



Northern  
Ireland  
Office

# **The Law on Knives in Northern Ireland: Summary of Responses to a Consultation**

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# **‘The Law on Knives in Northern Ireland: A Consultation’**

## **Report on the responses to the consultation**

### **Introduction**

In July 2006 David Hanson MP, Minister for Criminal Justice, launched a public consultation paper “The Law on Knives in Northern Ireland”. The consultation sought views on tackling knife crime and preventing the emergence of a knife culture in Northern Ireland.

The consultation was supplemented by a Knife Crime Summit held in September that year, which brought together Government, law enforcement, voluntary groups, teachers and business to share ideas and discuss the way forward on tackling knife crime.

### **Summary of responses**

The consultation ran for twelve weeks from 19 July to 13 October last year and received a total of twenty-five responses from a wide range of individuals and organisations. Not all respondents gave views on all questions. In addition, a young person’s version of the consultation paper was made available. The Northern Ireland Commission for Children and Young People (NICCY) Youth Panel also considered the young person’s version and fourteen responses were received.

Views were sought on strengthening and improving existing laws on knives and more effectively enforcing those laws to prevent knife crime. The consultation also considered how limiting the availability of certain knives by regulating their sale might prevent the emergence of a knife culture in Northern Ireland.

Proposals to increase the penalties for possession of knives in public were widely supported, as were increased penalties for the illegal sale of knives to underage purchasers and the sale of offensive weapons. There was broad agreement on the need for Test Purchasing operations to identify irresponsible retailers.

A number of recurring themes arose from the consultation and summit in relation to young people and knives: the need to tackle the root causes of violence; the importance of education (of pupils, teachers and parents); partnership between parents, teachers, community groups and the police; the need for common reporting, disciplining and anti-bullying policies in schools; and the need for research into young people’s attitudes. Some respondents to the consultation favoured search powers for teachers, but a majority were against granting such powers.

There was a general approval for a licensing regime for certain weapons, although various models were suggested, from a mandatory scheme to a voluntary code of practice. Council, PSNI and Government were all suggested as administrators of any scheme. It was suggested that the legal age for sale of certain weapons should be increased to 21 or even 25.

A recurring theme in relation to the sale of knives was the difficulty of monitoring and regulating the internet as a sales channel for weapons.

Annex A summarises the responses to each of the questions asked in the consultation paper, while a summary of the main points arising from the Knife Summit Workshops is at Annex B. A summary of the NICCY Youth Panel responses can be found at Annex C. A list of respondents to the consultation is provided at Annex D.

## ANNEX A – SUMMARY OF RESPONSES TO KNIVES CONSULTATION QUESTIONS

### Offences and Penalties

1. *Should the penalty in Northern Ireland for possession of a knife in a public place be increased?*

(Agree: 12, Disagree: 1)

All but one of the respondents who gave a view on this question agreed that the penalty for possession of a knife in public should be increased, some qualified agreement where there was evidence to demonstrate that an increase in penalties would have a deterrent effect. Another respondent agreed with an increase but also considered that the root causes of knife crime needed to be tackled.

2. *Should the penalty for possession of a knife on school premises be increased?*

(Agree: 11, Disagree: 4)

Half of all respondents gave a view on this question, and the majority of those agreed that penalty for possession of a knife in school premises should be increased, with several giving qualified agreement. Concerns included the potential for an increase in the penalty to enhance the status of the carrier and the criminalisation of young people.

Of those respondents who disagreed, suggested alternatives included a common policy across schools of reporting knife-related incidents to PSNI and effective disciplining and counselling services. Another respondent considered non-custodial punishment – apart from in the most serious cases – such as community restorative justice disposals to be more effective.

3. *What more can be done to prevent the development of a knife culture in our schools and how relevant might powers to search pupils be in Northern Ireland?*

(Agree: 4, Disagree: 6)

Less than half of those who responded gave a view on this question. A small majority of those who answered specifically on the question of search powers for teachers were opposed to such powers and cited difficulties around safety of staff and pupils and an increased risk of confrontation as the main reasons for opposing such powers. Privacy concerns were also mentioned. Those who favoured search powers suggested that teachers also have the power to search pupils for drugs.

