



Northern
Ireland
Office

**THE LAW ON KNIVES IN NORTHERN IRELAND:
A CONSULTATION**

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FOREWORD BY DAVID HANSON

This consultation paper provides an opportunity for everyone in Northern Ireland to contribute to and shape the debate on how we can tackle knife crime in Northern Ireland and prevent the emergence of a knife culture.

Every year in Northern Ireland around 1,000 crimes are committed involving knives. Knife crime and overall crime in Northern Ireland is at a much lower rate than for other parts of the UK and it is important to remember that Northern Ireland remains one of the safest places to live. However we need to consider what else we can do to reduce knife crime.

Changes are already underway on how knife possession is regulated. Proposals in the Violent Crime Reduction Bill currently before Parliament will ban the sale of knives to under-18s and will create a new offence of using another person to mind a dangerous weapon. The Scottish Executive is also looking at knife crime and has completed a consultation on how to tackle knife crime in Scotland by regulating the sale of knives. The time is right for Northern Ireland to do its own stock-take.

As part of our overall strategy we have already undertaken a number of initiatives to confront the illegal use of knives in our communities including a knives amnesty, an awareness campaign and bringing forward new legislation governing the sale of knives. We now wish to consider further measures to tighten up the law on knives.

This paper looks at how we can improve our existing laws on knives and more effectively enforce our laws to help tackle knife crime. A number of suggestions as to how this might best be done are presented and your views on the issues raised in this paper will be welcome. We also examine how Scotland proposes to regulate the sale of dangerous knives and restrict their availability to those who would use them for criminal purposes. We look at their model and consider whether or not something similar might be considered for Northern Ireland.

Knife law, crime, and what is sometimes called “knife culture” can be a complicated and an inter-related social issue. This consultation on a possible way forward for legislation and regulation will be of major importance. It will help us improve what we are already doing by offering options on tightening our laws and improving enforcement of those laws as well as examining what other regions and jurisdictions are doing to tackle knife crime. The Government alone does not have all the answers. We need community and business views both on the proposals and on the problem of knives as a whole.

I would urge all with an interest to contribute to this important consultation.

David Hanson MP
Minister of State for Northern Ireland

1. INTRODUCTION

1.1 This consultation paper provides an opportunity for everyone in Northern Ireland to contribute to the debate on tackling knife crime. We welcome your views on all the issues raised in this paper.

1.2 The paper examines the extent of the problem of knife crime in Northern Ireland and reviews the existing legislative framework governing the use, sale and possession of knives and other dangerous weapons.

1.3 Current strategies and initiatives on tackling knife crime in Northern Ireland are reviewed including the recent knives amnesty which resulted in the collection of almost 900 items.

1.4 The paper goes on to consider how other parts of the United Kingdom are tackling knife crime and looks at recent proposals raised in Scotland to restrict the sale of knives. The law on knives in the Republic of Ireland is also reviewed.

1.5 Chapters 7 and 8 look at what might be done to tackle knife crime in Northern Ireland. We consider how we might strengthen our existing laws and how we can more effectively enforce our laws on knives to re-affirm the message that knife crime is unacceptable. We examine how we might restrict knives and dangerous weapons and prevent them from getting into the wrong hands in the first place.

1.6 Chapter 9 provides Equality and Regulatory Impact Assessments on which we also seek views.

1.7 We now seek your views on how we can tackle knife crime in Northern Ireland. There will be varying opinions on the best way forward and all contributions to the debate will be considered.

2. KNIFE CRIME IN NORTHERN IRELAND

2.1 Around 1,000 offences involving knives are recorded every year in Northern Ireland. Over half of these are for assault, robbery and criminal damage. Annex A shows the statistics for knife crime in Northern Ireland for the period 2001/02 to 2005/06.

2.2 Figure 1 below shows violent and overall knife crime levels from 2001/02 to 2005/06. In 2005/2006 a total of 1,130 knife crimes were recorded in Northern Ireland – an increase of 13% on the previous year. Violent crime involving knives also increased last year following a general downward trend over the previous three years. Violent crime includes murder, attempted murder, sexual offences, assault and robbery.

