

TACKLING KNIFE CRIME – RESPONSE BY FIFE COUNCIL

Introduction

We share the Scottish Executive's concern about the evidently increasing use of knives in violent crime throughout Scotland. While the scale of the problem experienced in Fife is less than that in, particularly, the West of Scotland and Glasgow, nevertheless the statistics reveal that in Fife the number of convictions for handling an offensive weapon has almost doubled in the 5 years from 1998 to 2003. Proposals to extend legislation to regulate the sale of knives and swords are therefore clearly appropriate. While existing legislation has attempted to introduce controls on the carrying and use of knives, such powers have been ineffective in preventing knife crime. Research into the causes of knife crime is very welcome; at the same time, it has to be acknowledged that the very ready availability of knives and swords is a key factor which a licensing scheme can address.

Whilst the Scottish Executive has discounted the possibility of licensing the sale of all knives on grounds of time and resources, it is our view that to distinguish "non domestic knives" from all others would be impracticable, on two counts. Firstly, because the knives used in violent crime do not fall into a neat category. Some may be the type of knives defined as "offensive weapons", (flick knives or gravity knives), but many are not. The express purpose for which a knife is manufactured is irrelevant to the use to which it is subsequently put: it is therefore not as unambiguous as suggested in the Consultation paper, and may depend on context. For example, if manufactured by Prestige and packaged and labelled as a kitchen knife, we would categorise a knife as "domestic". The same knife, however, if sold in a non-domestic retail setting such as the "Army and Navy Stores" and no longer in its box, would almost certainly be perceived as "non domestic".

Secondly, we believe that to artificially differentiate certain knives from others would simply lead to the result that more violent crime would be committed using the knives still freely available, because they are still unlicensed.

We conclude therefore that to be effective, any licensing strategy requires to licence all knives, however defined. It is agreed that it is important to balance the "necessary input, in terms of time and resources, and the expected benefits, in terms of reducing knife crime" (P7 of Consultation document). The necessary input, however, where an artificial distinction is drawn between knives in the "domestic" and "non domestic" category, would be disproportionately great in relation to the arguably very limited beneficial outcomes. In our view, the admittedly greater cost of setting up a licensing scheme to include all knives (being shorthand for all articles with blades or points including swords) would not be disproportionate, but would be strategically sound and longtermist.

Our responses to the questions are therefore made within the above framework.

Question 1

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

As noted above, we believe that to distinguish a category of knives as "non domestic" is neither workable nor meaningful in this context.

Question 2

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

See answer to (1) above.

Question 3

What conditions should be imposed on someone seeking a licence to sell non-domestic knives?

We believe that a licence should be mandatory for sellers of all knives (defined as articles with a blade or point, including swords).

Conditions should include:

- that retailers be fit and proper persons with no convictions for crimes of dishonesty or violence
- that retailers obtain proof of identity from purchasers
- that retailers record the customer's name and address and verification method used as well as the type of knife sold
- that sellers display a notice stating the minimum age of purchase and that customers will be asked to verify their identity
- that knives not be displayed in shop windows and are stored securely within premises

Question 4

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

- Licence fee. Consideration could be given to a scale of fees related to business size.
- Administrative costs associated with application.
- Secure storage arrangements.
- Administering a purchaser recording system.
- Practical retailing arrangements: in the case of supermarkets, a procedure similar to that used with other products could be adopted (for example, where a card is presented to a service desk), with associated costs.
- Staff training

Question 5

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

Comments made refer to a scheme involving all knives:

We believe the onus should be placed upon the supplier to comply with legal requirements and that it would be unreasonable to criminalise an individual where there is no evidence of using a knife for an illegal purpose. Licensing would have to extend to all potential retailers including second hand and antique dealers (where conditions could be added to an existing licence under Civic Government legislation). It is acknowledged that a licensing scheme will not by itself have an effect on the availability for purchase of knives on the internet or over the border, however it is suggested that this could be a first step towards more widespread regulation.

Question 6

Should shops require a licence to sell swords?

We believe that swords should be subject to the same controls as knives.

Question 7

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

No, see answer above. An additional condition could be added to those listed above, requiring the purchaser of a sword to state the reason for purchase.

Question 8

Should the sale of all swords be banned?

No, see above. This would be disproportionate and have an adverse effect on legitimate collectors and user groups.

Question 9

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

Question 10

Should the sale of only samurai swords be banned?

N/a. As noted, we do not believe an outright ban would be reasonable.

Question 11

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)?

N/a.

Question 12

How should a samurai sword be defined?

N/a. There would be no need to differentiate a samurai sword from the general category of "knives".

Question 13

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

No. This would be comparable to the licensing of firearms and would be excessive in relation to the potential harm, given that many swords are owned by collectors as well as other users having a genuine sporting or cultural interest.