



Home Office

# Banning Offensive Weapons

A consultation

# BANNING OFFENSIVE WEAPONS – A CONSULTATION

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## Foreword by Tony McNulty

Violent crime committed with bladed weapons is an ugly and destructive aspect of our society and totally unacceptable. The statistics reflect a far too common view amongst some, that carrying and using bladed weapons is a way of displaying strength and earning respect.

Our primary concern is public safety. Restricting the supply of weapons which are being used in violent crime is an important contributor to that. This consultation paper provides an opportunity to contribute to and shape the debate on whether we should ban “samurai swords” and certain other weapons.

The Government has been concerned for some time about the use of offensive weapons in violent crime and in particular a number of reports of weapons described as “samurai swords” being used in violent crime, including murders. Police advice is that the easy availability of “samurai swords” makes them the weapon of choice for growing numbers of young men with criminal intentions.

It is already an offence to carry a “samurai sword”, or any other bladed instrument in a public place (subject to specified defences, which include good reason or lawful authority). However we need to look at whether we should go further. Section 141 of the Criminal Justice Act 1988 prohibits the manufacture, import, sale, hire, offer for sale or hire etc of the weapons specified in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988.

There are 17 descriptions of weapons already listed on this Order, including butterfly knives, knuckle-dusters and batons. The aim of this consultation is to seek views on whether we should add further weapons to this Order. In reaching a conclusion we will take into account both responses to this consultation paper and the views expressed in the large volume of correspondence which we have received since we first raised the possibility of amending the Order.

**Tony McNulty MP**  
**Minister of State, Home Office**

## Introduction

The purpose of this paper is to seek views on whether certain weapons used in violent crime should be added to the list of offensive weapons in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988.

The paper is available as a printed document, and can also be downloaded from [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).

This consultation is being conducted in line with Code of Practice on Written Consultation issued by the Cabinet Office. The Code Criteria are set out in Annex C of this document.

A partial Regulatory Impact Assessment is available at Annex E.

The aim of this paper is to generate thought and discussion of these proposals in order to receive views and comment. In order to achieve this we are specifically distributing this document to and inviting comments from:

- Law Enforcement Agencies
- Victims of Crime organisations
- Collectors of weapons
- Martial Arts enthusiasts

The consultation is also open to any other interested parties who may have a view.

The full list of those who we consulted in developing this paper can be found at Annex A.

## How to Respond

### The closing date for comments is 28 May 2007.

There are a variety of ways in which you can provide us with your views.

You can email us at:

Offensiveweapons@homeoffice.gsi.gov.uk

Or you can write to us at:

**Offensive Weapons Consultation  
Specialist Crime 1 (Public Order and Police Co-Operation)  
5th Floor Fry Building  
2 Marsham Street  
London  
SW1P 4DF**

Additional copies of this paper are available through our website  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

### Alternative Formats

You should also contact the Offensive Weapon Consultation Team should you require a copy of this consultation paper in any other format, e.g. Braille, Large Font, or Audio.

### Responses: Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Home Office, the Government and related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a Statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with the obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, by itself, be regarded as binding on the Department.

Please ensure that your response is marked clearly if you wish your response and name to be kept confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Department will process your personal data in accordance with the DPA – in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual contributions will not be acknowledged unless specifically requested.

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Thank you for taking the time to read this document and respond.

## **What Will Happen Next?**

The consultation period will end on 28 May 2007.

We expect to publish a summary of the responses received within 3 months of the closing date for this consultation, and this will be made available on the Home Office website.

## Chapter 1: Crime involving Weapons

### Violent Crime

1.1 Anecdotal evidence and survey feedback<sup>1</sup> suggests that more young people are carrying knives in a perceived need to protect themselves or as a means of demonstrating “street cred”.

### Use of weapons in violent incidents

1.2 It is not possible at present to identify *all* offences involving the use of weapons other than firearms from national police recorded crime statistics.

1.3 Weapons were used in 22% of all BCS *violent* crimes in 2005/06, a similar proportion to 2004/05 BCS (25%, the apparent difference is not statistically significant).