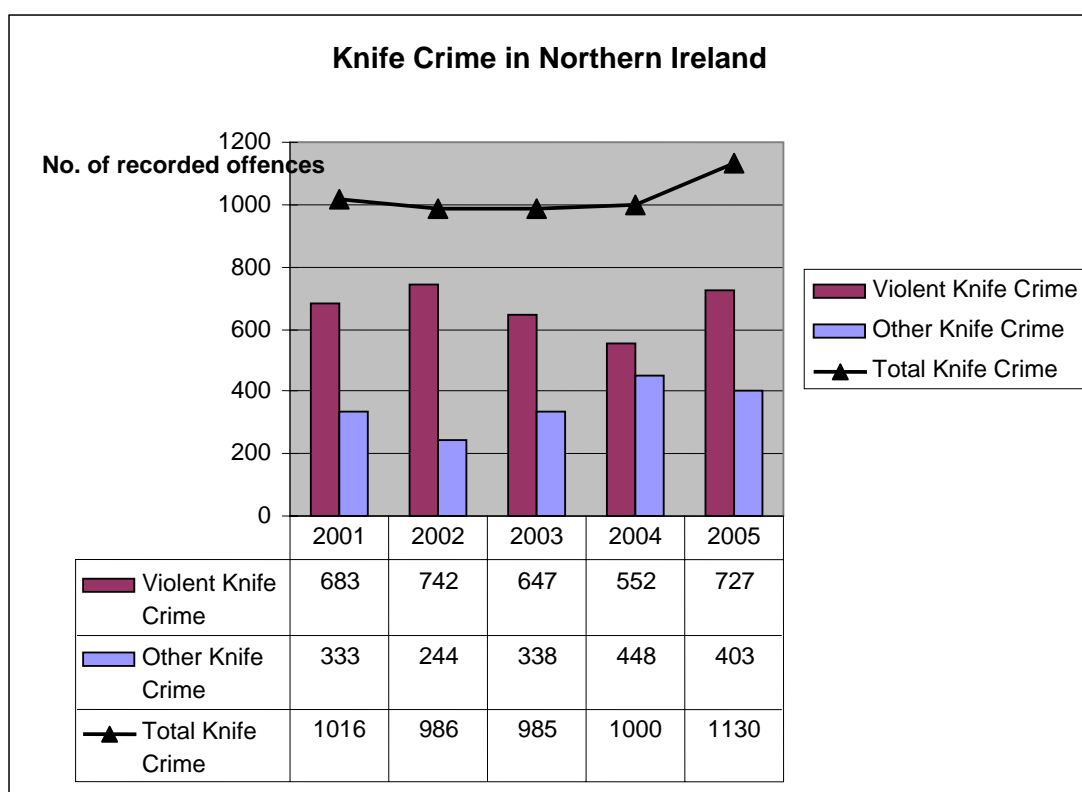


Figure 1: Recorded knife crime offences in Northern Ireland 2001/02 – 2005/06

2.3 Knives have been used in 44 murders in Northern Ireland in the period 2001/02 to 2005/06. The number of attempted murders where a knife was used increased from 15 in 2001/02 to 27 in 2005/06. Violent knife crime such as assault and robbery has sharply increased between 2004 and 2005. This should be seen in the context of a general trend in the decrease in violent knife crime since 2002.

2.4 Another notable trend in the statistics is an increase in the instance of recorded offences for possession of an offensive weapon. In 2001/02 there were 85 offences of this type or around 8% of recorded offences involving knives. This figure has almost doubled to 165 offences in 2005/06 and accounted for 14% of all knife crime last year.

2.5 The statistics reflect a view amongst some that carrying and using knives is a status symbol. Knives are offensive weapons and carrying them for 'protection' is not something that we can tolerate. Carrying a knife may be a first step towards becoming a criminal. We need to look at how we can strengthen our laws to deter young people from carrying knives in the first place and to deal with those who do carry and use what can be lethal weapons.

3. EXISTING LAW

3.1 Northern Ireland has a substantial body of law in place governing possession, sale and use of knives and offensive weapons. This chapter reviews the existing law on knives in Northern Ireland. Annex B details relevant legislation on knives and offensive weapons.

Possession of a bladed or offensive weapon

3.2 It is an offence to possess an article which has a blade or is sharply pointed (except a folding pocket-knife) in a public place unless it is for use at work, for religious reasons, or as part of a national costume¹. The maximum penalty for such an offence is imprisonment of up to six months and/or a fine of £5000 on summary conviction or two years on conviction on indictment.

3.3 A person who carries an offensive weapon in public can be jailed for up to six months on summary conviction or four years on indictment². An offensive weapon is defined as:

“any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him or by some other person”³

3.4 The definition above can cover many types of weapons and also applies to the intention behind the possession of any weapon. For example a screwdriver or kitchen knife becomes an offensive weapon if the person injures or threatens to use it to injure another person. An item becomes an offensive weapon when it is used for the purposes of causing harm to another person.

Possession of a bladed or offensive weapon on school premises

3.5 It is a specific offence to possess a bladed article such as a knife or any other offensive weapon on school premises with a maximum penalty of six months imprisonment on summary conviction or up to two years imprisonment on conviction on indictment. Possessing an offensive weapon on school premises⁴ carries a more stringent penalty of up to four years imprisonment on conviction on indictment.

¹ [S.139, Criminal Justice Act 1988](#)

² [Art.22, Public Order \(Northern Ireland\) Order 1987](#)

³ [Ibid.](#)

⁴ [S.139A, Criminal Justice Act 1988 as inserted by s.4, Offensive Weapons Act 1996](#)

Sale of knives

3.6 It is currently an offence to sell a knife, axe or any other bladed or sharply pointed article to a person under 16 years with a maximum penalty of up to six months imprisonment and/or a fine of £5000⁵. The age at which a person can legally be sold such an item will be raised to 18 years if the Violent Crime Reduction Bill, which is currently before Parliament, becomes law.

3.7 The Knives Act 1997 makes it an offence to market a knife in a way which indicates or suggests that it is suitable for combat or is otherwise likely to stimulate or encourage violent behaviour. Naming, describing, packaging or advertising a knife as suitable for combat is prohibited⁶. The maximum penalty for such an offence is imprisonment for up to six months and/or a fine of £5000 on summary conviction or two years imprisonment on conviction on indictment.

Manufacture, sale or hire of offensive weapons

3.8 There are currently 17 types of weapons specified as offensive weapons including sword sticks, death stars and push daggers the manufacture, import, sale, hire, lending or giving of which is prohibited⁷. Annex C lists the current schedule of offensive weapons. Flick knives and gravity knives are also specified as prohibited weapons.⁸

3.9 The maximum penalty for such an offence is six months imprisonment and/or a £5000 fine on summary conviction. The Violent Crime Reduction Bill proposes to extend the Secretary of State's power to provide for exemptions and defences specific to certain weapons, either in respect of weapons which are listed in the Offensive Weapons Order, or ones which may be added in the future.

Stop and search powers

3.10 Police have a range of stop-and-search powers for people they suspect are carrying knives or offensive weapons. They can stop and search a person or vehicle where they have reasonable grounds for suspecting that they will find any article in relation to an offence of having an article with a blade or sharp point in a public place including school premises.

3.11 In order to prevent serious violence police can also stop and search any person or vehicle for offensive weapons or dangerous instruments. This power is available whether or not police have reasonable grounds for suspicion.

⁵ [Art. 54, Criminal Justice \(Northern Ireland\) Order 1996](#)

⁶ [S.1, Knives Act 1997](#)

⁷ [S.141, Criminal Justice Act 1988](#)

⁸ [Art. 53, Criminal Justice \(Northern Ireland\) Order 1996](#)

Powers of entry

3.12 Where a warrant has been issued a police constable may enter premises and search for knives where there are reasonable grounds for suspecting that an offence of marketing knives or publishing material on knives as being suitable for combat purposes⁹ is being committed. Police also have the power to enter and search premises for offensive weapons¹⁰.