Education featured prominently among the responses on what action could be taking with suggestions of a greater awareness of knife culture for both pupils and parents. A number of respondents supported greater co-ordination with PSNI in reporting incidents. Other comments included the need for strong anti-bullying policies across schools.

4. *Should the penalties for selling knives to under-16s be increased?*

(Agree: 13, Disagree: 1)

The vast majority of respondents who answered this question were in favour of an increase in the penalty for selling knives to under-16s (to be increased to under-18s). One respondent suggested imposing a minimum fine and/or prison sentence for offenders.

5. *Should the penalty for selling offensive weapons be increased?*

(Agree: 14, Disagree: 0)

All of those who gave a view to this question were in favour of increasing the penalty for selling offensive weapons.

6. *If so to what levels?*

(Agree: 9, Disagree: 0)

For those respondents who gave a view a range of increased penalties were suggested for illegally selling knives and offensive weapons. Some preferred an increased financial penalty, while others suggested increasing the custodial sentence. Another suggestion was for the penalty for offences which can only be tried summarily to be increased to allow the courts to deal with repeat offenders.

7. *Should any other weapons – machetes and samurai swords are sometimes mentioned - be added to the offensive weapons list?*

(Agree: 7, Disagree: 0)

Less than half of respondents answered this question. Of those who gave an opinion, all agreed that these weapons should be banned.

8. *Should there be any exemptions for any new weapons added? On what grounds?*

(Agree: 7, Disagree: 1)

Again, most respondents didn't respond to this question. All but one of those who did answer agreed that exemptions should be introduced for any additional weapons, with one respondent opposing any exemptions. A number of exemptions were suggested for the following uses:

- Agricultural
- Ceremonial
- Cultural
- Collecting
- Entertainment
- Sporting

One suggestion was to include requirements on the possession of weapons, such as carrying them in a locked case or toolbox when not in use. Another respondent commented that it was important not to criminalise the law-abiding possessors of such weapons.

9. *Should test purchasing operations be carried out in Northern Ireland for illegal knives and offensive weapons sales?*

(Agree: 12, Disagree: 0)

All respondents who gave a view on test purchasing agreed that operations should be conducted to identify illegal sales of knives and offensive weapons.

10. *Who should conduct these test purchasing operations?*

(Agree: 10, Disagree: 0)

Less than half responded to this question, the majority of those who did respond supported test purchasing operations being carried out by PSNI, with some suggesting Trading Standards had a role, either alone or in partnership with the police. One respondent considered that District Councils should have the role of conducting test purchase operations, with another putting forward the idea that the new post-RPA councils should have the responsibility.

11. *Does the law on the sale of 'combat' knives provide enough guidance as to the type of knives which are prohibited under the 1997 Knives Act?*

(Agree: 1, Disagree: 7)

Most respondents didn't have a view on this question. Seven of the eight who did considered that the guidelines needed reviewed and further consideration, although the difficulty of defining knives was mentioned.

12. *Do the police require additional powers of entry where they suspect knives are being sold unlawfully?*

(Agree: 3, Disagree: 2)

Only a fifth of all respondents gave a view on police powers. Opinions were divided, with a small majority of respondents supporting additional entry powers, provided they were proportionate and effective. One respondent suggested that Trading Standards officers be given increased powers of entry and seizure for knives and offensive weapons.

13. *Should guidelines be introduced for prosecutors in Northern Ireland?*

(Agree: 8, Disagree: 2)

Although less than half responded to this question, the majority who did respond agreed to guidelines for prosecutors in relation to custody and bail for knife offenders, with one respondent raising concerns about human rights provisions for offenders.

The Public Prosecution Service stated that they will consider amending the Code for Prosecutors to include the use of a knife in an offence as a specific public interest consideration when deciding for or against prosecution.

14. *What other action can the courts take to reduce knife crime?*

(Agree: 3, Disagree: 0)

Few addressed this question. Of those that did respond one commented that a dedicated week each month for dealing with knife offences, as well as fast-tracking of knife cases before the Courts would be of value. Other suggestions included tougher sentencing for knife offenders and automatic custodial sentences for anyone convicted of using or carrying a knife.

