



Home Office

Consultation on new knife legislation proposals to tackle the use of machetes and other bladed articles in crime.

Government consultation

This consultation begins on 18 April 2023

This consultation ends on 06 June 2023

About this consultation

To: This is a consultation open to the public and targeted to directly affected parties, including the police, Crown Prosecution Service, community groups, businesses and organisations with a direct interest in the proposals.

Duration: From 18/April /2023 to 06/June /2023

Enquiries (including requests for the paper in an alternative format) to: Serious Violence Unit
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How to respond: Please submit your response by 06/June/2023 by -

- Completing the online form at:
<https://www.homeofficesurveys.homeoffice.gov.uk/s/knife-legislation/>
- Email to: machetes-knives-consultation@homeoffice.gov.uk

Extent: We are seeking views from across the UK. The proposals cover matters that are devolved, and which apply only to England and Wales, but we will work closely with the devolved administrations on how specific proposals might apply to or affect Scotland and Northern Ireland. Where proposals deal with devolved matters and legislation is required, this will be agreed with the devolved administrations in accordance with the devolution settlements.

Additional ways to respond:

If you are unable to use the online system, for example because you use specialist accessibility software which is not compatible with the system, you may download a Word document version of the online form and email or post it to the above contact details.

Please also use the above contact details if you require information in another format, such as “easy read”, large print, Braille or audio.

We may not be able to analyse responses not submitted in these provided formats.

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Executive Summary

The government is taking action at every level to cut crime and make our streets safer, but we know there is more to do to protect the public and end the scourge of serious violence.

Of all recorded homicides in the year ending September 2022, the proportion where a knife or sharp instrument was the method of killing was 39%. Thousands of people are seeking hospital treatment for stab wounds each year, with some offences never reported to police.

We are consulting on legislative measures to provide the police with more tools to disrupt knife possession and tackle knife crime. We have identified certain types of machetes and large outdoor knives that do not seem to have a practical use and appear to be designed to look menacing and be favoured by those who want to use these knives as weapons. We intend to include them in the list of prohibited offensive weapons set out in the schedule to The Criminal Justice Act 1988 (Offensive Weapons) Order 1988. Weapons listed in this schedule are prohibited under s141 of the Criminal Justice Act 1988. This would mean that the manufacture, importation, sale and supply of these items would be an offence. Possession, both in public and in private, would also be an offence, unless a defence applies. We are inviting views from respondents on the finer details of the description of the items we intend to ban.

We are also consulting on whether to provide the police with additional powers to enable them to seize, retain and destroy bladed articles of any length held in private, or whether the powers should be limited to articles of a certain length, even if the items themselves are not prohibited. We consider it a proportionate response for the police, where they are in private property lawfully, to seize, retain and eventually destroy bladed articles if they have good reason to believe they will be used in crime. We would like to test this proposal with stakeholders and other members of the public so that we ensure that the most effective but proportionate system is put in place.

In addition, we are consulting on whether there is a need for the Government to toughen the current penalties for selling prohibited offensive weapons and selling bladed articles to persons under 18, and on whether the Criminal Justice System should treat carrying prohibited knives and offensive weapons in public more seriously to better reflect the severity of the offences.

Finally, we are consulting on whether it would be appropriate to mirror firearms legislation and introduce a separate possession offence of knives and offensive weapons with intent to injure or cause fear of violence. This would carry a maximum penalty higher than the current offence of possession of an offensive weapon in public under s1 of the Prevention of Crime Act 1953 (the PCA).

The responses to this 8-week consultation will inform our proposals on whether there is a need for future legislation and, if so, the form that this will take.

The measures in this consultation are proposals at this stage and remain subject to change following the consultation process. Any legislative proposals considered necessary would apply in relation to England and Wales only. While we have already engaged with

operational partners, the consultation is open to the public and seeks the views of directly affected parties, businesses and organisations with a direct interest in the proposals, and key stakeholder groups and communities affected by the devastating effects of knife crime, to ensure our policy development is informed by a full range of views.

In summary, we are seeking views on the following proposals:

Proposal 1: Introduction of a targeted ban of certain types of large knives that seem to be designed to look menacing with no practical purpose.

Proposal 2: Whether additional powers should be given to the police to seize, retain and destroy lawfully held bladed articles of a certain length if these are found by the police when in private property lawfully and they have reasonable grounds to believe that the article(s) is (are) likely to be used in a criminal act.

Proposal 3: Whether there is a need to increase the maximum penalty for the importation, manufacture, sale and supply of prohibited offensive weapons (s141 of the Criminal Justice Act 1988 and s1 Restriction of Offensive Weapons Act 1959) and the offence of selling bladed articles to persons under 18 (s141A of the Criminal Justice Act 1988) to 2 years, to reflect the severity of these offences.

Proposal 4: Whether the Criminal Justice System should treat possession in public of prohibited knives and offensive weapons more seriously.

