

TACKLING KNIFE CRIME – A CONSULTATION: CONSULTATION RESPONSES

Acknowledgements

The Scottish Executive would like to thank all those who took the time to respond to the proposals set out in the consultation paper Supporting Police, Protecting Communities: Proposals for legislation.

Except where confidentiality has been requested, the individual responses are available to the public in the Scottish Executive Library, K Spur, Saughton House, Edinburgh, EH11 3XD (Telephone: 0131-244-4565) or on the Executive website (www.scotland.gsi.gov.uk).

Introduction

The consultation paper – ‘Tackling Knife Crime – a Consultation’ – was published on 28 June 2005 with a closing date of 30 September 2005 for responses. The closing date was formally extended by 4 weeks to allow for some late responses to be included in the consultation. Responses continued to arrive even after the estimated deadline and this analysis takes account of all those received before the end of 2005.

The consultation sought views on a range of options designed to tighten the availability of these potentially deadly weapons, including:

- **Licensing the sale of non-domestic knives.**
- **Banning the purchase of non-domestic knives except from licensed sellers**
- **Licensing the sale of swords, with an additional condition that retailers could only sell swords to members of approved organisations**
- **Banning the sale of swords**
- **Banning the sale of samurai swords**
- **Licensing the purchase of swords on an individual basis.**

Within each of the above headings, specific questions were asked about proposals on that topic. In all we requested responses to 15 specific questions.

This report provides a summary and analysis of the written responses received by the Scottish Executive to the public consultation on the proposals set out in the above consultation paper.

We received a total of 181 responses and this analysis takes account of 178 responses of which there were 110 individuals and 68 groups.

A number of the individual responses declared a specific interest in one or more activities that involved bladed weapons and a breakdown on these replies shows

- Martial Arts 19
- Collectors 13
- Historical and sports fencing 9
- Re-enactment 7
- Importer and Exporter 4
- Manufacture 2
- Scottish Highland Dancing 2
- Outdoor and Leisure 2
- Religion 1

A breakdown from groups or organisations shows

- Collectors 22
- Martial Arts 19
- Councils including COSLA 14
- Historical and sports fencing 11
- Importer and Exporter 11
- Re-enactment 8
- Legal Bodies 4
- Scottish Highland Dancing 3
- Outdoor and Leisure 3
- Manufacture 2
- Religion 2
- Police 2

We received 3 MSP sponsored petitions entitled 'Back Action on Knife Crime' with a total of 2,284 signatures supporting the full implementation of the First Minister's 5-point plan from Kenneth MacIntosh MSP (1,635 signatures), Cathy Peattie MSP (243 signatures) and Duncan McNeil MSP (406 signatures). These petitions stated -

"Back Action on Knife Crime' petition: We, the undersigned

- **Recognise that knife-related deaths account for more than 50% of all recorded homicides in Scotland.**
- **Believe that action must be taken to challenge knife crime and the knife carrying culture that blights many communities in Scotland.**
- **Request that the Scottish Executive moves forward with action on this issue as a matter of urgency.**

We demand that the Executive:

- **Double the maximum sentence for carrying a knife in public**
- **Give the police unconditional powers to arrest those suspected of carrying a knife**
- **Increase the minimum age for buying a knife from 16 to 18**
- **Introduce a licensing scheme for the sale of knives**
- **Ban the sale of swords”.**

We received a copy of a further petition, number 893 by Paul Macdonald, bearing 2,019 signatures in support of ‘save our swords campaign’ from the Public Petitions Committee of the Scottish Parliament. The terms of this petition were -

‘We call for the Scottish Parliament to oppose the introduction of any ban on the sale or possession of swords in Scotland which are used for legitimate historical, cultural, artistic, sporting, economic and religious purposes.’

In addition we received 3 nil responses – Scottish Drugs Enforcement Agency, Perth and Kinross Council and Sheriffs Association.

It should also be noted that 21 of the 178 respondents chose not to reply directly to any of the questions posed in the consultation paper but provided general comments on knife-related crime and measures to address this matter. We have included in this paper a summary note of the issues and comments raised in these responses.

We also received responses from 22 individuals who indicated that they wished their responses to be treated as confidential and their personal details withheld from publication.

**Tackling knife crime – a Consultation.
Breakdown of Responses by Question**

Question	Agree	Disagree	Not clear/no response
License the sale of non-domestic knives			
Q1. Should a licence be needed to sell non-domestic knives?	57	53	68
Q2. What should be covered by a definition of a non-domestic knife?	65	17	96
Q3. What conditions should be imposed on someone seeking a licence to sell non-domestic knives?	50	12	116
Q3A. Are the suggested conditions of licence reasonable?	15	19	144
Q3B. Should there be any additional conditions of licence?	10	15	143
Q4. What would be the costs for businesses of licensing the sale of knives?	51	7	120
Ban the purchase of non-domestic knives, other than from a licensed seller			
Q5. Should it be a criminal offence to purchase a (non-domestic) knife from an unlicensed seller?	55	50	73
Include swords in licensing scheme for the sale of knives			
Q6. Should shops require a license to sell swords?	61	49	98
Q7. Should the sale of swords by shops be restricted to require them to sell only to members of approved organisations?	51	56	71
Ban the sale of swords			

Q8. Should the sale of swords be banned?	18	112	48
Q9. 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)?	95	9	74
Ban the sale of samurai swords			
Q10. Should the sale of only samurai swords be banned?	17	96	65
Q11. 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)?	75	12	91
Q12. How should a samurai sword be defined?	63	6	109
License the purchasers of swords			
Q13. Is there a case for individual licenses for the purchase of swords	49	58	71
Number not answering questions			21

Analysis of Responses

Questions 1 to 4 sought comment on aspects of introducing a licensing scheme for the sale of non-domestic knives.

QUESTION 1. Should a licence be needed to sell non-domestic knives?

110 responses were received to this question with:

57 agreeing that a licence to sell non-domestic knives should be required,

53 commenting against this proposal.

68 respondents offered no comment or unclear comments on this question.

As demonstrated in the replies received, responses were almost equally divided on this issue. Among comments received in favour of the proposal were –

- If the definition of a non-domestic knife could be amended to exclude knives used for a legitimate commercial purpose then licensing could be feasible.
- A licensing scheme would reduce the influx of the number of knives in circulation in the criminal element.
- It was suggested that a domestic knife should be defined.
- Exemptions would have to be built in to reduce the burden on genuine businesses. Legislation would be needed to take account of internet sales of knives.
- Retailers should be licensed, not the individual seller who may wish to sell to another individual or to a museum.
- A licensing scheme voluntarily introduced by a council and supported by police would be more successful than one that was mandatory.
- Respondents who weren't necessarily in favour of licensing felt that if there were to be a licensing scheme then all knives should be licensed (or none).

Comments from those who were opposed included –

- There was no evidence to suggest that a licensing scheme would have any effect on the level of knife crime.
- As most knife crimes were carried out using a domestic knife, licensing the sale of non-domestic knives would not reduce knife crime. This would instead lead to an increase in the use of domestic knives in crimes, and may increase the use of other weapons such as firearms or hand made weapons.
- There would be a negative effect on law abiding citizens who use knives legitimately for no criminal purpose for example in trades, catering, outdoor and leisure.
- Trying to separate domestic and non-domestic knives would be difficult and would leave loopholes in the legislation.
- Shops and websites selling edged weapons to collectors should not be required to have a licence as this type of weapon was not used in crime due to the cost of purchasing such a weapon.
- Concern that traders from outwith Scotland who travel to Scotland for events such as re-enactments would be difficult to regulate.

QUESTION 2. What should be covered by a definition of a non-domestic knife?

Of those who responded with comments, 65 broadly agreed with our proposed definition of a non-domestic knife as being “a knife which has a blade or sharp point, and which is not designed only for domestic use, or only for use in the processing, preparation or consumption of food” with 17 in disagreement. As is apparent from the comments listed below respondents, even among those who broadly accepted our definition of a non-domestic knife, commented at some length on the proposed definition and a number of alternatives and additional suggestions were offered.

Of those who were in support of our proposed definition the following comments were received –

- A small number thought that the definition was adequate as it stood.
- It was suggested that if the Executive establishes that certain types of knife are preferred by young men, the Executive could then have powers to make regulations to include particular knives, designs etc within "controlled knives".
- Others suggested the type of knives that could be categorised as non-domestic and others listed the type of knife they would like to see excluded from the definition. A number of types of knife could fall into both categories and it was thought that there should be exemptions to cover certain knives.
- There was also concern about tools used by small businesses and family farms.
- Those that commented on the size of the blade suggested that if the blade were longer than 8 cm or 3 inches which is not a 'domestic' knife should be classed as 'non-domestic'.
- It was suggested that we must give weight to the views of the police and the medical profession about the fact that most stabbings are caused by kitchen knives such as steak knives rather than knives bought specifically.
- Would seek further clarification on how blunt demonstration knives would be covered in this definition if they would be covered at all. Also note that the performers and re-enactors will often use or carry all-purpose sharp knives during demonstrations for both food preparation and in fighting demonstrations.
- Replies covered at some length and in some depth what could be defined as a domestic knife and commented on the potential danger that all bladed weapons had for serious injury.

Comments from those who disagreed with the definition included –

- Proposed definition while covering many salient features of what might be construed to be a non-domestic knife still provides plenty of scope for debate within the courts. Narrowly targeting legislation to one type of weapon is unhelpful.
- A larger number thought that it would be difficult or impossible to define a non-domestic knife because 'any bladed implement will be able to be used in food preparation to some extent' and 'any domestic knife can be used as a

criminal or military weapon'. 'A knife is a knife because it has a blade or a sharp point.'