1.4 The most common types of weapons used were knives (used in 7% of all BCS incidents of violence), hitting implements (7%), and glass or bottles (4%). The use of different types of weapons has remained constant between 2004/05 and 2005/06 BCS.

### What we are doing?

1.5 A nationwide knife amnesty was held from 24 May to 30 June 2006, during which almost 90,000 items were handed in to police, including bowie knives, machetes and other bladed weapons. The amnesty was one strand in our programme to tackle knife crime which includes tightening legislation, tough enforcement and prevention, and support for community organizations working with young people.

1.6 The Government supports the work of the police in tackling knife crime, particularly through dedicated, intelligence-led operations, such as Operation Blunt, run by the Metropolitan Police and the British Transport Police’s Operation Shield. These operations include education, community engagement and the use of technology for detecting knives.

1.7 We recognise the vital role played by communities in tackling gun and knife crime, and much excellent work is going on at present. We are very pleased to be able to support this via the Connected Fund, which has so far provided grants to 300 small community groups for local gun and knife crime projects.

1.8 The Department for Education and Skills, along with the Home Office, The Youth Justice Board and The Association of Chief Police Officers (ACPO), has operated Safer Schools Partnerships since Spring 2002, having police officers based in schools to reduce victimisation, criminality and anti-social behaviour.

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<sup>1</sup> The Communities that Care “Safer London Youth Survey”  
<http://www.communitiesthatcare.org.uk/news.html#201>

### Statistics on knife and other bladed weapon crime

Offences currently recorded as homicide where the method of killing was a sharp instrument (England and Wales)

Year	Total
1999/00	213
2000/01	214
2001/02	261
2002/03	265
2003/04	242
2004/05	256
2005/06	212

Number of convictions for possession of an offensive weapon (s.1 Prevention of Crime Act 1953) (England and Wales)

Year	Total
2000	4100
2001	4881
2002	5469
2003	5403
2004	5757
2005	5728

Number of convictions for possession of a knife (s.139 of the Criminal Justice Act 1988) (England and Wales)

Year	Total
2000	3511
2001	4299
2002	5281
2003	5308
2004	5784
2005	5961

Number of convictions for the import, sale or hire of an offensive weapons (s.141 of the Criminal Justice Act 1988) (England and Wales)

Year	Total
2000	1
2001	5
2002	5
2003	4
2004	12
2005	10

## Chapter 2: Banning the manufacture, import, sale, hire, offer for sale or hire etc of “samurai swords”

2.1 Section 141 of the Criminal Justice Act 1988 prohibits the manufacture, import, sale, hire, offer for sale or hire, exposure or possession for the purpose of sale or hire, and the lending or giving to any other person of the weapons specified in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988. There are 17 descriptions of weapons already listed on this Order, including butterfly knives, knuckle-dusters and batons. The aim of this consultation is to seek views on whether we should add further weapons to this Order. If further items are added to the Offensive Weapons Order, owners of such items, who acquired the weapons before they were added to the Order will not be committing an offence by keeping their weapons at home. However, they will not be able to do any of the things prohibited by section 141.

2.2 We are aware that a number of crimes have been committed using what have been described as “samurai swords” and we have already received representations from MPs and members of the public that such weapons should be banned.

### Distinction between types of “samurai sword”

2.3 Since the Government has made it clear that it was considering banning further offensive weapons, we have received representations from a wide variety of interest groups, outlining their particular case for purchasing and collecting “samurai swords”.

2.4 The Government has no wish unnecessarily to restrict or adversely impact on cultural, sporting or dramatic activities. We value the many traditions and pursuits that contribute towards our country’s heritage and diversity. Groups representing the following activities have been in contact with the Home Office to discuss their use of “samurai swords”:

- **Martial arts** – “samurai swords” are used in many martial arts, which revolve around strict codes of discipline and control
- **Collecting** – the preservation of the past by many individual collectors in England and Wales is important in itself, and often to the benefit of our museums and national heritage bodies.