Proposal 5: Whether there is a need for a separate possession offence of bladed articles with the intention to injure or cause fear of violence with a maximum penalty higher than the current offence of possession of an offensive weapon under s1 of the PCA 1953.

Key Facts

The latest police recorded crime figures, published by the Office of National Statistics in January 2023 for the year ending September 2022, show that knife-enabled crime¹ recorded by the police in the year ending September 2022 remained 8% lower (50,434 offences) than pre-coronavirus pandemic levels in the year ending March 2020 (55,076 offences). This is mainly because the number of knife-enabled robbery offences (18,253 offences) was 25% lower in the year ending September 2022 than in the year ending March 2020 (24,314 offences).

Levels of knife-enabled crime fell to 45,595 offences in the year ending September 2021 because of government restrictions on social contact. It has increased by 11% in the year ending September 2022 while remaining below pre-coronavirus pandemic levels. There were increases across all knife-enabled violent and sexual offences except for knife-enabled homicide, which decreased by 5% to 260 offences.

The latest increase (11%) in knife or sharp instrument offences compared with the year ending September 2021 can be broken down by Police Force Area (PFA). Metropolitan,

¹ This collection covers: homicide, attempted murder, threats to kill, assault with injury and assault with intent to cause serious harm, robbery, rape, sexual assault.

West Midlands and Greater Manchester PFAs are the three areas with the highest volume of knife-enabled crime. Compared with the year ending September 2021, knife or sharp instrument offences recorded by the Metropolitan PFA increased by 11% to 11,517 offences in the year ending September 2022. The West Midlands PFA saw an increase of 38% to 5,006 offences, and Greater Manchester PFA remained at a similar level with 3,447 offences.

Police recorded "possession of article with a blade or point" offences were 15% higher in the year ending September 2022 (26,643 offences) than the year ending March 2020 (23,246 offences). This was a 17% increase compared with the year ending September 2021 (22,853 offences). This could have been influenced by increases in targeted police action to tackle knife crime.

Of all recorded homicides in the year ending September 2022, the proportion of homicides where a knife or sharp instrument was the method of killing was 39%. This was a slight increase compared to the year ending March 2020 (37%), but a slight decrease compared with the year ending September 2021 (42%).

The latest provisional admissions data for NHS hospitals in England and Wales showed a continued decrease in the number of admissions for assault by a sharp object in the year ending September 2022 (3,856 admissions). This was 19% lower than the pre-coronavirus pandemic year ending March 2020 (4,769 admissions) and 5% lower than the year ending September 2021 (4,059 admissions).

What is the government already doing to tackle serious violence?

To tackle knife crime and serious violence, the government has introduced wide ranging legislation and implemented extensive programmes, supported by millions of pounds in funding.

The Offensive Weapons Act (OWA) 2019 introduced specific measures for knife offences, in particular making it an offence to possess certain offensive weapons in private, and stopping knives being delivered to residential addresses if the person receiving them is under 18.

The OWA 2019 also introduced Knife Crime Prevention Orders (KCPOs), which can be placed on people as young as 12 and aim to stop a small but high-risk cohort of individuals from causing harm to others by imposing curfews and restrictions on them, such as an individual's use of social media, travel outside certain geographical boundaries, and explicit prohibition from carrying a knife. The Orders can also include a range of positive intervention requirements such as drug rehabilitation programmes, anger management classes and educational courses.

Serious Violence Reduction Orders (SVROs) have been introduced through the Police, Crime, Sentencing and Courts (PCSC) Act, providing the police with the power to stop and search convicted knife and offensive weapon offenders. The orders are being introduced on the basis of a targeted pilot to ensure that they operate as effectively as possible before a decision is made on national roll out.

In response to concerns that offenders too often receive sentences below the minimum term, we have also introduced provisions in the PCSC Act to ensure that the courts only depart from the minimum sentence in exceptional circumstances.

The Government has made £130m available this financial year (2022/2023) to tackle serious violence, including murder and knife crime. This includes:

- £64m for Violence Reduction Units (VRUs) which bring together local partners to tackle the drivers of violence in their area. VRUs are delivering a range of early intervention and prevention programmes to divert people away from a life of crime. They have reached over 215,000 vulnerable young people in their third year alone.
- Our £30m 'Grip' programme operates in these same 20 areas as VRUs and is helping to drive down violence by using a highly data-driven process to identify violence hotspots – often to individual street level – and target operational activity in those areas.

The combination of these two programmes has prevented an estimated 139,000 violent offences in their first two years of activity.

We are also providing £200m over 10 years to the Youth Endowment Fund, to build an evidence base around what works in preventing youth violence and make this accessible to practitioners.

The Government continues to encourage police forces to undertake a series of coordinated national weeks of action to tackle knife crime under Operation Sceptre. The operation includes targeted stop and searches, weapon sweeps of hotspot areas, surrender of knives including through amnesty bins, test purchases of knives from retailers, and educational events.

