



Ministry
of Justice

Knife Possession Sentencing Quarterly, England and Wales

April to June 2015

Ministry of Justice
Statistics bulletin

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Introduction

This bulletin presents key statistics describing the trends in the number of offenders receiving cautions and convictions, being under probation supervision and in the prison population for knife possession offences in England and Wales. This bulletin does not cover all knife crimes (offences involving a knife) as published by the Office for National Statistics¹.

The publication provides provisional figures for the latest quarter (April to June 2015) with accompanying commentary and analysis. The information provided is a summary of three types of knife and weapon possession offences:

- possession offences of having an article with a blade or point in a public place or on school premises,
- possession of offensive weapon without lawful authority or reasonable excuse in a public place or on school premises,
- offences involving threatening with a knife or offensive weapon in a public place or on school premises (introduced on 3rd December 2012² – an aggravated form of a possession offence occurs when an offender in possession of a knife or offensive weapon uses it to threaten and endangers others).

In previous bulletins, where reference was made to knife possession offences, only offences involving the possession of knives or offensive weapons were included, key statistics describing the trends in threatening offences were presented separately. Where reference is made to knife possession offences in this bulletin, all three types, as described above, are included. This change has been made so that overall trends in the knife possession offences in England and Wales can be presented. Tables providing information for each of the three offence groups individually are also presented.

The key events that might be expected to affect the statistics presented in this bulletin can be found in Annex B. To note, on 17 July 2015 Section 28 and Schedule 5 to the Criminal Justice and Courts Act 2015 came into force³. This introduced a minimum custodial sentence for those aged 16 or over who are convicted of a second offence of possessing an offensive weapon or bladed article. However, this publication only provides figures for the latest quarter (April to June 2015), and so this change will not be reflected in the statistics presented.

¹ <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-march-2015/stb-crime-march-2015.html#tab-Offences-involving-knives-and-sharp-instruments>. Details of other official statistics publications regarding knife related statistics can be found in Annex E.

² www.gov.uk/government/news/new-sentences-and-criminal-offences-come-into-effect.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447961/second-strike-knife-possession.pdf

Data Sources

This report draws on data from the following sources:

- Data on cautions and convictions are collected from the Police National Computer (PNC) – tables 1-5. Due to the number of updates as more case information becomes available on the PNC, a methodology has been developed to estimate the number and breakdown of disposals given for the possession of a knife or an offensive weapon in the most recent four quarters. Annex C provides further details of this methodology.
- The probation data has been drawn from local probation administrative IT systems – tables 6-8
- Prison population are drawn from prison administrative IT systems.

Feedback requested

The structure and content of this report is continually being reviewed to reflect user requirements. If you have any feedback about these changes, or report more generally, please contact the production team using the contact details at the back of the report.

Current and previous editions of this publication are available for download at www.gov.uk/government/organisations/ministry-of-justice/series/knife-possession-sentencing-quarterly.

The next publication of the Knife Possession Sentencing Quarterly is scheduled to be published on 10th December 2015, covering the period July to September 2015.

Key findings

For the period April to June 2015 (Q2 2015) it is estimated that:

- 4,300 knife possession offences were formally dealt with by the criminal justice system (CJS); an increase of 4% on the previous quarter and a rise of 9% when compared with Q2 2014. The latest figures is a change in the trend where the numbers of these offences have been generally stable over the previous six quarters. The increase is driven by a steeper rise in the proportion of disposals for juvenile offenders (12%), compared to adult offenders (2%) between the current quarter and the previous quarter.
- The increase coincides with similar increases in police recorded crime for these offences.

Of those crimes;

- the number of adult offenders given a custodial sentence continues to increase – in the latest quarter 35% of adult offenders received custody, the highest proportion it has been since 2007.
- the number of adult offenders given cautions continues to fall - in the latest quarter just 10% of adult offenders received a caution; as in the previous quarter (Q1 2015) this continues to be the lowest proportion it has been since 2007.
- just over one in five (21%) adult offenders received a suspended sentence for these offences.
- compared to seven years ago juvenile offenders are now more likely to receive an immediate custodial sentence; 12% of juvenile offenders now receive a sentence of immediate custody, up from 7% in Q2 2008, whereas 31% of juvenile offenders now receive a youth caution⁴, down from 45% in Q2 2008.
- threatening with a knife or offensive weapon accounted for 3% of all knife possession offences.
- custodial sentence lengths continue to increase; the average custodial sentence length for offenders sentenced to immediate custody was 245 days, an increase of 80% on the same quarter 2008.