- A significant number felt that to try and make a distinction between domestic and non-domestic knives was 'pointless' and 'ridiculous' as any type of knife, blade or article with a point can be used as a weapon to commit a crime and a 'domestic' knife can kill as well as a 'non-domestic' knife.
- A number suggested that antique knives and collectors weapons should be exempt and a separate definition was suggested as 'A hand held bladed implement, not primarily designed for use in the home, kitchen, garden, or in the course of ones business, or for the production of works of art or craft, and not being in itself a work of art, an antique, or of cultural or historical significance'.
- Many thought that the proposed definition was too broad and that the availability of domestic knives will continue to feature in incidents of violence.
- An example given was that a small kitchen knife could make a good hunting knife and hunting knives could be used as food preparation knives.
- A large kitchen knife would make an extremely dangerous weapon.
- A general view was that such a definition introduces a division of bladed implements lacking practical or legal benefit. A better approach would be to address the use of implements rather than the nature of the implement itself.
- Another reason respondents felt that it was impossible to define and/or separate the two concepts of 'domestic' or 'non domestic' was because the definition was based on the context of the knife's use rather than its form or design; and that the way a knife was marketed could have an impact on whether it fell within any definition at the point of sale.
- It was felt that laws restricting the carrying of knives should be enforced rather than any new proposals which were seen as unlikely to have any impact on the level of crime overall, instead will restrict law abiding members of the public from using their tools and will severely disadvantage current retailers and inconvenience legitimate users/purchasers to the extent that they will probably make all purchases outwith Scotland.
- Should not only apply to axes, spears etc which are used in martial arts and re-enactments. Would be an offensive weapon if an assault is committed with one.
- Some chef's knives are just as lethal as a sword.
- When "domestic" knives are largely used in crimes, then no distinction to differentiate a "non-domestic" knife as being somehow more dangerous than a "domestic knife" is necessary in any way. Any unfortunate receipt of six inches of cold steel cares little as to which particular category of steel has been used at the time.

QUESTION 3. What conditions should be imposed on someone seeking a licence to sell non-domestic knives?

In the consultation paper we listed a number of possible conditions that might be attached to licences. Respondents commented on the list of 8 conditions listed on page 9 of the consultation document and suggested other conditions. The majority of respondents (50 of the 62 respondents stating a clear view) were in favour of conditions in principle.

- Many respondents were clear that they were not necessarily in favour of a licensing scheme, but agreed that there should be conditions should a licensing scheme be the way forward.
- A number of respondents were in favour of some conditions and not in favour of others.
- A small number were opposed to conditions because they were also opposed to a licensing scheme.
- Another view was that conditions should apply only if the definition of a 'non-domestic' knife were widened, evidence provided that 'non-domestic knives' were used in violent crime and exemptions such as antique knives and limits on the type of retailers selling knives were not adopted.

We asked about **Requiring retailers to keep records of those to whom they sell non-domestic knives or Requiring retailers to obtain photographic evidence of the purchaser's identification**

- Most respondents were in favour of retailers keeping records of names, addresses (residential and work) and, if feasible, serial numbers of items sold.
- A similar number of respondents agreed that photographic proof of identity, such as a passport or driving licence or other official document was required.
- Proof of age was suggested as an additional requirement with suggestions for the age of purchase of a 'non-domestic' knife of 18 or 25+.
- Additionally proof of residence and documentation from a reputable source such as a martial arts club showing that the purchaser has a good reason to purchase the knife was thought to be required.
- A responsible attitude and no criminal record (possibly within the last 5 years) were cited as further essential conditions.
- The purchaser should not have a record of dishonesty or violence and must be 'fit and proper' as described by the Licensing (Scotland) Act 1976.
- Character references and/or criminal checks should be carried out.
- It was suggested that checks could be carried out during any cooling-off period if the cooling-off period was say 2 to 4 months.
- The licensee (in order to be granted a licence) must be able to demonstrate that he has customers with a genuine reason for wishing to purchase such equipment, and the selling of knives should be in keeping with the business of the retail outlet.

We also sought views on **Regulating display of knives on the licensed premises e.g. blacked out windows; locked cases**

- A smaller number commented on this condition, although most were in favour of locked cabinets and alarms.
- Knives should not be displayed in shop windows but blacked out windows was seen as going too far.
- A number of respondents thought the police should be involved in checking premises and records.
- Security was important in preventing theft and to 'thwart the black market demand' which may be generated as the 'supply of legally bought weapons dries up'.
- Sellers should display a notice on the premises, stating the minimum age of purchase, and that customers will be asked to verify their identity.

We asked whether sales should have a condition **Requiring a 'cooling off' period between any initial approach to purchase, and the finalising of a sale**

- The majority of respondents did not agree that a cooling-off period was necessary for items sold at specialist markets and events.
- It was thought that restriction would affect legitimate trade in antiques and collectable knives, and undermine sales at antiques fairs.
- Clients did not always carry ID.
- Would support a cooling-off period were there clear and convincing statistical evidence that it would be a successful deterrent.

On the question of possibly **Requiring retailers to obtain a statement from e.g. JP, MP, or professional person, confirming purchaser's ID**

- This was seen to be too burdensome and time-consuming to be implemented successfully.

Requiring retailers to record transactions on CCTV

- This was seen as not practical for traders who conduct legitimate business outwith shop premises and is an unnecessary measure if home and business address were already confirmed.

Requiring retailers to record a description of the type of knife sold

- There were few comments about this condition, which was seen to be sensible.

Finally we asked if **ID numbers or other means should be used to identify merchandise with a shop 'marker'**

- There were few comments on this condition. However those who commented tended to disagree.
- It was thought that it would be difficult to convince collectors to have an ID number actually on their newly bought knife.
- It may be possible to have this condition only if the mark did not damage the article. Cost may be a factor.
- A suggestion was taken from a Japanese system where an identifying marker is sewn into a collectibles carrying bag or case.
- In Japan it is an offence to separate the marked bag and the piece. A similar system might be well received. The marker could also be potentially used for tracking 2nd hand sales at a later date.

The following 2 questions raised related conditional questions to what was proposed in Question 3.

QUESTION 3A. Are the suggested conditions of license reasonable? and

QUESTION 3B. Should there be any additional conditions of licence?

Only around 20% of respondents commented on these 2 questions with opinion for and against our suggestions fairly equally divided but with a small majority against the conditions being reasonable (15-19) and the need for additional conditions (10-15).

It should be noted that the A4 consultation document (main document) contained more questions on 'Conditions of licence' than the A5 Executive summary. The main document contained Q3a and Q3b whilst the Executive Summary only posed Q3. Responses to questions Q3a and Q3b fell along broadly similar lines to Question 3, however respondents gave further information and detail and a number of points were similar or reiterated from responses to earlier questions. (Q1 and Q2, licensing scheme and definition of a 'non-domestic' knife).

There was a mixed reaction with respondents feeling that the conditions of licence were not entirely reasonable and that it was difficult, or unreasonable to apply conditions because of cost and other factors such as the restricting impact on law-abiding knife users, which were not seen to be tackling the root cause of knife crime. There were many comments about enforcing existing law.

Comments received on Q3a included –

- Already sufficient legal powers to control the use and carrying of knives in the 'wrong' circumstances/places.
- No way of defining a 'non-domestic' knife that will not include every other type of knife.
- Any bladed implement will be able to be used in food preparation to some extent.
- What is really needed is a law that restricts the carrying of any type of knife, domestic or otherwise (over say a 3 inch folding knife) in public without a good reason like the law we have now.

- Enforcing this law would remove knives from the streets rather than restrict law abiding members of the public from using their tools. After all anyone currently carrying a 6 inch "hunting knife" in Glasgow city centre is already breaking the law. Adding another law for them to break will not improve things.
- The onus should be on the purchaser - stipulate that any purchase is accompanied by photographic ID of the individual, which is validated in writing by either a JP or local police obtained/purchased by the individual.
- Additionally - complying with age verification ID used should be a formal national ID such as driver's licence/passport and not just a picture card.
- Suggested conditions of licensing for non-domestic knives are generally reasonable. On the proposed condition that retailers should be required to obtain a statement from a JP or MP confirming purchaser's ID - recommend that as part of this process purchaser should be required to confirm to JP reasons for proposed usage.
- There will always be unlicensed retailers willing to sell knives.
- Conditions on the whole are reasonable. It may be acceptable to keep records and require photographic ID.
- It is not acceptable to regulate the display of knives to the extent suggested (this does not even apply to firearms), to require a statement of ID confirmation from a counter-signatory, to require CCTV records of transactions or ID numbers or a shop marker.
- Question the value of a cooling off period - how many crimes are committed immediately after a knife is purchased.
- Conditions suggested do nothing to prevent subsequent disposal of item, prevent import of item or prevent criminal misuse of item by purchaser.
- Adds expense to purchaser and seller.
- Nothing to prevent criminal obtaining items from a third party without any such record with a licensed trader.
- If offence were to be introduced, government disposal scheme would have to be set up to cover items already in circulation and purchased in future.
- Proof of identity required by purchaser would be for no real benefit and would be inconvenient and expensive.
- Some reasonable, some not. Would make sense to at least record name and address of someone who wants to buy a knife. Imagine keeping records and photo ID would not be too onerous.
- CCTV recordings of specific purchases runs into simple logistics. How long would records need to be kept?
- Shop ID may be of use if shop is selling to underage customers but it is so easy to transfer ownership of a knife that there would be no trail to link it back to the purchaser.
- Seller cannot be held responsible for how the knife is used.
- Suitable means of ID could be photo-card driving licence or passport. If not these documents then production of an appropriate statement from a JP. General conditions reasonable.
- Suggested conditions look unreasonable if you consider that a 40 something law abiding fisherman would have to go through all these checks - including making 2 trips to the shop, to get a new gutting knife, but a 16 year old "ned" could walk into a hardware store and buy a Stanley knife the same day.

- Conditions imposed must strike a balance between reasonable and meaningful.
- Approach at first inspection may appear viable. Licensing scheme of this nature will be expensive to operate, reduce number of retailers prepared to pay the costs, which would reduce competition and would therefore lead to increased costs to legitimate purchasers.
- Additionally as in Q2 types of knives likely to be covered all have legitimate uses and would be a straightforward matter for those with illegitimate intent to obtain such knives under the premise of the knife's legitimate purpose.
- Proposed conditions of licence will have no significant impact on knife crime and will increase costs, reduce competition and adversely affect the public as consumers and legitimate users of the items in question.
- Need to keep records and photographic evidence of purchaser's identification is considered reasonable.
- No licence is necessary as it will have no affect upon crime figures.
- The suggested conditions of licence are reasonable.
- Small traders would have difficulty in having photographic or CCTV evidence of sales, as the retail premises are mobile to attend events and such equipment would be costly and difficult to introduce. We concede that it would not be unreasonable to take details of the buyer under these circumstances.
- The suggested conditions of the licence are not reasonable for those who routinely use knives. Whilst the intention is to allow legitimate users to purchase knives, a licensing scheme either means that legitimate buyers will be required to provide some form of identification (not included in your consultation and subject to the usual possibility of false ID) or if ID is not required negates the entire process.
- Generally reasonable, apart from the cooling off period between approach and sale. Many suppliers will be based far from legitimate purchasers and this condition could add considerably to their costs. Legitimate purchasers eg re-enactment groups, theatrical groups etc may require a short notice purchase for a particular event.
- They are more restrictive than those required for selling firearms.
- We would like clarification of how long CCTV recordings require to be held and how long the proposed 'cooling off' period should be.
- There may be scope also to consider the merit of permitting sales only from 'fixed premises' and a prohibition on sales from market stalls and from the internet.
- The majority of the suggested conditions appear reasonable.
- Recording transactions on CCTV would have significant financial implications for small businesses. It is not clear at what point ID would be obtained for confirmation of purchaser. It would be pointless after making the sale. Perhaps it would be preferable to state that confirmation of identity must take place prior to the item being handed over to the customer.
- Licensing system as proposed not reasonable. Do not agree that any of the conditions suggested are reasonable. No proposed licence conditions will have any impact on subsequent behaviour by the customer.
- Some would create difficulties for retailers who supply re-enactors as they tend to deal at open air markets held at re-enactment events.

