

BANNING OFFENSIVE WEAPONS

SUMMARY OF RESPONSES
TO A HOME OFFICE
CONSULTATION PAPER

Chapter 1

Introduction

- 1.1 On 5 March 2007 the Home Office published a consultation paper seeking views on proposals to ban “samurai swords” and other weapons which had no legitimate use. The proposals were aimed at improving public safety by reducing crime involving these weapons.
- 1.2 The proposals were as follows:
 - **Banning the sale, import and hire of “samurai swords”;**
 - **Banning the sale, import and hire of other weapons.**
- 1.3 The consultation document and partial regulatory impact assessment were sent to a number of interested organisations, key stakeholders and individuals. The consultation document was also made available on the Home Office website.
- 1.4 A total of 270 replies were received during the 12 week consultation period, and the consultation webpage, www.homeoffice.gov.uk/documents/cons-ban-offensive-weapons-0307, was viewed 3,507 times during this time. The breakdown of respondents by category can be seen in Table 2. The consultation paper included legal information about the public disclosures of responses.
- 1.5 We are grateful for all the responses received which have been helpful in informing the way forward. This paper tries to accurately reflect the views offered. We have sought to summarise the views of a wide range of respondents, but inevitably it is not possible to describe all the responses in detail. All responses have been weighted equally in the tabular analysis. For consistency, the tabular analysis always displays a set of responses as a percentage of the total number of responses to the relevant proposal.
- 1.6 We have tried to indicate the overall level of support for each proposal, but necessarily there has been an element of subjective analysis involved when analysing full written responses which do not directly answer the questions as set out in the consultation document. So, where support for, or opposition to, a proposal was not explicitly given but could be reasonably inferred from a response, we have registered that in our analysis.
- 1.7 You can obtain copies of this summary of responses by download from the website address mentioned in paragraph 1.4 above or in hard copy from:

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Chapter 2

Overview

2.1 Of the 270 responses received, the breakdown of respondents by type was as follows:

Category	Number of responses received	Police	"Martial Arts Org"	"Collectors & Re-Enactors Org"	Traders	Indiv.	"Victims Group"	Other
Number	270	4	36	14	16	183	2	15
Percentage	100%	1%	13%	5%	6%	68%	1%	6%

2.2 There was strong support for a ban on “samurai swords” and other weapons which have no legitimate use from the Association of Chief Police Officers, police forces and victims groups. These groups were split as to whether there should be exemptions for collectors/martial arts enthusiasts. Traders in “samurai swords” were opposed to any ban arguing that most incidents of violent crime involved kitchen knives and any ban would severely affect their business. Collectors did not see a need for a ban in the main but agreed that any ban should include exemptions allowing them to continue their interest. A number of martial arts groups agreed that “samurai swords” should be banned but that there should be exemptions to allow them to pursue their interest. Most individuals, either collectors or martial arts enthusiasts, were opposed to any ban but wanted to see exemptions should there be a ban.

THE GOVERNMENT’S POSITION

2.3 In response to the consultation the Government intends to add “samurai swords” to the Offensive Weapons Order but to include exemptions for collectors of genuine Japanese swords and swords used by martial arts enthusiasts. We need to balance the views of the many collectors and martial arts enthusiasts against the position adopted by law enforcement agencies and victims organisations, reflecting the views of wider communities, who thought a ban necessary and proportionate to tackle the menace of violent crime involving these weapons. The Government will consider whether this should be extended to other swords, subject again to appropriate exemptions. We do not propose, at present, to add any other articles to the Offensive Weapons Order.

Chapter 3

Banning the manufacture, import, sale, hire, offer for sale or hire etc of “samurai swords”

- 3.1 The proposal was should the sale and import etc of “samurai swords” be banned.
- 3.2 257 responses to this proposal were received. The breakdown of responses to the question is shown in the table below:

Should curved, single edged swords (sometimes known as “samurai swords”) be added to the Offensive Weapons Order?

Category	"All (no.)"	"All (%)"	Police	"Martial Arts Org"	"Collectors & Re-Enactors Org"	Traders	Indiv.	"Victims Group"	Other
Yes	38	15%	4	6	1	1	19	1	6
No	219	85%	0	28	13	13	157	1	7
Total	257	100%	4	34	14	14	176	2	13

The Police Federation (Represents 140,000 police officers) agree that samurai swords should be banned. They argue that as it will be Police Officers who will be resolving any given situation involving weapons, any legislation should take this into account and protect those officers carrying out the business of protecting members of the public.

Several traders who specialise in creating traditional Chinese and Japanese hand forged swords and weaponry question the evidence that suggests a ban would reduce crime. They have further commented that incidents involving swords would still have occurred had the sword ban been in place. Their views are that a ban would not be enforceable as criminals will simply use another weapons.

- 3.3 The breakdown of responses to the question

Do you agree with the definition as suggested and should there also be a minimum length of blade for the weapon?

The definition was “a curved, single edged sword (sometimes known as a “samurai sword”)”.