⁴ Since April 8th 2013 youth cautions were introduced replacing reprimands and warnings for young offenders.

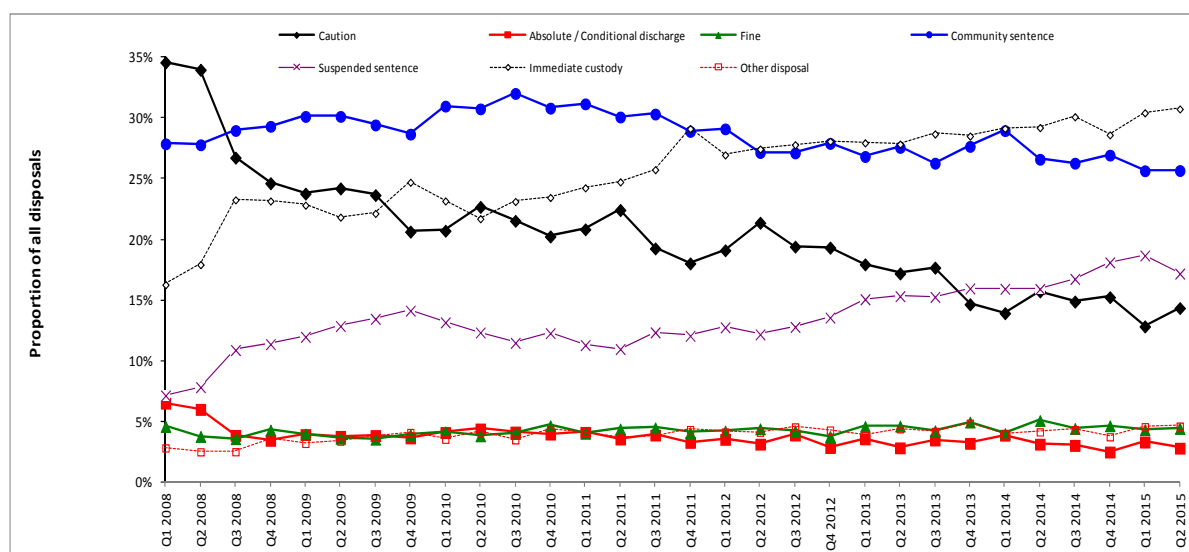
Knife Possession Sentencing

The total number of offences formally dealt with by the criminal justice system (CJS) for knife possession offences increased in Q2 2015. 4,300 offences were dealt with by the CJS in Q2 2015, compared to 3,951 offences in Q2 2014 and 4,128 in the previous quarter.

On 3 December 2012, an aggravated form of a possession offence was introduced. This offence occurs when an offender in possession of a knife or offensive weapon uses it to threaten and endangers others i.e. offences relate to threatening offences rather than offences where a knife is actually used. In Q2 2015 this offence accounted for 3% of all knife possession offences.

The levels of police recorded crime⁵ for offences involving the possession or threatening with a knife or offensive weapon over the same period have also increased. In the year ending March 2015 the police recorded 17,426 offences involving a knife or offensive weapon, a 6% increase when compared with the same period a year ago.

Figure 1: Proportion of type of disposal given for knife possession offences in England and Wales, between Q1 2008 and Q2 2015



Notes:

- 1) Figures for Q3–Q4 2014 and Q1–Q2 2015 include estimated figures based on historical data changes. Please see Annex C for further details.
- 2) From Q1 2013 offences involving threatening with a knife or offensive weapon have been included.

The most common disposal for a knife possession offence is still immediate custodial (31%), a change from the beginning of 2008 when less than a fifth (16%) of offenders received this disposal, with over a third (35%) receiving a caution. For those sentenced to immediate custody, the average custodial sentence length was 245

⁵ <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-march-2015/index.html>

days in Q2 2015; an increase of 8 days when compared to the previous quarter and a rise of 18 days when compared with Q2 2014 and 109 days when compared to the same quarter in 2008.