The Government's measures have had a positive impact, but we are not complacent and more needs to be done to tackle knife crime. With that in mind, we are putting forward the following proposals for consultation.

Proposal 1: Banning certain types of machetes and knives which seem to have no practical use and seem to be designed to look menacing and suitable for combat.

There are already strict controls on particular offensive weapons, including certain types of knives, which are listed in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988. It is an offence to sell, manufacture, hire, loan or gift these weapons. This offence is in addition to the general offences of possessing a knife or offensive weapon in public or on school grounds. In England and Wales, there are twenty different weapons listed as offensive weapons and they include items such as the "belt buckle knife", "butterfly knife" and "push dagger". The full list is available at Annex 1.

There are also similar prohibitions in respect of "flick knives" and "gravity knives" in section 1 of the Restriction of Offensive Weapons Act 1959.

In August 2016, we added “zombie knives” to this list as we were concerned that such knives had no legitimate use and were designed to look menacing, intimidate and encourage violence. In 2019, we added “cyclone knives” to the list.

Machetes and other large, bladed tools such as scythes, billhooks and large outdoor knives have traditionally been used as tools in farming, gardening, clearing land and waterways, as well as in outdoor activities such as bushcraft, hunting and camping. However, we would like to understand whether and to what extent machetes and large outdoor knives are needed in the UK today. We are not proposing to ban machetes that have legitimate agricultural or other purposes, but we would be interested in views from respondents on the extent to which machetes and other large knives do still have a practical use in the UK.

The government’s concern is that certain types of machetes are increasingly being used in crime, such as so-called “combat” or “fantasy” knives and “zombie style knives and machetes” (we refer to “zombie style knives” as knives that are similar to prohibited “zombie knives”, but that do not contain images in the handle or blade that could incite to violence²). These specific types of machetes and knives do not seem to have any legitimate, practical use, but seem to be attractive to those who want to use them as weapons. We are, therefore, intending that such knives be included in the list of prohibited offensive weapons which are prohibited under s141 of the Criminal Justice Act 1988.

We have already spoken to a number of retailers, distributors and manufacturers based in the UK in order to understand the market, but we are interested in hearing from a wider range of views, including farmers and the agricultural sector, gardeners, outdoor enthusiasts, and anybody else with an interest in this area.

The consequence of adding “zombie style knives and machetes” and “combat and fantasy style knives and machetes” to the list of prohibited offensive weapons is that it would no longer be possible to sell, import or possess these weapons, even in private. This would mean that the police could charge the offender with an offence and seize such weapons, even when held in private. Currently, where the police find a bladed article in someone’s home, they can only take action if the weapon is prohibited or if it is deemed to be evidence in a criminal investigation. There are therefore no current seizure powers available to the police if they find “zombie style knives and machetes” or “combat or fantasy style knives and machetes” in private premises.

We are also inviting views on whether it would be appropriate to include any defences³, in order to allow possession in certain circumstances. Section 141 of the CJA already

² A “zombie knife”, “zombie killer knife” or “zombie slayer knife”, is described as being a blade with--

(i) a cutting edge;
(ii) a serrated edge; and
(iii) images or words (whether on the blade or handle) that suggest that it is to be used for the purpose of violence.

³ Section 141 of the Criminal Justice Act 1988 and the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 contain a number of defences for the offences of manufacture, selling, hiring, offering for sale or hire, exposing or having in possession for the purpose of sale or hire, lending, giving or importing the weapons listed in the Order. There are some additional defences which relate to possession in private and some additional defences which apply only to curved swords over 50cm in length. The general

provides defences for displays in museums or for sporting activities, etc. However, subject to existing exemptions, we do not currently see a case for the type of knives shown in the images below to be in someone's home and possession.

It is not possible to provide a comprehensive set of images of the types of "zombie style knives and machetes" or "combat or fantasy style knives and machetes" we suggest should be banned, but below is a small sample, taken from an internet search, of the types of machetes and knives under consideration:

20" / 50cm 'Zombie style' machete.



17.3" / 44cm Desert Style machete.

defences which apply to all of the listed weapons relate to: functions carried out on behalf of the crown or visiting force, making the weapon available to, operating or acting on behalf of a museum or gallery and for museums or galleries to lend or hire items to persons they believe will only use it only for cultural, artistic or educational purposes, theatrical performances and rehearsals for such performances, the production of films, the production of television programmes. Items over 100 years old are exempt from the legislation. With regards to possession in private, there are additional defences for: historical importance and possessing the weapon for educational purposes only. For curved swords over 50cm in length there are specific defences if the owner can show that the weapon in question was made before 1954 or was made at any other time according to traditional methods of making swords by hand. Defences exist for historical re-enactment or sporting activity for which public liability insurance is held, for religious reasons and using in religious ceremonies including the presentation of swords in the Sikh faith

Consultation on new knife legislation, including measures to tackle use of machetes and large outdoor knives in crime.