- Proposed conditions of licence seem reasonable. Particularly effective - practical measures in respect of display and cooling off period in respect of purchasers not having a legitimate interest in buying knives. Number of conditions would involve a considerable outlay particularly in relation to CCTV.
- Not unreasonable for retailers to keep records of the buyers of non domestic knives, obtaining photographic evidence of ID, record description of knife, keeping knives in locked cases.
- Other conditions seem restrictive. Identity marks, blacked out windows, cooling off period and MPs becoming weary of providing statements to every potential purchaser of a non domestic knife, not every small retailer can afford CCTV systems.
- Proof of identity required would be for no real benefit and would be inconvenient and expensive.
- Unsure of - photographic evidence - very expensive, whether film or digital photographs, and quality of photographs. Regulating display of knives - blacked out windows unreasonable, locked cases not unreasonable - right for retailers to display their other wares. Obtaining statements - unreasonable - destroy market for tourists unless there is exclusion for exported "non-domestic" knives.
- Need to keep records and photographic evidence of purchaser's identification is considered reasonable. Merit in recording transactions on CCTV and marker ID of knife is questionable.

On the issue raised in Q3b we received the following comments –

- Knife retailers should have a purpose for selling knives in particular areas (hunting stores, tourism etc.) as part of the licensing application.
- Sellers should also be briefed on specific details of sale restriction i.e. not selling knives to intoxicated patrons, "cooling off period" being further explained, verification of memberships in "exempt" groups, etc.
- No, as there should be no licence scheme.
- Not apart from those necessary to keep the licensing scheme in operation.
- Essential that police and/or licensing authority retain right to inspect record to ensure conditions are being complied with.
- Consideration will have to be given to purchase of non-domestic knives from mail order groups, internet retailers or auction companies or even by direct purchase and importation from retailers abroad.
- Retailer should not have had a previous licence for the sale of non-domestic knives revoked and not have been found guilty of selling domestic or non-domestic knives illegally.
- Particularly supportive of a "cooling off" period - and would encourage non-domestic knives to be sent to a traceable address rather than sold over the counter as part of this provision.
- No licence should be imposed in the first place.
- Current firearms licences cost £40 and take several weeks to administer. It is likely that the costs to legitimate users would probably be between £40-100 and possibly considerably more depending upon the local authority. Costs to businesses would be significantly larger.

- Of equal importance is the delay caused by the need to licence sales. If the police were required to administer such a scheme would they support these proposals?
- Common sense; 'questionable' dealers known by the council or police should close down.
- How would you apply them to private sellers, especially ones that sell via the internet?
- We would like to query why a licensing scheme could not apply to dealers dealing primarily in second-hand knives, as it is intended to apply to other dealers. There is nothing in the Act to prevent this happening. The scheme should be universal in its application. To do otherwise creates an unnecessary problem of definition/interpretation, and a potential loophole.
- Retailers should display notices to the effect that they are licensed traders in the sale of "non-domestic" knives and failure to do so should be regarded as an offence.
- Retailers should be required to maintain a training register, updated annually, that all sales staff are aware of legislation on the sale of "non-domestic" knives, and that they are aware of the safeguarding and secure storage requirements of same.
- Require retailers to forward regularly copies of their records to police or appropriate agency to form national database. Useful information in relation to individuals purchasing items in more than one local authority area and highlight trends/patterns in knife sales across the country.
- Yes; Itinerant traders operating from market stalls should fall within the proposed licensing system. Additional condition - Dealers in licensable knives should be permanent residents within the local authority area in which they operate; stallholders on a regular basis in local authority area, and holders of an appropriate licence to trade there and a permanent address elsewhere verified via a letter from the Post Office.
- Licensing won't work. There are hundreds of millions of knives in circulation. They are readily available via post.
- Licensing didn't work against gun crime; it won't work against knife crime.

QUESTION 4. What would be the costs for businesses of licensing the sale of knives?

Of the 58 comments received on this question, 51 can be categorised as positive on the potential costs for businesses with 7 offering comments opposed to any costs for businesses. A significant number (35) made some comment on the issues raised in this question without expressly stating support for or against. Almost all the replies, including those who supported the proposal, received on this issue expressed reservations.

Comments received in broad support for additional costs for businesses were –

- No more than is necessary to recoup the costs of the scheme.
- A licensing fee to cover the scheme could be used, although potential high cost may put off some dealers and cause them to sell their stock off quickly before it comes into force. Resulting in an unwanted situation of knives and swords flooding the market.
- Maybe some type of variable charge depending on the numbers of swords or knives sold.
- At least £1,000 per annum.
- In terms of trade there would be no cost other than the cost of holding a license. Sales would not be affected since specialised sports shops will have an established customer base and the same rule would apply to all such shops.
- Unknown at this stage but should not be an issue.
- Each licence holder should be made to pay for admin costs.
- Percentage of sales? The more dangerous, the higher the percentage?
- An annual license fee should be payable. This should be set at a high level to dissuade irresponsible stockists.
- The licence itself.
- Cost of investigation into background plus cost of admin. No profit should be made.
- There would be costs involved; however this may include a more responsible attitude to selling knives and deter irresponsible sellers.
- Not important. A responsible seller would cover these costs without complaint.
- To cover all administration costs.
- Any increased cost could be offset against time previously spent by victims off work as a result of injuries or cost of court time, jurors expenses etc.
- Cost of license only.
- For professional shops there should be no effect on sales. The licences should be free of charge to the retailers.
- If they want to sell knives they need to be licensed.
- Quite minimal. Most shops would have alarms and cabinets anyway and fitting locks is not expensive. A simple record book to record purchaser's details should suffice. I suggest that the Executive provides a standard format to supply to retailers in order to standardise the information obtained.
- £500.

- Probable costs - provision of secure storage and display facilities, which should be police approved and inspected, internal CCTV systems and recording facilities, associated administrative costs with processing sales and retention of records.

The regulating authority for licensing retailers to sell knives should be allowed to charge an appropriate fee when an application is made. The fee should be determined on the basis of the costs incurred by the regulating authority in the processing and consideration of licence application.

- Regulating authority should be able to recover all costs incurred in processing of licence applications. Civic Government (Scotland) Act 1982 - the cost of an application for a 3 year permit should not be overly prohibitive. Could require to be a review of these fees to account for increased cost.
- There would inevitably be costs to businesses particularly with regard to conditions that would require the alterations of premises e.g. CCTV and blacked out windows. Costs in terms of the time required to complete the transaction due to the suggested licence conditions would also impact on retailers. This may however have the positive impact of making the sale of such items desirable to only reputable retailers.
- The costs would include photographic equipment of CCTV, secure storage/display containers and any licensing fee applied by the local authority.
- Bureaucratic costs/cost of licence. Costs should be passed on to buyers.
- Using cost as a method of deterrent to sale would be ineffective in my view; therefore the costs should be minimal.
- Cost for businesses should reflect the costs to the police and/or local authority in managing the licensing system including the checking of applications in relation to a fit and proper person test. Any licensing system should not pose an excessive administrative burden on the agency carrying out the system and the need for a clear definition of affected knives will be important in this regard.
- Council would require to employ more staff to monitor and enforce licensing. Most similar type of licence to the proposed system would be that of licensing second hand dealers which is presently (in Aberdeen) £167 for 3 years. Licensed non-domestic knife retailers may have to pay more than this. Environmental health and trading standards officers feel that it would be inappropriate for them to be involved in monitoring persons licensed to sell non-domestic knives as it relates more to the prevention of crime. They feel it would be more appropriate for police as they have a similar involvement in the licensing of firearms. Police costs cannot be passed on to applicants by their application fees. Work involving the granting, suspension or removal of licences will require additional work and will add to retailers' costs due to increased application fees.
- Whilst there may be costs involved in applying for a licence these should be minimal. Sales should drop very little as non-criminal customers should still be able to buy unrestricted.
- Cost of a licence should be kept to a minimum i.e. purely cost of administration and a once only charge running for the lifetime of the business.
- Keeping register of sales if it was deemed necessary.
- Cost to retailers relative to licensing process in respect of initial cost of licence, maintaining records and potential drop-off in trade re non-domestic

knives. Legitimate individuals and groups purchasing non-domestic knives will continue to do so. Any drop in sales is likely to be representative of those with no legitimate need or requirement to purchase non-domestic knives access to such potential weapons.

- Would depend on how system was implemented by Local Authorities and how many conditions required. Authorities would need to consider annual cost and even if kept to a minimum would contribute to financial and administrative burdens on small and medium sized businesses.

Replies which opposed increased costs for business or made no direct response on this matter include –

- An increase in cost for the seller with no benefit whatsoever for the public.
- Simply more bureaucracy.
- Many antique dealers, hardware & DIY outlets would go out of business. Only Civil Servants or Local Government officials would prosper on the fees.
- It may reduce their trade.
- Moderate - high costs would reduce the number of places where knives are sold - the violent people would find them any way.
- Not sure. Perhaps the Government could look at some kind of subsidised cost to ensure that people in business do not avoid payment due to lack of funds.
- Businesses would lose money if the changes were made.
- Any costs should be borne by Government.
- The Executive should underwrite the cost if proceeding with such legislation. Costs should be nominal by the retailer.
- Probably small but difficulties with mail order and administration if requirements were to be made difficult.
- Smaller suppliers of re-enactment tools and weapons make items mostly as a hobby and would probably be unable to continue their businesses if there were licensing requirements.
- Re-enactment suppliers making and selling weapons as a hobby rather than a full time business and would probably be prevented from doing so if required to be licensed. This would make it difficult for re-enactors to obtain the equipment they need.
- Monetary cost would be of little deterrent to an irresponsible knife dealer since it would be outweighed by the fact that they sell more blades to the wrong sort. Punitive and criminal penalties would be the strongest deterrent.
- Costs would be such that no retailers would apply for licences nor contemplate selling non domestic knives due to the disadvantage that would be introduced compared to competition via mail order, the internet and unlicensed businesses in England.

