

2020 No. 1321

COMPENSATION

**The Surrender of Offensive Weapons (Compensation)
Regulations 2020**

Made - - - - *19th November 2020*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 49(2), (7) and (11), 58(3), (4) and (8), 59(3), (4) and (9), 60(1), (3), (6) and (7) and 68(8) of the Offensive Weapons Act 2019^(a).

In accordance with section 68(2) of the Offensive Weapons Act 2019 a draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introductory

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Surrender of Offensive Weapons (Compensation) Regulations 2020 and come into force on the twenty-first day after the day on which they are made.

(2) This Part and Part 3 of these Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) Part 2 of these Regulations extends to England and Wales only.

(4) In these Regulations—

“the Act” means the Offensive Weapons Act 2019;

“officer” means any person authorised to accept surrender of weapons in accordance with arrangements made under section 48(1) or 57 of the Act;

“the required period” means the period of three months beginning with the day on which these Regulations come into force;

“standard level of compensation” means the level of compensation specified as payable for a surrendered weapon in the values list published under regulation 2.

Publication of values list

2. The Secretary of State must publish, in such manner as the Secretary of State considers appropriate, a document to be known as the Offensive Weapons Act Values List which must contain a list of categories of weapon or ancillary equipment to be surrendered in accordance with arrangements made under sections 48(1) or 57 of the Act and standard levels of value for the categories of weapon or ancillary equipment.

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 “flick-knife”) 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 £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.

PART 3

Compensation for surrendered firearms and ancillary equipment: United Kingdom

Eligibility for compensation

7.—(1) Compensation is payable in accordance with this Part for firearms and ancillary equipment surrendered in accordance with arrangements made under section 57 (surrender of prohibited firearms etc) of the Act.

(2) Compensation may be claimed by a person for a firearm other than a bump stock, possession of which will become unlawful by virtue of section 54 (prohibition of certain firearms etc: England and Wales and Scotland) or 55 (prohibition of certain firearms etc: Northern Ireland) of the Act where—

- (a) that person—
 - (i) had and was entitled to have the firearm in their possession on or immediately before 20th June 2018 by virtue of a firearm certificate held by them or by virtue of being a registered firearm dealer, or
 - (ii) on or before 20th June 2018, had contracted to acquire the firearm, and was entitled to have the firearm in their possession after that date by virtue of a firearm certificate held by them or by virtue of being a registered firearms dealer; and
- (b) that person has surrendered the firearm in accordance with arrangements made under section 57(1) of the Act within the required period.

(3) Compensation may be claimed by a person in respect of a firearm which is a bump stock, possession of which will become unlawful by virtue of section 54 or 55 of the Act where—

- (a) that person—
 - (i) had the firearm in their possession on or immediately before 20th June 2018, or
 - (ii) on or before 20th June 2018 had contracted to acquire the firearm;
- (b) that person did not import the firearm into the United Kingdom on or after 4th December 2017; and
- (c) that person has surrendered the firearm in accordance with arrangements made under section 57(1) of the Act within the required period.

(4) Compensation may be claimed by a person in respect of ancillary equipment—

- (a) where that person—
 - (i) had the ancillary equipment in their possession on or immediately before 20th June 2018, or
 - (ii) after that date had it in their possession by virtue of a contract entered into on or before that date;
- (b) where the claim is in respect of ancillary equipment which is ammunition, the possession of that ammunition by that person was at all material times lawful by virtue of a firearm certificate held by them, or by virtue of being a registered firearms dealer;
- (c) where that person has surrendered the ancillary equipment in accordance with arrangements made under section 57(1) of the Act within the required period; and
- (d) where that person provides documentary evidence to show, or a declaration in a form approved by the Secretary of State—
 - (i) that the person is the legal owner of the ancillary equipment, and
 - (ii) that the ancillary equipment was lawfully acquired.