Consultation on new knife legislation, including measures to tackle use of machetes and large outdoor knives in crime.

15" / 38cm Fantasy Hunting Knife.



10.5" / 26.5cm Fantasy knife.



Proposal 2: Power to seize and retain/destroy certain bladed articles held in private if the police are in private property lawfully and they have a reasonable belief that they will be used in serious crime.

It is already illegal, under s139 of the Criminal Justice Act 1988, to carry a knife in public without good reason. The Offensive Weapons Act 1996 amended the Criminal Justice Act 1988 to introduce an offence of having an article with a blade or point or an offensive weapon on school premises. The police already have powers, therefore, to seize bladed articles in public places and on school premises.

The Offensive Weapons Act 2019 amended the Criminal Justice Act 1988 to make it an offence to possess in private certain types of knives and offensive weapons, which are listed in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988. This legislation gives the police powers to seize prohibited offensive articles found in private.

We want to ensure that the police have at their disposal the necessary tools to disrupt knife crime. However, at present, if the police find a machete or any other legal article with

a blade in someone's home and they have reasonable grounds to believe that the items will be used in serious crime, they cannot seize such an item, unless it is required as evidence in a criminal investigation.

By way of example, the police, in the course of a drug dealing investigation, may come across several machetes hidden under a bed, but they may not necessarily be linked to the specific offence being investigated. There may be circumstances surrounding the particular individual which lead the police to conclude that there are reasonable grounds to believe that the machetes are likely to be used in crime; for example, the individual may have a history of violence and previous convictions for knife crime related offences. At the moment, however, unless the bladed articles are prohibited, or are needed as evidence, the police cannot forfeit those items. They have to wait until the person is found with a machete in a public place before they can take any action. We believe that if the police cannot act and seize bladed articles in this and similar scenarios, we are missing a valuable opportunity to disrupt serious crime.

Case Study 1

Police officers investigating supply of illegal drugs effected entry to the home address of a person linked to Class A drugs supply. He was on a suspended sentence for drug supply, had previous convictions for weapons and grievous bodily harm (GBH) including possession of a knife. Upon search of his bedroom, officers found a 44cm machete. He was charged with drugs offences, but the police had no powers to seize the knife.

Case Study 2

Police officers conducted a search in the residence of a male arrested for murder involving a firearm. The male had multiple links with local gangs. A quantity of drugs was recovered, along with two machetes. Whilst there were drugs offences, the machetes were not related to these offences and therefore, the police had no powers to seize the articles.

Case Study 3

Police were called to a domestic incident. The male was not present, but the female had found drugs and knives and was in fear due to a history of domestic incidents in the home. A consented search was conducted and during this search a bag containing a large knife was found, as well as cannabis residue. The knife was a ceremonial knife in length similar to a sword. The police had no power to seize the knife.

To address these scenarios, we are proposing the introduction of a new power that will allow the police to seize and retain or destroy certain bladed articles held in private, where the police are lawfully in private property and have reasonable grounds to believe the items will be used in serious crime.

This power would be subject to the existing police complaints procedure, open to any person who has suffered any form of loss, damage, distress or inconvenience as a result of the matter complained about. That is, a person who has had bladed articles seized as a result of the power being proposed, and considers that the police have applied the power incorrectly, can make a complaint directly to the relevant police force or via the Independent Office for Police Conduct (IOPC), which is legally required to pass the details of the complaint to the relevant police force. The most serious incidents would be referred to the IOPC. Police forces could also refer incidents to the IOPC if they had concerns about the conduct of their officers or staff.

Further information about the police complaints procedure can be found at:

[Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](https://www.policeconduct.gov.uk)

We are also considering whether there should be a judicial avenue of redress in order to recover an item that has been seized by the police. We invite views from respondents on this point.

Proposal 3: Increase the maximum penalty to 2 years for the offences of importation, manufacture, sale, and general supply of prohibited and dangerous weapons and sale of knives to persons under 18 years old.

The reason why the government is considering increasing the penalties is three-fold:

- a. We want to bring these offences in line with the offence of marketing knives as suitable for violence, which has a maximum penalty of 2 years. This penalty will better reflect the severity of the offence.
- b. Increasing the penalty will also provide the police with more time to investigate the alleged offence, without the pressure of the current summary offence time limit.
- c. Increasing the maximum penalty will bring the offence within the Police and Criminal Evidence Act 1984 (PACE) which confers powers to enter any premises for the purposes of arresting a person for an indictable offence.

The offences of importation, manufacture, sale and general supply of prohibited offensive and dangerous weapons (s141 of the Criminal Justice Act 1988 and s1 of the Restriction of Offensive Weapons Act 1959 respectively) and the offence of selling bladed articles to persons under 18 (s141A of the Criminal Justice Act 1988) have a maximum penalty of six months' imprisonment, a fine, or both in England and Wales.