⁹ [S.5, Knives Act 1997](#)

¹⁰ [S.142, Criminal Justice Act 1988](#)

4. CURRENT DEVELOPMENTS

Strengthening Legislation

4.1 The Violent Crime Reduction Bill currently before Parliament will extend new legislation on knives to Northern Ireland by aiming to tackle knife crime both by reducing the availability of knives and by creating new offences. The Bill's proposals will:

- increase the age at which a person can buy a knife from 16 to 18 years;
- create a new offence of using someone to mind a dangerous weapon with a maximum penalty of four years imprisonment; and
- extend the Secretary of State's powers to place exemptions or exceptions on specific offensive weapons. (For example, machetes could be added to the list of offensive weapons but an exemption provided to continue to provide use for agricultural use.)

Knives Amnesty

4.2 On May 24 2006 Northern Ireland joined in with the national knives amnesty for a period of three weeks. The purpose of the scheme was to allow the public to surrender knives by placing them in bins sited in local council amenity sites. A total of 886 items were collected as a result of the knives amnesty thereby removing many dangerous weapons from circulation.

Education and awareness

4.3 Along with the launch of the knife amnesty a public information campaign sponsored by the Police Service of Northern Ireland, the Northern Ireland Policing Board, the Department of Education and the Northern Ireland Office commenced on the same date. This is aimed primarily at young people and challenges the culture of knife-carrying. This campaign will last for one year and use cinema, radio and outdoor media to get its message across.

4.4 An education package to tackle knife crime will also be delivered in schools from September onwards to educate young people and highlight the dangers of carrying knives.

5. HOW IS KNIFE CRIME BEING TACKLED ELSEWHERE?

5.1 This chapter looks at differences in knife law between Northern Ireland and the rest of the United Kingdom and reviews the law on knives in the Republic of Ireland.

England & Wales

5.2 The Metropolitan Police in London recently ran Operation Blunt to coincide with the knife amnesty in England and Wales. Operation Blunt included a number of initiatives to tackle knife crime including test purchasing operations to identify retailers selling knives to under-16s and a high-profile deterrence campaign using metal detectors and x-ray machines at bus and rail stations and other public places throughout London to search for knives and offensive weapons.

5.3 The Violent Crime Reduction Bill proposals will give head-teachers in England and Wales the power to search pupils where there are reasonable grounds for suspecting that a pupil has a knife or other offensive weapon.

Scotland

5.4 The Scottish Parliament will double the penalties for possession of a bladed article in a public place and possession of a bladed article on school premises from the current six months imprisonment to a maximum of 12 months on summary conviction and from two years to a maximum of four years on indictment.

5.5 New prosecution guidelines on knife crime have recently been introduced in Scotland. Anyone caught carrying a knife, whether they have used it in a separate offence or not, will be arrested and kept in custody pending their appearance in court.

5.6 Prosecutors will oppose court bail if a person already has one or more previous convictions involving possession or use of a knife. Bail will also be opposed if an accused has a previous conviction for an offence of violence which resulted in a custodial sentence.

5.7 When prosecutors are deciding on the appropriate court tier for proceedings, where an accused has a previous conviction for a similar knife-related offence, there will be a presumption away from summary prosecution in favour of prosecution on indictment.

Scottish Consultation on Licensing

5.8 The Scottish Executive conducted a public consultation¹¹ in 2005 on tackling knife crime in Scotland seeking views on restricting the availability of certain knives and swords by introducing a licensing scheme to regulate their sale.

5.9 The proposed restrictions would not apply to all knives as the effort and costs involved in including all knives in any licensing scheme would be disproportionate to any potential benefits. Instead any restrictions on the sale of knives would only apply to “non-domestic” knives which do not have a clear and unambiguous domestic purpose. ‘Combat’ knives were a particular focus.

5.10 The Scottish consultation paper outlined a number of options for restricting the availability of such knives and swords (see Annex D for a summary of the options presented). Some of the options would require any retailer wishing to sell non-domestic knives to hold a licence authorising them to do so. Local authorities in Scotland would administer the scheme and certain conditions of licence would have to be met before one is granted.

5.11 Suggested conditions of licence included a requirement on retailers to keep records of purchasers of knives; obtaining photographic ID from purchasers; recording transactions on CCTV; a ‘cooling off’ period between initial approach; and other requirements as to the display and storage of knives. Such conditions would serve both to deter people who would buy a knife to cause harm and also to compel retailers to sell non-domestic knives responsibly or to cease trading in them altogether.

5.12 Other proposals in the consultation included extending the licensing scheme to cover the sale of swords, or a ban on the sale of swords possibly with exemptions for approved cultural, sporting or other types of groups.

5.13 In June 2006 the Scottish Minister for Justice announced that the Scottish Parliament would take forward new measures to restrict the sale of non-domestic knives and swords.

5.14 Full details of the Scottish consultation are available at the consultations pages on www.scottishexecutive.gov.uk.

¹¹ [‘Tackling Knife Crime: A Consultation’](#)

Republic of Ireland

5.15 The Republic of Ireland has a range of offences and penalties on knife crime some of which match current Northern Ireland and United Kingdom-wide legislation and other offences for which there is no equivalent in the UK.

5.16 The offences for which there are no direct equivalents in Northern Ireland are:

- the offence of trespassing with a knife which carries a maximum penalty of 12 months (summary) or five years (indictment) imprisonment; and
- the offence of production of an article capable of inflicting serious injury, including a knife, which also carries a maximum penalty of 12 months (summary) or five years (indictment) imprisonment.

5.17 In addition the Republic of Ireland's law on offensive weapons is very similar to UK law but with two differences:

- machetes are designated as offensive weapons in RoI though not in the UK; and
- the maximum penalty for the sale of offensive weapons is five years imprisonment on indictment in RoI, whereas in Northern Ireland the maximum is currently six months and/or a fine of up to £5000 on summary conviction.

6. WHAT MIGHT BE DONE?

6.1 The Government is already committed to tackling knife crime in Northern Ireland by further restricting the availability of knives and offensive weapons to young people through new legislation. We are also challenging the knife culture by teaching children about the dangers of knives and have delivered a knives amnesty to take a number of these weapons off our streets.

6.2 We should consider, however, what else we can do to tackle knife crime. Chapters 7 and 8 look at how we can tackle knife crime and prevent a knife culture from emerging in Northern Ireland.

6.3 Chapter 7 considers how our existing laws might be strengthened both by increasing the penalties for knife crime and by introducing new offences. Enforcement of the law is key to reducing knife crime and we consider how we might improve the effectiveness of enforcement by, for example, test purchasing for knives in shops.