## **Licensing**

15. *Should a licence be required to sell non-domestic knives and swords?*

(Agree: 12, Disagree: 0)

There was general agreement that sellers of non-domestic knives and swords should require a licence allowing them to do so. Other comments included the need to consider domestic knives, and also the need to educate the business sector on selling knives. The issue of the internet as a sales channel for knives and weapons was also highlighted as an area of concern.

16. *Should it be a criminal offence to sell such items without a licence?*

(Agree: 7, Disagree: 0)

Only one third of all respondents had an opinion on this issue. Those that responded agreed that it should be a criminal offence to sell non-domestic knives and swords without a licence.

17. *Might display restrictions, purchaser ID and record keeping be appropriate requirements for holding a licence?*

(Agree: 5, Disagree: 0)

All respondents who answered this question agreed with the suggested conditions of licence. No additional conditions were suggested.

18. *How might a licence holder lose a licence?*

(Agree: 3, Disagree: 0)

Only three responses were received to this question. Of those who responded, breach of conditions was the main reason given for loss of licence, with one respondent suggesting that the licence be revoked on the first offence for a period of two years.

19. *How appropriate might the Scottish model be for Northern Ireland?*

(Agree: 3, Disagree: 1)

In general, there was little detail provided on this question by respondents, with only four out of twenty-five giving a view. One respondent considered that the Scottish model was in response to a greater knife problem than we face in Northern Ireland and was therefore not suitable. Others stated that a mandatory scheme, enforced by the police, was required.

20. *If a licensing scheme were to be considered for Northern Ireland what alternative form might such a scheme take?*

(Agree: 4, Disagree: 0)

Four respondents suggested alternative models for a licensing scheme: two suggested that the police run any scheme; one proposed a scheme based on the fireworks licensing model, and another respondent favoured a self-regulating scheme.

21. *Might a self-regulating scheme based on a retail code of practice approach be more appropriate?*

(Agree: 1, Disagree: 5)

One respondent favoured a self-regulating scheme based on a retail code of practice given the small number of businesses which sell non-domestic knives and swords.

## **Equality Screening**

22. *On which equality categories do you consider the policy will have an impact?*

(Agree: 5, Disagree: 1)

The equality categories identified by the respondents were:

- Gender
- Age
- Race
- Political Opinion

Young males were the most commonly identified group.

23. *Is there any evidence of higher or lower participation or uptake by different groups within any of the nine categories?*

(Agree: 1, Disagree: 1)

No supporting evidence was provided by those who responded to this question.

24. *Is there evidence that different groups have different needs, experiences, issues and priorities in relation to the main policy areas?*

(Agree: 3, Disagree: 0)

Young people were identified as a group in this area, but no additional information was provided to support this in relation to the policy.

25. *Is there an opportunity to better promote equality of opportunity or good relations by altering the policy, or by working with others, in Government or the community at large?*

(Agree: 2, Disagree: 0)

No supporting evidence was provided by those who agreed with this question.

## Regulatory Impact

26. *Do you agree with the points that have been made in the RIA?*

(Agree: 4, Disagree: 1)

The majority of respondents who replied to this question agreed with the points made in the RIA. Some comments made indicated that public safety must be the paramount consideration and the benefits outweigh the cost, whilst another suggested that a more detailed assessment was required.

27. *What would be the potential costs for individuals, businesses and authorities of licensing the sale of knives/swords?*

(Agree: 4, Disagree: 0)

Four responses were received to this question. Costs identified included the cost of license and costs for complying with storage requirements and other initial setup costs. One respondent considered further consultation would be required on costs.

28. *Are there any other potential costs or impacts that have not been stated but which merit inclusion?*

(Agree: 1, Disagree: 1)

One respondent identified additional potential costs (see below).

29. *If there are such potential impacts can you quantify them and provide evidence to support your view?*

(Agree: 1, Disagree: 0)

One respondent suggested that the cost of a public information campaign should be considered.