- Excessive. Additional secure facilities, maintain records of purchaser identities, annual registration under Data Protection Act. Loss of sales. Additional equipment required to mark items with allowance for items spoiled in the marking process. Additional to fee to obtain a licence. Purchasers - additional expense to obtain evidence of identity. Would legislation apply to mail order/internet purchases outwith Scotland? Scottish buyers would resort to English sellers as well as illegitimate purchasers. Would not deter those intending item for criminal purposes only legitimate purchasers.
- Ban not readily enforceable unless there is a customs check between England and Scotland.
- Obtaining the licence, maintaining documentation of the sale, length of time each sale would take, the cost of locked case and other equipment that would need to be purchased to abide by the licence. In the long term the cost of maintaining documentation.
- No clear indication of conditions therefore not clear what specific costs would be. Costs to local authorities setting up, operating and enforcing (even via police) a scheme would be significant and there would be an expectation from authorities (and police) that costs would be recovered therefore costs of licences would be significant. Create disproportionate trading throughout the UK (Scottish retailers would be subjected to costs that competitors elsewhere would not be).
- Unless there is evidence to suggest that "non-domestic" knives contribute significantly to knife crime there is no reason to believe that restricting the sale will reduce knife crime significantly. Restrictions on availability would inconvenience law-abiding citizens greatly, but have little effect on criminals. Suggest restrictions would result in an increase in the number of domestic knives used in knife crime and/or increase in the use of alternative weapons, such as firearms.
- We do not consider this to be a matter which we can answer in any meaningful way but are satisfied that the cost would be onerous and not justified in light of the negligible benefit obtained.
- Future viability of dealers and auction houses would be jeopardised if licensing were too restrictive; collectors could be discouraged if verification process too onerous and would result in a significant loss of earnings.
- We restate that any cost on this regulation would be burdensome for the small traders who sell knives and other weapons.

QUESTION 5 sought comment on a ban for purchases of non-domestic knives from other than a licensed seller.

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

122 respondents commented on this question with opinion, from those who made specific comments on the proposal, being marginally (55 to 50) in favour of the proposal. In most instances those commenting for and against the requirement qualified their position.

Those who supported the proposal for a criminal offence for purchasing from an unlicensed seller commented –

- Both the buyer and seller should be charged and any knives found confiscated.
- However there should be a defence that the purchaser did not know or suspect and had no reasonable grounds for suspecting that the seller was unlicensed.
- Providing the public are well informed that purchase must be from a licensed seller.
- What measures would be put in place to inform the public that they were licensed.
- It should be made very clear to the public that they must be purchased from a licensed seller. Both purchaser and seller must be responsible.
- Absolutely. The purchaser must produce a receipt from a licensed dealer. Failure to produce one would lead to criminal proceedings as a knife carrier.
- Aim of any new legislation should be to limit the ease with which such knives can be obtained.
- If any proposed licensing regime is to have any credibility there must be sanctions, criminal or otherwise, to avoid persons or groups circumventing the licensing provisions. Such a sanction however may prove problematic as the law may need to create presumptions on being in possession of such a knife without proof of purchase from a licensed seller.
- If it is felt that current legislation would not cover such a situation. Robust use of a licensing scheme would address the issue in the meantime.
- Equally however it should be a criminal offence for an unlicensed seller to trade in the sale of non-domestic knives.
- It should, and I already believe is, a criminal offence to use or plan to use a knife to commit a violent act.
- In relation to whether the purchase of non domestic knives should be a crime, it should not be a crime to purchase a knife but the onus should be on the people selling knives.
- Generally supported however there are concerns about the use of the internet to buy such knives. It may be necessary to include a criminal offence of purchasing such knives from an unlicensed seller to address the issue of internet sales.
- This may be of assistance in some cases. It should also be an offence to provide false identification to a licensed dealer.

- Provided licences are available to responsible retailers there is no reason not to have one, therefore yes, all customers should go to licensed dealers.
- Considers that it should be a criminal offence to purchase non domestic knives from an unlicensed seller. Publicity campaign will also be necessary to advise public of new licensing scheme to ensure individuals are aware of the need to make their purchases from a licensed seller.
- Reasonable to expect seller to understand the law, the purchaser may not be au fait with all the details of the proposed legislation. No proper conditions can be enforced on mail order and the internet.
- Agree with principle that it should be a criminal offence to purchase a non-domestic knife from an unlicensed seller. Issue re sale of second hand non-domestic knives. Views consultation paper in two parts first, disrupting supply of non-domestic knives into the public domain and second, vast numbers of non-domestic knives are already within the public domain.
- Consideration should be given to those individuals and groups whose possession/re-sale/exchange of non-domestic knives are conducted in appropriate circumstances and pose no direct threat to the public.
- It should be a criminal offence to purchase a non-domestic knife from an unlicensed retailer or dealer but not from a private individual.

Comments from those opposed to the proposal included –

- This is a real nonsense.
- There should be no such thing as a licensed seller. The danger is that those carrying knives for the boost to their ego will have it further boosted because it is a "weapon" requiring a licence.
- How can the descendant of a military officer who sells the family sword be expected to have a licence. Are they criminals?
- Practically impossible to enforce and it would appear more effective to target illegal sellers rather than purchasers.
- If you purchase over the internet from a country which does not have a licensing system then it would make you a criminal. If you restrict the offence to purchasing in Scotland then everyone will use the internet to avoid being recorded. The average thug does not buy mail order and wait 28 days for delivery. This offence would make criminals of those who legitimately use/collect such items.
- Unreasonable to criminalise an individual for purchasing a non-domestic knife where there is no evidence to suggest that it was intended for an illegal purpose.
- Would it be an offence to purchase a non-domestic knife from a seller in England or abroad and then bring it into Scotland?
- May be unnecessary. If possession and unlicensed sale is to be an offence is another offence required? This is the way firearms legislation works - but does it work for firearms? Also, what about possession of a non-domestic knife from an unlicensed seller.
- Probably not. Because of impact on purchases from outwith Scotland. In a specialist area there may not be enough suppliers within Scotland so people buy from mail order. Sellers outwith Scotland could not be licensed under Scottish legislation therefore buyers in Scotland would be cut off from supply.

- This would be unworkable, as how would private or second-hand sales be regulated? They would simply "give" the knife to another for no apparent monetary gain, making the licence irrelevant to the transaction. The mere act of trading knives (whether buying or selling) should not be illegal. The use of a knife to threaten, harm or commit violent crime should be illegal. It should also be asked "When does a seller become a seller?" When he has one knife he wishes to sell, when he declares himself to be such or when the Government decides he is?
- How would legitimate users pass on to other legitimate users when they gave up their hobby (e.g. re-enactors).
- This would put an unfair burden on the buyer, especially those who are buying a knife from quite legitimate purposes. Also, if a buyer purchases via mail order from an overseas supplier who does not fall under Scottish jurisdiction, would he be breaking the law.
- Are concerned about this provision and would want to ensure small traders and societies who purchase them for legitimate purposes are protected from prosecution given the difficulty sellers might face in adhering to a licensing scheme.
- Only legal/legitimate knives and users would be affected. Illegal sales would continue. Again a pointless exercise.
- It should be a criminal offence to simply use any type of knife in a threatening manner or physically attack any human with one. The act of purchasing a length of steel does NOT indicate criminal intention from the customer and it is unfair to impose potential criminal records on well intentioned customers who may mistakenly or unintentionally have bought from an "unlicensed" seller. Such categorisation makes the knife seller and the customer out to be potential criminals or dealing with "dangerous goods" of some sort, when it is the small percentage of criminal minds that require policing.
- Unless there is evidence to suggest that 'non-domestic' knives contribute significantly to knife crime there is no reason to believe that restricting the sale will reduce knife crime significantly. Restrictions on availability would inconvenience law-abiding citizens greatly, but have little effect on criminals.
- Suggest restrictions would result in an increase in the number of domestic knives used in knife crime and/or increase in the use of alternative weapons, such as firearms.

Question 6 and 7 looked at whether swords should be included in a licensing scheme.

QUESTION 6. Should shops require a license to sell swords?

On this question opinion was again fairly evenly divided for and against the proposal. 61 respondents replied in favour of shops requiring a licence to sell swords with 49 opposed to the introduction of such a restriction.

Those supporting the requirement for shops to be licensed to sell swords commented –

- Shops or manufacturers must be licensed to make and/or sell swords.
- This should include antique shops.
- May be reasonable to maintain a national register of shops that deal in swords.
- Only for sharp swords.
- Appears reasonable, but many legitimate sword purchases (re-enactment) are made directly from the manufacturing sword smith.
- Not specifically. The same arrangement as for domestic knives should be sufficient.
- Yes (but subject to adequate definition of “sword”). It is acknowledged that swords are designed for combat. It would appear to be in the public interest that shop retailers require an appropriate permit to allow them to sell such items.
- Given that there are valid reasons to license the sale of non-domestic knives, this should also apply to swords.
- The sale of swords should require a licence from whatever source (i.e. not just shops). Consideration should also be given to licensing the purchaser of the sword.
- If a licence is required for knives yes, if not then no. A sword should be treated no more differently from knives. Swords are used in less criminal acts than knives so why would they have extra controls.
- Similar licensing requirements should be in place for swords as for non domestic knives. The issue of internet sales also needs a similar approach to that of non domestic knives.
- As with knives, responsible retailers should be issued licences and others should not be allowed to sell swords.

Those who opposed the need for a shop to be licensed to sell shops commented –

- Frankly I would be much happier if all criminals were carrying swords instead of knives. How hard can it be to spot someone carrying a sword in public, compared to a knife? This is already an offence for them to have it in public without good reason. I am lost as to how this licensing system will improve anything.
- What would it achieve? Criminals don't obey laws, only law abiding users - martial disciplines etc.

