

Wales Safer Communities Network response to: Home Office - Machetes and other bladed articles: proposed legislation

Closed 06 June 2023

Response submitted via the online survey.

Questions:

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

Please give reasons. (max. 250 words)

Knives do not just risk injury through a deliberate attack such as knife crime but by accidents by those carrying it or within accommodation settings. The potential threat of a knife can result in the controlling of someone's actions or in taking control of their body through force or the threat of force. By removing the general access to the knives should help prevent any accidents and reduce the ease by which such bladed items can be accessed.

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

Please give reasons. (max. 250 words)

In Principle, we agree with his proposal. However, some bladed items such as scythes have a practical use in farming, especially organic farming where they are used to reduce the spread of plants such as nettles and thistles without the need of pesticides and chemicals.

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

Yes

Please give reasons. (max. 250 words)

In regard to the knives and machetes being discussed this would appear to be appropriate, but it may be worth considering having a description which allows for smooth and/or serrated cutting edges.

b) The article containing more than one hole

No

Please give reasons. (max. 250 words)

The styling of knives and blades changes over time and if there is a description of more than one hole that could allow a loophole where knives are created without the holes. In addition, scythes that are used in farming normally have two holes on the blade for fastening the handle (or snath) to it and being able to adjust it for stability purposes.

c) The article being of a certain length

No

Please give reasons. (max. 250 words)

A bladed item of any length can be a weapon and cause injury and death, as seen with injuries caused by a slotted screwdriver (commonly referred to as a flat headed screwdriver). Smaller bladed items are also more likely to be easy to conceal and therefore may carry a higher risk of unplanned use than the larger bladed items. For example it is impossible to conceal a sythe or scythette when walking down the street and the same applies for larger machetes or blades such as swords. There are also blades that are used by other industries such as carpentry or used for hobbies such as wood whittling and papercutting.

d) Are there any other features that should be included in the legal description? Please give reasons. (max. 250 words)

We think that there should be something about the intent for doing harm whether to aggravate a situation or for use in supposed self-defense.

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? Yes

Please give reasons. (max. 250 words)

Any blade of any length can be used as a weapon and cause injury or lead to a fatality, we would suggest that if there has to be a length that it is limited to 1" or 2cm. We understand the proposal is focusing on larger bladed items such as machetes but feel that to limit to only the larger would leave smaller easier to conceal bladed items and knives being able to be used and kept legally in people's homes.

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)

Sythes and Sythettes are used in organic farming and other types where the use of pesticides and other chemicals are avoided. Blades and small axe type machines are required for use in Hedgelaying which is a key element of hedge management. Whilst there may be legitimate use they should be locked away securely other than the times of year when they are needed. Sythes and Sythettes are used in late spring and throughout the summer, and hedgelaying equipment is used between October and March.

The other industry that utilises or is likely to use larger blades are carpenters and those who work with wood or those involved in more specialist art industries such as ice sculptors or carvers.

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

Please give reasons. (max. 250 words)

We are concerned that at the moment where a victim of domestic abuse or suspected domestic abuse including child to parent violence that even where a bladed item is identified it cannot be removed, given our focus in Wales on preventing further episodes or escalation the ability to remove would also appear to be appropriate.

Where there is any organised crime activity or vulnerability within a household we would expect appropriate safeguards to be able to be undertaken, though each circumstance should be taken into account. There may be instances where a vulnerable individual is being used for cuckooing and has a blade as protection as they feel unsafe in their home and removal of such an item could be a sign that the police have been in the property. Whilst, we would never condone the use of a weapon leaving a vulnerable person in a worse position is also not something we would want to happen.

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 - Yes

b) Knives of a certain length

Please give reasons. (max. 250 words)

Any knife that cannot be evidenced to have a legitimate use for either a hobby, such as whittling wood or for professional purposes such as farming or hedgelaying or

tree surgery or is used for the express purpose of cooking within the home and can be demonstrated to be used in such a way. Cooking utensils including knives require being washed following food preparation using water and normal food safe cleaning products whereas blades used for other purposes are cleaned and treated using oils or alcohol based cleaners.

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. Please give reasons. (max. 250 words)

The same rights for appeal should be as for other items which should be to allow an appeal to the courts as well as via the police complaints process, this should ensure transparency and fairness.

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

Please give reasons. (max. 250 words)

In principle we are in agreement with this proposal, however we expect there to be some areas for exception or discretion based on circumstances. A young person or apprentice who leaves school at 16 should be able to acquire the tools for the profession they are working in, but this should be evidenced as they would not be working alone.

The other exception may be for young carers, those that are caring for parents or grandparents as the main carer including cooking. They may be person who cooks and does the shopping and may be known for undertaking the role by the person who sells a kitchen knife to them.

The sale of prohibited offensive weapons we think should carry a maximum of four or five years which would bring it closer to legislation around gun possession.

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?

No

Please give reasons. (max. 250 words)

The Criminal Justice System already treats such offenses seriously, however an increased maximum sentence would allow them more flexibility to respond appropriately and based on the individual circumstances.

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?

Yes

Please give reasons. (max. 250 words)

In principle we agree with the proposal to bring bladed articles legislation more closely aligned with that of firearm legislation. With both firearms and bladed articles carrying the threat of being able to carry out injuries including life changing and homicides.

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

Q12 Is your organisation a manufacturer, wholesaler, or retailer of in-scope blades (see above description)? Please tick all that apply.

None (skip to Q18)

[Questions 13, 14, 15, 16 and 17 removed as not applicable]

Q18 Are there any further business or trade impacts of this proposal (beyond those set out in the Impact Assessment) which have not been considered?

No comments on business or trade impacts.

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.

Q19 What would the administration costs of this proposal (e.g. data protection and record keeping practices) be for your business, if any?

Not applicable.

Q20 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?

No comments on business or trade impacts.

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**

Q21. 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?

The additional potential risk or impact of an individual having purchased an item for legitimate reasons having it on their person away from their place of business or work having not yet returned following their visit to the business or trader. Both seller and buyer should have date and time of the purchase and if not this may be something that they would need to ensure was in place through the issuing of receipts or where invoicing is involved a delivery of goods document.

Q22. 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

Please give details. (max. 500 words)

Whilst we agree with the proposals in principle, we are also concerned that vulnerabilities and circumstances are taken into consideration. A bladed item stored in a vulnerable persons home may not be theirs and they may be subject to cuckooing or other forms of exploitation and are unaware of the item or too vulnerable or afraid to be able to decline storing it.

Gender may also play a role along with gender based violence where they can be used by perpetrators or by victims in defence of themselves. We would not want a

victim of years of abuse who is vulnerable as a result to be harshly treated whilst the perpetrator of their abuse is treated more leniently.

About you: respondent's information

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Job title or capacity in which you are responding to this consultation exercise:

Business and Network Development Manager of the Wales Safer Communities Network.

The Network is made up of partners involved in delivering community safety across Wales including Police and Crime Commissioners, Police Services, Fire and Rescue Services, Councils, Probation and the Third Sector (including Registered Social Landlords)

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