6.4 Chapter 8 looks at how a licensing scheme to restrict the sale of knives might work and whether or not one is appropriate for Northern Ireland.

6.5 Chapter 9 provides details of our equality and regulatory impact assessments.

6.6 Across Chapters 7-9 a series of detailed consultation questions are posed. For convenience a summary of all the questions is provided at Annex E. Whilst we would welcome views on these specific questions other observations will be welcome.

6.7 We welcome all views on the best way forward in tackling knife crime and restricting the availability of knives and bladed weapons on our streets.

7. OFFENCES AND PENALTIES

7.1 There are already a range of offences and penalties in place to tackle the sale, possession and use of knives in Northern Ireland. NI penalties are comparable to those available to courts in other parts of the UK though we may need to consider how we might further strengthen and better enforce our existing laws.

Increase offences and penalties for knife crime

7.2 One way of reducing knife crime in Northern Ireland may be to increase the penalties available to the courts when sentencing offenders. Penalties with a custodial sentence send out a strong signal that knife crime in Northern Ireland is unacceptable.

7.3 The maximum penalty for possession of a knife in a public place or on school premises is currently six months imprisonment on summary conviction or two years on indictment. The Scottish Executive plans to double this penalty to a maximum of twelve months or four years. The penalty for possession in similar circumstances is currently under review in England and Wales.

7.4 The carrying and use of knives by pupils in schools in Northern Ireland is not a prevalent problem. We may need to consider nevertheless what we can do to prevent a knife culture from emerging. We are already undertaking initiatives to educate children at an early age about the dangers of knives and the law can help to re-affirm the message that knife-carrying in schools is unacceptable.

Consultation Question

- 1. Should the penalty in Northern Ireland for possession of a knife in a public place be increased?**
- 2. Should the penalty for possession of a knife on school premises be increased?**
- 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?**

7.5 The maximum penalty for selling a knife to a person under 16 (which the Violent Crime Reduction Bill proposes to increase to 18) is a fine of up to

£5000 and/or six months imprisonment. Businesses selling offensive weapons such as sword sticks or push daggers face a fine of up to £5000 and/or maximum of six months prison. Marketing a knife for combat purposes can result in up to two years in prison.

Consultation Questions

- 4. Should the penalties for selling knives to under-16s be increased?**
- 5. Should the penalty for selling offensive weapons be increased?**
- 6. If so to what levels?**

7.6 There are a range of weapons such as sword-sticks and death-stars which have no legitimate purpose and which have been specified as offensive weapons (Annex C provides the current list of offensive weapons). It is unlawful to manufacture, import, sell, hire or loan these weapons.

7.7 On occasions there are calls for other weapons to be added to the offensive weapons list. Machetes and Samurai swords are examples sometimes quoted – though these can have legitimate agricultural and cultural purposes. Might such weapons be so listed? Might exemptions be provided in law to allow for legitimate use?

Consultation Questions

- 7. Should any other weapons – machetes and Samurai swords are sometimes mentioned - be added to the offensive weapons list?**
- 8. Should there be any exemptions for any new weapons added? On what grounds?**

Effective enforcement

7.8 Laws alone will not reduce knife crime. Effective enforcement of the laws is needed to identify those who would illegally sell knives and offensive weapons.

7.9 Test purchasing operations are conducted in England and Wales to identify retailers who sell knives illegally. These operations help to identify the scale of illegal selling and help to more effectively enforce the law. A similar scheme in Northern Ireland may help to identify those retailers who sell knives irresponsibly.

7.10 Retailers who sell 'combat' knives and banned offensive weapons could also be identified and prosecuted. Test purchasing operations could identify those unscrupulous retailers who would do so.

7.11 'Combat' knives come in a range of shapes and sizes and it may be the case that the definition of the type of knife that constitutes a 'combat' knife and the guidance on these weapons may need to be further clarified.

Consultation Questions

- 9. Should test purchasing operations be carried out in Northern Ireland for illegal knives and offensive weapons sales?**
- 10. Who should conduct these test purchasing operations?**
- 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?**
- 12. Do the police require additional powers of entry where they suspect knives are being sold unlawfully?**

Custody and Bail

7.12 The Scottish Executive has introduced new guidelines for prosecutors on remand and bail decisions in relation to knife crime including:

- police custody for anyone caught carrying a knife;
- opposing bail for repeat knife or violent crime offenders; and
- presumption in favour of a trial before a judge and jury where a person has a previous conviction for a similar offence.

7.13 These guidelines will act as a further deterrent against committing knife crime and will also serve to punish those who do break the law.

Consultation Questions

- 13. Should guidelines be introduced for prosecutors in Northern Ireland?**
- 14. What other action can the courts take to reduce knife crime?**

8. LICENSING

Regulating sales

8.1 One possible way to restrict the availability of knives might be to regulate their sale. For example a retailer wishing to sell certain types of knives would be required to hold a licence which authorises them to do so.

8.2 The types of knives that any licensing scheme might apply to could be limited to those knives which do not have a clear and unambiguous domestic purpose. The 'combat' knife may be the most obvious example. The definition proposed by the Scottish consultation of a "non-domestic" knife is:

"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."

8.3 Retailers wishing to sell non-domestic knives might therefore apply for a licence and could be required to meet certain conditions before their application was approved. Any potential conditions attached to a licence would be required to be reasonable and proportionate to the problem being tackled. These might include displaying such knives in a controlled way; confirmation of purchaser identification; and keeping records of relevant knife sales. A retail code of conduct covering these aspects might be appropriate.

8.4 In order to enforce any such scheme, it may be necessary to create new offences and penalties. One new offence might target un-licensed retailers making it an offence for a shop to sell a non-domestic knife without a licence. It could also be a criminal offence for a licence-holder to break any of the conditions of his or her licence with varying degrees of penalties for breach of conditions. A penalty points system or suspension of the licence for any given period of time could be considered.

8.5 A licensed retailer could therefore lose his/her licence by breaking any laws governing the sale of knives; breach of licence conditions; or by failure to comply with any code of retail conduct.