Adult offenders were more likely to receive an immediate custodial sentence for knife possession offences (35%). A little over one in five (21%) adult offenders received a suspended sentence compared to 23% in the previous quarter and 19% in Q2 2014.

Over time there has been a significant fall in the proportion of adult offenders given a caution. In the latest quarter, 10% of adults offenders received a caution which, since Q1 2015, has been the lowest level since 2007, when over a third of adults received this disposal. This decline has in part been driven by the revised guidance on cautions that was issued in November 2013. The guidance made it clear that simple cautions should not be given for possession of a knife, and other serious either way offences, unless their issue was signed off by at least an Inspector. Since then statutory restrictions around the use of cautions, including their use for possession of a knife, have also been included in the Criminal Justice and Courts Act 2015⁶ which came into force in April 2015.

Juvenile offenders were more likely to receive a community sentence for a knife possession offence (50%). A little under a third (31%) were given a youth caution⁷ - this proportion has remained relatively stable during the last three years, but is significantly lower than in Q2 2008 where 45% of juvenile offenders received cautions.

There has also been an increase in the number of juvenile offenders receiving an immediate custodial sentence; in Q2 2015 12% of juvenile offenders received a sentence of immediate custody compared with 7% in Q2 2008.

Criminal history of those cautioned or sentenced for knife possession offences

Offenders with no previous knife possession offences were more likely to receive a community sentence (30%) in the 12 months ending June 2015. This has changed substantially over the last six years, in the 12 months ending June 2009 first time offenders for knife possession offences were more likely to receive a caution (33%), than any other outcome. Whereas offenders with at least one previous knife possession offence on their record were more likely to receive an immediate custodial sentence (46%), which has changed little over the last 6 years.

The likelihood of a custodial sentence for adult offenders rose in relation to the number of previous knife possession offences; 24% of adult offenders with no previous convictions received an immediate custodial sentence compared to 56% for those with three or more previous offences.

⁶See section 17 at www.gov.uk/government/uploads/system/uploads/attachment_data/file/428204/cjc-act-circular.pdf

⁷ Since April 8th 2013 youth cautions were introduced replacing reprimands and warnings for young offenders.

Juvenile offenders were more likely to receive a community sentence whether or not they had a previous knife possession offence; 54% of those with no previous knife possession offences and 60% of those with one or more previous knife possession offence. Only 2% of juvenile offenders received a caution after having a previous knife possession offence which compares to 33% of offenders with no previous knife possession offences.

Offenders⁸ commencing probation

In Q2 2015 there were 1,023 court order starts under probation supervision for possession of an offensive weapon; this represents an increase of 19% from Q2 2014 and 10% from Q2 2013. Community orders increased by 25% and suspended sentence orders increased by 12% over the past year.

The proportion of those given unpaid work for community orders, as a percentage of all requirements, has risen over the past year, from 26% to 31%; and 25% to 28% for suspended sentence orders. Where unpaid work requirements were started under community orders the proportion of longer requirements has decreased over the past year; for suspended sentence orders the proportion has also decreased.

