

DRAFT

Regulatory Impact Assessment

1. Title of proposal

VIOLENT CRIME REDUCTION BILL - Defence of supplying offensive weapons for the performance, rehearsal or production of film, television or theatre productions.

2. Purpose and intended effect

- Objective

To allow offensive weapons to be supplied for the making of TV, film and theatre productions.

- Background

It is an offence to import, sell or hire a number of offensive weapons which are listed on the Offensive Weapons Order. Truncheons were added in the Criminal Justice Act 1988 (Offensive Weapons)(Amendment) Order 2004, which came into force on 5 June 2004. We were then contacted by a number of companies who sell and hire police equipment to film, television and theatre productions who were concerned that they would be liable for prosecution.

We therefore propose that we should create a defence if the person charged could prove that the conduct in question was only for the purposes for making the weapons available for the performance, rehearsal or production of film, television or theatre productions

Rationale for government intervention

The creation of a defence would mean that the Crown Prosecution Service would be unlikely to prosecute legitimate companies who sell or hiring offensive weapons for legitimate purposes. If the CPS did prosecute the company would be able to rely on the defence in court.

3. Consultation

- Within government

None.

- Public consultation

Public consultation not yet undertaken.

4. Options

Option 1 Do nothing

This would lead to uncertainty for those supplying offensive weapons to film, television or theatre productions that they may face prosecution for carrying out their business. It would mean they may be unwilling to take the risk of prosecution and therefore lose sales and hire income. We estimate that the hiring of police batons to film, TV and theatre productions is worth around £1.5m a year.

Option 2 Legislate to provide a defence.

This would remove this uncertainty and allow these companies to carry out their business in the same way as they did before June 2004.

5. **Costs and benefits**

- **Sectors and groups affected**

Those affected are those who supply or hire equipment to TV, film and theatre companies. It also affects those who produce TV, film and theatre productions who may have difficulty obtaining offensive weapons for their productions.

- **Benefits**

The provision will enable these companies to carry on their business in the same way as they did before June 2004.

- **Costs**

None.

6. **Small Firms Impact Test**

The provision will have a positive impact on small firms who supply or hire equipment to TV, film and theatre companies. We are aware of 8 such companies.

7. **Competition assessment**

The provision will not affect competition.

8. **Enforcement, sanctions and monitoring**

Not applicable.

9. **Implementation and delivery plan**

We will inform the police service, CPS and courts of the changes in legislation by means of a Home Office circular. We will write to the trade association of those companies which supply offensive weapons.