

## **Knives and offensive weapons information**

We have put together a series of frequently asked questions on knives and offensive weapons, covering

- importing, manufacturing, selling or hiring
- blades (length, samurai swords and lock knives)
- carrying knives in public
- miscellaneous knife issues

You can find this information on the [Home Office pages of The National Archives](#).

### **Carrying an article with a blade or point or an offensive weapon in a public place**

Section 1 of the Prevention of Crime Act 1953 and section 139 of the Criminal Justice Act 1988 respectively provide for offences of having an offensive weapon in a public place without lawful authority or reasonable excuse and having an article with blade or sharply pointed in a public place without lawful authority or good reason. Section 139A of the Criminal Justice Act 1988 provides that it is an offence to have an article within either of the above offences on school premises.

Sections 139 and 139A of the Criminal Justice Act 1988 apply to any article which has a blade or point except a folding pocketknife unless the cutting edge of its blade exceeds 7.62 centimetres (3 inches).

Section 1 of the Prevention of Crime Act 1953 provides that an offensive weapon is 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 or by some other person.

#### **Defences**

It is a defence for a person charged with an offence under section 139 of the Criminal Justice Act 1988 to prove that he or she had good reason or lawful authority for having the article in a public place. There are also specific defences in respect of:

- use at work
- religious reasons or
- carrying the item as part of a national costume

In addition, to the defences above, it is also a defence in respect of the offence under section 139A of the Criminal Justice Act 1988 to prove that the person had the article for educational purposes.

An example of what might be considered lawful authority under section 1 of the Prevention of Crime Act 1953 is a police officer carrying a truncheon. What is 'reasonable excuse' under the Prevention of Crime Act 1953 or 'good reason' under the Criminal Justice Act 1988 would depend on the circumstances. It would be for an individual to demonstrate that he or she has a good reason or reasonable excuse to possess a bladed article or offensive weapon in public. Whether the individual's explanation amounts to a 'good reason' or a 'reasonable excuse' is a matter for the courts to determine.

In these contexts 'public place' includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise. By way of example the following have held to be a public place: a field where point-to-point races are held; a football stadium; hospital grounds where visitors to the hospital and their friends were permitted to enter; and a public house car park.

For the purposes of sections 139 and 139A of the Criminal Justice Act 1988, the courts have held:

- a butterknife, with no cutting edge and no point is a bladed article; (*Booker v DPP* 169J.P. 368, DG)
- a screwdriver is not a bladed article; (*R v Davis* [1998] Crim L.R 564 CA)
- a 'lock knife' does not come into the category of 'folding pocket knife' because it is not immediately foldable at all times; (*R v Deegan* [1998] 2 Cr. App. R. 121 CA)

It should be noted that even if an article is not considered to have a blade or point within the meaning of section 139 of the Criminal Justice Act 1988, it could still be an offensive weapon under section 1 of the Prevention of Crime Act 1953 if the article is made or adapted for use for causing injury, or it is intended by the person carrying it for such use or by some other person for such use.

The maximum penalty for these offences is a prison sentence of four years, or a fine, or both.

Section 142 of the Legal Aid Sentencing and Punishment of Offenders Act 2012, makes an offence of carrying a knife or offensive weapon in a public place, or school, where the weapon is used to threaten or endanger another. This attracts a minimum mandatory sentence of 6 months for over 18-year-olds and a minimum 4-month detention and training order for those aged 16 and 17.

### **Manufacture, import, sale or hire, etc of offensive weapons**

Section 1 of the Restriction of Offensive Weapons Act 1959 makes it an offence to manufacture, import, sell or hire, or offer for sale or hire, expose or have in their possession for the purpose of sale or hire, or lend or give to any other person:

- any knife with a blade which opens automatically by hand pressure, sometimes known as a flick knife or flick gun or
- any knife which has a blade released by the force of gravity or application of centrifugal force, sometimes known as gravity knives

In addition the importation of any such knife is prohibited.