In 1997, a new offence of marketing knives as suitable for violence was introduced with a maximum penalty of 2 years in England and Wales. However, the maximum penalty for the offences of selling prohibited weapons and selling knives to under 18s were not amended, although we would argue that they are as serious as unlawful marketing of

knives. We are now seeking views on whether selling knives to persons under 18 or selling prohibited knives or offensive weapons should have a maximum penalty of 2 years.

At the same time, purchasing knives remotely is increasingly easy, which brings new challenges for the police. Online sales of knives and offensive weapons are increasingly more common including via social media, social networks and instant messaging. Investigating a suspicious sale made online, particularly where this occurs between private persons, can be complex and time consuming. Increasing the maximum penalty to 2 years, could help the police to address the challenges currently encountered when investigating sales of knives and offensive weapons conducted online.

Currently, where the police wish to bring a charge in relation to the unlawful sales of knives to a person under 18 or illegal sales of prohibited offensive weapons, they must do so within 6 months of the alleged offence having been committed, as the offences are currently 'summary only'. Any investigation of suspicious sales using social media and other online means takes time and cannot usually be done in the 6 months required for an offence triable as 'summary only'. For instance, the police have made us aware of investigations relating to the unlawful sales of knives to persons under 18 conducted via web app groups and instant messaging, where additional time has been needed to request access and retrieve data held on private devices. Increasing the maximum penalty to 2 years, would make the offence triable 'either way' and would provide the police with more time to investigate the alleged offence and to do so when sufficient evidence has been gathered, without the pressure of the current summary offence time limit.

Case Study 4

In 2021, the police proactively targeted the owner of a snapchat account reported to be involved in the sale of knives to members of a street gang. As a result of the investigation of the snapchat account, two individuals were arrested. The intelligence indicated that the individuals were selling knives to people regardless of age. An investigation of this kind can take a number of weeks or months based on the content of the phone. This is likely to involve application to the social media networks and subsequent IP data, which may take up to 3 months dependent on the platform and time period. As a result, the police were unable to prosecute for the offence of selling knives to a person under 18.

Case Study 5

The police became aware that a person of interest had sent a snapchat message from his account offering for sale knives with 15-inch and 22-inch-long blades. He was arrested in the street in relation to a s1 Knives Act offence. A search was conducted at his home address and 28 brand new hunting style and machete style knives in their sheaths were found hidden behind the skirting board in the kitchen. The police had little doubt that this person was habitually selling knives to children, but in order to prove the offence they would have to obtain bank production orders, phone downloads, social media analysis and communication data from various social media companies. The enquiries could not be completed in the 6-month statutory time limit. The s1 Knives Act prosecution was not successful and the case was dismissed.

In addition, increasing the maximum penalty to 2 years would bring the offence within s.17(1)(a) of the Police and Criminal Evidence Act 1984 (PACE) which confers powers on to a police constable to enter any premises for the purposes of arresting a person for an indictable offence. This may be needed in order to investigate suspicious sales.

Therefore, we are considering whether it would be proportionate to amend the penalties for these offences as follows:

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or to both.

This would bring these offences closer to the offence of marketing knives unlawfully by suggesting that they are suitable for violence (s1 of the Knives Act 1997), which carries a maximum penalty of 2 years in England and Wales.

Proposal 4: Should the Criminal Justice System treat possession in public of prohibited knives and offensive weapons more seriously.

Carrying a knife or offensive weapon in public without a good reason is a serious offence with a maximum penalty of 4 years imprisonment, and anyone who does so should expect to face a robust sentence. Those who persist in carrying knives in public should expect a minimum custodial sentence for their second and subsequent offences.

At the moment, the legislation relating to possession offences does not distinguish between standard knives which are possessed in public without a lawful good reason or incidental offensive weapons and those types of knives or offensive weapons which have been specifically prohibited in legislation. While sentencing in individual cases is a matter for our independent courts, we are considering whether the Criminal Justice System should treat more seriously those who carry in public prohibited knives and offensive

weapons, compared to those who carry non-prohibited knives and offensive weapons. We would welcome views on this.

Annex 1 contains a list of prohibited knives and prohibited offensive weapons under section 141 of the CJA and section 1 of the Restrictions of Offensive Weapons Act 1959.

Proposal 5: A new possession offence of bladed articles with the intention to endanger life or to cause fear of violence.

Section 139 of the Criminal Justice Act 1988 (the CJA) makes it an offence to have a bladed article in public without lawful authority or good reason. Similarly, s.139A makes it an offence to have a bladed article in education premises.

Section 1 of the PCA makes it an offence to have an offensive weapon in public. "Offensive weapon" means in this context *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.*

Section 139AA of the CJA and s.1A of the PCA make it an offence to be in possession of a bladed article and offensive weapon respectively, and then go on and threaten another person with the article or weapon in such a way that a reasonable person who was exposed to the same threat would think that there was an immediate risk of physical harm.

