



CARRYING KNIVES

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The use and carrying of Knives (Criminal Justice Act 1988 & Violent Crime Reduction Act 2006)

It is now **ILLEGAL** to have any sharply pointed or bladed instrument in your possession, in a public place without good reason or lawful authority.

A public place is anywhere that the public has, or is permitted to have access to, even if they must pay to do so. This not only covers areas such as roads and highways, shops, and pubs but also less obvious areas. This is important to realise for those working or spending leisure time in the countryside, as public footpaths or other rights of way come under the definition of a public place. Estate land where the public may have access is also a public place even if it is privately owned. Your car or other vehicle is also classed as a public place whilst on the highway, and the police now have search and seize powers without warrant with respect to knives.

Good reason for carrying a knife may be shown by occupation as a farmer, estate manager, recreational stalker, gameshooter, angler or anyone else who has reasonable grounds for expecting to need a knife whilst pursuing a lawful activity.

Leaving a knife in the car, or in your pocket for when you next go shooting, or forgetting that it is there, is **NOT** a defence.

Carrying a knife in public must be in connection with the activity for which it is needed; going into a shop with a knife in your pocket if you are returning from or going to a place where you farm, fish or shoot etc. would constitute good reason.

There is an exemption in law for folding pocket knives. These must have cutting edges of less than three inches and blades which do not lock. However when pocket knives of this type are carried for example in a nightclub, at a school or to a football match they are likely to be viewed as offensive weapons even though the actual knife isn't an offensive weapon in itself.

There is a further exemption for the carrying of knives as part of either a national costume (such as the Scottish Skean Dhu) or as part of a religious obligation (the Sikh Kirpan).

Offences under Section 139 are triable in both Magistrates' and the Crown Court. Penalties on conviction in the Magistrates' Court are a maximum of six months imprisonment, a maximum fine of £5,000 or both. In the Crown Court, penalties are a maximum of two years imprisonment, a maximum fine of £5,000 or both.

Selling and purchase of knives

The Violent Crime reduction Act 2007 makes it an offence to sell a bladed item to a person under the age of 18 years. This includes axes, knife blades, razor blades and any other item that is bladed or is sharply pointed.

However you may sell to persons under 18 years a folding pocket-knife (non locking) if the cutting edge of its blade does not exceed 3 inches or razor blades permanently enclosed in a cartridge or housing where less than 2 millimetres of any blade is exposed beyond the plane which intersects the highest point of the surfaces preceding and following such blades.

So how do you protect yourself from selling knives to under eighteens?

If you have any doubt about a young customer's age, always ask to see photo ID such as a Driving Licence or one of the many local ID schemes used by shops who sell alcoholic drink. Many proof of age cards are Government approved under the Proof of Age Standards Scheme (PASS) and include many cards such as Validate, CitizenCard, Connexions, Young Scot and many others issued by local authorities. Each proof of age card carries a PASS approved hologram. For more details see www.homeoffice.gov.uk. If in doubt don't sell a knife or bladed instrument etc. and ask the young person to come back with proof of age or with an adult.

Although it is illegal to sell a knife, bladed/sharply pointed instrument to under eighteens, there is a defence if you can prove that you believed the young person was over eighteen or that you had reasonable grounds for believing so.

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