8.6 Any licensing scheme which sought to ensure compliance with some or all of these conditions would not prevent anyone from acquiring a non-domestic knife for legitimate purposes like fishing, hunting, trades or farming and other rural businesses. Such purchases would remain entirely legal.

Consultation Questions

- 15. Should a licence be required to sell non-domestic knives and swords?**
- 16. Should it be a criminal offence to sell such items without a licence?**
- 17. Might display restrictions, purchaser ID and record keeping be appropriate requirements for holding a licence?**
- 18. How might a licence holder lose a licence?**

Delivering a licensing scheme

8.7 Any prospective licensing scheme for the sale of knives could require both a licensing and enforcement function to administer and manage the system. A licensing authority might be required to establish the function; develop protocols for administering the scheme; payment and finance systems; information systems; licensing decisions including renewal, revocation and appeals. Compliance monitoring and enforcement could involve inspection of premises, checking of records, issue of licences and enforcement of licence breaches.

8.8 A licensing function may also need to be accommodated within an organisational structure. A number of bodies are already responsible for various licensing regimes in Northern Ireland. The Police Service of Northern Ireland is responsible for firearms licensing. District Councils have a number of licensing responsibilities, from dog licensing to betting, cinema and petroleum storage licensing.

8.9 Such schemes do not come without concomitant administrative overheads and requirements being placed on individuals, businesses and statutory bodies (explored more fully in the next chapter.) The Scottish authorities are following a particular route of a licensing regime delivered at local authority level. A similar model for Northern Ireland where the scale of the problem may be smaller and where the trade could perhaps more successfully deliver a self-regulating scheme may not be required.

Consultation Questions

- 19. How appropriate might the Scottish model be for Northern Ireland?**
- 20. If a licensing scheme were to be considered for Northern Ireland what alternative form might such a scheme take?**
- 21. Might a self-regulating scheme based on a retail code of practice approach be more appropriate?**

9. IMPACT ASSESSMENTS

9.1 This chapter examines the impact of these proposals for Northern Ireland and looks specifically at the impact on equality of opportunity and the regulatory impact of any scheme.

Equality Impact

9.2 Under Section 75 of the Northern Ireland Act 1998, public authorities are required to have due regard to the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

9.3 In addition to this obligation public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. These obligations are designed to ensure that equality and good relations considerations are made central to policy development and have the potential to make a real difference to the lives of the people most likely to be affected, by consulting with and taking into account how policy development may impact on them.

9.4 The Northern Ireland Office is fully committed to promoting equality of opportunity and good community relations in all its policies.

9.5 An initial screening exercise of this policy has been conducted in line with the Equality Commission's guide to the Statutory Duties and has identified a number of potential impacted groups.

9.6 In general young males are more likely to commit crime than any other group and this includes knife crime. The offences and penalties proposed will therefore bear predominantly on young males though solely by virtue of the fact that they will have committed criminal offences.

9.7 A number of groups in Northern Ireland use knives and swords. For example Sikhs wear the Kirpan, a ceremonial short sword, and the Loyal Orders march with ceremonial swords.

9.8 The substance of the overall policy initiative is a crime prevention one – reducing the access to potential weapons is a positive step designed to protect all in society not just particular groups. Therefore, whilst the ability to purchase knives may be affected the policy will have a positive and equal crime prevention impact for all Section 75 groups.

9.9 These are issues that will be developed further during this consultation exercise. Others may emerge and we will of course reconsider our findings and finalise our screening document at the end of this process when all responses have been considered.

9.10 We would now welcome your comments on the equality implications of this policy, particularly with regard to the following criteria that our screening has taken account of:

Consultation questions

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

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

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

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?

Regulatory Impact Assessment

9.11 A Regulatory Impact Assessment (RIA) is a tool that informs policy decisions. It provides a basis for identifying potential impacts and highlights the costs, benefits and risks of a set of proposals. It is Government policy that all Departments and Agencies where they exercise statutory powers and make rules that will have a general effect on others should produce RIAs. This initial RIA highlights the sectors affected by a licensing scheme and identifies the principal costs and benefits of any scheme.

Retailers and other affected groups

9.12 Non-domestic knives retailers affected by any licensing scheme could face a number of costs both to ensure compliance with the conditions of licence and for the actual registration and renewal of licence. Some of the costs may include: secure storage and display facilities for products; information systems to maintain records of sales and purchasers; costs in

“marking” their merchandise for unique identification; and internal compliance procedures. A licence to sell knives would be an additional cost to retailers, as would renewal of the licence. By way of example a firearms dealer certificate costs £150 for five years. Individual purchasers of knives could also face an increase in the cost of products as retailers seek to pass on the costs of licences to their customers.

Business sectors and individuals affected

9.13 A number of businesses have been identified as potential vendors or suppliers of knives of various kinds: antique dealers; army surplus stores; arts and crafts suppliers; camping/outdoor equipment suppliers; fishing equipment suppliers; and martial arts suppliers. An initial estimate of businesses affected by a licensing regime would suggest that between 50 and 100 retailers would require a licence to continue the sale of non-domestic knives or swords.

9.14 The list does not include business to business trade sales, for example in agricultural suppliers, as the focus of any licensing scheme would be to reduce the availability of knives from retail premises where they are easily available. A licensing scheme that covered trade sales as well as the retail knives and swords market would also increase the scope and scale of the scheme.

9.15 Groups and users of knives and swords who might be affected by a licensing scheme for the retail purchase of non-domestic knives and swords include: antique and military collectors; artists; campers/outdoor enthusiasts; cultural groups; divers; electricians; farmers; fishermen; historical re-enactors; martial arts groups; and religious groups.

Costs and benefits

9.16 Any licensing scheme could impose costs on: the authority with responsibility for establishing, maintaining, enforcing and monitoring a licensing scheme; the business sectors involved in the sale of knives; and purchasers of knives through any increase in cost passed on from the retailer.

9.17 A licensing scheme would have a social benefit by deterring people from gaining access to non-domestic knives and reducing the availability of these weapons. It would also seek to ensure that dealers in these weapons comply with conditions of sale or to cease trade in knives altogether.

Conclusion

9.18 At this stage only an initial RIA has been possible. A detailed RIA has proven difficult as - beyond the criminal law - the routine purchase of knives has not heretofore been the subject of licensed regulation. Even the quantification of the retailing of non-domestic knives has proven problematic.