- The consultation presents no evidence that any crimes have been committed using swords in Scotland. Cost of new legislation cannot be justified on the basis on conjecture.
- Even if there existed a valid argument to suggest that swords play a significant part in knife crime there would be no reason to believe that licensing Scottish sword vendors would have any effect on knife crime.
- Costs of any licensing scheme would be passed onto law-abiding sword users, having a detrimental effect on their activities and the livelihood of Scottish swordsmiths.
- Swords will still be available to those who want them for no good (internet etc) all that would be created is more paperwork for those wanting to display a suit of armour with claymore. Scotland has some of the finest sword (Claymore) makers in the world. This is a type of business that should be supported not penalised.
- Little consideration for collectors who buy and sell edged weapons but these can be under 100 years old and are not classed as antiques. Non collectors have replica or original weapons - often swords - with little attention paid to them.
- Appears to be no actual problem with swords. Many tools such as axes, hammers, chisels, screwdrivers, carpet knives etc could be used in violent assaults but apparently their use in situations is rare. Similarly swords are almost never a problem. They are too big to be carried as concealed weapons apart from anything else.
- Consultation does not provide valid argument for licensing of sword vendors. No evidence that licensing sword vendors would reduce knife crime. Cost of new legislation cannot be justified on the basis of conjecture.

QUESTION 7. Should the sale of swords by shops be restricted to require them to sell only to members of approved organisations?

On this question that is directly related to Question 6 opinion was equally divided with 51 agreeing with the proposal and 56 disagreeing. In those responses commenting either for or against the proposal, the majority of the respondents qualified their view.

Common comments from those who supported sales by shops to approved organisations included –

- In theory this would be acceptable, however it would be difficult to implement and unless there was an exception for tourist sales I think this would prove unpopular.
- There are the needs of individual collectors & other interested persons to be considered.
- Generally agree, although the situation of a legitimate private collector not part of an 'organisation' buying an antique needs to be covered.
- Controls should also be placed on the disposal of swords once membership of an organisation lapses.
- Production of photographic ID would be enough to deter anyone without legitimate cause.
- A number of people who have a legitimate reason to have swords and other non-domestic knives. Sportsmen, re-enactors. Prices of original weapons plus the damage that might occur carrying them to the show make the use of modern copies preferable.
- Swords more difficult to regulate than firearms because they are not numbered. Restricting the sale to members of an approved organisation may be a good way to limit the numbers of swords in the wrong hands.
- On the other hand re-enactors etc would require a certain quality of historic correctness in their weapon not available in the swords found generally in the shops so would go to specialists anyway.
- Restricted to an extent, but must allow for individuals with bona-fide reasons to have access to "approved organisations" or to vendors.
- Member of living history group. This is of particular importance. There is an exclusion of theatres or drama clubs for stage fighting also legitimate collectors who display them and do not take them up the High Street to the pub.
- Shops should be restricted by the requirement to sell them only to members of approved organisations. Organisations should be able to demonstrate a legitimate purpose in relation to their intended purchases. Such a requirement would assist in preventing the use of swords in relation to criminal activity. Appropriate for a national database to be established of approved organisations so that organisations with branches established throughout the country do not have to obtain separate approvals from each local authority.
- Will reduce the likelihood of this type of weapon being possessed for illegal means and provide an additional means of scrutiny to the selling process.

- Agree with principle of retailers selling swords only to members of approved groups or organisations. Views sale of swords by retailers to attract same criteria as that directed to non-domestic knives. Individuals or groups proving the need to purchase/possess a sword should be facilitated. Consideration should be given to needs of minority of public who possess/re-sell/exchange swords for legitimate purposes posing no threat to the public.
- There should, nevertheless, be an onus on retailers to ensure that they sell only to customers who will use them for appropriate purposes, e.g. ceremonial use, for sword dancing, for re-enactments, acting or to build up collections for research.

Those opposed to the suggestion commented along the lines of –

- The criminal should be punished for committing a crime or preparing to commit a crime. The general, law abiding public should not be punished or curtailed from their law abiding pastimes because of those intent on breaking the law, including the proposed laws.
- No evidence that this proposal would reduce crime. Practical enforcement across regional boundaries would be extremely difficult or impossible. Individuals not members of an approved group could buy their swords elsewhere.
- Danger that those wishing to use swords for unlawful purposes would seek to legitimise their purchase by joining an approved group.
- Unreasonable for a group to be held responsible for the behaviour of an individual member outwith supervised group activities.
- Too exclusive a measure. Collectors do not generally belong to any organisation.
- Why would a regular member of the public need a sword? - to harm someone or use as an ornament - could still be used to harm.
- Who grants approval and at what extra cost.
- How do you define an "approved organisation". Shops would have to maintain lists of approved organisations which would be unworkable. Martial artists, highland dancers etc are not current members of organisations and it would be unfair if they were unable to purchase swords on their own.
- Collectors do not usually belong to organisations, and most wizards and many Wiccans are solo workers.
- This begs the question as to how people become members of these organisations, and seems to some extent to pass the buck of regulation and control to those who run these organisations. Also, practical difficulties are envisaged in regulating membership of approved organisations.
- Little consideration for collectors who buy and sell edged weapons but these can be under 100 years old and are not classed as antiques. Non collectors have replica or original weapons - often swords - with little attention paid to them.
- Little consideration for collectors who buy and sell edged weapons but these can be under 100 years old and are not classed as antiques. Non collectors have replica or original weapons - often swords - with little attention paid to them.

- This restriction would exclude bona fide collectors who are not part of an organisation, but would be unnecessary if the individual purchasing the sword was licensed.
- Restrictions would be quite complex and ultimately pointless. It is clear that problem sword owners are outwith structure of societies and clubs. Responsible sword owners do not cause any trouble with their swords. People setting up fake organisations to be able to buy swords. Organisations are usually voluntary and would cause a burden on volunteers.
- The idea that organisations be approved by local authorities in consultation with the police would lead to a hopeless situation where each area had a different list of approved organisations so that someone carrying a sword from one county to another might be in contravention of the law only some of the time.
- I think this would be impractical to institute as there are a vast number of organisations that use swords and who barely have the resources to maintain their organisation as it is due to lack of support (i.e. historical re-enactment groups).
- If organisations were to become liable for unlawful acts of their members, it would hinder creation of these organisations and reduce their number.
- Highland dancers are single individuals not "organisations".

Questions 8 and 9 asked if the sale of swords should be banned.
QUESTION 8. Should the sale of swords be banned?

Of the 143 respondents who commented on this question, opinion was emphatically opposed to a ban of the sale of swords with 112 expressing disagreement with the introduction of a ban and only 18 supporting a ban.

Of those who supported a ban few offered any further comment beyond agreement with the proposal. A number offer qualified support with comments such as –

- License them similar to firearms.
- It does not seem that there is much difference between a licensed sale and a ban with exemptions. It may be best to be incremental and try the licensing route first.
- Stricter controls are necessary to reduce the numbers being used for criminal means. Such a step should be taken if Executive found evidence that it would reduce crime. Research on use of swords in criminal activity should be undertaken to establish extent of problem and whether measure would be a proportionate response.
- The possibility exists that all swords should be banned. Scotland however sits on a framework of history where cultural traditions contribute not only to our national identity but to other vital, equally important, factors such as economic growth in tourism and cultural events. It might be the case that if a proposed licensing regime proves ineffective then there might be further justification for banning the sale of swords.

Of those opposing the introduction of ban among the comments were –

- An outright ban would be wrong and have a devastating effect on re-enactment stage shows and ultimately the Scottish tourist industry.
- No evidence to suggest that swords pose any significant criminal problem.
- It would not stop thugs. Tougher actions on criminal users should be used.
- Unfair to collectors, historians, re-enactors. De-edging may be an option (blunting).
- The measures proposed for "non-domestic" knives should apply to swords.
- The number of crimes involving swords is minimal.
- Such an approach should be backed up by evidence indicating a significant problem.
- Not necessarily, if effective control can be obtained through licensing and restrictions of sale.
- It is unenforceable. How do you plan to stop internet or mail order sales? There is no case against swords.
- No statistics to show whether "knife" is domestic or "non-domestic" or if it is a sword or other sharp item.
- This would lead to a black market trade.
- People have swords for decoration. There are a small number of deaths by sword. We are not banning cars are we?

- Consultation fails to differentiate between 'sharps' and the blunted steel swords used by many swordsmanship groups and re-enactors.
- There appears to be no actual problem at all with swords. All the points raised in your consultation paper describe knife crime and knife culture.
- Definitely not. They are an important part of our heritage and can be used for many legitimate cultural activities. Current offensive weapon laws should be sufficient to allow police to arrest sword-wielding criminals.
- Swords are a vital part of our cultural and sporting heritage; furthermore swords are used in an extremely small proportion of violent crimes when compared to objects not considered for a total ban such as non domestic knives or baseball bats.

QUESTION 9. If there is to be a ban on the sale of swords, 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)?

133 responses were received with a considerable majority (95) agreeing that, in the event of a ban of sale of swords, there should be exemptions for groups or individuals who (in the view of the respondents) had legitimate reasons for buying a sword. Only 9 respondents considered that there should be no exemptions from a ban but they offered no comments to support their position.

Comments from those who supported exemptions include –

- Any group or individual who has a legitimate use for a sword, whether cultural, sporting, collecting or for entertainment should be able to buy a sword.
- They should only be sold to collectors of weapons who have been strictly vetted by the police.
- Agree that regulation is required governing the sale of certain types of sword, difficult but not impossible to provide definitive descriptions.
- Re-enactment groups, theatrical groups, cultural groups and living history societies must be exempted to protect our tourist industry and historical heritage.
- Those with a legitimate reason such as collectors and sports enthusiasts with organisations and affiliation documentation should be able to indulge their sport or hobby.
- If swords were banned from sale, approved martial arts and re-enactment groups and antique dealers must be exempt for cultural reasons.
- Those using swords for a legitimate reason such as historical fencers, sports fencers, highland dancers, martial artists, the Masons, pipe bands, religious orders, historical re-enactors, theatres, film actors and numerous others. In short anybody who has a non-criminal reason for possessing a sword.

Comments from those opposing a ban –

- There should not be a ban. An overwhelming majority of law abiding enthusiasts in this country who have a legitimate right to own and collect swords.
- While no ban should occur, re-enactment groups, martial artists, actors and others with a reason for possessing a sword should still be able to buy swords.

Question 10 to 12 sought comments on samurai swords, including a ban of sales and related conditions.

QUESTION 10. Should the sale of only samurai swords be banned?

Of the 127 responses to this question, 96 respondents opposed such a ban with only 17 in favour. Beyond indicating that there was no support for this proposition few respondents offered any direct comment on this question.