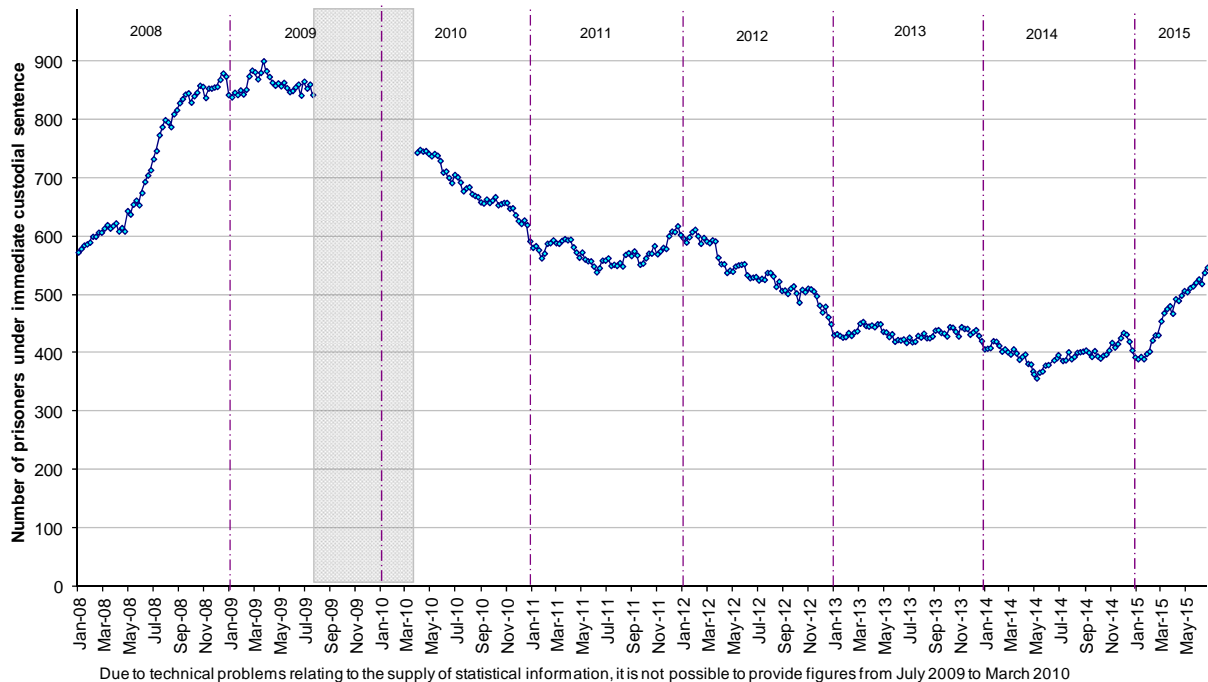
- For community orders, in Q2 2015, 14% of unpaid work requirements were recorded as being 200 hours or longer, compared to 13% in Q2 2014.
- For suspended sentence orders, in Q2 2015, 16% of unpaid work requirements were recorded as being 200 hours or longer, compared to 15% in Q2 2014.

Offenders in prison for knife possession offences

546 offenders were in prison serving a sentence for possession of an offensive weapon on 26 June 2015, up 40% from a year ago and reversing the overall downward trend seen in the prison population for this offence since early 2009. This trend now appears to coincide the general increase in the use and length of custodial sentences for possession offences.

⁸ Due to a change in the collection methodology of probation supervisions data in June 2014, the numbers shown for Q2 2014 are slightly lower than we would expect to see for this quarter.

Figure 2: Prison population under sentence for possession of an offensive weapon⁹ (excludes recalls) in England and Wales, between January 2008 and June 2015



⁹ Includes having an article with a blade or a point.

Annex A: List of Accompanying Tables

Accompanying this publication are the following tables

Table 1	Knife possession offences resulting in a caution or sentence, in England and Wales, annually from year ending June 2009 and quarterly from Q4 2007
Table 1a	Knife possession offences resulting in a caution or sentence by offence type, in England and Wales, annually from year ending June 2009 and quarterly from Q4 2007
Table 2	Knife possession offences resulting in a caution or sentence by age group, in England and Wales, annually from year ending June 2009 and quarterly from Q4 2007
Table 2a	Offences involving the possession of a knife or offensive weapon resulting in a caution or sentence by age group, in England and Wales, annually from year ending June 2009 and quarterly from Q4 2007
Table 2b	Offences involving threatening with a knife or offensive weapon resulting in a caution or sentence by age group, in England and Wales, annually from year ending June 2014 and quarterly from Q1 2013
Table 3	Knife possession offences resulting in an immediate custodial sentence, in England and Wales, annually from year ending June 2009 and quarterly from Q4 2007
Table 4	Knife possession offences resulting in a caution or sentence by police force area, in England and Wales, annually from year ending June 2009
Table 5	Number of previous convictions or cautions for the possession of a knife or offensive weapon offences for offenders convicted or cautioned for a knife possession offence by disposal category, broken down by age group, in England and Wales, annually from year ending June 2009
Table 5a	Number of previous convictions or cautions for the possession of a knife or offensive weapon offences for offenders convicted or cautioned for a possession offence by disposal category, broken down by age group, in England and Wales, annually from year ending June 2009
Table 5b	Number of previous convictions or cautions for the possession of a knife or offensive weapon offences for offenders convicted or cautioned for threatening with a knife or offensive weapon offence by disposal category, broken down by age group, in England and Wales, annually from year ending June 2014
Table 6	Offenders commencing a court order under probation supervision for possession of an offensive weapon, in England and Wales, annually from year ending June 2009 and quarterly from Q4 2007

