



TKC155

The Association of Scottish Police Superintendents

Gery McLaughlin
Knife Crime Consultation
Scottish Executive Justice Department
Area 1WR
St Andrews House
Edinburgh, EH1 3DG

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Dear Gery

Consultation on Tackling Knife Crime

Thank you for seeking our views on the above consultation paper: "Tackling Knife Crime". The Association of Scottish Police Superintendents welcomes the opportunity to make comment on this issue and I hope that the following views will assist the progress of a new licensing regime and thereafter where appropriate legislation.

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

The Association believes that there is merit in introducing licensing arrangements for those who wish to sell non domestic knives in Scotland. Furthermore, the Association considers the proposals in this consultation to be unnecessarily narrow and would suggest that legislation should address the sale of "weapons" per se.

As the Scottish Executive is no doubt aware e-commerce is growing year on year with access to the Internet available to most adults, either in their own homes, workplace, through Internet cafes or indeed public libraries. A quick search on the Internet will provide a potential purchaser with a list of numerous outlets who would be only too happy to sell knives and any number of weapons on-line. Additionally, the existing mail order market where, like the Internet, a buyer's age is impossible to determine, particularly when some companies will accept postal orders for the goods they offer for sale is a further means of gaining access to dangerous weapons.

This said the Association holds the view that in the first instance a licensing scheme should be used for all sellers of knives, swords, etc and that the distinction between different types of weaponry should be removed since this only complicates matters.

We feel that in the beginning a licensing system should be developed that can provide the opportunity to identify issues that arise from the licensing of retailers selling weapons and thereafter through a monitoring process assist the introduction of appropriate legislation.

This would also limit access to such weapons in the short term, allowing Scotland to lead the way within the UK in setting standards that hopefully the rest of the country might wish to follow.

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

It is the Association's view that the proposed definition outlined in paragraph 18, while covering many salient features of what might be construed to be a non-domestic knife, still provides plenty of scope for debate within the courts.

Narrowly targeting legislation to one type of weapon is unhelpful.

Q3A Are the suggested conditions of license reasonable?

Q3B Should there be any additional conditions of licence?

It is the Association's view that conditions imposed must strike a balance between being reasonable and meaningful.

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

The Association is not in a position to offer a detailed response on this matter.

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

Yes.

The Association believes that were the sale of non-domestic knives to be licensed it should be an offence for both the buyer and the seller to engage in a transaction involving such a weapon.

Q6 Should shops require a license to sell swords?

It is the Association's belief that if shops are to be permitted to sell swords then a license should be essential however, we are of the view that there will be very few occasions on which an actual sword can be shown to be either necessary or essential.

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

Yes.

It is the Association's view that retailers of non domestic knives who have obtained a licence to sell swords should, as one of their conditions of licence, be limited to selling such weapons to persons who are members of approved organisations.

Q8 Should the sale of swords be banned?

If as suggested above at Q1 an incremental approach is taken to the development of legislation, it will become clear whether this suggestion is likely to be an appropriate way forward.

The Association holds the view that if the sale of such articles is licensed in accordance with the suggestions made above there will be time to identify whether this is necessary.

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)?

N/a

Q10 Should the sale of only samurai swords be banned?

See our response to Q1

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)?

See our response to Q1

Q12 How should a samurai sword be defined?

The Association feels that rather than complicate matters the proposed legislation should define a sword by the criteria proposed in Question 6 and not by a generic name or brand.

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

I hope that you find the above comments both useful and of benefit.

Yours sincerely

Malcolm MacCormick
Research Officer