

TKC156

Dear Sirs,

This consultation raises a number of issues, which I have attempted to address below.

Is it right or wrong to confiscate private property from those who have not transgressed the law? (Bill of Rights 1688-1689, “That all grants and promises of fines or forfeitures of particular persons before conviction are illegal and void.”)

Would I be correct in assuming that the proponents of this new legislation have it in mind to confiscate the property of innocent people before the thought of committing a crime with it has even occurred to them? Rather like a cross between the Tom Cruise film “Minority Report” and the Thought Police?

This rather knocks the concept of “innocent until proven guilty” into a cocked hat, don’t you think?

I realise of course that this proposal takes its lead from the Firearms (Amendment) Act of 1988, and it may be useful to look back at one component of that law. At the time of the passage of the Firearms (Amendment) Bill of 1988 as it then was, the then Douglas Hogg, Home Office Minister, warned Parliament that, concerning the new requirement to transfer pump-action and self-loading shotguns from the Shotgun Licence (on which individual guns were not listed) to the Firearms Certificate (on which each individual gun is listed) there would be “massive non-compliance”. After the passage of the new law, Earl Ferrers, on behalf of the Home Office, reported that around 80,000 pump action and self-loading shotguns were believed to have been removed altogether from the licensing system by owners who had refused to declare their possessions under the new requirements.

Evidently these guns were stowed away under the floorboards by owners who felt that the confiscation of private property from persons who had not transgressed the law was morally unacceptable. They presumably regarded registration as merely the prelude to confiscation, and presumably their guns remain hidden to this day.

In the aftermath of the Japanese defeat at the end of World War 2, the occupation authorities banned the Japanese sword and over a million were destroyed. Subsequently, the law was relaxed to allow the possession of swords which had been traditionally made by craftsmen (rather than the wartime gunto

which were mostly stamped out of sheet steel and are still illegal to own in Japan) but all these had to be registered with the police and it was a criminal offence to own a sword which was not registered. This law (the so-called “ju-to-ho”) remains in force today. Despite this, and the innate respect of the Japanese for authority, over ten thousand swords per year are still being “discovered” which have never been subject to police registration and this after fifty years of the law being in force. What does this tell you about the reluctance of people to surrender their private property, even when faced with the most dire consequences for refusal? What does this tell you about the likely size of the pool of swords which were never declared?

Nobody knows how many swords and non-domestic knives there are in circulation in Britain. Nobody knows who owns them. The likely size of the pool of undeclared weapons after the passage of the proposed legislation would be what, based on the British experience with shotguns and the Japanese experience with swords? I would suggest “gargantuan” comes close. It would be folly in the extreme to expect that a new law requiring the registration of swords or knives would be met with any lesser degree of contempt than a new law requiring the registration of guns, or indeed the Japanese sword law after fifty years of enforcement.

This of course is the nub of the matter; it is enforcement which is the issue. There is nothing deficient in the law forbidding the carrying of offensive weapons in public, and if this cannot be adequately enforced, there is clearly no point in making a new law which cannot be enforced any better. However, the preamble to the proposed legislation contains these words:

11. This paper provides a summary of the range of options for tackling knife and sword crime currently being considered by the Scottish Executive.

Clearly, the possibility of enforcing existing and perfectly adequate law is not being given the consideration it deserves, as it does not appear in the summary of options.

We also have the pathetic argument “if only one life was saved”. The number of lives lost to criminal endeavour every year is so high and so variable that if only one life was saved, it would vanish in the noise on the data and it would be impossible to prove scientifically that some new law had been responsible, and yet for this, innocent people are expected to find it morally acceptable that their property should be subject to licence or confiscation. I am appalled at the sheer ignorance implicit in the inclusion of this miserable argument, especially taken in the context of the severity of the existing ban on guns which, despite the addition of some ex-Iron Curtain countries to the EU, which must be crawling

with unlicensed kalashnikovs, has failed to topple Scotland from as I understand it the number four position in the EU homicide statistics.

As to the equally miserable statement that nobody has any good reason for having such a thing as a sword in their home, the Englishman's home is his castle, and presumably the same is true north of the border. He is entitled to be in a position to defend it with rather more than harsh words and halitosis against those who would force entry with violent intent. Is the Nanny State headed for a Pointed Stick Licence?

Question 1

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

NO.

Questions 2 through 5 become irrelevant.

Question 6

Should shops require a licence to sell swords?

NO.

Questions 7 through 13 become irrelevant.

The existing law regarding the carrying of offensive weapons in public should be enforced more rigidly and a zero tolerance policy should apply in known high threat areas.

Respondee Form.

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