

TKC148

Please find below my response to the Executive consultation on "Tackling Knife crime"

Questions:

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

I personally think not. If such a licence were to be introduced, I think it best that it is introduced for all knife sales including domestic knives. This would logically help prevent the purchase of craft and garden knives for criminal acts.

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

Everything except kitchen knives, craft and gardening knives. Although craft and work knives such as Stanley knives and box cutters are commonly used in crime, they have a legitimate use in the home or workplace. Ultimately it is best left to the Police to decide on the appropriateness of the carrying of the knife in the given situation.

3A. Are the suggested conditions of licence reasonable?

I think some of the conditions are reasonable, some not. If licensing is introduced, it would make sense to at least require the licensee to record the name and address of someone who wants to buy such a knife. Not being a retailer, I do not know exactly what effect this would have on business. I imagine that keeping records and requiring photo ID would not be too onerous, and would help prevent impulse purchases and underage people from buying knives. However requiring CCTV recordings of specific purchases runs into simple logistics. Furthermore, for how long would records need to be kept? 1 year? 5 years? Again, this would raise the bar on selling such tools to a high level. Then what use exactly would marking the knife with a shop ID be? It might possibly be some use if a shop is persistently selling to underage customers, but in the greater scheme of things, it is so easy to transfer ownership of a knife, that there would be no trail to link it back to the purchaser. Besides, the seller cannot realistically be held responsible for how the knife is used.

3B. Should there be any additional costs of licence?

No, not apart from those necessary to keep the licensing scheme in operation.

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

It would depend upon the scheme, anything from very simple to quite high, possibly as much as the shop makes from selling knives anyway. Some of my concerns have already been outlined in question 3A.

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

If licensing is introduced, then yes, it is logical to do so. How the courts will be able to tell where the knife was purchased from and by whom is another matter entirely, moreover the legislation required would seem to be very complex.

Furthermore, I can see no way in which the selling of knives over the internet, or importation from abroad can be prevented, thus entirely negating any legislation, and probably leading to further glamorization of knives and such weapons due to them being illegal.

6. Should shops require a licence to sell swords?

No. On the other hand I would have no problems with some sort of by-law or legislation requiring retailers to keep swords out of the shop window. However the suggestion that preventing retailers from displaying swords may stigmatise their purchase is completely wrong, since criminals are not usually put off by such considerations.

7. Should sale of swords by shops be restricted to require them to sell only to members of approved organizations?

No. The restrictions needed would be quite complex and ultimately pointless, since it is clear that the problem sword owners are generally outwith the structure of societies and clubs. Responsible sword owners such as those using their for sport, do not want to risk losing their swords, so do not cause any trouble with their swords. What is to stop people setting up their own fake organization to buy swords? Given most organizations in which swords are used are voluntary organizations, this would again place a huge burden of responsibility upon volunteers.

8. Should the sale of all swords be banned?

Most definitely not, since it will massively inconvenience many people at minimal effect on the criminal side of society. Criminals will still be able to get hold of weapons, as per the rise in gun crime since pistols were banned, yet many people will be inconvenienced, put out of business, prevented from following their hobby and so on. Important methods of presenting Scottish history, i.e. battle re-enactments, would become impossible without the ability to purchase swords to use in them. A section of the Antiques trade would be destroyed, as would any sales to tourists, not to mention the impossibility of plays using replica swords, or indeed sword dancers would be unable to purchase the tools of their hobby.

9. If so, should there be any groups who are exempted from that ban?

If a ban is carried out, then yes, there are several main groups who should be exempted. These are: Historical Re-enactment societies, antiques collectors, sword dancers, fencers, Iaido and other Eastern martial arts practitioners. It is noteworthy that there are tens of thousands of such people resident in Scotland at the moment, yet the source of the trouble which has prompted this legislation is a small criminal class who are readily identifiable.

10. Should the sale of only Samurai swords be banned?

No. They serve a legitimate purpose within various areas of martial arts etc.

11. How should a samurai sword be defined?

From my limited knowledge, the suggested definition of a samurai sword would not actually fit the wall hangers and cheap imports apparently favoured by the criminal element that like to use them as weapons, since I do not think that they are made out of any specially forged steel. So, if this is the case, banning all samurai swords that did not conform with this description might have the effect of making it harder for criminals to get hold of cheap swords, which would somewhat limit their availability. Of course mail order and personal importation are still open options, but as has been said above, there is apparently little that can be done about them.

12. How should a samurai sword be defined?

As stated above, I think the suggested description sounds close enough to the real thing, but my concern is that it is not the properly forged in Japan Katanas that are the problem, but cheap ones bought by criminal element of society.

13. Is there a case for individual licences for the purchase of swords?

No. Such a system would be expensive and bureaucratic. There are too many ways in which such a system could be avoided for it to be workable. If however the executive was determined to bring in such laws, it might consider bringing in licences only for sharp swords. As far as I am aware, most commonly used swords are of varying degrees of bluntness, and it can be argued that a sharp sword is definitely more of an immediately dangerous weapon than a blunt.

Respondee Information Form

Name: Alexander Guthrie Stewart

Address:

1: responding as an individual

2a: Yes

2b: Make my response, and name but not address available.

3: I am content for the Scottish executive to contact me in the future with regards to this consultation.