## ANNEX B – SUMMARY OF KNIFE CRIME SUMMIT WORKSHOPS

### Workshop 1 – Regulating the sale of knives

1. The workshop considered the issues raised in the Knives consultation paper on restricting the availability of knives by licensing their sale. Tom Haire (NIO) facilitated the discussion.

#### Licensing retailers

2. The following points were made in relation to any licensing system for Northern Ireland retailers:

- Some shops which sell knives display dangerous knives such as hunting knives openly. Children will see these weapons as normal.
- Worrying availability of knives and imitation firearms.
- Retailers and corporations must demonstrate social responsibility in advertising and selling knives. It was noted that many retailers do have signs at point-of-sale informing of age at which knives can be sold.
- Retailers do have a corporate duty of care which they take seriously. Knives are the most common item stolen from supermarkets. Explore use of CCTV to prevent such theft.
- Knives shouldn't be displayed in shop windows.
- Controlling the sale of all types of offensive weapons is necessary to prevent spread of knife culture in NI akin to that seen in Glasgow. Should be mandatory controls as opposed to Code of Practice.
- Code of Practice could be useful as an interim measure; less admin burden but would still need to be policed to evaluate implementation, and penalty would be required to encourage compliance e.g. possible prohibition order?
- Research should be done into the use of 'non-domestic' versus domestic knives in crime: police don't record type of knife used.
- The point was made that a person can buy and use a domestic knife as easily as a non-domestic knife for criminal purpose. Queried whether licensing would make a difference. Others stated that youths involved in gang culture would be more attracted to a combat knife as it was more of a status symbol.
- Knives are ubiquitous, so they can't all be banned. However, steps need to be taken to improve things; start with non-domestic knives and review policy once implemented.

- Can't regulate the sale of kitchen knives, but there is no justification for buying weapons such as samurai swords etc.
- Other weapons can easily be used in crime – screwdrivers, hammers etc. How are they to be dealt with?
- Difficult to stop a person carrying a knife. Regulating the sale won't make a difference. Irresponsible retailers should be the target.
- Licensing scheme should be simple to setup and would affect a small amount of retailers. It wouldn't be onerous to apply for one and would force irresponsible retailers to become more responsible.
- Knives still widely available on internet. Young people don't have credit cards but can purchase weapons online using Paypal. It would be impossible to monitor internet sales. Parcels could be scanned for suspect metal devices, but a power would be required to open a parcel.
- Those convicted of knife-related offences shouldn't be able to purchase non-domestic knives – possibly a register or criminal records check by retailers. Maybe human rights/data protection issues in terms of retailers holding records. However, retailers could keep records of sale which could be supplied to police for checking. Police could then confiscate knives.
- Knives may need to be made traceable – have a mark, e.g. with 'Smartwater' technology to help trace items. The cost of such a system would be huge.
- Consider higher age limit for sale of non-domestic knives: 21 or even 25.
- Councils have existing structures for various licensing regimes; could be built into that. Limited number of affected shops would mean that additional burden would be minimal.

### Enforcement

3. The following points were made in relation to enforcement of the law:
  - The point was made that enforcement of the law – on searching people can be problematic due to the need to have a reasonable excuse to search someone: knives can be easily concealed.
  - Metal detectors can be used, but they aren't without problems – they pick up on any piece of metal on a person.
  - Police operations in NI can lead to an escalation of tension if not handled properly.

## Workshop 2 – The Legal Framework

1. Jim Strain (NIOLAB) led the discussion. His opening remarks referred to the need for proportionate punishment in relation to knife crime.

### Sale and possession of knives

2. The following points were made in respect of the proposals relating to the illegal sale and possession of knives:
  - The use of the internet to buy knives could potentially make effective regulation difficult.
  - There is little evidence to suggest that increasing penalties has a deterrent effect. Maximum penalties are rarely imposed by the courts, introducing minimum penalties, alongside sentencing guidelines may be more effective.
  - Perhaps a discounted sentence for pleading guilty should not be available with respect to knife-related offences?
  - There is a distinction between knife-enabled crime and knife possession. With the latter it is more difficult to prove intent, and those imposing mandatory penalties for possession may prove problematic. In terms of knife-enabled crime, perhaps sentences should be increased for those offences where a knife has been used (i.e. a kind of aggravated sentence for crimes where knives have been used).
  - It is not clear how regulating the sale and possession of knives will prevent re-offending. There is a need to address the 'knife carrying' culture, by way of education and preventative strategies.
  - There is an inherent difficulty in distinguishing between the legitimate possession and use of knives, and criminal use. By tightening regulation around the sale and possession of knives there is a danger of creating a black market in illegal knives sales.
  - Tackling the supply of knives is a red herring which will not impact significantly on the rates of knife crime. The key issues are the use of knives and the need to reduce levels of violence.