The maximum penalty for these offences is 4 years' imprisonment. If the person convicted of these offences is 16 years old or over and has at least one previous relevant conviction, the court must impose a minimum custodial sentence of imprisonment for a term of at least 6 months in the case of adults, or a detention and training order of at least 4 months in the case of 16-18 years old.

We wish to bridge the gap between possession of a knife (or an offensive weapon) in public or education premises and it being used to threaten or harm anyone. We are looking at whether we should take the same approach as firearms legislation in this area and create a separate offence of having a bladed article or an offensive weapon with the intention to cause injury or fear of violence, with a higher maximum penalty than s.1 of the PCA or s.139 of the CJA.

Section 16 of the Firearms Act 1968 (The Firearms Act) makes it an offence to possess any firearm or ammunition with the intent to endanger life, or cause serious injury to property, or to enable another person to endanger life or cause serious injury to property. Section 16a makes it an offence to be in possession of any firearm or imitation firearm with the intent to cause, or enable another person to cause, fear of violence. These offences are triable on indictment and carry a maximum sentence of life imprisonment and 10 years imprisonment respectively. These offences are in addition to the offences under s.1 (possession, purchase or acquisition of a firearm or ammunition without a firearm certificate) and s.5 (possession, purchase or acquisition of prohibited weapons or ammunition without authority) which carry maximum penalties of 7 and 10 years' imprisonment respectively.

Firearms legislation has proved effective in tackling a wide range of criminal behaviours involving firearms and we are keen to seek views on replicating this approach for knives.

Case Study 6

In 2015, an intelligence led operation was conducted on a motorbike ridden by two males in an urban area. They attempted to escape but were stopped. After a short foot chase, they were both detained, arrested and searched. The passenger was found to be in possession of a loaded machine pistol. The rider was found with a loaded pistol and both were found to be wearing balaclavas. Unlawful possession of these weapons is an offence and in view of the circumstances of the case they were charged and subsequently convicted of possession of firearms with intent to endanger life, which carries a higher maximum penalty than unlawful possession of prohibited weapons.

Some of the key evidence to secure this conviction was the fact that the firearms were loaded, they were wearing balaclavas and one of the offenders was a high ranking member of an organised crime gang, who were in a long running and deadly dispute with another gang, which had resulted in numerous murders, shootings and stabbings.

Riding out into enemy territory carrying weapons, in cars or on bikes/mopeds with the intention of finding opposing gang members to attack is commonplace and the police see variations of the above scenario repeated across our communities on a regular basis. The high ranking gang member from this case was convicted and sentenced to 14 years for firearms offences.

However, in contrast to Case Study 6, if this had been gang members riding around a rival estate on a moped, wearing balaclavas and carrying knives or machetes, the only offence available to the police would be simple unlawful possession of a bladed article or an offensive weapon in public. The context of the offence would be unlikely to be sufficient to prove a conspiracy to commit an offence. However, there is an argument to be made that gang members driving a motorbike around the streets, carrying a machete or any other bladed article unlawfully are likely to have the purpose of using the machete or bladed article as a weapon and thus an intention to endanger life or cause fear of violence.

Case Study 7

Intelligence identified a large group (15+) of individuals in a public place, known to be frequented by gang members posting on social media. Material was obtained by the police which showed one member of the group revealing a knife in his waistband and used taunting language towards another gang. The only offence available to the police was possession in public of a knife or an offensive weapon, which the police believed did not reflect the seriousness of the offending behaviour.

However, had the individual in Case Study 7 been in possession of a firearm, a charge of possession with intent to endanger life could have been made, which carries a higher maximum penalty than unlawful possession of a firearm.

We are therefore considering whether to adopt the same approach as firearms legislation and introduce new offences of possession of bladed articles or offensive weapons with the intention of endangering life, or causing serious injury to property, whether any injury to person or property has been caused or not, or with the intent to cause, or enable another person to cause, fear of violence - with a higher maximum penalty than s.1 of the PCA.

Consultation – Groups and Responses

Copies of this consultation paper are being sent to professional bodies and representative groups at Annex 2.

Questionnaire

Q1. Do you agree that the government should take further action to tackle knife crime, and in particular the use of machetes and other large knives in crime?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Please give reasons. (max. 250 words)

Proposal 1 - Banning certain types of knives and machetes which we suggest have no practical use and seem to be designed to look menacing and suitable for combat.

Q2. Do you agree with the proposal?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Please give reasons. (max. 250 words)

Q3. Looking at the common features present in the knives and machetes we are proposing to ban, do you agree that any legal description should refer to:

- a) The article containing both smooth and serrated cutting edges

Consultation on new knife legislation, including measures to tackle use of machetes and large outdoor knives in crime.