Of those who did make a comment these are given below –

- What proportion of violent crime involves swords?
- What benefits would accrue from this unenforceable legislation?
- Consultation does not provide figures for proportion of crimes undertaken using samurai swords.
- Are other types of sword less dangerous (e.g. kukri, bayonet, sabre or machete)?
- If samurai swords only were banned then illegitimate activities would then be undertaken with other weapons. This would frustrate the ban's aim of reducing the level of such crime.
- Not applicable - do not see the need for licensing and such licensing will not achieve the Justice Minister's stated aims of lowering knife crime.
- Executive would have to make sure that the ambit of the legislation would achieve its aim.
- Would a restricted focus limit the cost and complexity of compliance to an appropriate degree?
- There would be no legal way to implement this law as no watertight legal definition of a "Samurai sword" could be found. The expression is itself incorrect. The swords in question are not "samurai swords" they are katana.
- If samurai swords were banned than another style would take their place. Controls should apply to all swords and knives and should not distinguish between particular types on the basis of popularity.
- Authentic katanas cost in the region of £1,000 to £100,000. Highly unlikely that criminals will buy these swords to commit crimes with them.
- Issues about sale and ownership of samurai swords are similar to those in relation to ordinary swords.
- If samurai swords were banned would it lead to an increase in sales of other swords? Samurai swords with non-functional blades could be sold as decorative items.
- No evidence has been produced that the sale of such swords is causing a problem.
- We could see no good reason for any distinction to be drawn between different types of swords. This would only make the legislation cumbersome and difficult to enforce.
- Evidence on samurai swords in crimes should be collated to establish whether this response would have impact on illegal use of such swords.

- Definition of a sword is inadequate as it allows for too many loopholes. Will any definition of this nature be capable of supporting an outcome, both effective and proportionate? 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. Effect of proposed legislation will be to criminalise the innocent, add nothing to public safety, endeavour to control the few at the expense of the many.
- It would be difficult to ban only certain types. A better approach would be to deny licences to those selling cheap, sharp samurai swords for general purchase.

QUESTION 11. If there is to be a ban on the sale of samurai swords, 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)?

While 91 of the respondents offered no comment or their reply was unclear on this question, 75 were, in the event that a ban was introduced, in favour of exemptions being put in place.

A lengthy list of approved activities for inclusion in an exemption were offered and these include –

- All recognised groups should be able to claim an exemption.
- Organisations for the purpose of drama, and public display demonstrations.
- Genuine collectors of antiques or historically important swords. Cheap imitations should be banned.
- The only groups of people who should be exempt are collectors of weaponry, particularly Japanese weaponry.
- Martial Arts.
- The sports of Kendo, Laito and Aikido, specifically call for the use of Japanese swords, whether wooden or metal.
- To-ken or Japanese sword collectors should have access to Japanese Swords.
- Genuine samurai swords should be available to collectors and martial arts groups.
- Cultural displays by authorised persons.

In addition some general comments were given and these included –

- Real samurai swords are very valuable, artistic and historic items. Many owners will have invested heavily in them.
- No genuine or sensible reason for any Scot to want to own, other than a museum or genuine sword collector purchasing an antique.
- What proportion of violent crime involves swords?
- What benefits would accrue from this unenforceable legislation?
- Many people have these for purely ornamental use. If a problem is foreseen, make it a condition that the swords are not sold with honed blades.

QUESTION 12. How should a samurai sword be defined?

The consultation paper suggested a possible definition for a samurai sword. 63 respondents indicated that they were happy with the definition with 6 disagreeing and 109 offering no comment or an unclear response. Of those who responded with comments to this question, most offered general rather than direct comments on how samurai swords should be defined.

Common themes were –

- Samurai sword is a Japanese, ceremonial, bladed fighting weapon.
- A close combat weapon used by Japanese warriors now used by modern practitioners of modern martial arts.
- Definition should include 'a specific type of curved, single edged sword traditionally used by the Japanese samurai, including the Katana, Kunyomi, Kanji, Onyomi and Dao'.
- Any ancient sword which has been the weapon of the samurai warrior, not the cheap versions.
- A bladed instrument designed in the style commonly regarded to be a Japanese sword/blade.
- All swords should be included irrespective of type.
- It is not just traditionally manufactured samurai swords that should be banned but also replica swords. Traditionally manufactured samurai swords may be less of an issue because of their price and would not be the first or even a likely choice for abuse for illegitimate abuse because of their cost.
- Lethal in the hands of the wrong person. Sales of samurai swords must be strictly vetted and misuse of these swords must result in severe punishment.
- It is impossible to form a definition that is tight enough to exclude a long kitchen knife but not so tight as to be circumvented by minor alterations to the sword construction.
- Not required to define as we do not seek to ban, only licence groups who wish to purchase any sword.
- Not necessary as how do you define a knife as "non-domestic"? It's impossible. Most assaults are committed with kitchen knives anyway.
- What proportion of violent crime involves swords and what benefits would accrue from this unenforceable legislation?
- Crack down on criminals, not insensate tools. Knives don't commit crime, people commit crime.
- Don't penalise law-abiding citizens with extra laws which criminals will simply ignore.

QUESTION 13 asked for comments on the introduction of individual licenses. Is there a case for individual licenses for the purchase of swords?

125 replies were received to this question with a small majority of respondents disagreeing with this proposal. 49 were in agreement with 58 disagreeing and 18 commenting neither for nor against.

Comments included –

- Cost of licence to be reasonable and borne by the individual.
- Persons who are legitimate restorers and dealers should be licensed.
- Imagine that in most cases swords are purchased for legitimate use either as an ornamental or sporting uses. Those persons utilising them for legitimate use would obtain the majority of licences.
- Likely to be a greater number of individuals requiring licensing than retailers.
- Individual licensing - avoid the need to define approved bodies. Would presumably reduce complexity of legislation of the scheme.
- Greater costs to retailers would mean greater costs to the purchaser. Licensing scheme could be structured to levy costs on a one-off basis.
- Licensing scheme for individuals would spread costs more widely encompassing ownership rather than just purchase but equally the licensing of ownership would greatly increase the number of individuals initially within the ambit of the legislation.
- Concern if significant one-off or recurring costs passed on to individuals - deter legitimate purchase and use of swords reducing sporting and cultural pursuits.
- Compliance placed on legitimate users and could present a barrier to entry to some activities.
- Costs should be justified by a reduction in violent crime. Licensing system for purchase and/or ownership - reduce casual purchase. Reduction in availability would clearly be a positive outcome.
- Wording of legislation would have to be considered to be applied to all or some forms of purchase: purchase from a shop physically situated in Scotland; mail order purchase and delivery to a Scottish address; purchase of a sword outwith Scotland and subsequent import into Scotland by a person normally domiciled in Scotland. Simply referring to the purchase of a sword does not address existing ownership of swords.
- Legislation would have to make its ambit clear and Executive would have to communicate this to all interested parties.

General Comments Received

A number (21) of respondents chose not to base their replies to the consultation directly on the questions set out in the paper. It is not practical to accurately allocate these responses as being for or against what was proposed in the consultation document. A significant number of respondents, while answering the questions within the consultation document, also made some general points. Issues raised and comments made included -

Statistics

- Several respondents were concerned that there were no statistics for violent crimes initiated with either a “domestic” or “non-domestic” offensive weapon, and no statistics or evidence on crimes involving the use of swords.
- It was suggested that there should have been more information made available in advance of the consultation document by Scottish police.
- Without statistical evidence pointing to the risk imposed by swords, it would be impossible to support a ban which would impose restrictions on the freedom enjoyed by Scottish citizens, while being of little or no benefit in the reduction of violent crime.
- It was commented that considering the available data, it would be reasonable to come down on the side of increased restriction but it would also be reasonable to highlight the difficulty raised by the use of the definition “non-domestic”.

Legislation of the Parliament of Victoria, Australia

- In the definition of a sword in Australia (paragraph 22 of the Consultation Document) this could be applied not only to swords, but also to knives and daggers.
- It is also noted that Australia has no tradition of ceremonial swords and therefore no comparison can be made but the comment has also been made that there is little value or no benefit in banning swords.

Existing legislation

- A significant number of respondents feel that existing legislation is already sufficient and that it is already illegal to carry a sword with intent to use it for violent means. Enforcement of current legislation with better education is what is required.
- It is suggested that a method of controlled rather than licensed sale could be incorporated into existing legislation.
- Legislation could include a power of search for offensive weapons in localities or areas at relevant times where it is indicated that there could be a problem, which would be acceptable when weighing up the human rights of individual citizens and public safety concerns.

Age/sentencing/mandatory sentencing

- It is generally supported that the raising of age for purchase of a “non-domestic” knife be raised from the age of 16 to 18, and for the doubling of sentences.
- A key factor of success in this lies with the Courts and the likelihood of these sentences being imposed as they generally do not impose sentences near the maximum available.
- It is suggested that sentences for these offences should be raised rather than banning or restricting an inanimate object that can simply be manufactured by a criminal.
- Some companies already have in place a restriction on the sale of knives to under 18s.

Transportation of swords

- Some respondents are unclear from the document if there are any proposals for changes to be made to the reasons for carrying a sword in public, as it is currently allowed to carry a sword for legitimate reasons such as martial art classes.
- It is essential that collectors be allowed to own, transport, buy and sell such objects without hindrance.

Outreach and other projects

- If police powers and doubling the maximum penalty are to be effective, it must be accompanied by support for projects and services on early intervention and on challenging the culture which fuels knife crime.
- Suggests setting up team activities for young people in the evenings.
- The problem is with young men and women not being guided in the right way. Outreach programmes take at risk kids and teach them martial arts, not with the intention of using what they learn to harm people, but to give them more self respect and self esteem. The results of the programme indicated that those who took the courses were more apt to better in school and less inclined to go out and cause harm to others.
- Welcomes early intervention along with youth work.
- The Executive may wish to consider the 'Be Safe' project. Former Metropolitan Police officers in 2000 established a programme suitable for delivery to young people. The knife talk was first delivered to young offenders who had been referred by the courts and was successful in London. The course has been delivered to more than 12,000 young people. Its positive results have led to Leeds City Council training 120 trainers to deliver the 'Be Safe' weapons courses.
- Strengthening of police powers and doubling the maximum penalty contribute to tackling knife crime. If they are to be effective they must be accompanied by support for projects and service on early intervention and on challenging the culture which fuels knife crime.

