

DRAFT

Regulatory Impact Assessment

1. Title of proposal

VIOLENT CRIME REDUCTION BILL - Restriction of the sale of knives to under 18 year olds.

2. Purpose and intended effect

- Objective

To reduce the carrying of knives by young people by preventing the sale of knives to under 18 year olds.

- Background

Knife crime is a major cause of public concern and fear. Evidence from research suggests that the carrying of weapons, including guns and knives, is spreading to younger age groups. In addition, there have been a number of high profile murders of young people using knives. Both local and national newspapers have carried campaigns calling for age to be raised to 18.

Section 141A(1) of the Criminal Justice Act 1988 makes it an offence to sell to a person under the age of 16 years:

- (i) any knife, knife blade or razor blade,
- (ii) any axe; and
- (iii) 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.

There is an exemption for folding pocket knives of less than 3 inches and razor blades permanently enclosed in a cartridge.

On 15 December 2005, as part of a package of measures to tackle knife crime. the then Home Secretary announced that the Government was considering an increase in the age limit to 18 years.

- Rationale for government intervention

Action is needed to deter young people from carrying knives and to demonstrate that carrying of knives will not be tolerated. It is recognised that knives have a number of legitimate uses. The proposal is not therefore to prohibit their use altogether but to prohibit their sale to persons under 18. We are not seeking to prevent their legitimate use, but under this proposed measure minors would be required to get adults to buy knives. This could cause some inconvenience for under 18s who are law abiding citizens eg 17 year old chefs would not be able to buy kitchen knives, nor would a young person who has just left home. However, this inconvenience will be outweighed by the impact on the perpetrators of knife crime and the fear that they cause the public at large.

The number of people convicted of carrying a blade in public rose from 2,991 in 1999 to 5,308 in 2003. Of these 452 in 1999 and 755 in 2003 were aged 15 to 17.

So whilst the share of people convicted of carrying a blade in public that were aged 15-17 has fallen slightly the number of 15 to 17 year olds convicted of carrying a blade in public has increased by 67% between 1999 and 2003.

Reports from hospital A&E departments indicate a rise in stab wounds, particularly among young men aged between 14 and 25¹.

¹ <http://news.bbc.co.uk/1/hi/magazine/3244709.stm>

3. Consultation

- Within government

To date, consultation has taken place with the DfES and DTI.

- Public consultation

On 15 December 2005, as part of a package of measures to tackle knife crime, the then Home Secretary announced that the Government was considering an increase in the age limit to 18 years. We have had little reaction from the companies or business.

4. Options

Option 1 Do nothing

This is likely to send out the message that the Government is not committed to dealing with knife crime by young people. It will not prevent the carrying of knives by young people or reduce the risk of them using those knives in violent crime.

Option 2 Seek to introduce a voluntary code of practice governing the sale of knives

This may not be universally accepted by all traders and the police would have no sanctions where businesses chose to ignore the ban. There is an obvious risk that the under 18 would be able to buy knives from unscrupulous traders who would have no qualms about ignoring a voluntary code but would be deterred by legislation. The costs of the option would be for Local Authorities' Trading Standards in setting up codes of practice and publicity with very minor costs to retailers.

Option 3 Legislate to make knives subject to a licensing or registration scheme. This would include a ban on the supply to persons under 18 years old, the control on the display of the banned items.

A system of licensing would be extremely bureaucratic and difficult to manage. It would also impose enormous burdens on the retail sector and would be expensive and difficult to police. It would clearly be a disproportionate response to the perceived problem.

Restrictions on the storage/display of knives as there are with fireworks or solvents could be construed as over-regulation and an increased burden of costs to be borne by the retail sector. It will be in businesses' own interest to protect their stock against theft.

Option 4 Legislate to restrict the sale of knives to persons under 18.

The new offence of selling knives to a person under 18 should not interfere unduly with legitimate usage of knives and will send a clear message that the Government expects knives to be used for legitimate purposes by responsible adults or under the supervision of responsible adults.

5. Costs and benefits

- **Sectors and groups affected**

Those affected will be young people aged 16 and 17. The retail and DIY sector will be the main areas of business to be affected.

- **Benefits**

The provision would have a social benefit by preventing young people gaining access to knives by buying them. It may also lead to a reduction in the number of offences committed by 16 and 17 year olds using knives.

- **Costs**

The costs to businesses of merely changing the age restriction will be modest. It is likely to cover staff training and information printing. There may be some lost sales from young people deciding against purchasing a knife. However, we do not hold information on the age of those buying knives.

The measure is likely to act as a deterrent but there may be some prosecutions for selling a knife to under 18s. This will lead to some additional costs to the criminal justice system.

6. **Small Firms Impact Test**

The provision will have some impact on small firms who sell knives.

7. **Competition assessment**

The provision will not affect competition.

8. **Enforcement, sanctions and monitoring**

Enforcement will be via the police and trading standards 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.

9. **Implementation and delivery plan**

We will inform the police service, CPS and courts of the changes in legislation by means of a Home Office circular. We will write to the major retail trade associations.