Table 7 Requirement starts for possession of offensive weapon, in England and Wales, annually from year ending June 2009 and quarterly from Q4 2007

Table 8 Unpaid work requirements started by length of requirement given for possession of offensive weapon in England and Wales, annually from year ending June 2009 and quarterly from Q4 2007

Annex B: Key Events

The key events that might be expected to affect the statistics in this bulletin were:

- On 21 May 2008, the Court of Appeal issued the judgment in *Povey*¹⁰ that said, because of prevalence, magistrates should normally sentence those convicted of knife crime possession offences at the top end of the range.
- The Sentencing Guidelines Council issued an update to the magistrates' courts guidelines, with effect from 4 August 2008, which set out the effect of the Court of Appeal judgment and made it clear that the starting point for the lowest level of knife possession amongst adults should be 12 weeks' custody. This applies in cases where a first time offender pleads not guilty to possession of a knife in non-dangerous circumstances. A guilty plea would attract a discount in the normal way, as would any personal mitigation, and could take the sentence below the custody threshold.
- Since September 2008 all probation areas have been able to provide intensive delivery of 300 hour Community Payback sentences for unemployed offenders convicted of knife crime offences, who are on the brink of custody. In January 2009 this offer of intensive delivery of a minimum of 18 hours per week over three days was extended to Community Payback sentences of any length imposed for an offence of knife crime, when an offender is unemployed.
- From 3 December 2012, new offences of aggravated knife possession came into force. Anyone aged 16 or over who uses a knife or offensive weapon to threaten and endanger others in a public place or in a school will face a minimum custodial sentence, unless the court considers there to be particular circumstances which would make it unjust to do so.¹¹
- In November 2013 revised guidance on cautions was issued. The guidance made it clear that simple cautions should not be given for possession of a knife, and other serious either way offences, unless their issue was signed off by at least an Inspector.
- In April 2014, the Court of Appeal issued the judgment in *Monterio*¹² that said the Youth Courts should maintain the sharp focus called for in *Povey*⁷ by imposing appropriate sentences that will contribute to preventing further offending and to a reduction in knife crime.
- Statutory restrictions around the use of cautions, including their use for possession of a knife, included in the Criminal Justice and Courts Act 2015¹³, came into force in April 2015

¹⁰ *Povey & Ors, R. v, Court of Appeal - Criminal Division, May 21, 2008, [2008] EWCA Crim 1261.*

¹¹ For legislation, see: www.legislation.gov.uk/ukpga/2012/10/contents/enacted

¹² *Monterio & Others, R. v, Court of Appeal - Criminal Division, April 16, 2014, [2014] EWCA Crim 747.*

¹³ See section 17 at

www.gov.uk/government/uploads/system/uploads/attachment_data/file/428204/cjc-act-circular.pdf

- On 17 July 2015 Section 28 and Schedule 5 to the Criminal Justice and Courts Act 2015 came into force¹⁴. This introduced a minimum custodial sentence for those aged 16 or over who are convicted of a second offence of possessing an offensive weapon or bladed article. The minimum custodial sentence is six months for those aged 18 or over and a four month detention and training order for 16 and 17 year olds.

¹⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447961/second-strike-knife-possession.pdf

Annex C: Assessing the accuracy of estimation method

During the development of the October to December (Q4) 2013 bulletin, a methodology was introduced to estimate the number and breakdown of disposals given for two types of knife possession offences:

- possession offences of having an article with a blade or point in a public place or on school premises.
- possession of offensive weapon without lawful authority or reasonable excuse in a public place or on school premises.

This annex assesses the accuracy of this methodology.