9.19 Whilst recognising that were a licensing regime to be introduced there could be costs to both business and individuals, at this stage the Government is seeking views on what might or might not be required. No particular model is being proposed that could be fully costed with accuracy. Only when we have the contributions of those potentially affected will we be able to decide on a way forward.

9.20 We therefore seek views as to the costs and impacts that a licensing scheme might have - whether it be a Scottish-type model or a more self-regulatory “code of practice” approach. A fuller RIA will be developed following completion of the public consultation process when all responses and opinions have been taken into account and the final policies considered.

Consultation questions on regulatory impact assessment

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

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

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

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

10. HOW TO RESPOND

10.1 Comments on the proposals can be submitted in writing to:-

Criminal Law Branch
Northern Ireland Office
Massey House
Stoney Road
BELFAST
BT4 3SX

Tel: 028 90527142
Fax: 028 90527507
E-Mail: cjpb@nio.x.gsi.gov.uk

10.2 Written comments should be submitted by post, fax or e-mail to arrive no later than 13 October 2006.

10.3 The consultation document will also be available on request from the address above in Cantonese, Hindi, Urdu, Arabic, Irish, Ulster-Scots, Braille, large type and audio tape. A child friendly version can also be made available. A text-phone facility is available by phoning 02890 527668.

10.4 We are committed to publishing a list of those organisations that comment on these proposals and to making available to anyone who asks for it a copy of the comments and of our response to them. If you are responding on behalf of a number of people or organisations please provide a summary of the people or organisations you represent. A list of those being advised of the consultation is attached at Annex F.

10.5 Further copies of the consultation document are also available on the Northern Ireland Office website at www.nio.gov.uk.

10.6 If you have any concerns about the consultation process in Northern Ireland you should contact the Northern Ireland Office's consultation co-ordinator Dr. Jim Alford.

10.7 Dr Alford's contact details are:

Dr. Jim Alford
Central Management Unit
Northern Ireland Office
Stormont House
Stormont Estate
Belfast
BT4 3SH
E-mail jim.alford@nio.x.gsi.gov.uk.
Telephone: 02890 527015

ANNEX A KNIFE CRIME IN NORTHERN IRELAND 2001-2006

CRIMES RECORDED WHERE A KNIFE WAS INVOLVED IN THE INCIDENT¹ NORTHERN IRELAND

Crime type	2001/02	2002/03	2003/04	2004/05	2005/06
Class 1. Offences against the person					
Murder	12	12	2	10	8
Attempted murder	15	20	22	32	27
Assaults ²	283	275	292	214	320
Class 2. Sexual offences	8	4	7	4	13
Class 3. Burglary	25	30	39	26	19
Class 4. Robbery	365	431	324	265	359
Class 5. Theft	33	12	21	19	22
Class 6. Fraud and forgery	0	0	0	0	0
Class 7. Criminal damage	148	67	129	161	121
Class 8. Offences against the state					
Possessing offensive weapon	85	71	90	131	165
Class 9. Other notifiable offences	2	2	7	0	1
Total crime	1016	986	985	1000	1130

Source: Central Statistics Unit, PSNI

1. The figures relate to crimes where a knife was involved in the incident – it is not known how the knife was actually used.
2. Assaults include wounding with intent, GBH with intent, wounding, GBH, AOABH, aggravated assault, common assault and assault on police. Please note that this does not relate to the number of persons injured, as some crimes may involve no injury.

ANNEX B KNIVES AND OFFENSIVE WEAPONS LEGISLATION

The Public Order (Northern Ireland) Order 1987

Created an offence where a person is in possession of an offensive weapon in a public place without lawful authority or reasonable excuse. An offensive weapon for these purposes is an article made or adapted for use for causing injury. The maximum penalty is up to six months imprisonment and/or a fine on summary conviction and up to four years imprisonment and/or a fine on a conviction on indictment.

The Criminal Justice Act 1988

Section 139 created an offence of possession of “any article which has a blade or is sharply pointed” except a folding pocket-knife with a blade less than 3 inches. Defence is provided for possession for use at work, for religious purposes or as part of a costume. Maximum penalty on summary conviction is 6 months imprisonment and/or a fine not exceeding £5000 and two years imprisonment and/or a fine on a conviction on indictment.

Section 139A (inserted by the Offensive Weapons Act 1996) created an offence of having an article with a blade or point on school premises. Maximum penalty on summary conviction is 6 months imprisonment and/or a fine not exceeding £5000 and 2 years imprisonment and/or a fine on a conviction on indictment.

Defence is provided for possession for use at work, for educational or religious purposes or as part of a costume.

Possession of an offensive weapon on school premises is also an offence, with a maximum penalty on summary conviction of six months imprisonment and/or a fine not exceeding £5000 and four years imprisonment and/or a fine on a conviction on indictment.

Section 141 makes it an offence to manufacture, import, sell or hire, expose or possess for the purposes of sale or hire, or lend or give to another person any specified offensive weapon. Seventeen weapons have been specified as offensive weapons in subordinate legislation to this Act; including sword sticks, push daggers, death stars and butterfly knives. The maximum penalty on summary conviction is six months imprisonment and/or a fine not exceeding £5000.

Section 142 gives the power of a lay magistrate to authorise a police constable to enter and search a premises for offensive weapons. Police have the power to seize any offensive weapons found. Police also have the power to enter school premises to search for articles with a blade or point and offensive weapons.

The Police and Criminal Evidence (Northern Ireland) Order 1989

Article 3 of this Order gives the police power to stop and search a person or vehicle for offensive weapons where there are reasonable grounds that such weapons will be found.

Criminal Justice (Northern Ireland) Order 1996

Article 53 created an offence of manufacturing, importing, selling, hiring, or lending a flick-knife or gravity knife, with a maximum penalty of 6 months and/or a fine of £5000.

Article 54 makes it an offence to sell a knife, axe or any other bladed or sharply pointed article to a person under 16 years, with a maximum penalty of 6 months and/or a fine of £5000.