### Definition

2.5 The Government aims to define “samurai swords” to catch those weapons used in violent crime. Reports have tended to describe any long bladed, curved weapon used in a violent crime as a “samurai sword”. In reality, weapons of this type used in crime are almost exclusively cheap imported replicas of genuine swords and are readily available on the internet and in shops

2.6 The only accurate definition of the term “samurai sword” is, logically, a sword made during the period of samurai power in Japan. This does not cover the type of weapon used in violent crime.

2.7 We suggest the following definition, subject to the exemptions dealt with below, but would be grateful for comments and suggestions on alternative definitions.

**“a curved, single edged sword (sometimes known as a “samurai sword”).”**

### **Possible exemptions**

2.8 There are already defences to the offence under Section 141 of the Criminal Justice Act 1988 (see paragraph 4.1) The Government is minded to provide exemptions for collectors of genuine “samurai swords”. This could be done by providing an exemption for

- (a) swords made in Japan before the licensing regime was introduced in 1953/54; and
- (b) swords made in Japan by licensed sword smiths under the regime introduced in 1953/54.

2.9 The Government is also minded to provide exemptions for martial arts practitioners. This could be done by providing exemptions for the specific weapons used in martial arts (on the basis of the way in which they are manufactured) or by providing a general exemption for “samurai swords” used in sport.

### **Consultation Questions**

1. Should curved, single edged swords (sometimes known as “samurai swords”) be added to the Offensive Weapons Order?
2. Do you agree with the definition as suggested and should there also be a minimum length of blade for the weapon?
3. Should there be any exemptions for genuine Japanese swords? On what grounds?
4. Should there be an exemption for martial arts practitioners? How should this exemption be framed?

### History of “samurai swords”

*With special thanks to Ian Bottomley, Senior Curator of Oriental Arms and Armour at the Royal Armouries in Leeds, for providing this account.*

It is said that term “samurai sword” should only be applied to those Japanese swords made prior to 1867 when the Japanese government forbade the wearing of swords and abolished the samurai class, the upper strata of Japanese society who wore them. Having lost their stipends, and being too proud to earn a living by working, a large part of this former class were forced to sell their treasured possessions to stay alive. Tens of thousands of swords, many with blades centuries old, became available in the curio shops and were acquired by the tourists from Europe and America. This route distributed enormous numbers of these swords around the world.

These swords, and their mountings were, and are, regarded in Japan as both objects of veneration and as objects of cultural and artistic significance. Even during the late 19th century a few European enthusiasts recognised these qualities. During the last forty or fifty years more and more people have grown interested in them with the consequences that they have steadily increased in value, some changing hands at many tens of thousands of pounds.

A second type of Japanese sword was produced during the period of militarism prior to and during the Second World War. Some two million swords were needed for those ranks entitled to wear one during that conflict. Many officers chose to wear a treasured family heirloom blade in regulation military mounts but the majority were more or less factory made. These swords were called ‘gun to’ and thousands were acquired by British troops and brought home as war trophies. During the period of American occupation of Japan following Japan’s defeat, the Americans announced their intention to destroy every sword in the country and began rounding them up from shrines, temples and the general population. Fortunately, common sense prevailed and the traditional swords, some almost a thousand years old, were saved from destruction and returned to their owners. Since the war, sword making has been revived in Japan and today modern swords, called ‘shin saku to’ or newly made swords, are being produced and are recognised as being comparable to the swords made in the past. These shin saku to, although relatively few in number, are being bought as fine art objects and modern heirlooms by Japanese, American and Europeans.

Finally, there are a myriad of replica swords on the market, an increasing number of which are produced in China and are sold as genuine old Japanese swords via the Internet. A further group makes no pretence of being real and is sold to the martial arts enthusiasts and others.

### **Samurai Sword case studies**

There have been a number of incidents where a “samurai sword” has been used in violent crime, notably murders. Below is a selection of these which have been collated from press reports over the last few years but with personal details removed.

