

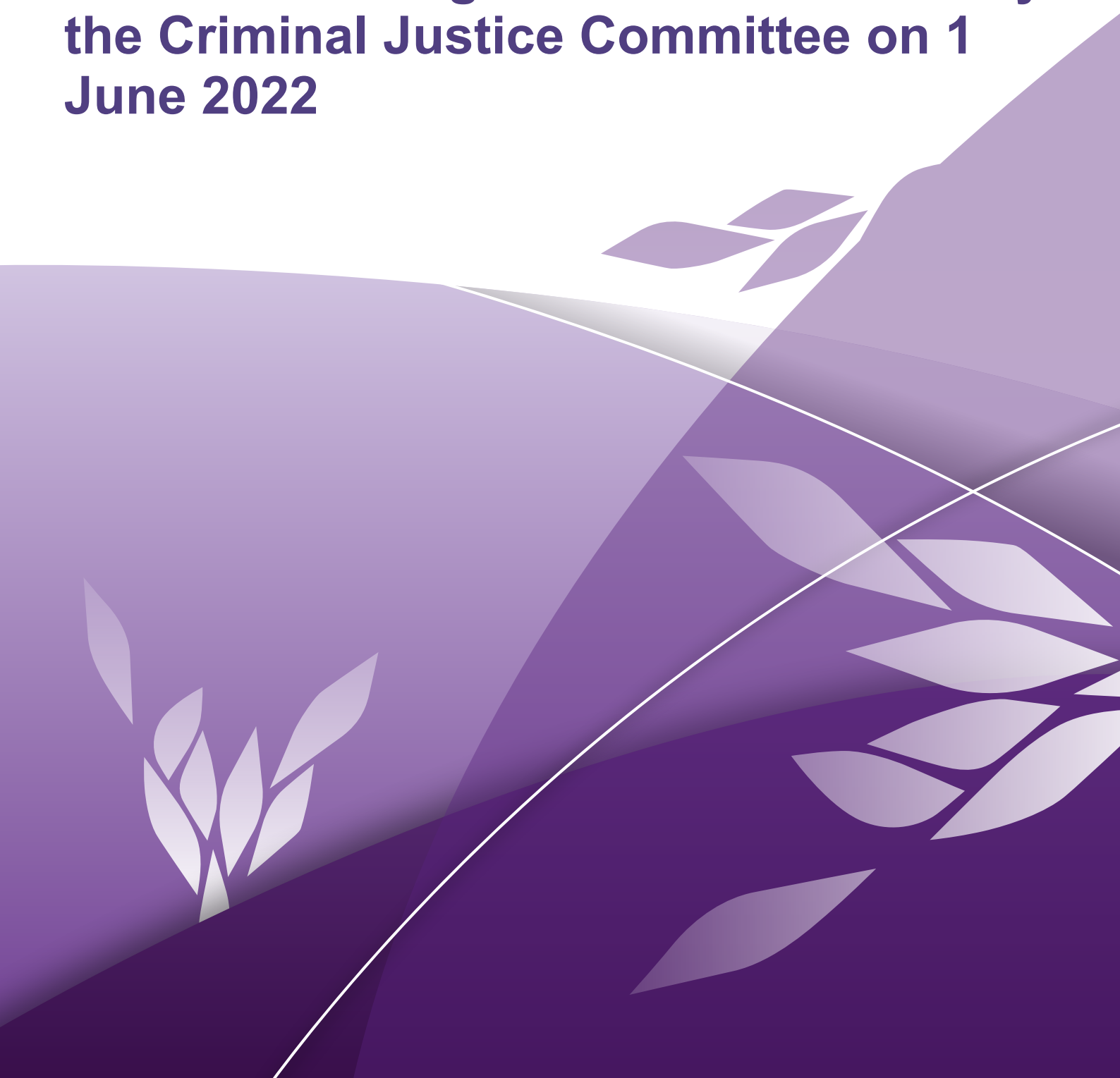


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Criminal Justice Committee

Subordinate Legislation Considered by the Criminal Justice Committee on 1 June 2022



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Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.



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Introduction

1. At its meeting on 1 June 2022, the Criminal Justice Committee considered the following instruments:
 - [The Surrender of Offensive Weapons \(Compensation\) \(Scotland\) Regulations 2022 \[draft\]](#)
 - [The Criminal Justice Act 1988 \(Offensive Weapons\) \(Amendment, Surrender and Compensation\) \(Scotland\) Order 2022 \[draft\]](#)
2. The instruments are subject to the affirmative procedure.

The Surrender of Offensive Weapons (Compensation) (Scotland) Regulations 2022 [draft]

3. The Surrender of Offensive Weapons (Compensation) (Scotland) Regulations 2022 [draft] were laid before the Scottish Parliament on 29 April 2022 and referred to the Criminal Justice Committee.
4. The instrument is proposed to be made in exercise of the powers conferred by section 49(4) of the Offensive Weapons Act 2019
5. The purpose of the instrument is to provide a compensation scheme to accompany a surrender scheme arranged by the Scottish Ministers under the Offensive Weapons Act 2019 to operate for three months beginning with 1 July 2022 for those offensive weapons that will become illegal to possess on domestic premises when Part 4 of that Act is commenced.

The Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) (Scotland) Order 2022[draft]

6. The Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) (Scotland) Order [draft] was laid before the Scottish Parliament on 29 April 2022 and referred to the Criminal Justice Committee.
7. The Order is proposed to be made in exercise of the powers conferred by section 141(2) of the Criminal Justice Act 1988.
8. The purpose of the Order is to add so called ‘zombie knives’ to the list of offensive weapons set out under Criminal Justice Act 1988 (Offensive Weapons) (Scotland) Order 2005 and to allow the Scottish Ministers to make arrangements for a surrender and compensation scheme for these knives which will run for the period of three months beginning with 1 July 2022.

Consideration by the Delegated Powers and Law Reform Committee

9. The Delegated Powers and Law Reform (DPLR) Committee considered both of the instruments at its meeting on 17 May 2022. The DPLR Committee agreed that it did not need to draw either of the instruments to the attention of the Parliament on any grounds within its remit.

10. However, in its consideration of the draft instruments, the DPLR Committee noted the challenge of defining the relevant knives in law, for the purposes of criminal offence provisions and compensation schemes for surrender of offensive weapons including those known as 'zombie knives'.

Consideration by the Criminal Justice Committee

11. Motions S6M-04246 and S6M-04247 were lodged proposing that the Committee recommends approval of the instruments. The Committee took oral evidence from Minister for Community Safety ("the Minister"), Ash Regan MSP at its meeting on Wednesday [1 June 2022](#).
12. During the evidence session, the Minister outlined the purpose of both of the instruments to the Committee, as set out previously.
13. Following questions from members, the Minister moved the motions in her name:
 - S6M-04246—That the Criminal Justice Committee recommends that the Surrender of Offensive Weapons (Compensation) (Scotland) Regulations 2022 [draft] be approved, and
 - S6M-04247—That the Criminal Justice Committee recommends that the Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) (Scotland) Order 2022 [draft] be approved.
14. Motions S6M-04246 and S6M-04247 were agreed to without debate or dissent.
15. **The Criminal Justice Committee recommends to the Scottish Parliament that it approve the Surrender of Offensive Weapons (Compensation) (Scotland) Regulations 2022 [draft] and the Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) (Scotland) Order 2022 [draft].**