- Essential to allow young people to develop an interest in heritage and collection of knives and swords.
- There should be more effort by politicians, police, criminal justice system, families and communities to banish this social cancer. There is nothing 'cultural' about carrying a knife.
- Media and schools programme - utilising celebrities from music, entertainment and sports, known criminals having used knives in the past. If a small number of people are persuaded to dump the blade it must be considered. In conjunction with publicity and education campaign TV shows like River City, Taggart etc should be roped in.
- Improvement of facilities and recreational programmes is essential to divert young people away from crime, vandalism and violence into sport, drama and arts.
- Active teams of outreach workers should be deployed on the streets. Without accessible recreation facilities we will fail abysmally to wipe out the knife carrying cancer
- Increasing custodial sentences for knife carrying without wider education and youth services investment programme will merely increase prison population without addressing deep-rooted problems. Issue of knife carrying is a class problem.
- Those carrying knives should be made to feel like anti-social lepers not latter day hard men.
- A concerted anti-blade and knife campaign must become top priority.
- If strategy to tackle knife crime is to be effective it must include support for projects and services focussing on early intervention and challenging the culture which fuels knife crime.
- Youth work projects and youth work approaches can play a role in helping to tackle knife crime.
- In addition to curb knife sales in the paper, steps should also be taken to changing attitudes to knife crime by men between 16 and 25.
- Should take into consideration cultural issues surrounding attitudes that lead to people carrying knives and committing crimes with them in Scotland.

Black Market Trade

- Fear that the outcome of such legislation will result in driving Scottish heritage underground and some artefacts may even leave the country.
- To ban everything would drive things underground and industry would be taken over by gangsters who would make thousands selling illegal replica swords.
- Must consider if knives are restricted then an illegal market will grow.

Ban on swords that can be sharpened

- Samurai swords are made in China using cheap materials. Reduced price made them more accessible. Most have 'live 'edge' which can be sharpened.
- Ban samurai swords that have been or can be sharpened, therefore allowing genuine collectors non-sharpened swords made from soft alloys to be available at the higher price.

- Fencing swords are items of sporting equipment. None have an edge nor could they be easily sharpened. Designed to be safe.
- There are dance schools in very small villages, but very few dance shops so that way of buying kit is unlikely to change easily. Many people have wooden swords to practice with, rather than metal ones, and these are often home-made, but I don't know if they would fall within the definition. The metal ones are blunt, although I suppose anyone who wanted to use it as a weapon could sharpen the edges.
- Many swords are not sharp or pointed and not designed to be sharpened as they are used for fencing, martial arts, the stage or re-enactment. No mention is made of the status of blunt swords or sword shape items in the proposals.

Investment

- Swords may also be purchased as investments.
- Presumption of compensation in the event of confiscation? Should include limiting value by banning transfer or sale rather than possession, consequential damage to investment value of private property.
- Regard collection as part of pension plan. Antique swords worth substantial sums of money.
- Strongly opposed to proposals that would make buying and selling of antique edged weapons more expensive/difficult or complex and would reduce the value of my collection.

Exemptions

- Exceptions for certain responsible groups i.e. collectors and anything to do with the country's National Heritage.
- Exemptions should be made for responsible groups and anything to do with heritage. Person to person trading would be difficult if not impossible to licence.
- Considers the exemption for tourists should be looked at in the context of the extent to which there may be a need to look at an international agreement on this in that there is the potential for young people from Scotland to buy knives, etc abroad without declaring these purchases and vice versa.
- The suggested exemption for highland dancing swords would be very difficult to work as it's currently suggested. Many highland dancers are not members of an approved organisation. Those who compete in Highland Games are members of the Scottish Official Board of Highland Dancing. However there are many genuine dancers who take lessons each week and who take various dancing exams and medals who are not registered with them because they don't compete. It would be their parents, rather than the dancer themselves, who would buy them swords so the purchasers would not be members of any dancing organisation.
- Often people buy their equipment through their dancing teacher such as shoes etc but also swords, rather than through a dancing shop (or a sword shop).
- Sportscotland are clear that any future legislative proposal should serve sport, particularly fencing, by providing for a specific exemption for sporting

equipment in general and fencing equipment in particular. Licensing the sale or purchase of fencing swords would perhaps provide an alternative solution to an explicit exemption.

- Collecting antique swords etc of a historical nature should be covered by some form of exemption. It appears in the paper that the SE would make such provisions.
- Clear and unequivocal exemption for museums in any proposed legislation that covers all their legitimate activities.
- Grounds for exemption of fencing swords are: safe, defined under law, not swords as defined by existing laws, modern and Olympic sport, sport for all, no restrictions on air travel with fencing swords, no excuse for the carrying of an uncovered fencing sword in public, contributes to Scottish sporting success, past and future.
- Swords should not be banned but exemptions should be made for responsible groups including collectors and for artefacts pertaining to the country's national heritage.
- Welcome exemptions for persons with a genuine reason for purchasing, manufacturing and owning a knife or sword. In addition to groups mentioned asks for special consideration to bona fide collectors preserving Scottish heritage. Museums and public collections cannot carry all the burden of preserving a nation's heritage.
- Private collectors fulfil a valuable role.
- Although there is overall support for the consultation document, it is requested that diving equipment retailers continue to be self-regulated with perhaps the benefit of clearer, specific guidance.

Cross-border issues

- These items may be sold by their owners to antique dealers or at auction in Scotland or England. Would it be illegal to sell a sword to a collector, dealer in England? A group of re-enactors may buy from England and sword makers may move south of the border.
- Unless the law is changed south of the border a potential edged weapon buyer will buy in the south by mail order or by travelling.
- Scottish Auction houses will lose sales to E W & Ireland. Loss of personal income.
- No point in banning something in Scotland which is available in England.
- Control must be for the British Isles not just Scotland.
- Restrictions would be unworkable in the face of the absence of identical restrictions in England.
- Persons living in Scotland could order most types of knives or sword in England and have it delivered.
- Scottish retailers and manufacturers would suffer while those in other countries would profit.

Definitions

- Antique weapons definition not realistic or practicable.
- Definitional problems may be encountered defining swords.

- Kitchen knives are as well suited to stabbing as they are to cutting.
- Weapons may be substituted by criminals i.e. an axe or machete for a sword.
- Highland dances would lack appeal without the use of swords.
- Samurai swords can differ in dimension and blade form and are not susceptible to clear and unambiguous definition.
- If main concern is with misuse of Japanese type swords then proposed definition is inadequate.
- All types of Japanese swords should be covered not just katana. Include tachi, wakizashi and tanto.
- Fencing foils, epees and sabres could escape definition as swords as they have blunt edges and point. Also re-enactment swords.
- Although a “diving knife” is covered by the description of a “non-domestic” knife by Clause 27 within Section 2 of the paper, measures may be too onerous for dive shop owners and may unnecessarily restrict access to an essential piece of safety equipment.

Baronial Houses

- Swords held in Scottish baronial houses were carried in procession before the barony courts and were not intended for use in combat.

Post-1905 swords

- Paper suggests that antique swords would be excluded although this is only pre-1905. Post 1905 swords are also of historical interest.
- What provision is there for those items from WWI or WWII items including Scottish ceremonial broadswords.
- Sales between private sellers and private individuals will be difficult to stop. Many antique-edged weapons are very difficult to date exactly so 100 year antique rule will be difficult.

Intention to harm/not inanimate objects

- It is the intent of the person that should be tackled.
- Person with intent, not the weapon is the problem.
- DIY knives and domestic knives will be used by those with criminal intent and weaken the effect of any licensing programme from which they are excluded
- Criminal law should set out to penalise individuals who do harm not those who possess merely the means to do harm, save in the most special of cases.
- Address legislation against aggressor not type of object.

Swiss Army Knives/flick/lock

- Swiss Army knives could never be described as dual-purpose
- Many members sell Stanley knives, camping knives, Swiss army knives etc and would be unfair to target retailers who sell these legitimate and commonly used knives with a licensing scheme.
- Swiss army knives - both of domestic and non-domestic nature.

- Using Swiss army knives leads to difficult issues as to whether as a group they fall within or outside the proposed licensing regime.
- If Swiss army knives and equivalent products not to be excluded from legislation the licensing requirement for retailers selling such products would be hugely onerous and out of all proportion to the risks presented by this type of product and would be of considerable damage to sale of Swiss army knives in Scotland.
- Faced with a licensing requirement many of their retailers would simply stop purchasing Swiss army knives and equivalent products.
- Believe that the policy considerations underlying the paper are consistent with excluding from the proposed licensing scheme Swiss army knives and equivalent products; that Swiss army knives and equivalent products are benign products unlikely to be of significant interest to the criminal fraternity and that including them within the licensing regime would be disproportionate to the risk inherent within their design; that being subject to the licensing scheme would have a hugely detrimental effect of the sale of Swiss army knives and equivalent products in Scotland imposing a severe financial penalty on manufacturers and distributors without achieving policy objectives underlying the Consultation Paper.
- Related issue - lock knives. Cover any folding knife that has a safety locking mechanism to prevent blade accidentally closing when in use. Does present problems with certain tools which require a locking mechanism to allow safe usage. Manufacturers produce multi-tools containing a number of implements inside a folding handle. The nature of the tools means that they'd be dangerous to use unless tool in use is locked. Should be made clear that these tools are legal.
- Ludicrous to consider small pocket knives with multi-tools to be in the category of non-domestic knives. Small pen-knives have never been used in street crime to my (long) knowledge.

General

- "Afraid for my wellbeing from a gang of youths (estimated ages of between ten and sixteen)" but that from what I could see none of them had knives, they did however carry things in the manner of weapons including a length of chain, metal pipe and a baseball bat.
- Issue that needs to be dealt with is what entices these people to hold people's lives to be of little value since restricting availability of things that may be used as weapons is not possible.
- Imposing sanctions on those wilfully selling lethal weapons to those intending to use them unlawfully must be balanced against the right of the individual to privacy and cultural and religious history.
- Rather than a blanket ban that will affect genuine collectors, maybe ban swords that can be concealed - samurai swords but not Scottish Claymore or braveheart swords that could not be concealed.
- Banning designer, historically accurate swords (Scottish designer) would be great loss to collectors and Scottish tourist economy - braveheart sword purchased in Scotland and sent outwith the UK People learn better by seeing with their own eyes how people lived and died.