*Two men were seriously injured, one fatally by a man armed with a “samurai sword” in 2000. A man was convicted of manslaughter as a result of diminished responsibility and attempted murder and committed to Broadmoor Hospital.*

*A man was murdered by a “samurai sword” in 2003. A man was convicted of murder and sentenced to life imprisonment. The victim was attacked by a gang in a street in Wembley, North London.*

*A man was murdered by another man armed with a “samurai sword” in 2003. A man admitted murder and was jailed for life.*

*A man was murdered by a man armed with a “samurai sword” in 2003. Three men were convicted of murder and sentenced to life imprisonment.*

*After a confrontation between two groups of men in a nightclub in Devon in 2005, one man from one of the groups was murdered by a man armed with a “samurai sword” from the other group. The man admitted murder and was sentenced to life imprisonment.*

*A man was murdered by another man armed with a “samurai sword” in 2005. Three men were convicted of murder and sentenced to life imprisonment.*

## **Chapter 3: Banning the manufacture, import, sale, hire or offer for sale or hire etc of Other Weapons**

3.1 We have received requests from police, Members of Parliament and Members of the Public to ban other certain weapons which have no legitimate use, such as fantasy knives. These knives, usually decorative and seen in sci-fi films, have no legitimate use and would be lethal in the wrong hands. The problem we see is that there are a number of these types of weapons on the market and it would be very difficult to come up with workable definitions to ban them all.

### **Other Weapons – high profile cases**

3.2 A man was murdered with a so-called “fantasy knife” in 2005. There was an altercation in a pub car park and the victim received slash wounds from a so-called fantasy knife before receiving a fatal stab wound to the heart. A man later admitted murder and was sentenced to life imprisonment. A senior police officer from Cheshire Constabulary said after the court hearing that he had never seen a weapon of such menacing purpose used in such a way.

### **Consultation Questions**

5. Are there other weapons which have been used in violent crime that should be banned?
6. If so, how are these weapons best described?

## Chapter 4: Exemptions and defences for existing offensive weapons

### Section 141 of the Criminal Justice Act 1988

4.1 Section 141 of the Criminal Justice Act 1988 makes it an offence for any person to manufacture, sell or hire or offer for sale or hire, expose, or have in his possession for the purpose of sale or hire, or lend or give to any other person, any weapon on the Criminal Justice Act 1988 (Offensive Weapons) Order 1988. Section 141 also prohibits the importation of these weapons. There are several defences under this legislation. These are:

- that his conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force;
- that the conduct in question was only for the purposes of making the weapon available to a museum or gallery;
- if the weapon is over 100 years old and therefore classed as an antique.

### Violent Crime Reduction Act 2006

4.2 The Violent Crime Reduction Act 2006 amends this legislation to provide additional defences for

- the purposes of theatrical performances and rehearsals
- the production of films
- the production of television programmes

4.3 It also allows the Government to make regulations to provide for exceptions, exemptions and defences specific to certain weapons, either in respect of weapons which are listed in the Order, or ones which may be added in the future.

4.4 Taking this into account, we are considering whether we should provide exceptions, exemptions or defences for certain types of activities both in respect of new weapons to be added to the Order and for existing weapons.

### Consultation Questions

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

## **ANNEX A**

### **Departments and Organisations Consulted During the Development of this Paper**

**Association of Chief Police Officers**  
**Scottish Executive**  
**Northern Ireland Office**  
**British Kendo Association**  
**Northern To-ken Society**  
**To-ken Society of Great Britain**

We have also received a number of representations from other groups and individuals regarding this issue and we are grateful for these.

## **ANNEX B**

### **Consultation Co-ordinator**

If you have any complaints or comments specifically about the consultation process only, you should contact the Home Office consultation co-ordinator Christopher Brain by email at:

Christopher.Brain2@homeoffice.gsi.gov.uk

Alternatively, you may wish to write to:

**Christopher Brain  
Consultation Co-ordinator  
Performance and Delivery Unit  
Home Office  
3rd Floor Seacole  
2 Marsham Street  
London  
SW1P 4DF**

## ANNEX C

### Consultation Criteria

**This consultation follows the Cabinet Office Code of Practice on Consultation – the criteria for which are set out below**

The six consultation criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely available.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full code of practice is available at:  
[www.cabinet-office.gov.uk/regulation/Consultation](http://www.cabinet-office.gov.uk/regulation/Consultation)

## ANNEX D

### Relevant Legislation

Legislation from 1988 is available at <http://www.opsi.gov.uk/acts.htm>

### Legislation on Offensive Weapons

**Section 1 of the Prevention of Crime Act 1953** creates the offence of having any offensive weapon in a public place without lawful authority or reasonable excuse. A public place includes premises to which the public have access.

