



SELLING & MARKETING KNIVES

The Knives Act 1997 creates criminal offences in relation to the possession or marketing of, and publications relating to knives. Here are simplified extracts of the Knives Act for your information:

The offences in relation to marketing

A person is guilty of an offence if he markets a knife in a way which-

- (a) indicates, or suggests, that it is suitable for combat; or
- (b) is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon.

An indication or suggestion that a knife is suitable for combat may, in particular, be given or made by a name or description-

- (a) applied to the knife
- (b) on the knife or on any packaging in which it is contained; or
- (c) included in any advertisement which, expressly or by implication, relates to the knife.

A person markets a knife if-

- (a) he sells or hires it;
- (b) he offers, or exposes, it for sale or hire; or
- (c) he has it in his possession for the purpose of sale or hire.

A person is guilty of an offence if he publishes any written, pictorial or other material in connection with the marketing of any knife and that material-

- (a) indicates, or suggests, that the knife is suitable for combat; or
- (b) is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon.

A person who is guilty of an offence within the Act is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or, on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both.

The defences

It is a defence for a person charged with the offences above to prove that—

(a) the knife was marketed, or the material was published in connection with marketing a knife —

(i) for use by the armed forces of any country;

(ii) as an antique or curio; or

(iii) as falling within such other category (if any) as may be prescribed;

(b) it was reasonable for the knife to be marketed in that way; and

(c) there were no reasonable grounds for suspecting that a person into whose possession the knife might come in consequence of the way in which it was marketed, or of the publishing of the material, would use it for an unlawful purpose.

“Knife” means an instrument which has a blade or is sharply pointed;

“Marketing” and related expressions are to be read with section 1(4);

“Prescribed” means prescribed by regulations made by the Secretary of State.

“Publication” includes a publication in electronic form and, in the case of a publication which is, or may be, produced from electronic data, any medium on which the data are stored;

“Suitable for combat” means suitable for use as a weapon for inflicting injury on a person or causing a person to fear injury;

“Violent behaviour” means an unlawful act inflicting injury on a person or causing a person to fear injury.

Selling and purchase of knives

In **England, Scotland and Wales** it is an offence to sell a bladed item to a person under the age of 18 years. This includes axes, knife blades and razor blades and any other item that is bladed or is sharply pointed. However;

You may sell to persons under 18 years a folding pocket-knife (non locking) if the cutting edge of its blade does not exceed 3 inches or razor blades permanently enclosed in a cartridge or housing where less than 2 millimetres of any blade is exposed beyond the plane which intersects the highest point of the surfaces preceding and following such blades.

Additionally in **Scotland only** the Police, Public Order and Criminal Justice (Scotland) Act 2006 (in addition to knives and knife blades etc) also prohibits the sale of swords to under 18's. The sale of knives or knife blades only to persons aged 16 upwards are also exempt if the knife or knife blade is 'designed for domestic use'.

So how do you protect yourself from selling knives to under age people?

[England & Wales]

If you have any doubt about a young customer's age, always ask to see photo ID such as a Driving Licence or one of the many local ID schemes used by shops who sell alcoholic drink. Many proof of age cards are Government approved under the Proof of Age Standards Scheme (PASS) and include many cards such as Validate, CitizenCard, Connexions, Young Scot and many others issued by local authorities. Each proof of age card carries a PASS approved hologram.



For more details see - www.pass-scheme.org.uk. If in doubt don't sell a knife or bladed instrument etc. and ask the young person to come back with proof of age or with an adult.

Although it is illegal to sell a knife, bladed/sharply pointed instrument to under eighteens, there is a defence if you can prove that you believed the young person was over eighteen or that you had reasonable grounds for believing so.

NEW - [Selling knives in Scotland – Prescribed identification]

The Criminal Justice and Licensing Act 2010 amends the Criminal justice Act 1988 in relation to the selling or letting on hire of knives and other articles with a blade or point (axes, knives, knife blades, swords and unenclosed razor blades). The amendments extend to Scotland only. It provides a defence for a person charged for an offence of selling or hiring to show that they believed the person to whom the article was sold or let on hire (referred to below as "the purchaser or hirer") was of or above the relevant age, and either;

- (i) the accused had taken reasonable steps to establish the purchaser or hirer's age, or
- (ii) no reasonable person could have suspected from the purchaser or hirer's appearance that the purchaser or hirer was aged under the relevant age.

"The relevant age" means -

- (a) in the case where the article is a knife or knife blade designed for domestic use, 16 years, and
- (b) in any other case, 18 years.

The accused is to be treated as having taken reasonable steps to establish the purchaser or hirer's age **if and only if** the accused was shown a Passport, European Union photocard driving licence (if the document would have convinced a reasonable person) or such other documents as the Scottish Ministers may prescribe -

Please Note: the above defence can only be relied upon if you comply with its requirements. Should you choose to verify age by other means it is allowed but you will have to defend yourself accordingly if reported for an offence. E.g. you may wish to see a valid shotgun or firearm certificate as they show a photograph and the date of birth of the holder.

The Sale and Hire of Crossbows, Knives and certain other Articles to Children and Young persons (Scotland) Order 2011 prescribes that a photographic identity card bearing the Proof of Age Standards Scheme hologram is an alternative form of ID that may be accepted.

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