



ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND

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**TKC091**

Your Ref:

Our Ref: 537c/AC/05

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**By E mail**

Mr Gerry McLaughlin  
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Dear Mr McLaughlin

**TACKLING KNIFE CRIME: A CONSULTATION**

I refer to your correspondence dated 28 June 2005 in connection with the above subject, which has been considered by members of the Crime Business Area and can now offer the following by way of comment. For ease of reference the questions and relevant ACPOS response are outlined below.

**Question 1 Should a licence be needed to sell non-domestic knives?**

This proposal is fully supported given the problem surrounding knife carrying and associated violence particularly in Glasgow and most of the central West of Scotland. Any objection to such measures must be weighed against the potential benefits of limiting the immediacy of access to such knives. It is also recognised that there needs to be a barrier between the combat knife and those who would wish to use it in the commission of crime. Whilst it is accepted that it is not possible to entirely prohibit the sale of non-domestic knives this should not be a deterrent from taking action to limit access to such weapons.

Consideration should also be given to those who have previous convictions for unlawful possession or use of weapons. Where appropriate, individuals might be prohibited, for varying periods of time from purchase possession or making use of a knife, sword or sharply pointed or bladed instrument of any description

**Question 2 What type of knife should be covered by a definition of non –domestic knife?**

The suggested definition of a non-domestic knife is:

“ 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”

It is acknowledged that this succinct definition covers all of the knife types that feature frequently in violent crime occurring on our streets, however it has been recognised in one force area that following recent domestic incidents where a knife was used, the knife type identified was a domestic use knife (kitchen knife).

**Question 3 What conditions should be imposed on someone seeking a licence to sell non-domestic knives?**

Any person who seeks a licence to sell non-domestic knives should be a fit and proper person with no convictions for crimes of dishonesty or violence. They must obtain proof of identity from customers seeking to purchase non-domestic knives. (Various levels of identification might offer the benefit of instant purchase for tourists, hunters, fishing etc. (passport, driver’s licence, proof of address etc.), They must record the customers name and address. The knife must be posted to the customer unless absolute proof of identification is provided and can only be posted to the verified address provided. Knives are not on open display in shop windows and must be kept in secure cabinets.

**Question 4 What would be the cost for business of licensing the sale of knives?**

Members had no comment to make in response to this question.

**Question 5 Should it be a criminal offence to purchase a non-domestic knife from an unlicensed seller?**

The aim of any new legislation should be to limit the ease with which such knives can be obtained, however it would be unreasonable to criminalise an individual for purchasing a non-domestic knife where there is no evidence to suggest that it was intended for an illegal purpose. The offence would be committed by any person who sells or offers for sale any non-domestic knives and as part of a business.

**Question 6 Should shops require a licence to sell swords?**

This recommendation is fully supported although it is acknowledged that statistically the use of swords in violence is particularly low. However this is based only on police records and does not take account of the many victims who are reluctant to report incidents to the police.

Some Health Board officials estimate that between 50 – 70% of violence related admissions to Accident and Emergency Departments are not being reported therefore a true reflection of violent incidents involving swords cannot be established.

A sword should be considered in the same terms as a non-domestic knife as it can and is used for causing physical harm and should be subject to the same controls.

**Question 7 Should the sale of swords by shops be restricted to require them to sell only to members of approved organisations?**

The recommendation is supported as it will reduce the likelihood of this type of weapon being possessed for illegal means and provide an additional means of scrutiny to the selling process albeit the control of such measures may prove.

**Question 8 Should the sale of swords be banned?**

The outright ban on the sale of swords is not considered necessary however stricter controls are necessary to reduce the numbers being used for criminal means. The measures proposed for non-domestic knives should apply to swords.

**Question 9 If so, should there be any groups who are exempted from the ban (i.e. should there be any reasons/uses for which it remains legitimate to sell swords)**

Not applicable

**Question 10 Should the sale of samurai swords be banned?**

Please refer to the answer to question 8

**Question 11 If so, should there be any groups who are exempted from the ban (i.e. should there be any reasons/uses for which it remains legitimate to sell samurai swords)**

Not applicable

**Question 12 How should a samurai sword be defined?**

Samurai swords are available in three main types, namely the Katana, which is around 40 inches in length with a 27 inch blade, the Wakizashi, which is around 30 inches in length with a 19 inch blade and the Tanto, which is 21 inches in length and has an 11 inch blade. These weapons normally have a scabbard, which, whilst not making them easy to conceal, does make them portable, which could be said for any type of sword. It is considered difficult to single out samurai swords from other similar weapons such as the Scottish claymore, military rapiers or the Jacobite cutlass and where one particular type is banned it may only lead to another coming to the fore.

**Question 13 Is there a case for individual license for the purchase of swords?**

This measure is considered unnecessary.

NOT PROTECTIVELY MARKED

I trust the foregoing is of assistance to you

Yours sincerely

A handwritten signature in black ink that reads "William Roe". The signature is written in a cursive style with a large initial 'W' and a distinct 'R'.

Chief Constable  
(Hon Secretary)

NOT PROTECTIVELY MARKED