### Sentencing

3. The following points were made in relation to sentencing:
  - The public do not understand the courts' approach to sentencing. There is a perception that sentences in general are too light, and that the justice system is stacked in favour of the offender rather than the victim.

- There needs to be greater clarity in reasons for sentences. Perhaps the court should be more open about why individual sentences are passed, rather than allowing journalists to push a populist, yet inaccurate position.

### Offensive weapons

4. The group made the following points:

- Any weapon could potentially be classed as an 'offensive weapon'. Most knife crimes are committed using everyday kitchen or craft knives. Again the key issue here is intent, in a sense it is irrelevant what the weapon is. When is the possession of a knife legitimate?
- While legislation and enforcement are necessary, there also needs to be a holistic approach that includes education and prevention. The causes of knife crime must be addressed; otherwise enforcement will be largely ineffectual.

### Test purchasing

5. The following points were made:

- Using young people to test purchase could be coupled with preventative education programmes.
- More thought is needed as to how test purchasing might operate in NI, given the more limited powers available to Trading Standards officers in NI as opposed to E & W. It might be something the police would need to run.
- There is a need to consider knife crime in the context of the night-time economy. Alongside the licensing law reforms announced by the Government could weapons screening in licensed premises be introduced?

## Workshop 3 – Schools and Young People

1. The Schools and Young People workshop focused on the extent of the problem of knife culture in Northern Ireland and those most at risk. Discussion explored ways of tackling the culture of knife carrying and how best to build upon the existing work in place on raising the awareness of young people on the consequences of knife carrying.
2. Delegates from across Northern Ireland attended this workshop and included representatives from schools and their associated bodies, parents, community groups, voluntary groups, local authorities, the Department of Education, Scottish Executive, Strathclyde police, Metropolitan police, PSNI and other Northern Ireland criminal justice agencies, and the NIO's Community Safety Unit.
3. Workshop discussion looked at how best to tackle knife crime by drawing on five strategic questions: perception, responsibility, required actions, information availability and education. Debate drew out 6 main themes - offender, parents, community, policing, education and schools, and prevention. Key points raised in the workshop are noted under each theme.

### Offender

- Knife carrying while most prevalent amongst 11 – 18 year olds<sup>1</sup>, is not isolated to this age range.
- Those most at risk include young males (both as victim and/or offender).
- Males and females carry knives.
- Low literacy can also play a role.
- In some instances, offenders have difficulty in differentiating 'right from wrong'.
- In some instances, offenders' 'knife carry' as they don't feel safe and/or feel more in control.
- Knife carrying can occur anywhere - in the street, in school, and/or at home.
- Provision of offender support services eg. Youth Justice Agency.

### Parents

- The role of the parent is vital.
- Parent intervention is essential.
- Parents have a responsibility to the community to help promote a 'safer streets' culture.
- Requirement for practical advice guidance to educate and assist parents.
- Encourage community groups, forums and partnerships to support parents.
- Parental involvement with Youth Justice Agency and other criminal justice agencies in tackling knife carrying.

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<sup>1</sup> PSNI

## Community

- Lack of community responsibility and role models.
- Partnerships with community organisations, church groups, and youth clubs.
- Stigma attached to reporting crime both in community and schools – need to create ‘it’s ok to tell/protect yourself’ culture.

## Policing

- Policing needs to be visible and consequential.
- Community approach – working with parents, schools and community groups.