Knives Act 1997

Section 1 makes it an offence to market or publish material on knives for combat purposes (maximum 2 years). Section 5 gives the police powers of entry, search and seizure where they suspect an offence has been committed under section 1 to any premises, defined as including "any place".

ANNEX C OFFENSIVE WEAPONS

Section 141 of the Criminal Justice Act 1988 created provisions to specify offensive weapons. To date 17 types of weapon have been specified under the Criminal Justice Act 1988 (Offensive Weapons) Order 1988.

Criminal Justice Act 1988 (Offensive Weapons) Order 1988

Section 141 of the Criminal Justice Act 1988 (offensive weapons) shall apply to the following descriptions of weapons, other than weapons of those descriptions which are antiques for the purposes of this Schedule:

- (a) a knuckleduster, that is, a band of metal or other hard material worn on one or more fingers, and designed to cause injury, and any weapon incorporating a knuckleduster;
- (b) a swordstick, that is, a hollow walking-stick or cane containing a blade which may be used as a sword;
- (c) the weapon sometimes known as a "handclaw" , being a band of metal or other hard material from which a number of sharp spikes protrude, and worn around the hand;
- (d) the weapon sometimes known as a "belt buckle knife" , being a buckle which incorporates or conceals a knife;
- (e) the weapon sometimes known as a "push dagger" , being a knife the handle of which fits within a clenched fist and the blade of which protrudes from between two fingers;
- (f) the weapon sometimes known as a "hollow kubotan" , being a cylindrical container containing a number of sharp spikes;
- (g) the weapon sometimes known as a "footclaw" , being a bar of metal or other hard material from which a number of sharp spikes protrude, and worn strapped to the foot;
- (h) the weapon sometimes known as a "shuriken" , "shaken" or "death star" , being a hard non-flexible plate having three or more sharp radiating points and designed to be thrown;
- (i) the weapon sometimes known as a "balisong" or "butterfly knife" , being a blade enclosed by its handle, which is designed to split down the middle, without the operation of a spring or other mechanical means, to reveal the blade;

(j) the weapon sometimes known as a "telescopic truncheon" , being a truncheon which extends automatically by hand pressure applied to a button, spring or other device in or attached to its handle;

(k) the weapon sometimes known as a "blowpipe" or "blow gun" , being a hollow tube out of which hard pellets or darts are shot by the use of breath;

(l) the weapon sometimes known as a "kusari-gama" , being a length of rope, cord, wire or chain fastened at one end to a sickle;

(m) the weapon sometimes known as a "kyoketsu shoge" , being a length of rope, cord, wire or chain fastened at one end to a hooked knife;

(n) the weapon sometimes known as a "manrikigusari" or "kusari" , being a length of rope, cord, wire or chain fastened at each end to a hard weight or hand grip;

(o) a disguised knife, that is any knife which has a concealed blade or concealed sharp point and is designed to appear to be an everyday object of a kind commonly carried on the person or in a handbag, briefcase, or other hand luggage (such as a comb, brush, writing instrument, cigarette lighter, key, lipstick or telephone);

(p) a stealth knife, that is a knife or spike, which has a blade, or sharp point, made from a material that is not readily detectable by apparatus used for detecting metal and which is not designed for domestic use or for use in the processing, preparation or consumption of food or as a toy;

(q) a straight, side-handled or friction-lock truncheon (sometimes known as a baton).

ANNEX D SCOTTISH CONSULTATION ON KNIFE CRIME

1 In June 2005 the Scottish Executive launched ‘Tackling Knife Crime: A Consultation’, seeking views on knife crime in Scotland. The paper proposed a number of options for reducing the availability of knives including a licensing scheme for the sale of ‘non-domestic’ knives and swords, and banning the sale of swords.

2 The consultation was part of the Scottish Executive’s wider strategy to tackle knife crime. There are over 100 murders in Scotland each year, of which around half involve knives and sharp items.

Types of knives

3 The Scottish consultation proposed restricting access to ‘non-domestic’ knives, recognising that the vast majority of people use knives at home responsibly and safely every day, and that any efforts and costs involved in restricting access to all knives would be disproportionate to any benefits gained.

4 The definition of a ‘non-domestic’ knife was proposed as:

“a knife which has a blade or a sharp point, and which is not designed only for domestic use, or only for use in the processing, preparation or consumption of food.”

The definition would extend to dual or multi-function knives, for example a hunting knife which could be used for food preparation, but which is also designed for non-domestic use.

5 A definition of a sword, from one used by the Parliament of Victoria, Australia to ban swords, was suggested:

“Sword’ being a thrusting, striking or cutting weapon with a long blade having 1 or 2 edges and a hilt or handle”

Options for restricting the sale of knives and swords

6 The Scottish Executive’s consultation paper outlined six options to restrict access to knives and swords:

Option 1: Licence the sale of non-domestic knives

7 Retailers selling non-domestic knives would be required to hold a licence under this scheme. Applications for a licence would be made to a local authority, and applicants would be required to meet certain conditions to acquire a licence. Conditions to be met by retailers could include:

- requiring retailers to keep records of those to whom they sell non-domestic knives
- requiring retailers to obtain photographic evidence of the purchaser's identity and recording their names and addresses;
- regulating the display of knives on the licensed premises e.g. blacked out windows, locked cases
- requiring a "cooling off" period between any initial approach to purchase and the finalising of a sale
- requiring retailers to obtain a statement from (e.g.) a Justice of the Peace or professional person, confirming purchaser's ID
- requiring retailers to record transactions on CCTV
- requiring retailers to record a description of the type of knife sold
- ID numbers or other means to identify their merchandise with a shop "marker".

8 It would be a criminal offence under the scheme for a person operating a business selling non-domestic knives to do so without a licence, and it would also be a criminal offence for a licence-holder to break any of the conditions of licence.

Option 2: Ban the purchase of non-domestic knives, other than from a licensed seller

9 This option would accompany the licensing scheme by creating an offence of purchasing a non-domestic knife from an unlicensed retailer. This would make it illegal to purchase a knife from an unlicensed retailer.

Option 3: Include swords in the licensing scheme for the sale of knives

10 This proposal would extend the licensing scheme for the sale of non-domestic knives to include swords, with conditions applying to sword retailers. More stringent conditions may be applied on selling swords by, for example, limiting the sale of swords to those who could prove they were members of approved sporting, cultural, dramatic or other organisations.