Yes	No

Please give reasons. (max. 250 words)

b) The article containing more than one hole

Yes	No

Please give reasons. (max. 250 words)

c) The article being of a certain length

Yes	No

Please give reasons. (max. 250 words)

d) Are there any other features that should be included in the legal description?

Please give reasons. (max. 250 words)

Q4. Looking at the length of the types of knives and machetes we are proposing to ban, we invite views on whether the minimum length should be:

- a) 8" (20.32cm)
- b) 9" (22.86cm)
- c) 10" (25.4 cm)
- d) Any other length?

Please give reasons. (max. 250 words)

Q5. We would like to understand whether and to what extent machetes and large outdoor knives may be needed currently in the UK.

Please give reasons. (max. 250 words)

Proposal 2 – Power to seize and retain/destroy certain bladed articles held in private if the police are in private property lawfully and they have a reasonable belief that they could be used in serious crime.

Q6. Do you agree that the proposed new power is necessary and proportionate?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Please give reasons. (max. 250 words)

Q7. We invite views in relation to whether the powers should apply to any knife in private property or only to knives of a certain length.

- a) Any knife held in private property
- b) Knives of a certain length

Please give reasons. (max. 250 words)

Q8. We invite views from respondents as to whether there should be a right of appeal to the courts in order to recover an item seized or if the avenue of redress should be only through the police complaints process.

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Please give reasons. (max. 250 words)

Proposal 3 – Increase the maximum penalty for the offences of sale, etc of prohibited and dangerous weapons and sale of knives to persons under 18 to 2 years.

Q9. Do you think that the offences of selling knives to persons under 18 and selling prohibited offensive weapons are of such severity that they should have a maximum penalty of 2 years?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Please give reasons. (max. 250 words)

Proposal 4: Should the Criminal Justice System treat possession in public of prohibited knives and offensive weapons more seriously.

Q10. Should the Criminal Justice System treat those who carry prohibited knives and offensive weapons in public more seriously?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Please give reasons. (max. 250 words)

Proposal 5: A new possession offence of bladed articles with the intention to endanger life or to cause fear of violence.

Q11. Do you agree with the proposal?

Consultation on new knife legislation, including measures to tackle use of machetes and large outdoor knives in crime.

Yes	No

Please give reasons. (max. 250 words)

Business and Trade

Proposal 1 - Banning certain types of knives and machetes which we suggest have no practical use and seem to be designed to look menacing and suitable for combat.

By 'in-scope blades', we mean fixed sharp pointed blades, with blades at least 8" long, which feature at least two of the following features:

- Plain cutting edge
- Serrated cutting edge
- More than one hole in the blade

Q13 Is your organisation a manufacturer, wholesaler, or retailer of in-scope blades (see above description)? Please tick all that apply

Trade	Tick all that apply
Manufacturer	
Wholesaler	
Retailer	
None (skip to Q18)	

Q14 Which combination of features do the blades you sell meet?

Blade features	Tick all that apply
Plain cutting edge and serrated cutting edge	
Plain cutting edge and more than one hole in blade	
Serrated cutting edge and more than one hole in blade	

Plain cutting edge, serrated cutting edge, and more than one hole in blade	

Q15 By length of blade, how many in-scope blades does your organisation typically stock / hold at any one time?

- a. 8" (20.33cm)
- b. Between 8" and 9" (20.33cm - 22.85cm)
- c. Between 9" and 10" (22.86cm - 25.39cm)
- d. Greater than 10" (>25.39cm)

a). b). c). d).

Q16 By length of blade, what is the average price (excluding VAT) of your in-scope blades? If you are a wholesaler and retailer, please provide both wholesale and retail prices.

- a. 8" (20.33cm)
- b. Between 8" and 9" (20.33cm - 22.85cm)
- c. Between 9" and 10" (22.86cm - 25.39cm)
- d. Greater than 10" (>25.39cm)

a). b). c). d).

Q17 By length of blade, how many in-scope blades did your organisation sell in year end March 2022?

- a. 8" (20.33cm)
- b. Between 8" and 9" (20.33cm - 22.85cm)
- c. Between 9" and 10" (22.86cm - 25.39cm)
- d. Greater than 10" (>25.39cm)

a). b). c). d).

Q18 How many non-culinary blades did your organisation sell in year end March 2022?

Q19 Are there any further business or trade impacts of this proposal (beyond those set out in the Impact Assessment) which have not been considered?

Proposal 3 - Increase the maximum penalty for the offences of sale of prohibited and dangerous weapons and sale of knives to persons under 18 to a maximum penalty of 2 years.

By increasing the maximum sentence for these offences to 2 years, these would no longer be summary only offences. The police would no longer be restricted to 6 months to investigate these cases. This means retailers may need to keep evidence relating to sales of knives (e.g. proof of age documentation) for longer than six months after point of sale.