## Education and schools

- The need to educate offenders and also their ‘peers’.
- Requirement to focus on the wider issue – conflict resolution.
- Need to educate young people that TV/movie/game violence isn’t the normal.
- Draw on existing resources, for example <http://www.itsnotagame.org/> and the ‘Not Another Drop’ campaign.
- Schools have a responsibility to create a safe environment.
- Practical guidance for teachers required setting out information and advice.
- Community working with other schools, police, groups etc.
- Extended schools.

## Prevention

- How do we help young people feel safer?
- The share of information/ expertise/learning to highlight the link between knife carrying and bullying.
- The share of information/ expertise/learning to highlight the link between knife carrying and domestic violence.
- The need for early years intervention.
- Media campaigns / working with sport athletes and other key role models for young people on awareness raising.
- Requirement for more research and surveys on young people behaviours and attitudes.

4. A number of **offender** targeted initiatives have been achieved in 2006 - including 2 knife amnesties which ran in May and December 2006, which resulted in over 1500 items being removed from circulation. Also during the year an advert targeting young people ran in cinemas as part of the ongoing media campaign.

5 One key area discussed at this workshop was on the role and responsibility of the **parent**. It was agreed support needed to be made available to parents in tackling this issue.

6. The **community** has a responsibility to tackle knife crime, and partnership working at local level is encouraged. PSNI working in partnership with the Education Board designed a curriculum based education package, and Police Education Advisers are working closely with schools in the roll out across Northern Ireland in

the delivery of this package for post primary students. To date the programme has reached 20,000 young people.

7. The media campaign on **prevention** is ongoing with advertisements in football magazines, on back of buses, and radio adverts. Changes in legislation, raising the legal age of purchasing a knife to 18 and issues raised in the consultation workshops will assist in raising the profile of tackling knife crime.

## ANNEX C – NICCY YOUTH PANEL SUMMARY OF RESPONSES

A total of fourteen responses were submitted by the NICCY Youth Panel to the Young Persons Consultation on Knives, which included questions specifically directed at young people.

1. *Do the figures about knife crime worry you?*

12 respondents agreed that the figures were worrying, and had concerns that knife crime could affect them.

2. *Why do young people carry knives?*

5 respondents agreed with the statement that “It is a status symbol”. 4 agreed with the statement that it is “For protection”. Additional reasons for carrying a knife included that it makes them look ‘cool’ or ‘hard’, and one respondent commented on the ease of access to knives.

3. *Should the penalty for possessing a knife in a public place be increased?*

The majority of respondents (7 of 11 who gave an opinion) agreed that the penalty for possessing a knife in public should be increased.

4. *Should the penalty for possessing a knife on school premises be increased?*

Six of the eleven respondents to this question agreed with increasing the penalty for possessing a knife in school. Those opposed commented that the penalty is too harsh and that young people do not realise the consequences of such an offence.

5. *Should other activities be developed to prevent possession of knives?*

Some suggestions included awareness and a media campaign as well as talks in schools by victims of knife crime.

6. *Should penalties for selling knives to under-16s be increased?*

All eleven respondents supported increasing the penalty.

7. *Should test purchasing be carried out to find out whether knives and offensive weapons are being illegally sold?*

Seven respondents agreed that test purchasing operations should be conducted, whilst one disagreed, stating that operations were unethical and would endanger young people.

8. *Should retailers need to have a licence to sell non-domestic knives?*

All three respondents to this question agreed with the need for a licensing scheme for retailers.

## **ANNEX D – LIST OF RESPONDENTS**

Ards Borough Council

Armagh City and District Council

Ballymena Borough Council

Ballymoney High School

Bangor Academy and Sixth Form College

Barnardos

Belfast City Council

Democratic Unionist Party

Eastern Health and Social Services Board

Irish National teachers Organisation

Lisburn City Council

Monkstown Community School

Newtownabbey Borough Council

North Down Borough Council

North and West Belfast Health and Social Services Trust

Northern Ireland Association for the Care and Resettlement of Offenders

Northern Ireland Commissioner for Children and Young People

Northern Ireland Commissioner for Children and Young People Youth Panel

Northern Ireland Policing Board

Office of the Lord Chief Justice

P. Hewitt

Police Federation for Northern Ireland

Police Service of Northern Ireland

Probation Board for Northern Ireland

Public Prosecution Service