

The purpose of this document is to ensure that all forum members are aware of the current legislation surrounding knives, Criminal Justice Act 1988 & Violent Crime Reduction Act 2006, and prevent themselves falling foul of the law.

In brief, it is now an offence to have in your possession a sharply pointed or bladed instrument in a public place, without good reason or lawful authority. There are some exceptions to this rule which are discussed later. It is important to note here that it is up to the individual to prove they had good reason, not the police to prove they didn't.

Let's examine the terms and what's meant by them to get a better understanding of what is being discussed.

Sharply Pointed or Bladed Instrument:

A sharply pointed or bladed instrument is just as it suggests, which is anything which has a sharp point or blade or has been adapted or altered to be sharp or bladed. Examples could be: knife, sword, hatchet, throwing star, bladed multitool... etc. Examples of adapted items could be: coin with sharpened edges, broom handle sharpened to a point at one end to resemble a spear, baseball bat with nails hammered through the end or even a broken bottle.

Public Place:

A public place is anywhere that the public have access, whether they have to provide payment or not to enter. This covers obvious areas such as roads, shops, pubs, footpaths and rights of way, etc., but also more obscure places such as privately owned Estate land, if the public are allowed access. Additionally your car can in certain circumstances be regarded as a public place. To explain this last point, if you were stopped by police and you were in possession of an article as described earlier and had ready access to that item, (in the drivers door pocket or similar location), it has been held in court that you have material possession of the item in public and commit the offence.

Good Reason or Lawful Authority:

It has been held that use of a knife in connection with ones employment or sporting activity is good reason. For example, a butcher on his way to work and is carrying his personal butchering knives in a case, would not break the law as he would be reasonably expected to have to make use of the knife during the course of his employment. The same would be true of anglers etc. It is important to remember that the use of the knife, etc., must be or have been reasonably immediate, i.e., on way to work or coming back from work. Having gone fishing the day before and having forgotten that you left your gutting knife in the car would not be a defence.

There is an exception to this legislation which is that the knife blade is **less than 3 inches long and that the blade is non locking**. Again an important point to note here is if such an article was brought to a school, nightclub, football match or other such place it would likely be deemed an offensive weapon and the owner would be duly arrested.

Two points that needs some clarification are material possession and ready access.

Material possession of an item is to have control of it at that time. Ready access means that you could make use of the item in a very short period of time. For example, if I was stopped by police in a vehicle and was found to be in possession of a knife in the drivers door pocket, it would be reasonable for the officer to assume I had material possession of the item and could make immediate use of it, (ready access), therefore I would commit an offence. However if the same knife was in the boot in a locked case, I would still have material possession but not ready access. I would have to stop the car, open the boot, unlock the case and remove the knife before being able to use it. I therefore would be l'm a stronger position to argue my case as to why I had possession of the knife.

Offences of this nature are taken very seriously and can carry up to 2 years imprisonment, a 5,000 pound fine or both.

In basic terms, a person should not carry a knife or bladed article, unless the item conforms to the legal exemption or they are about to make use of the item for legitimate sporting or professional reasons. If a knife or other such article must be carried, i.e. Transporting it somewhere, then the person must make sure that they do not where possible, have ready access to the item.