- If swords are banned totally, the art of re-enacting will be destroyed and people deprived of knowledge of their history.
- Re-enactors swords are always blunt and always wielded by someone who understands and respects the effects of the weapon.
- Yes make it necessary to have a licence to sell swords and even ban shops selling replica swords on the street.
- Official organisations like the English Civil war Society and the Sealed Knot have justified reasons to carry swords at events and carry them to events in cars.
- Willing to carry a badge saying why I have sword, not willing to try to be an authentic re-enactor carrying a plastic sword.
- Licensing will assist in curtailing the proliferation of certain types of knives.
- The persons who use the knives have to be tackled.
- Many carry knives because they can without much fear of sanction.
- Ineffective and a waste of time. Will have no impact on murder.
- Other more dangerous items of sporting equipment - baseball bats, cricket bats, golf clubs and hockey sticks. Screwdrivers, rocks and bricks effective.
- How will the control of the sale of general domestic knives be enforced?
- Concerned that proposals would lead to a ban on all martial arts weapons but can see that this is not the case.
- Agree that tougher penalties should be used on people who attack others with knives and offensive weapons.
- Agree points 1 to 3 of 5 point plan. Disagree totally with licensing proposals and total ban on swords. Legislation not needed if as suspected more domestic than non-domestic implements were used. This piece of legislation will do nothing to deter physical assaults.
- Cannot demonise a tool. Many reasons why a person becomes a criminal.
- "Owns a sword." Does not wish it to be too difficult for others to obtain a sword. Legitimate reasons for carrying a sword.
- Blanket ban on swords, or samurai swords would be huge over-reaction.
- Would not wish to see a blanket ban on tools such as camping knives. Always carried responsibly.
- Would have no difficulty in proving our intent when we wish to buy a sword, and I would have no objection to being asked to prove this, nor waiting for a reasonable time, a week say, between buying and collecting a sword. I also have no objection to registering my identity upon buying a sword.
- Consultation assumes knife/sword purchase primarily involves a retail outlet, both purchaser and supplier within the Scottish jurisdiction. Not the case for antique weapons collectors.
- Interesting items emerge from attics and cupboards and their owners will have no seller's licence.
- No reason why antique shops should stop displaying antique edged weapons, or why the SE should attempt to stigmatise their purchase.
- Against further controls.
- It would be better to rid the streets of criminals with edged weapons and any person caught in possession on the streets with any tool such as a chisel, Stanley Knife, meat cleaver or sword should be dealt with accordingly.
- Law-abiding sword-collecting minority ratepayer will be penalised.
- Very few in 14 to 26 year age group would buy at auction.

- Swords can be lethal weapons, not all made for battle and combat - the most decorated for presentation - more the work of a jeweller and enameller, than sword cutler. Still made by Wilkinson Sword.
- At Auction a record is kept of both buyer and seller.
- Excellent way of alienating a minority group but legislation will not help solve crime.
- Many people own swords for decorative, historical sentimental, family reasons and should be allowed to do so. The 'nanny state' will have to be curtailed soon.
- Urge SE to concentrate on the cause not symptoms. Create a society where fewer people want to be violent. There will always be weapons.
- Edged weapons interest many law abiding people. Many reasons, historical re-enactors, interest in antiques, interest in technology of such weapons, interest in heroic martial traditions of Scotland.
- The SE must seek to minimise the intrusion of law into the benign interests of law abiding, tax paying voters.
- Real problem is not swords or knives.
- The perpetrators of this misuse will move onto other weapons. if their access to swords and knives is restricted.
- Analogy to banning baseball bats on the ground that the British do not play baseball.
- Target the perpetrator not the tool. Years in prison, 2 years for teenager is a long time.
- What legislation will make the streets truly safer?
- Members share views of Justice Minister to live in a society protected from the scourge of violent crime...etc. But we have concerns that often the solution to such problems is to introduce another ban which in this case, whilst intended to reduce the availability and use of potential weapons to the criminals who wield them, conflicts with the greater freedoms of the public who see yet another restriction on them.
- Would support a common sense and pragmatic approach to swords particularly. Not persuaded that the criminal element will abide by new law - they would make their own weapons as in the past.
- Do not all knives have blade?
- Licences always come at a cost. It is the perception that the existing and vast majority of law abiding citizens always seem to pay to control the small majority of possible offenders.
- Costs add to the burden of those in the voluntary sector working to a tight budget.
- Would every Highland dancer require a permit?
- What about the manufacture of a set of swords by a parent?
- Egyptian dance shop sell swords designed for dancing - blunt and balanced. Also made from brass - no sharp sword is made from brass. They are bought occasionally by women for use in balancing acts etc.
- Applauds Scottish Executive's recognition of the importance of collectors in the preservation and understanding of the heritage and that they are entitled to some consideration.
- Demands on police time could be excessive with little benefit to the public.
- Sale of swords should not be banned.

- Definition of a sword inadequate - allows for too many loopholes.
- Considerable investment by collectors - presume that compensation will be given in the event of confiscation.
- Scottish Executive should ensure existing laws are enforced and avoid hysterical and impracticable responses to a minor problem.
- Banning the sale of knives and swords in Scotland will not make the slightest bit of difference to the tiny number of habitual criminals who misuse them. Will only affect the larger number of people that possess such weapons for a range of innocent purposes.
- Object to being categorised alongside mindless criminals. Object to the idea that fellow collectors will need to prove their suitability to own swords to an uninformed and hostile licensing authority. Totalitarianism. To preserve our democracy and protect all minority interests the legal remedy should be proportional to, and apply only, to the criminal problem.
- Conditions for licence considerably excessive. Ordinary decent citizens would be made to feel like a criminal should they wish to purchase a knife for use in their work or hobby.
- The majority of knife crime involves use of a domestic knife. Alternative would be that sale of knives would grow via both domestic and international internet sales which would be more difficult to police.
- Outcome of proposals should be reasonable and proportional to the problem being tackled.
- Distinction between domestic and non-domestic is artificial and worthless.
- The general public fail to see the difference between domestic and non domestic knives in terms of weapons available to criminal use as if one is banned then criminals will use the other.
- Extremely concerned about a proposed law that will control availability of fencing swords. Sport will be perceived as dangerous when it is in fact one of the safer sports. Modern fencing swords are made of a hi-tech construction and designed not to cause harm.
- Applauds recognition of collectors and understanding of heritage.
- Any suggestion to hide knives by displaying them behind darkened windows would have the opposite effect.
- Criminals are not perturbed by restrictions but law abiding citizens are restricted.
- A ban on non-domestic knives means something else would be used.
- Carrying of knives and swords which should be policed and not the possession or sale of them. Law restricting these are already in place. Restriction will not reduce the level of street crime.
- Considerable sympathy with policy objectives through the package of proposed reforms.
- Fencing should be excluded from any restrictions.
- Interest in historical or ceremonial swords should not be restricted.
- Sympathises with wish to cut knife crime but restrictions on knives will fail to achieve this objective. Even if non-domestic knives were entirely removed those who wish to carry a knife would use domestic knives instead.
- We are the governing body for highland dancing worldwide. The Board appreciates the reasons for the proposed law and also appreciates that

highland dancing, having a legitimate reason for using swords, may be exempt from the law.

- Real answer is to increase resources in fighting all crime and not expend valuable man hours on legislation which will in all probability be extremely difficult to enforce, if at all.
- Like to see jail sentences for knife crime increased and should carry a mandatory jail sentence with such sentences being imposed by the High Court of Justiciary.

List of Organisations who submitted a response

Aberdeen City Council
Aberdeen Community Safety Partnership
Aberdeen Swordsmanship Group
Aberdeenshire Council
Association of Chief Police Officers in Scotland (ACPOS)
Aikibudo Fraternity
Arms and Armour Society
Association of Scottish Police Superintendents (ASPS)
British Art Market Federation (BAMF)
British Association of Shooting and Conservation (BASC)
Bujinkan Brian Dojo Scotland (BBD Scotland)
Bellahouston Fencing Club
British Kendo Association
Burton McCall Ltd
Convention of Scottish Local Authorities (CoSLA)
Dundee City Council
Dunfermline NHW
East Ayrshire Council
East Renfrewshire Council
Edinburgh Community Safety Partnership
Edinburgh Kendo Club
Faculty of Advocates
Foundation for European Societies of Arms Collectors (FESAC)
Fife Council
Great Priory of Scotland
Gun Trade Association
Hi-Gear Ltd
Highland Council
Highland Freebooters
Highland Law Practice
Hill Giftware Ltd
Historical Breechloading Smallarms Association
International Committee of Museums and Collections of Arms and Military History (ICOMAM)
Killearn Community Council
Law Society of Scotland
Lothene Experimental Archaeology Group
Lyon and Turnbull
Midlothian Council
Muzzle Loaders' Association of Great Britain
National Federation of Retail Newsagents
National Museums of Scotland
North Lanarkshire Council
Northmen Historical Entertainment Society
Orkney Islands Council
Outdoor Industries Association
Perfidious Albion

Perth and Kinross Council (nil response)
Renfrewshire Council
Society of Chief Officers of Trading Standards Scotland (SCOTSS)
Scottish Castles Association
Scottish Fencing Ltd
Scottish Law Agents Society
Scottish Official Board of Highland Dancing
Scottish Police Federation
Scottish Retail Consortium
Scottish Drug Enforcement Agency (SDEA) (nil response)
Tommy Sheridan MSP
Sheriffs Association (nil response)
Society of High Constables of Edinburgh
South Ayrshire Council
Scottish Police Authorities Conveners Forum (SPACF)
Sportscotland
Stirling Council
Tayside Highland Dancing Association
Traditional Martial Arts & Budokai Institute
West Lothian Council
Whitby & Co
Youthlink Scotland

List of individuals who submitted a response (excluding individuals who requested that their names be kept confidential)

A Steel
Alan DuJon
Alan Mackenzie
Alex Bean
Alexander Stewart
Andrew Gates
Billy Mitchell
Bob Johnston
Brian Moffatt
Chris Smith
D C Sage
D H Hartley
David A Oliver
David J Penn
David Johnstone
David Wilson
Denis W Reid
Dr Barry Young
Duncan Cadd
Euan Stewart
Gavin McMenemy
Gordon Smith
Graham Priest

Graham Souter
H M Dalzell
Helen Smith
Hilary Thacker
Ian Kirkwood
Ian Macintyre
J Duguid
James Flack
Jean Le-Palud
Joanna Jones
Johann Bryant
John Campbell
John Kelly
Kim Young
Lindsay H Cross
M D Bryan
Martin Blom
Michael Hughes
Neil Melville
Paul Macdonald
Phil Crawley
Rennie Cameron
Rich Mooney
Richard Campbell
Richie Anderson
Rob Miller
Robin Birnie
Roger Dunham
Ronald Millar
Scott Kerr
Sean Barbour
Sharon E Anderson
Sheila Jones
Susie Gledhill
Tommy Sheridan MSP
W H Grant