Receipt for surrender of firearms or ancillary equipment

8.—(1) An officer receiving a firearm or ancillary equipment must, if satisfied that the relevant requirements of regulation 7 are satisfied, issue a receipt containing a unique reference number to the person who surrendered the firearm or ancillary equipment.

(2) The officer must ensure that a copy of the receipt is retained with the firearm or ancillary equipment surrendered.

Claims for compensation

9.—(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 firearm or ancillary equipment in accordance with arrangements made under section 57 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 firearm or ancillary equipment 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 8(1) for the firearm or ancillary equipment; and
- (d) the amount of compensation sought.

(5) Where no standard level of compensation is specified for a firearm surrendered, or if the amount of compensation sought is higher than the standard level of compensation specified, the claimant must provide sufficient evidence of valuation of the firearm to enable the Secretary of State to determine the claim.

(6) Evidence of valuation of a firearm may include—

- (a) a valuation from a registered firearms dealer;
- (b) a valuation from an auction house;
- (c) evidence of the price paid for the purchase of the firearm and the date of purchase; or
- (d) published evidence of value of the firearm.

(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.

(8) Where no standard level of compensation is specified for ancillary equipment surrendered, or if the amount of compensation sought is higher than the standard level of compensation specified, the claimant must provide sufficient evidence of valuation of the ancillary equipment to enable the Secretary of State to determine the claim.

(9) Evidence of valuation of ancillary equipment may include—

- (a) a valuation from a registered firearms dealer;
- (b) a valuation from an auction house;
- (c) evidence of the price paid for the purchase of the ancillary equipment and the date of purchase; or
- (d) published evidence of value of the equipment.

(10) If not satisfied that items meet the definition of ancillary equipment in section 60(2) of the Act, or that the evidence of valuation supplied under paragraph (8) 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

10.—(1) The Secretary of State must determine a claim made under regulation 9 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) Where a standard level of compensation is specified, the amount of compensation payable in respect of the firearm or ancillary equipment, is the standard level of compensation specified, unless the claimant has indicated that a higher amount is sought.

(4) Where no standard level of compensation is specified, or where a claimant has sought a higher sum than the standard level of compensation specified, 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.

19th November 2020

Kit Malthouse
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 44, 46, 54 and 55 of the Offensive Weapons Act 2019 amend various pieces of legislation with the effect that it becomes an offence to possess certain dangerous knives, offensive weapons, firearms and ancillary equipment which it was previously lawful to possess. Sections 48 and 57 of that Act provide for the surrender of such items.

These Regulations provide for a scheme of compensation to be payable to persons surrendering items with a value of £30 or more. Part 2 provides for compensation in respect of certain prohibited knives and offensive weapons which are surrendered in England and Wales. Part 3 provides for compensation for certain firearms and ancillary equipment which are surrendered in the United Kingdom.

Regulations 3 and 7 make provision as to eligibility for compensation. Regulations 4 and 8 provide for officers accepting the surrendered items to issue a receipt. Regulations 5 and 9 provide for claims to be submitted where the items have been surrendered and for the forms to be transmitted to the Secretary of State. Regulations 6 and 10 provide for determination of claims and payment by the Secretary of State.

Where a standard level of compensation for an item is specified in a document published by the Secretary of State under regulation 2, that is the amount of compensation payable unless the person claiming the compensation contends that the value exceeds the standard level of compensation payable. If no standard level of compensation is specified, or 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, claim form and values list referred to in this instrument may be obtained at <https://www.gov.uk/government/collections/firearms> or by application to OWA Surrender Scheme, Serious Violence Unit, 2 Marsham Street, 5th Floor Fry, London, SW1P 4DF.

An impact assessment relating to the Offensive Weapons Act 2019, including the provisions relating to the prohibition of certain offensive weapons and firearms by virtue of sections 44, 46, 54 and 55 of the Act is available at <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0232/IA%20-%20Offensive%20Weapons%20Bill.pdf>.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

UK202011191036 11/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/1321>

ISBN 978-0-34-821561-8



9 780348 215618