

Written evidence submitted by Christopher J Bolton (OWB120)

1. Summary.

- I am concerned that provisions in s15 of the Offensive Weapons Bill would make it unnecessarily difficult for people to obtain knives as tools rather than as weapons, in particular for safety purposes in outdoor activities.
- Although s16 gives a defence relating to "sporting purposes" the definition is restricted to combat sports.
- The revised definition of a "flick knife" in s19 will make many knives currently carried as safety tools in outdoor sports illegal. This will put participants at risk of being unable to free themselves or others in an emergency.
- I appreciate the need to reduce the use of knives as weapons, but I believe the likely benefit from the proposals as drafted will be small and the potential harm to innocent users disproportionate.
- I have reviewed the Second Reading debate in Hansard and the points I raise were not discussed there, nor are they discussed in the Impact Assessment.

2. Expertise of Witness. I am a recently retired Chartered Engineer. I spent much of my career in nuclear safety and security and am familiar with interpretation of legislation and drafting of procedures and guidance. I am a keen canoeist, a qualified Sea Kayak Leader and have experience in mountaineering and caving.

3. Knives as safety equipment. In many outdoor sports, particularly those that use ropes as normal equipment or for emergencies, the carrying of a knife is an essential safety precaution. For example, climbers and cavers may find their ropes are jammed and have to be cut. Divers may become tangled in lines or seaweeds. Canoeists and kayakers use ropes to rescue companions who capsize or need to be towed, but turbulent water can mean these need to be released urgently; they may also need to cut their way out of a trapped kayak. Fatalities have occurred as a result of a suitable knife being unavailable. The knives carried for these safety purposes are designed to be accessible and usable while minimising the risk of accidental injury. While not a customised product, they can only be obtained from specialist retailers which are not local to most purchasers.

4. Problems with defining specific items as weapons. The principle adopted in the Prevention of Crime Act 1953 is that any item can be an offensive weapon if intended to be used as such. Strengthening this general approach has much to commend it. By contrast, while defining specific items as weapons reduces reliance on the judgement of the police and courts, it has two disadvantages. Firstly, in the case of items which have other uses than as weapons, it can criminalise these uses. Secondly, those who wish to carry weapons will move on to other items; the restrictions on knives have now led to the need to control corrosive substances. This approach is likely to require ongoing legislation as new weapons emerge.

5. Effectiveness for intended purpose. s15 is intended to prevent persons under 18 from circumventing s141A of the Criminal Justice Act 1988 by obtaining bladed weapons by mail order. This is unlikely to significantly change the ability of minors to obtain weapons; for example, they could be supplied by older gang members, they could steal kitchen knives, they could make blades from many easily available items, etc. It would, however, have the unintended effect of prohibiting any person from obtaining any bladed item by mail order, which would be disproportionate to the likely benefit.

6. Limited scope of defence. s16(4) includes a defence to conviction under s15 relating to bladed products for sporting purposes. The definition of 'sporting purposes' in s16(9) relates solely to combat sports, and should be extended to cover sports where knives are used as safety equipment. The Bill does not, in general, adequately reflect the fact that there are many uses for knives other than as weapons.

7. Definition of a flick knife. s19 amends the definition of a flick knife and also makes possession for one's own purposes an offence, which is substantially more onerous than the existing Restriction of Offensive Weapons Act 1959, where the offence is (in effect) possession for distribution to others.

7.1 The first change to the definition in s19(1)(a) says "any knife which has a blade which opens automatically ... by manual pressure applied to a button, spring or other device in or attached to the knife". This is unclear, and could be applied to any folding knife. The word "automatically" is contradicted by the words "by manual pressure". An action that requires manual pressure is by definition not automatic. A better wording would be "which opens automatically ... following manual pressure". Secondly, the definition in s19(1)(a) refers to "a button, spring or other device in or attached to the knife", rather than "in or attached to the handle of the knife". This has a much broader scope.

7.2 I own two safety knives, one of which I carry on every canoe or kayak trip. These are shown in Figures 1 and 2. It is important that I can deploy a safety knife with one hand, as I may need my other hand to hold another canoe, or keep myself above water, etc. The knife in figure 1 is opened by sustained lateral pressure against the stud on the blade (not the handle). The knife in figure 2 is locked into its sheath for safety and requires pressure on the button on the sheath before it can be withdrawn. I believe I would currently have a defence of 'good reason' under the Criminal Justice Act 1988 if I carried one of these knives as part of my equipment while engaged in kayaking activities. Possession, not just carrying, of either of these could be an offence under the proposed s19.



Figure 1

Figure 2

8. Recommended changes to s15. Ideally, s15 should be removed or amended so that it is not a "catch-all" for all ages of purchaser and types of blade. Online purchases by minors could be prevented by other means; for example, by requiring that the item is paid for using a credit card and delivered to the

card-holder's address. I recognise, however, that the support for the Bill in its second reading makes this unlikely.

9. Recommended changes to s16. Assuming (despite the recommendation above) that s15 is retained in a similar form, the definition of 'sporting purposes' in s16(9) should be expanded to include a defence for bladed products used as safety equipment, not as a weapon, in outdoor sports such as sailing, diving, climbing, caving, canoeing and kayaking, etc.

10. Recommended changes to s19. The wording in the definition of a "flick knife" should be changed from "by manual pressure" to "following manual pressure", so that it would clearly not include knives where the blade is deployed by sustained manual pressure. If this is not acceptable, a defence relating to knives carried for use other than as a weapon should be included.

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