Q20 What would the administration costs of this proposal (e.g. data protection and record keeping practices) be for your business, if any?

Q21 Are there any business or trade impacts of this proposal (beyond those set out in the Impact Assessment) of this proposal which have not been considered?

Other proposals

Proposal 2 – Power to seize and retain/destroy certain bladed articles held in private if the police are in private property lawfully and they have a reasonable belief that they will be used in serious crime.

Proposal 4 – Should the Criminal Justice System treat more seriously possession in public of prohibited knives and offensive weapons.

Proposal 5 – A new possession offence of bladed articles with the intention to endanger life or to cause fear of violence.

Q22 The Impact Assessment does not identify any business or trade impacts associated with these proposals. Are there any business or trade impacts which have not been considered?

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Q23. Do you have any comments about the proposals in this consultation in relation to impact on protected characteristics under the Equality Act 2010: age; disability; pregnancy and maternity; race; religion or belief; sex; sexual orientation?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Please give details. (max. 500 words)

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About you: respondent's information

Please use this section to tell us about yourself. Providing this information is voluntary. Please be assured that responses will be treated as personal data by the Home Office in compliance with government guidance on holding personal information.

1	Full name	
2	Company name/organisation (if applicable, please answer questions aimed at industry and trade)	

3	Job title or capacity in which you are responding to this consultation exercise (for example, member of the public or chairman of a representative body)	
4	Contact details: 1) Email address or 2) Main address including postcode <u>We will acknowledge receipt of all the responses to the consultation.</u>	
If you would like your response to remain anonymous, please tick this box:		<input type="checkbox"/>

THANK YOU FOR YOUR RESPONSE

Contact details and how to respond

Please send your response by 06 **June 2023** -

- Email to: machetes-knives-consultation@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process, you should contact the Home Office at the above address.

Extra copies

The consultation can be found online at

<https://www.homeofficesurveys.homeoffice.gov.uk/s/knife-legislation/>

Alternative format versions of this publication can be requested from machetes-knives-consultation@homeoffice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published within three months of the closing date. The response paper will be available online at www.gov.uk

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties. In responding to the consultation from Scotland, you are however consenting for your response to be shared with the Scottish Government.

Annex 1. Offensive weapons list

England and Wales

The Criminal Justice Act 1988 (Offensive Weapons) Order 1988 applies to the following weapons:

- (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 had 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 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)];

(r) a sword with a curved blade of 50 centimetres or over in length; and for the purposes of this sub-paragraph, the length of the blade shall be the straight line distance from the top of the handle to the tip of the blade];

(s) the weapon sometimes known as a "zombie knife", "zombie killer knife" or "zombie slayer knife", being a blade with--

(i) a cutting edge;

(ii) a serrated edge; and

(iii) images or words (whether on the blade or handle) that suggest that it is to be used for the purpose of violence].

(t) the weapon sometimes known as a "cyclone knife" or "spiral knife" being a weapon with—

(i) a handle,

(ii) a blade with two or more cutting edges, each of which forms a helix, and

(iii) a sharp point at the end of the blade.

The Restriction of Offensive Weapons Act 1959 applies to the following weapons:

(a) any knife which has a blade which opens automatically—

(i) from the closed position to the fully opened position, or

(ii) from a partially opened position to the fully opened position,

by manual pressure applied to a button, spring or other device in or attached to the knife, and which is sometimes known as a "flick knife" or "flick gun"; or

(b) any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever, or other device, sometimes known as a "gravity knife",

Annex 2. Consultation groups

Association of Convenience Stores
Association of Police and Crime Commissioners
Ben Kinsella Trust
British Association for Shooting & Conservation
British Horticultural Society
British Shooting Sports Council
British Independent Retailers Association
British Retail Consortium
College of Policing
Confederation of British Industry
Countryside Alliance
Country Land and Business Association
Crown Office and Procurator Fiscal Service
Crown Prosecution Service
Gun Control Network
Gun Trade Association
Health and Safety Executive His Majesty's Courts and Tribunals Service
His Majesty's Revenue & Customs
His Majesty's Inspectorate of Constabulary
Heritage Arms Study Group
Historical Breechloading Small Arms Association
Magistrates Association
Museums Association
National Association of Valuers and Auctioneers
National Auctioneers Association
National Crime Agency
National Farmers' Union
National Museum Directors' Council
National Police Chiefs' Council
National Police Chief's Council - Lead
National Rifle Association of GB and NI
Royal Armouries
Sentencing Council for England and Wales
Victims' Commissioner for England and Wales
Youth Justice Board

Further affected groups with an interest in this consultation may include museums and exhibitions or fairs; auctioneers; antique dealers, and any other businesses and services whose activities relate to the affected groups.

Consultation on new knife legislation, including measures to tackle use of machetes and large outdoor knives in crime.

This list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

www.gov.uk/government/publications/consultation-principles-guidance



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