No exceptions or defences apply to this section of the 1959 Act.

### **Specified weapons**

Section 141 of the Criminal Justice Act 1988 provides that it is an offence to manufacture, sell or hire, offer for sale or hire, expose or have in his possession for the purpose of sale or hire of or lending or giving to any other person certain specified weapons. The Criminal Justice Act (Offensive Weapons) Order 1988 (S.I 1998/2019) (as amended) provides that the following are specified weapons for the purpose of section 141:

- 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 hard 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 a 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.'

The prohibition does not apply to weapons of the above description which are antiques. For these purposes a weapon is an antique if it was manufactured more than 100 years before the date of any alleged offence having been committed.

Section 141(4) provides that the importation of a weapon to which section 141 applies is prohibited. Breach of this prohibition is an offence under section 50 (2) and (3) of the Customs and Excise Management Act 1979.

### **Defences**

It is a defence for a person charged with an offence under section 141(1) of the 1988 Act, or an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation) in respect of conduct relating to specified weapons, to show that his or her conduct was only for the purposes of:

- functions carried out on behalf of the Crown or a visiting force
- making the weapon available to a museum or a gallery in certain circumstances
- theatrical performances and rehearsals of such performances
- the production of certain films
- the production of certain television programmes

Additional defences apply to swords with a curved blade of 50 cm or over in length, including those commonly known as samurai swords. These are 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
- the weapon is to be made available for the organisation and holding a historical re-enactment or a sporting activity for which public liability insurance is held in relation to liabilities to third parties, or
- the weapon is to be made available for use in religious ceremonies

### **Crossbows**

Crossbows are subject to statutory controls by virtue of the Crossbows Act 1987. This act makes it an offence to sell or hire a crossbow, with a draw weight of 1.4 kilograms or greater, to persons under the age of 18, and prohibits persons aged under 18 from selling or hiring a crossbow.

In addition persons under the age of 18 are prohibited from possessing a crossbow which is capable of discharging a missile or parts of a crossbow which together (and without any other parts) can be assembled to form a crossbow capable of discharging a missile, unless supervised by someone aged 21 or over.

The maximum penalty for the sale or hire of a crossbow is six months' imprisonment or a fine not exceeding level 5 on the standard scale or both on summary conviction. The maximum penalty for the purchase, hire or possession of crossbows by under 18s is a fine not exceeding level 3 on the standard scale.

Additionally, under legislation such as the Wildlife and Countryside Act 1981 and the Deer Act 1991 it is an offence to use any type of bow and arrow or crossbow for hunting purposes.

## **Sale of knives and offensive weapons to persons under 18**

Section 141A of the Criminal Justice Act 1988 makes it an offence to sell or let on hire to a person under 18 years:

- any knife, knife blade or razor blade
- any axe
- any sword
- any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person

The maximum penalty for this offence is six months imprisonment, or a fine, or both.

In Scotland it is not an offence to sell or let on hire a knife or blade that is designed for domestic use if the person is aged over 16.

This section does not apply to:

- any weapon to which section 141 of Criminal Justice Act 1988 applies
- any article described in section 1 of the Restriction of Offensive Weapons Act 1959
- a folding pocket-knife if the cutting edge of its blade does not exceed 7.62 cm (3 inches)
- razor blades permanently enclosed in a cartridge or housing where less than 2 mm of any blade is exposed beyond the plane which intersects the highest point of the surfaces preceding and following such blades

It is a defence to show that the accused believed the purchaser or hirer to be over 18 years old and he either took reasonable steps to establish the purchaser or hirer's age or no reasonable person could have suspected from the purchaser or hirer's appearance that he was under 18 years of age.

### **Legislation**

These links will take you to the main pieces of legislation that control the possession of knives and offensive weapons:

[Criminal Justice Act 1988](#)

[Crossbows Act 1987](#)

[Knives Act 1997](#)

[Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)

[Prevention of Crime Act 1953](#)

[Restriction of Offensive Weapons Act 1959](#)