Whilst developing the bulletin significant changes were seen in the disposal figures from those initially published for each quarter when compared with those released over the following year. The main reason for this change was that the data held on the Police National Computer (PNC) is updated with new information each month for not only the current month, but also for all previous months included in the PNC dataset. This difference was particularly noticeable for the number of immediate custodial sentences and other disposals. Initial investigations showed that the scale of the changes over time was stable, and so a new methodology was introduced to predict these final sentencing figures for the most recent four quarters.

Table 1 below illustrates the accuracy of the estimation process that was used to provide the statistics that were published for Q2 2014 by comparing non-estimated and estimated figures by disposal group with the actual figures published one (Q2 2015) year on.

Table 1: Changes in the number of disposals reported for knife possession offences in Q2 2014 between the non-estimated, estimated and final actual figures

Disposal category	Q2 2014 - non estimated	Q2 2014- estimated	Q2 2014 - actual figures	% change - non estimated to actual figures	% change - estimated to actual figures
Caution	608	621	620	2	0
Absolute/Conditional discharge	106	117	125	18	7
Fine	182	196	202	11	3
Community sentence	1,023	1011	1,031	1	2
Suspended sentence	625	612	620	-1	1
Immediate custody	901	1082	1,090	21	1
Other disposal	375	203	156	-58	-23
All disposals	3,820	3,842	3,844	1	0

As outlined above, figures show that there were large differences between the non-estimated and the actual final figures for those receiving an immediate custodial sentence or other disposal, with differences of 21% and 58% respectively. However, when the estimated figures are compared with the actual final figures for these two disposal categories there is less change, with difference of 1% and 23% respectively.

The biggest impact/change is seen in an increase in the figures for immediate custody and related decrease in the 'other disposal category'.

This showed that the methodology being used had been successful in predicting the changes seen in disposals over the year and so it was decided that future bulletins would continue to use this methodology for the most recent four quarters.

We continue to review this methodology and provide updates on the accuracy of our estimates. In the future we are going to be looking into extending this estimation methodology for the threatening offences.

Annex D: Explanatory notes

Data quality and sources

Tables 1 to 5b

The statistics presented in tables 1 to 5b in this bulletin are drawn from an extract of data held on the Police National Computer (PNC) as at 7th August 2015.

The PNC is a large administrative database containing information about police cautions and court convictions held by individual offenders in England and Wales. As an administrative system, the PNC is regularly updated as new information about particular individuals becomes available. For example, an offender with previous convictions may have recently been charged with another offence, appeared in court against this charge and then been subsequently convicted of this offence. This information would then be updated accordingly against that individual's record in the PNC.

As these updates involve some element of manual data entry alongside more automated systems, there can be delays in the database becoming updated with the latest information about an offender's convictions. As such, the number of cautions/convictions recorded in the PNC extract for knife possession offences, in particular for the most recent quarter included in this bulletin, is likely to be lower than the actual number of cautions/convictions given in the period.

In addition, the different disposals recorded in the PNC extract for knife possession offences in recent quarters are also subject to some change. This is partly due to the delays in updating recent court outcomes on the PNC, but is also due to the fact that, while some individuals will have been convicted of a knife possession offence in a magistrate's court during the quarter, information about the disposal they received is not yet available as the case has been passed to the Crown Court for sentencing at a later date. These cases will be updated when information about the final sentence given for the offence becomes available.

As a result of these updates, the statistics presented in this bulletin for the most recent four quarters are based on estimates as described in Annex C.

Tables 6 to 8

The probation data has been processed from data collected and held centrally by the Ministry of Justice. The data are drawn from the local probation administrative IT systems from each of the 35 probation trusts in England and Wales. The figures showing the numbers starting court orders relate to the number of *offenders* starting probation supervision in a given period. The numbers drawn from the PNC data in tables 1 to 5b relate to the total number of *offences* committed by offenders given particular disposals, which are likely to be greater than the number of offenders. Also, the probation data shows offenders convicted of the more general offence of 'possession of an offensive weapon'. This will include possession of knives, as well the particular offence of 'possession of an article with a blade or point', but these cannot be separately distinguished in the probation data.

