



**Our Ref CDM/LN
Your Ref**

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Dear Sirs

This response has been prepared on behalf of Aberdeenshire Council, which welcomes the opportunity to participate in this consultation. Although the consultation relates to the practical measures that can be undertaken to make non-domestic knives and swords harder to obtain for criminal purposes, the issue of instigating attitudinal change remains. Licensing of domestic knives would cause considerable inconvenience and is undesirable, but the fact that a domestic knife, which is designed for the preparation of food can still be used as a weapon remains.

Q1 Should a licence be needed to sell non-domestic knives?

If it is viewed that the current law is insufficient, there is an argument for a licensing arrangement regarding non-domestic knives. However, the resource implications for local authorities would need to be acknowledged for this to be pursued in an effective manner. As is stated in the consultation, the situation regarding second-hand goods would also need to be covered.

Q2 What should be covered by a definition of a non-domestic knife?

The definition given at paragraph 18 of the consultation appears adequate:

'a knife which has a blade or sharp point and which is not designed only for domestic use, or only for use in the processing, preparation or consumption of food'.

The latter part of this definition is important as it gives cover to knives used in commercial catering. Consideration perhaps needs to be given to the extent of 'processing and preparation of food', as this would raise the question of whether fish filleting knives/knives used in the industrial preparation of food would be classed as 'domestic'.

Q3A Are the suggested conditions of license reasonable?

The majority of the suggested conditions listed at paragraph 26 of the consultation appear reasonable. However, the requirement to record transactions on CCTV may have significant financial implications for small businesses. It is not clear at what point in the transaction the retailer would be expected to obtain confirmation of the purchaser's ID from a responsible person-after making the sale would be somewhat pointless. Perhaps it would be preferable to state that confirmation of identity must take place prior to the item being handed over to the customer.

Q3B Should there be any additional conditions of licence?

The conditions listed at paragraph 26 of the consultation appear comprehensive.

Q4 What would be the costs for businesses of licensing the sale of knives?

There would inevitably be costs to business, particularly with regard to conditions that would require the alteration of premises, e.g. CCTV and blacked out windows. Costs in terms of the time required to complete the transaction due to the suggested license conditions would also impact on retailers. This may however have the positive impact of making the sale of such items desirable to only reputable retailers.

Q5 Should it be a criminal offence to purchase a (non-domestic) knife from an unlicensed seller?

There may be an argument for this if it is felt that current legislation would not cover such a situation. The fact that the above would require primary legislation indicates that a significant timescale would be required. Robust use of a licensing scheme would address the issue in the meantime.

Q6 Should shops require a license to sell swords?

Given that there are valid reasons to license the sale of non-domestic knives, this should also apply to swords.

Q7 Should the sale of swords by shops be restricted to require them to sell only to members of approved organisations?

If licensing requirements were strictly enforced, this may be somewhat superfluous. Given that primary legislation would be required, it should be evidenced that the sale of swords is so problematic that the licensing conditions previously outlined would be inadequate with regard to this specific type of artefact.

Q8 Should the sale of swords be banned?

Such an approach should be backed up by evidence indicating a significant problem.

Q9 If so, should there be any groups who are exempted from that ban

(i.e. should there be any reasons/uses for which it remains legitimate to sell swords)?

Paragraph 47 of the consultation listed the wide range of interest groups who would provide a legitimate market for swords. Whether any of these groups would require swords with fully functional edges is debatable.

Q10 Should the sale of only samurai swords be banned?

As above, a ban would require primary legislation and evidence of a sizeable problem would be required to justify this. A licensing approach may be more proportionate to the concerns listed in the consultation.

Q11 If so, should any groups of people be exempt from that ban (i.e. should there be any reasons/uses for which it remains legitimate to sell samurai swords)?

Once again, there would be special interest groups, although clarification could be sought as to whether the samurai swords in question need to have a sharpened edge.

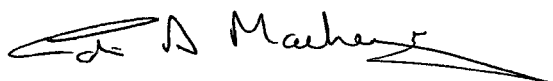
Q12 How should a samurai sword be defined?

The definition given at paragraph 58 of the consultation appears adequate, although it would be sensible to include replicas within the definition.

Q13 Is there a case for individual licenses for the purchase of swords.

There would need to be adequate evidence available to indicate that samurai swords are such a menace as to justify the need for primary legislation and accompanying cost of running an individual licensing scheme on a par with that which operates in relation to firearms.

Yours faithfully



**COLIN D MACKENZIE
DIRECTOR OF HOUSING AND SOCIAL WORK**