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27/9/05

Knife Crime Consultation Team  
Scottish Executive Criminal Justice Division  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

24 September 2005

Dear Sir or Madam,

**Proposals to control the sale of 'non-domestic' knives and swords**

I write from a background of considerable experience in the weapons and weapons control field, having been Keeper of the Department of Exhibits & Firearms at the Imperial War Museum from 1976 to my retirement in March 2005, as a former Chairman of the Museums Weapons Group, and as a member throughout its life and latterly as Chairman of the Home Office's Firearms Consultative Committee.

A series of questions by Jamie McGrigor MSP elicited responses that demonstrate that existing data do not differentiate between different types of bladed weapon used in violent crime. This lack of clarity is a poor basis for legislation. It seems from press reports that some doctors in Scotland see the kitchen knife as the common weapon of choice or opportunity, and there seems to be no intention to attempt to control the availability of these ubiquitous household tools. To attempt to control swords and 'non-domestic' knives is rather like nailing shut the cat-flap but leaving the door wide open.

I doubt very much that your proposals, if implemented, would have much discernable effect on crime with bladed weapons. I am particularly concerned that you will face definitional problems that may be not be satisfactorily resolvable, and will do little more than create more work for lawyers. Are you attempting to define a knife or sword by its form or its function? Traditional Indian carving knives imitated the blade form and cross-guard of 19<sup>th</sup> century hunting knives. The 'Bowie' knife was designed as a fighting knife, but its blade form is well adapted for utilitarian purposes, and many hunting knives and Boy Scout knives were based on the Bowie. Blade shapes are so simple, knives for different purposes may be so similar in appearance and kitchen knives are so well suited to misuse as both stabbing and cutting weapons, that I do not consider that your proposals will have the impact desired. The criminal has every opportunity for weapon substitution

with little loss of effectiveness in his terms (an axe or machete for a sword, for instance), while the law-abiding citizen may not have that facility of choice. A Highland spade dance might lack audience appeal (and spades make effective weapons too).

You may have particular problems with regard to 'samurai' swords. People may feel that they 'know one when they see one', but that is a long step from a legally useful definition. By 'samurai' do you mean 'Japanese in appearance'? Japanese swords, even Japanese swords from the samurai period, could differ in dimensions, blade form, materials (occasionally even European blades were utilised) to the extent that they are not susceptible to clear and unambiguous definition.

Knives and swords in a basic form are such simple technology that they may be crafted from scrap metal, as is evident from experience in prisons. The result may be crude, but it may be nearly as effective as the product of a Japanese Living National Treasure.

Any total ban on swords would be disproportionate to the scale of the problem, would disadvantage those with legitimate cultural/heritage, antiquarian, recreational or sporting interests and, I confidently anticipate, would have minimal impact on crime.

Eighty-five years of firearms licensing and a virtual ban on handgun ownership since 1997 have not prevented the growth of gun crime when criminals have felt the need for firearms. A system of knife licensing where the audit trail stops with the shopkeeper is doomed to an immeasurably small impact on the problem.

A political stance designed to show social intolerance of knife culture must have some prospect of cost-effectiveness if it is to have any real appeal to the man on the Clydeside omnibus.

Any system of individual licensing based on membership of 'approved' Associations will be difficult to administer, especially as some Associations will be based outside Scotland, and all will have structures, at present, that are unlikely to be well suited to a control system.

Please do contact me again if you consider that I could be of assistance.

You may make this individual response and my name available to the public in the Scottish Executive Library, but not my address.

Yours faithfully,



David J. Penn