An offensive weapon is defined in section 1(4) as “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”.

Penalty: Up to 4 years imprisonment and/or a fine.

**Section 1 of the Restriction of Offensive Weapons Act 1959** creates the offence of the manufacture, sale, hire, offer for sale or hire, exposure or possession for the purpose of sale or hire, or lending or giving to any other person flick knives and gravity knives.

Penalty: Up to 6 months imprisonment and/or fine up to £5000.

This section also prohibits the importation of flick knives and gravity knives.

**Section 139 of the Criminal Justice Act 1988** creates an offence of having an article with a blade or a sharp point in a public place (subject to specified defences, which include good reason or lawful authority). An exemption applies to folding pocket knives with a blade of less than three inches.

Penalty: Up to 4 years imprisonment and/or a fine.

**Section 139A of the Criminal Justice Act 1988** creates an offence of having an article with a blade or point or an offensive weapon on school premises (subject to specified defences).

Penalty: Up to 4 years imprisonment and/or a fine for an article with a blade or point.

Up to 4 years imprisonment and/or a fine for an offensive weapon.

**Section 141 of the Criminal Justice Act 1988** creates the offence of the manufacture, sale, hire, offer for sale or hire etc of descriptions of weapons specified in the **Criminal Justice Act 1988 (Offensive Weapons) Order 1988**.

Penalty: Up to 6 months imprisonment and/or a fine not exceeding £5000.

This section also prohibits the importation of such weapons.

**Section 141A of the Criminal Justice Act 1988** creates an offence of the sale of knives, axes and certain articles with a blade or point to persons under the age of 16. [NB this section was amended by the Violent Crime Reduction Act 2006 to increase the specified age from 16 to 18. This amendment is not yet in force.]

Penalty: Up to 6 months imprisonment and/or a fine not exceeding £5000.

The **Knives Act 1997** creates the offence of marketing knives as suitable for combat, or in ways likely to stimulate or encourage violent behaviour involving the use of a knife as a weapon.

Penalty Up to two years imprisonment and/or a fine.

Section 60 of the **Criminal Justice and Public Order Act 1994**, as amended by the Knives Act 1997, contains a power under which a police officer of inspector rank or above can authorise police officers within a given area to stop and search for offensive weapons or dangerous instruments for a period of up to 24 hours. Before authorising an area, an Inspector must reasonably believe that

- Incidents of serious violence may take place in that area and it is expedient to give the authorisation to prevent the occurrence: or
- persons are carrying dangerous instruments or offensive weapons in that area without good reason.

### Offensive Weapons Order

The Criminal Justice Act 1988 (Offensive Weapons) Order 1988 sets out the descriptions of weapons to which section 141 of the Criminal Justice Act 1988 applies. It can be found under the following headings on the internet:

[http://www.opsi.gov.uk/si/si1988/Uksi\\_19882019\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1988/Uksi_19882019_en_1.htm)

<http://www.opsi.gov.uk/si/si2002/20021668.htm>

<http://www.opsi.gov.uk/si/si2004/20041271.htm>

### Weapons in the Criminal Justice Act (Offensive Weapons) Order 1988

Knuckle-dusters	Blow-pipes or guns
Sword-sticks	Kubotan (cylindrical container holding spikes)
Hand-claws	Shuriken (aka ‘death stars’/throwing stars)
Foot-claws	Telescopic truncheons (automatically extending)
Belt buckle knives	Kusari-gama (sickle attached to a rope, cord or wire)
Push daggers	Kyoketsu-shoge (hook-knife attached to a rope, cord or wire)
Butterfly knives	Kusari (weight attached to a rope, cord or wire)
	Disguised knives e.g. lipstick knives (added 2002)
	Stealth Knives (added 2004)
	Straight, side-handled or friction-lock truncheon(added 2004)