Option 4: Ban the sale of swords

11 An option to ban the sale of swords was suggested, although exemptions could be made for groups which had legitimate reasons for requiring swords such as sporting, cultural, dramatic or other organisations.

Option 5: Ban the sale of Samurai swords

12 The paper noted that evidence on the carrying and use of swords showed that the vast majority of those were Samurai swords. Views were sought on banning the sale of Samurai swords and making it a criminal offence to sell such a sword.

Option 6: Licence the purchasers of swords

13 This option would require anyone wishing to buy a sword to obtain a personal, individual licence. This would place swords on a par with firearms and the purchaser would be required to meet certain conditions of licence. For example a purchaser might be required to prove that he had no criminal record or provide a statement from an approved organisation to verify the reason for owning the sword.

ANNEX E CONSULTATION QUESTIONS

OFFENCES AND PENALTIES

1. Should the penalty in Northern Ireland for possession of a knife in a public place be increased?
2. Should the penalty for possession of a knife on school premises be increased?
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?
4. Should the penalties for selling knives to under-16s be increased?
5. Should the penalty for selling offensive weapons be increased?
6. If so to what levels?
7. Should any other weapons – machetes and Samurai swords are sometimes mentioned - be added to the offensive weapons list?
8. Should there be any exemptions for any new weapons added? On what grounds?
9. Should test purchasing operations be carried out in Northern Ireland for illegal knives and offensive weapons sales?
10. Who should conduct these test purchasing operations?
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?
12. Do the police require additional powers of entry where they suspect knives are being sold unlawfully?
13. Should guidelines be introduced for prosecutors in Northern Ireland?
14. What other action can the courts take to reduce knife crime?

LICENSING

15. Should a licence be required to sell non-domestic knives and swords?
16. Should it be a criminal offence to sell such items without a licence?
17. Might display restrictions, purchaser ID and record keeping be appropriate requirements for holding a licence?
18. How might a licence holder lose a licence?
19. How appropriate might the Scottish model be for Northern Ireland?
20. If a licensing scheme were to be considered for Northern Ireland what alternative form might such a scheme take?
21. Might a self-regulating scheme based on a retail code of practice approach be more appropriate?

EQUALITY SCREENING

22. On which equality categories do you consider the policy will have an impact?
23. Is there any evidence of higher or lower participation or uptake by different groups in relation to the policy within any of the nine categories?
24. Is there evidence that different groups have different needs, experiences, issues and priorities in relation to the main policy areas?
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?

REGULATORY IMPACT

26. Do you agree with the points that have been made in the RIA?
27. What would be the potential costs for individuals, businesses and authorities of licensing the sale of knives/swords?
28. Are there any other potential costs or impacts that have not been stated but which merit inclusion?
29. If there are such potential impacts can you quantify them and provide evidence to support your view?

ANNEX F LIST OF CONSULTEES

The Office of the Lord Chief Justice of Northern Ireland
The Council of Her Majesty's County Court Judges in Northern Ireland
The Northern Ireland Resident Magistrates Association
The Northern Ireland Juvenile Courts Association
The Office of the Director of Public Prosecutions
 The Crown Solicitor's Office
 The Northern Ireland Court Service
The General Council of the Bar of Northern Ireland
 The Law Society of Northern Ireland
 The Office of Law Reform
 The Legal Secretariat to the Law Officers
The Northern Ireland Legal Services Commission
 The Office of Legislative Counsel
 Children's Law Centre
 Queen's University Belfast Law School
 University of Ulster Law School
 The Law Centre (Northern Ireland)
 The Police Service of Northern Ireland
 The Northern Ireland Policing Board
The Police Ombudsman for Northern Ireland
The Probation Board for Northern Ireland
 The Northern Ireland Prison Service
 The Criminal Compensation Agency
 Youth Justice Agency
Life Sentence and Sentence Review Commissioners
 Criminal Justice Inspectorate
 The Criminal Cases Review Commission
 The Association of Chief Police Officers
 The Police Federation for Northern Ireland
The Superintendents' Association for Northern Ireland
 The Northern Ireland Affairs Committee
 Northern Ireland Westminster MPs
Westminster Party Spokespersons on Northern Ireland
 Northern Ireland political parties
 The British-Irish Intergovernmental Secretariat
 Northern Ireland Government Departments
 Northern Ireland Councils
Northern Ireland Health and Social Services Boards
Northern Ireland Health and Social Services Trusts
Northern Ireland Education and Library Boards
The Northern Ireland Human Rights Commission
 British Irish Rights Watch
 Human Rights Watch
 Justice
 The Equality Commission
Northern Ireland Commissioner for Children and Young People

Children's Law Centre
 The Northern Ireland Citizens' Advice Bureaux
 The Northern Ireland Housing Executive
 The Association of Chief Officers of Voluntary Associations (ACOVO)
 The Northern Ireland Council for Voluntary Action (NICVA)
 Community Relations Council
 The Committee for the Administration of Justice (CAJ)
 The General Consumer Council for Northern Ireland
 The Northern Ireland Council for Ethnic Minorities (NICEM)
 Chinese Welfare Association
 Multi-Cultural Resource Centre
 The Northern Ireland Association for the Care and Resettlement of Offenders
 The Extern Organisation
 Victim Support (Northern Ireland)
 Tar Anall
 Teach Na Failte
 An Eochair
 Coiste na n-Irchimi
 Linc Resource Centre
 Post-Conflict Resettlement Group
 EPIC
 Employment Services Board
 Northern Ireland Committee of the Irish Congress of Trade Unions
 Community Foundation for Northern Ireland
 The Federation of Small Businesses
 The Institute of Directors Northern Ireland
 The Northern Ireland Chamber of Commerce and Industry
 The Confederation of British Industry
 The Institute of Business Advisors
 Save the Children
 NSPCC
 Barnardo's Northern Ireland
 Gay and Lesbian Associations
 Include Youth
 Youth Council for Northern Ireland
 Northern Ireland Women's Aid Federation
 Rape Crisis and Sexual Abuse Centre
 Nexus Institute
 Age Concern
 Help the Aged
 Traveller Movement NI
 Belfast Travellers Support Group