: new section 40(5)(d) of the Offensive Weapons Act 2019 – Power to add to the list of identity documents;**
- (iv) **Amendment to clause 33: new section 1B(5)(d) of the Crossbows Act 1987 - Power to add to the list of identity documents;**
- (v) **Amendment to clause 32: new sections 40E of the Offensive Weapons Act 2019 – Power to provide for other defences for a person charged with an offence under section 38 to 40D.**
- (vi) **Amendment to clause 34: new section 1D(6), 1E(7), 1F(7), 1G(7) and 1H(12) of the Crossbows Act 1987 - Power to provide for other defences for a person charged with an offence under section 1C, 1E, 1F, 1G and 1H respectively.**
- (vii) **Amendment to clause 35: amendment to section 66(2) of the Offensive Weapons Act 2019 – Power to issue guidance relating to offensive weapons etc**
- (viii) **New clause “*Remote sale and letting of crossbows: Northern Ireland*”(3): new Article 3B(4)(d) of the Crossbows (Northern Ireland) Order 1988 – Power to add to the list of identity documents;**
- (ix) **New clause “*Sale and delivery of crossbows: Northern Ireland: supplementary provision*”(1) – new Article 3K of the Crossbows (Northern**

- Ireland) Order 1988 – Power to provide for other defences for a person charged with an offence under Articles 3C, 3E, 3F, 3G or 3H;
- (x) New clause “*Sale and delivery of crossbows: Northern Ireland: supplementary provision*”(4): amendment to section 66(3) of the Offensive Weapons Act 2019 – Power to issue guidance relating to offensive weapons etc.

Power conferred on: Scottish Ministers and Department of Justice in Northern Ireland

Power exercisable by: (i) to (vi), (viii) and (ix) Regulations/order made by statutory instrument
(vii) and (x) Statutory guidance

Parliamentary procedure: (i) to (iv) and (viii) Negative procedure
(v), (vi) and (ix) Draft affirmative procedure
(vii) and (x) None

Context and purpose

20. Clauses 31 and 32 introduce stricter age verification checks for the online sale and delivery of knives following the stabbing carried out in Southport in July 2024. As outlined above, the policy intention is to deter the acquisition of knives and crossbows by under-18s and to support the wider intention of reducing knife and crossbow related crime. Clauses 33 to 35 make similar provision for stricter age verification checks for the online sale, letting on hire, and delivery of crossbows or part of a crossbow.

21. On introduction of the Bill in the House of Lords, these provisions applied to England and Wales only. Paragraphs 83 to 116 of the Government’s Delegated Powers Memorandum, dated 19 June 2025, detailed various delegated powers conferred on the Secretary of State in relation to these provisions, including powers, by regulations, to add to the list of identity documents for the purposes of verifying a person’s identity and age and to provide for other defences for a person charged with relevant offences relating to the sale of knives and crossbows, and an extension of the power in section 66 of the OWA 2019 to issue guidance relating to offensive weapons etc. Government amendments and new clauses tabled for Lords Committee stage extend the application of these provisions to, or make analogous provision for, Scotland and Northern Ireland. In doing so, the powers previously conferred on the Secretary of State are also conferred on the Scottish Ministers and the Department of Justice in Northern Ireland. The Government notes that the DPRRC did not comment on these powers in their report on the Bill (33rd Report of Session 2024/25).

Justification for the delegated power

22. The justification for conferring these powers on the Scottish Ministers and the Department of Justice in Northern Ireland is the same as that for conferring the powers on the Secretary of State as set out in paragraphs 111 to 113 of the Government’s Delegated Powers Memorandum of 19 June 2025.

Justification for the procedure

23. In applying these powers to Scottish Ministers and the Department of Justice in Northern Ireland the same level of parliamentary scrutiny (if any) has been applied as provided for in the Bill on Lords introduction in relation to the powers as conferred on the Secretary of State. The justification for the procedure (or absence of any procedure) is the same as that for the powers on the Secretary of State as set out in paragraphs 114 to 116 of the Government's Delegated Powers Memorandum of 19 June 2025.

Bulk sale of knives etc:

- (i) New clause “Duty to report remote sale of knives etc in bulk: Northern Ireland”:** new section Article 54B(1) of the Criminal Justice (Northern Ireland) Order 1996 – power to make provision about the reporting of remote sales of knives etc in bulk;
- (ii) New clause “Duty to report remote sale of knives etc in bulk: Northern Ireland”:** new section Article 54B(14) of the Criminal Justice (Northern Ireland) Order 1996 – power to amend definition of a reportable sale of bladed articles;
- (iii) Amendment to clause 36(2);** new section 66(2)(da) of the Offensive Weapons Act 2019 – Power to issue guidance relating to offensive weapons etc;
- (iv) New clause “Duty to report remote sale of knives etc in bulk: Northern Ireland”:** amendment to section 66(3) of the Offensive Weapons Act 2019 – Power to issue guidance relating to offensive weapons etc.

Power conferred on: Department of Justice in Northern Ireland / Scottish Ministers

Power exercisable by: (i) and (ii) Order made by statutory instrument
(iii) and (iv) Statutory guidance

Parliamentary procedure: (i) Negative resolution procedure
(ii) Draft affirmative procedure
(iii) and (iv) None

Context and purpose

24. Clause 36 inserts new section 141D into the CJA 1988 which creates a duty on sellers to report “bulk” online sales.

25. On introduction of the Bill in the House of Lords, these provisions applied to England and Wales only. Paragraphs 117 to 132 of the Government's Delegated Powers Memorandum, dated 19 June 2025, detailed various delegated powers conferred on the Secretary of State in relation to these provisions, including powers, by regulations, to make provision about the reporting of remote sales of knives etc in bulk and to amend definition of a reportable sale of bladed articles, and an extension of the power in section 66 of the OWA 2019 to issue guidance relating to offensive weapons etc. Government amendments and new clauses

tabled for Lords Committee stage extend the application of these provisions to, or make analogous provision for, Scotland and Northern Ireland. In doing so, the powers previously conferred on the Secretary of State are also conferred on the Department of Justice in Northern Ireland and, in the case of the extension of the power to issue guidance under section 66 of the OWA 2019, the Scottish Ministers. (In applying the existing clause 36(1) provisions to Scotland, the regulation-making powers contained there continue to be vested in the Secretary of State alone, although new subsection (17) of section 141D of the Criminal Justice Act 1988 requires the Secretary of State to consult the Scottish Ministers before making regulations under section 141D.) The Government notes that the DPRRC did not comment on these powers in their report on the Bill (33rd Report of Session 2024/25).

Justification for the delegated power

26. The justification for conferring these powers on the Department of Justice in Northern Ireland and Scottish Ministers is the same as that for conferring the powers on the Secretary of State as set out in paragraphs 127 to 129 of the Government's Delegated Powers Memorandum of 19 June 2025.

Justification for the procedure

27. In applying these powers to the Department of Justice in Northern Ireland and Scottish Ministers the same level of parliamentary scrutiny (if any) has been applied as provided for in the Bill on Lords introduction in relation to the powers as conferred on the Secretary of State. The justification for the procedure (or absence of any procedure) is the same as that for the powers on the Secretary of State as set out in paragraphs 130 to 132 of the Government's Delegated Powers Memorandum of 19 June 2025.

Home Office
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