## ANNEX E

### BANNING OF OFFENSIVE WEAPONS PARTIAL REGULATORY IMPACT ASSESSMENT

#### 1. Title of proposal

1.1 Banning the manufacture, import, sale, hire, offer for sale etc of further weapons.

#### 2. Purpose and intended effect

##### (a) Objective

2.1 To prevent the supply of weapons for use in violent crime.

##### (b) Background

2.2 Section 141 of the Criminal Justice Act 1988 makes it an offence for any person to manufacture, sell or hire or offer for sale or hire, expose or have in his possession for the purpose of sale or hire, or lend or give to any other person, any weapon on the Criminal Justice Act 1988 (Offensive Weapons) Order 1988. Section 141 also prohibits the importation of these weapons. There are 17 descriptions of weapons already listed on this Order, including butterfly knives, knuckle-dusters and telescopic truncheons.

2.3 There are several defences under this legislation. These are:

- for the purposes of functions carried out on behalf of the Crown or of a visiting force;
- for the purposes of making the weapon available to a museum or gallery;
- if the weapon is over 100 years old and therefore classed as an antique. (We understand that this exemption would cover the vast majority of Japanese Art swords).

2.4 The Violent Crime Reduction Act 2006 adds further defences for

- the purposes of theatrical performances and rehearsals
- the production of films and
- the production of television programmes

2.5 In addition, the Violent Crime Reduction Act 2006 enables exceptions, exemptions and defences to be made in an order which covers those weapons currently listed in the Order and ones which may be added in the future.

2.6 Ministers have announced that they were considering adding further weapons to the Offensive Weapons Order and in particular weapons commonly known as “samurai swords”. The Home Office has received a large amount of correspondence from “samurai sword” societies, martial arts enthusiasts and collectors who are concerned about the implications of the ban on their activities. Ministers have also met

representatives of the British Kendo Association and the To-ken Society of Great Britain to discuss this issue.

### **(c) Rationale for government intervention**

2.7 There have been a number of violent incidents involving weapons described as “samurai swords” where people have been murdered or seriously injured.

## **3. Consultation**

3.1 To date, consultation has taken place within the Home Office, with the Scottish Executive and HM Revenue and Customs.

3.2 We are carrying out a full consultation before making any final decisions to ban “samurai swords” or any other weapons which have no legitimate use.

## **4. Options**

### **Option 1 Do nothing**

4.1 This is likely to send out the message that the Government is not committed to dealing with the criminal use of weapons in violent crime.

### **Option 2 Complete ban on the manufacture, import, sale, hire, offer for sale or hire etc on all weapons known as “samurai swords”.**

4.3 This may reduce the number of “samurai swords” in circulation and reduce the use of them in violent crime. However, it would penalise the law abiding collector of genuine “samurai swords” and those who use such weapons in martial arts. The “samurai swords” being used in violent crime are the cheap, easily available imitations of the genuine sword.

### **Option 3 Introduce a ban with exceptions, exemptions and defences.**

4.4 This is the Government’s preferred option. It would target those weapons most likely to be used in violent crime, whilst protecting legitimate collectors of genuine “samurai swords” and martial arts practitioners.

## **5. Costs and Benefits**

### **(a) Sectors and Groups affected**

5.1 Those shops and internet companies selling cheap, imitation “samurai swords”. The retail sector will be the main areas of business to be affected.

### **(b) Benefits**

5.2 The provision would help reduce violent crime by reducing the circulation of cheap, easily accessible “samurai swords”.

**(c) Costs**

5.3 There will be costs to businesses who import or sell cheap, easily accessible “samurai swords” through loss of revenue from the sale of these items. We do not envisage any substantial extra cost to the Criminal Justice System.

**6. Small Firms Impact Test**

6.1 The provision will have an impact on small firms who sell or import weapons.

**7. Competition assessment**

7.1 The provision will have minimal effect on competition.

**8. Enforcement, sanctions and monitoring**

8.1 Enforcement will be via the police and customs officers. The penalty will be a term of imprisonment of up to six months and or a fine not exceeding level 5 (£5,000). Use of the provision will be monitored through the recorded crime statistics and convictions data.