Prison population data presented in this bulletin are drawn from the prison administrative IT systems. The figures showing the numbers under sentence refer to the number of *offenders* serving a custodial sentence. Figures drawn from PNC data refer to the number of *offences* committed by offenders given particular disposals. Prison establishments routinely provide records of the numbers of persons held in custody at the end of each month, broadly subdivided according to age, sex, custody type and sentence length. The records are collated and processed centrally. However, data recorded by prisons only show the numbers serving a sentence for the general offence of “possession of an offensive weapon”. This offence includes the possession of a knife but can also include possession of other dangerous weapons (excluding firearms).

Due to technical problems relating to the supply of data for statistical purposes it has not been possible to provide data relating to the prison population for specific offence types from July 2009 to March 2010.

Annex E: Other knife and sharp object related statistical released

Other government departments also release statistics relating to knives and sharp objects. Below are some links and brief outlines of other available sources.

- The Home Office provide a guidance document regarding the law for knives and offensive weapons.

www.gov.uk/government/uploads/system/uploads/attachment_data/file/186911/Knives_and_offensive_weapons_information_GDS_FAQ.pdf

www.gov.uk/find-out-if-i-can-buy-or-carry-a-knife

- The Home Office also publish statistics of offences involving knives and sharp instruments. This is contained within the *Crime in England and Wales* statistical bulletin and has a section called *Offences involving knives and sharp instruments*.

<http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-march-2015/stb-crime-march-2015.html#tab-Offences-involving-knives-and-sharp-instruments>

- The Department for Health release hospital admission data for assaults on an ad hoc basis. Within this data there is a category for X99 - *Assault by sharp object*. The link for the most recently released publication is listed below and the data can usually be found in the *Monthly HES data – Monthly topic of interest* section of the HES online website.

www.hscic.gov.uk/hes

Annex F: Glossary

Adult: An offender aged 18 and over.

Caution: A warning given to adult offenders who admit guilt and agree to be cautioned. They are issued on the instructions of a senior police officer where there is sufficient evidence for a conviction and it is not considered to be in the public interest to institute criminal proceedings.

Community sentence: An alternate to custodial sentence (sending offenders to prison) which allows offenders to make amends for their crimes. For juveniles the main community sentence used are the referral order and the Youth Rehabilitation Order (YRO). With a community sentence there are specific things the offender can, can't and must do while serving their sentence. Elements of a community sentence include: Supervision, Unpaid work, Specified activities, Prohibited activities, Accredited programmes, Curfew, exclusion, Residence, Mental health treatment, Drug rehabilitation, Alcohol treatment and attendance centre requirement for under 25s.

England and Wales – Total figures for England and Wales now include all police forces in England and Wales and the British Transport Police (BTP). The Home Office is responsible for policing the 43 police forces in England and Wales. There are also other authorities who prosecute offenders such as: Department for Work and Pensions (DWP), HM Revenue and Customs (HMRC) and Ministry of Defence (MOD).

Immediate custody: Unsuspended imprisonment for adults aged 21 or over and detention in a young offender institution for those aged 18 to 20. The maximum sentence available is 4 years. Juveniles aged 12 to 17 may receive a detention and training order of 4, 6, 8, 10, 12, 18 or 24 months.

Juvenile: An offender between the ages 10 and 17.

Offensive weapon: Any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such. Examples includes: a swordstick, a hollow walking-stick or cane containing a blade.

Reprimand and warning: Issued to juvenile first time offenders for minor offences. Reprimand and warning for juveniles are equivalent of cautions for adults. These were replaced by youth cautions on April 8th 2013.

Youth cautions: Introduced on April 8th 2013. They are formal out-of-court disposals for young offenders (aged 10 to 17) and intended to allow a more flexible response to offending than the preceding Final Warning Scheme. These now replace reprimands and warnings.

Suspended Sentence: A custodial sentence of 6 months or less in magistrate's courts and 2 years or less in the Crown Court, suspended for a period ranging from six months to two years available for **adults** only.

Contacts

Press enquiries on the contents of this bulletin should be directed to the Ministry of Justice press office:

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General information about the official statistics system of the United Kingdom is available from <http://statisticsauthority.gov.uk/about-the-authority/uk-statistical-system>

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