

TKC153

I am emailing with a brief response to the 'Tackling Knife Crime' consultation.

The issue that concerns me is the possibility that restrictions being proposed to ban knife crime may be applied more widely than intended and might cover the sport of fencing. This is of particular concern given that Jack MacConnell has stated publicly that no-one in Scotland has any reason to possess a sword.

I am emailing as someone who has been involved in the sport of fencing for around five years and am now a qualified fencing coach registered with the national governing bodies that govern fencing and the coaching of fencing in Scotland and the UK. I'm also emailing as the father of a fencer who has represented both Scotland and Great Britain in fencing competitions at under 17 international level.

As I understand the present situation, the sport of fencing is seen as a legitimate activity and being involved in the sport is a legitimate reason for having fencing equipment. So my concern is that this situation - which seems to me to be perfectly workable - may be inadvertently changed unless the proposed legislation is drafted in such a way that it's made absolutely clear that it doesn't apply to the sport of fencing.

If restrictions were to be placed on the ownership, use or sale of fencing equipment in Scotland, it would be extremely damaging to the sport, and the likelihood is that the sport would be permanently damaged and could not continue.

Depending on what restrictions are imposed, it could prevent fencers travelling from other parts of the UK and indeed from overseas to participate in competitions in Scotland; it could prevent fencers from making use of training facilities or sports venue for training or competition, which in turn would make it impossible for fencers based in Scotland to reach the standard required to compete internationally.

The sport of fencing is enjoyed by a very wide age range - from 8 to 80. It's practiced in an extremely safe way with the highest regard for safety and is carefully controlled and regulated by its national governing body. I don't believe there has ever been a recorded case of someone using fencing equipment in such a way that would justify legislation.

With this in mind I wish express the view that it should be made clear that fencing is excluded from any restrictions under any new legislation.

On a related matter, I have heard of at least one case where police

have prevented the use of swords in theatrical situations. This too seems to be somewhat unnecessary and over the top, and again I feel it should be made clear that legislation (whether current or new) should not restrict the use of swords in the theatrical situations.

Regarding the more general ownership of swords - I would be very disappointed if restrictions were placed on the ownership of swords. Interest in swords for historical or for ceremonial reasons should not be restricted.

While I sympathize with the wish to reduce knife crime, it does seem to me that imposing restrictions on the sale of knives will ultimately fail to achieve this objective. Even if non-domestic knives could be entirely removed from Scotland - those that wished to use a knife for crime could simply use a domestic knife instead.

The issue of carry a knife in a public place does seem to need some clarification. If for example someone has a small pen-knife or 'craft' knife as part of a tool kit which is being carried, it seems unreasonable for that to be considered to be carrying an offensive weapon. But the wording included in the consultation - which I assume reflects current law - suggests that this isn't permitted. If that's the case then theoretically if one were to buy a pen-knife in a shop, then as soon as one steps out of the shop one would therefore be breaking the law. That seems ridiculous. I cannot see any reason why someone shouldn't be able to carry a pen-knife - provided they're not actually using it as a weapon.

I've heard of a case where a business-man was found to have a pen-knife inside a brief-case which itself was being carried in the boot of his car. As a result he was arrested by police for carrying an offensive weapon. Any new legislation should make it clear that carrying something like a pen-knife isn't illegal.

Another related issue which seems to have some confusion associated with it relates to what has been described as 'lock knives' which seems to cover any folding knife that has a safely locking mechanism to prevent the blade accidentally closing while in use. However this does seem to present problems with certain tools which require a locking mechanism to allow safe usage. For example a number of manufacturers produce multi-tools which contain a number of implements inside a folding handle. The nature of the tools mean that they'd be dangerous to the use unless the tool in use is locked. It should be made clear that such tools are legal.

Regards

Further to my response to the consultation and my subsequent phone call on Monday I am emailing with the text of a report I came across today from the Daily Telegraph dated 14/04/2005.

I think you will agree that this amply illustrates the concerns I expressed over the how knives are defined under the legislation. I appreciate that the case concerned is under English law - but the principle is still the same.

Unless there is some sensible and proportionate definition of what can and can't be carried, then the law will fall into disrepute. By sensible and proportionate I mean that the law shouldn't penalize the honest citizen for reasonable behaviour.

In relation to my particular concerns over fencing equipment, it is clear from the report that any new legislation must be explicit in what it does and doesn't cover.

Regards

Butter knife 'an offensive weapon'
By Duncan Gardham
(Filed: 14/04/2005)

A butter knife can be an offensive weapon, the High Court ruled yesterday.

The decision came in the rejection of an appeal by Charlie Brooker, of Welling, Kent, who had been convicted under the Criminal Justice Act of carrying a bladed instrument.

Mark Hardie, appearing for Brooker, argued that the knife had no handle, sharp edges or points and therefore could not fall foul of a law intended to protect people from dangerous weapons.

But Lord Justice Laws, sitting with Mr Justice David Steel, disagreed. He said: "I would accept that a sharp or pointed blade was the paradigm case - however the words of the statute are unqualified and refer to any article that has a blade."