Category	"All (no.)"	"All (%)"	Police	"Martial Arts Org"	"Collectors & Re-Enactors Org"	Traders	Indiv.	"Victims Group"	Other
Yes	18	9%	1	1	1	1	9	0	5
No	178	91%	3	30	13	11	112	2	7
Total	196	100%	4	31	14	12	121	2	12

Organisations representing the martial arts community believe the definition needs to take into account the use of correctly forged modern swords as well as antique swords. They have also pointed out that Iaito [alloy practice blades] need to be considered, as these are used by beginners. With regards to the length, they have advised that this depends upon the arm length of the student, thus a maximum length could make some individuals practice impossible.

Organisations established to study and preserve Japanese swords believe the definition is too loose and believe it may include, or could include, almost anything.

3.4 The breakdown of responses to the question

Should there be any exemptions for genuine Japanese swords? On what grounds?

Category	"All (no.)"	"All (%)"	Police	"Martial Arts Org"	"Collectors & Re-Enactors Org"	Traders	Indiv.	"Victims Group"	Other
Yes	196	97%	3	31	11	12	128	1	10
No	7	3%	1	1	1	0	4	0	0
Total	203	100%	4	32	12	12	132	1	10

Several respondents representing the British art market strongly agree that exemptions should be made for genuine Japanese swords and endorse the suggested wording for the exemptions.

A number of respondents suggested that genuine collectors of samurai swords which have historical cultural or artistic values should not be required to give up their collectors pieces. However, these items should be kept in a secure location, similar to firearms.

3.5 The breakdown of responses to the question

**Should there be an exemption for martial arts practitioners?
How should this exemption be framed?**

Category	"All (no.)"	"All (%)"	Police	"Martial Arts Org"	"Collectors & Re-Enactors Org"	Traders	Indiv.	"Victims Group"	Other
Yes	202	96%	1	35	11	11	133	1	10
No	9	4%	3	0	1	0	4	0	1
Total	211	100%	4	35	12	11	137	1	11

The majority of the martial arts community want exemptions for martial artists. They suggest that where students or tutors have registered with an organisation or run their own club, and have been trained and where good codes of conduct are in place, they should be given exemptions.

Some of the larger martial arts organisations representing several thousand members also want to see exemptions in place. They believe that this can be achieved by practitioners who use swords for their arts belonging to associations and clubs who use strict codes of conduct and rules of use. They also recommend that martial arts enthusiasts should be trained by qualified instructors who undergo strict checks not only in the methods they use but also into their backgrounds with criminal records checks every two years.

Chapter 4

Banning the manufacture, import, sale, hire, offer for sale or hire etc of Other Weapons

- 4.1 The proposal was should the sale and import etc of other weapons be banned.
- 4.2 93 responses to this proposal were received. The breakdown of responses to the question is shown in the table below:

Are there any weapons which have been used in violent crime that should be banned?

Category	"All (no.)"	"All (%)"	Police	"Martial Arts Org"	"Collectors & Re-Enactors Org"	Traders	Indiv.	"Victims Group"	Other
Yes	41	44%	2	2	3	2	26	1	5
No	52	56%	0	6	7	3	34	0	2
Total	93	100%	2	8	10	5	60	1	7

The Association of Chief Police Officers (ACPO).

ACPO are aware that weapons such as machetes and other types of swords have been used in acts of violence and believe these types of weapons should be added to the Offensive Weapons Order. ACPO add that the best method of enforcement would be the same as for other weapons proscribed on the Order which is through intelligence led enforcement operations in weapons hotspots or by targeting individuals or groups.

Victims groups believe there are other weapons have been used in violent crime that should be added to the Offensive Weapons Order. They suggest that weapons should be categorised (i.e. hunting knives, combat knives, fantasy knives, machetes, sci-fi knives, and all replica swords). They also expressed concern that all of these weapons can be bought from the internet, high street and car boot sales and that they do not serve any legitimate purpose to the general public. They therefore believe all these weapons should be added to the Offensive Weapons Order.

Others, including a former officer with the Metropolitan and the City of London Police forces who is also a martial arts instructor, considers that no matter what weapon is added to the Offensive Weapons Order, it will have no effect on the UK's knife culture. He suggests that the favourite weapons used in crime are the knives that are cheap, readily available and easy to dispose of.

Chapter 5

Exemptions and defences for existing offensive weapons

- 5.1 The proposal was whether there should be exemptions and defences for existing offensive weapons.
- 5.2 89 responses to this proposal were received. The breakdown of responses to the question is shown in the table below:

Are there any exceptions, exemptions or defences in respect of existing offensive weapons which should be added?

Category	"All (no.)"	"All (%)"	Police	"Martial Arts Org"	"Collectors & Re-Enactors Org"	Traders	Indiv.	"Victims Group"	Other
Yes	74	83%	1	8	7	6	47	1	4
No	15	17%	2	0	1	3	8	0	1
Total	89	100%	3	8	8	9	55	1	5

Responses include the suggestion that there should be defences for the carrying of weapons for martial arts purposes to or from the place of training; weapons carried for historical re-enactment purposes either to or from the place of enactment or any weapons carried for demonstration/ educational purposes for assisting with lectures.