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# Historical Breechloading Smallarms Association

(A Company Limited by Guarantee No 5341088)

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Knife Crime Consultation  
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Scottish Executive Justice Department  
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and by fax 0131 244 ~~8240~~ <sup>2623 (4)</sup>

Dear Sir,

I am replying to your consultation document (**Tackling Knife Crime: A Consultation, Scottish Executive 2005**) on behalf of the Historical Breechloading Smallarms Association (HBSA).

This Association is devoted to the study, collecting and preservation of historic breechloading firearms. It meets monthly at the Imperial War Museum in London, and has two branches, one in Wales and one in the Borders. A group of its members living in the North of England also meet regularly at the Royal Armouries in Leeds. The HBSA is the governing body for shooting classic and historic Breechloading Smallarms in the UK. Members of the HBSA have a very particular interest and stake in the heritage of historic firearms, their accoutrements and accompanying equipment.

This interest and concern extends to historic arms and armour. An officer's sword to accompany a heritage pistol for example, or a bayonet to accompany a classic rifle.

The Council of the Historical Breechloading Smallarms Association has considered the Scottish Executive's proposals at a recent meeting and I am asked to forward to you the following observations:

- 1). We applaud the Scottish Executive's recognition of the importance of private collectors (as well as museums and public institutions) in the preservation and understanding of national heritage, and the apparent acknowledgement that we are entitled to consideration.
- 2). Under the proposed legislation, discerning the nature of a particular object or advising or assisting concerned citizens in the lawful disposal of a diversity of decorative items and edged or pointed instruments, may impose demands on police time which prove disproportionate to any real gains in public safety. By their nature, criminals are not inclined to observe the law and these proposals are unlikely to deter any, who are reasonably purposeful in finding a suitable instrument with which to do mischief.
- 3). There is already ample existing legislation on the possession of knives and offensive weapons in public places, and on assault. We maintain that it is preferable to address legislation against a particular type of conduct or transgressor rather than against a broadly classified type of object which is perceived to be associated with crime. In its vague inclusiveness, the latter course is bound to risk an unwarranted infliction upon innocent bystanders and this is not ultimately conducive to a free and diverse society or to the encouragement of individual responsibility within it.
- 4). Scotland's distinctive social and military tradition is discernible in its unique edged weapons. We have been advised of one family possessing such heirlooms, which span three centuries of family and Scottish history. We fear that the outcome of such legislation will result in driving important aspects of Scottish Heritage and culture underground or abroad.
- 5). We do not feel that the sale of swords should be banned but if this legislation is introduced, exemptions should be made for certain responsible groups including collectors and for artefacts which pertain to the country's National Heritage. If swords are banned and exemptions necessarily made, there is a real management issue in discerning the lawfulness of an object.
- 6). The proposed definition of a sword is inadequate as it allows for too many loopholes. We have reservations as to whether any attempted definition of this nature is capable of supporting an outcome, which is both effective and proportionate.

7). Finally, it must be appreciated that there can be considerable investment by collectors in such items, whether for the sake of rarity, antiquity or the skill or art of the cutler. We consider that all British Citizens are entitled to expect that rights of lawfully acquired property will not be disposed of without full and proper arrangements for compensation.

In summary we fear that the effect of the proposed legislation will be to:

- criminalise the innocent
- add nothing to public safety,
- endeavour to control the few at the expense of the many.

Should the Scottish Executive require further comment or explanation, the HBSA would be pleased to comment further.

Yours truly,

  
A. J. Lewis

AJ LEWIS  
Honorary Secretary