



To Whom It May Concern,

In response to the Home Secretary's invitation to the consultation regarding the proposal to create new legislation for "offensive and dangerous weapons"¹; please find the views and suggestions pertaining to the consultation below. These should be read as the official responses from the "Taunton Longsword Association" (TLA) and its elected committee members.

Executive summary:

Naturally, any proposed legislation which could impact upon our ability to acquire the sporting equipment we use, as well as store it, transport it, and use it in a legitimate sporting or historical research situation must be viewed with extreme concern by us. Whilst we agree with many of the points in the consultation document and accompanying impact assessment; we are obliged to bring to your attention glaring omissions, insufficient clarification, and downright worrying lack of research (for example, no sporting bodies consulted).

Primary concerns:

- The high number of "assumptions", "it is thought" and "it cannot be forecast" statements being used as a foundation for legislation creation.
- Lack of breakdown of 'knife' crime statistics: what 'weapon' was used in each case? The "'Knife Crime' A review of evidence and policy"², *Eades. C et al*, Centre For Crime And Justice Studies, page 13, suggests that 80% of offences are well defined as 'kitchen knife', 'pen knife' and 'flick knife'; the last of which is strongly legislated for.
- Ill-defined/no definition of an offensive weapon - a tautology - whereby the inference is a "non-offensive" weapon may also exist. This may cover the 'sporting' and historical aspects. The report referenced above indicates that by adding two very specific descriptions to the existing 'offensive weapons' list will cover 80% of knife crime - effectively negating the requirement for broad and nonspecific descriptions which may inadvertently cover historical fencing.
- Ill-defined/no definition of what a "knife" may be. This legislation will capture any and all pointed or bladed weapons, including the swords used by HEMA (Historical European Martial Arts) clubs, other groups such as the British Olympic fencing team, and by other martial arts clubs and re-enactment groups. Such a lack of definition will impact negatively on the ability to buy, sell, transport and own much of the kit used within clubs such as ours.

About the Taunton Longsword Association:

Founded in 2002 to research, study, and interpret extant or re-published medieval fencing manuals that would bring to life genuine historical martial treatises. Specialising in "Longsword", typically a double-edged, broad bladed, two-handed sword, the TLA has grown over the years from just four founders to in excess of 30 members with some of the highest bi-weekly attendance numbers of any similar club in the United Kingdom. This study, interpretation, and practice of these martial arts are typically grouped into a collective term of "HEMA" (Historical European Martial Arts) or "WMA" (Western Martial Arts) in order to distinguish them from Eastern martial arts. Furthermore, "HEMA" encompasses a great number of disciplines including swords (of different types), daggers (whether with a sword or on its own), wooden staffs, and unarmed (wrestling & pugilism).

¹ <https://www.gov.uk/government/consultations/offensive-and-dangerous-weapons-new-legislation>

² http://www.kiyan.org/newsite/wp-content/uploads/ccjs_knife_report.pdf



We are members of both the Academy Of Historical Arts (AHA) and the Independent Martial Arts Sports Association (IMASA).

Therefore, we are in a position to offer an opinion that is shared by a large segment of the community, and our formal response to the consultation is representative of many similar clubs in the South West of England.

Detailed Feedback:

This section references each paragraph in the Consultation document³ using a linear numerical count of the paragraphs, checked against the page number.

<u>Paragraph</u>	<u>Page</u>	<u>Para graph line</u>	<u>Specific Text</u>	<u>Concern</u>	<u>Recommendation</u>
2	3	5 & 8-9	"Some of the increases..." "Are thought to be genuine..." "Involving knives and firearms..."	Actual increases should be able to be extracted and the inflationary impact of better reporting/new categories/etc distilled out. Separate out knife, firearm & 'other' weapons	More research required prior to new legislation to present actual scientific facts rather than assumptions.
6	3	3	"Now it is thought that some of the increase may be real".	Vague and no basis for legislation.	See above.
10	4	2	"May be real"	Vague. Type of knife not identified; no separation out of repeat offenders.	Is it domestic knives, specifically, that require legislation, or others? Repeat offenders need to be separated out and identified to ascertain if the knife is the problem or the rehabilitation processes.
14	4	6-7	"There is an exemption for sales on behalf of another person"	Confusing. If a 'knife' is sold by one person for another, no age check is required? Potential to mask original seller through a proxy?	Clarification required. This sounds like a loophole in the making.
15 (cont)	5	4 - 9	"This does not appear possible online..."	Incorrect. "...Tesco & Argos have a policy..."	Check any age related restricted sale and benchmark: tobacco, alcohol, fireworks. Good. This will effectively remove the sellers, to the point of collection and therefore is likely to be the most cost effective to implement.



16-20	5	All	All	None	Good
22	6	1	"We have anecdotal reports..."	Not admissible for consideration as not official or evidenced backed.	If the concerns are real, there should be official records of them on file. Otherwise, anyone can come up with an "anecdote" to support whichever stance they desire.
22	6	2	"...online retailer sold a knife to a boy in boarding school...The package was accepted by a member of staff and handed to the boy without any checks"	Duty of care at the school rather than legislation.	Legislate the ban of supply of knives to school premises; voluntary register of addresses for online retailers. Could be problematic for catering colleges.
23	6	All	All	None	Good: with the rise in online purchases, we are used to going to collect a missed parcel.
26	6	1	"...there are nineteen different weapons listed as offensive weapons..."	Good. This is a positive list of weapons to legislate against with clear parameters. Proposed legislation seeks to 'vilify' anything with an edge or point at the whim of a police officer. No distinction between sharp or blunt, nor metal or rubber/foam.	Expand the list with specifics - even if there are tolerances of dimensions. Create a specific 'exclusion' list as well to protect justified ownership (sports/crafts/trades). It would seem sensible to differentiate rather than assume everything is sharp. Again, blunt and safe sports equipment can be caught by ill-defined legislation such as what is currently proposed.
28	6	1-2	"We want to create a new offence aimed at possession of such offensive weapons whether public or private."	NO. This is the part of the legislation we find abhorrent. Whilst the intention is to help the police combat multiple offences at once, this is too easily interpreted as 'assumed guilt' and criminalising everyone with anything deemed as an offensive weapon, even if a legitimate ownership reason is present.	Limit to items on the list at most and even then must take into account the 'purpose/intention' of the owner e.g. sports fencers, HEMAists, collectors, educators, historical interpreters, filmmakers, props makers, anime nerds, actors, etc).
29 (28 cont)	7	1-4	"...they cannot be used in a crime".	Presupposes guilt and danger of use, even if not intended to be used as such. One investigation, should not beget another before guilt has been established in the first, otherwise it could be deemed as victimisation.	If something is found during one investigation, impound it until guilt is proven, then proceed with second investigation. If no guilt, then immediate return of impounded items.
30 (2nd on p.7)	7	1-3	"There would be defenses available..."	Good but fails to list sports/sporting, historical research/education, martial	Add in sport/historical research, education, martial arts, and collections of

		3-7	“We would not wish to criminalise...there is a risk that they may be targeted by criminals...”	arts, and collections of antique items. NO. This is the part of the legislation we find abhorrent. Criminalising someone because <i>someone ELSE</i> may <i>steal something</i> ?! Unbelievable that this is even in here. Why not criminalise car ownership in case someone steals it to undertake a hit-and-run or terror attack.	antique items. This part of the paragraph needs to be removed in its entirety. Can be dealt with by way of a lockable gun cabinet type of legislation.
31	7	All	“Ensuring that the prohibition on the possession of offensive weapons...”	No direct link nor evidence that this will have any impact on public safety. If most knife crime is (maybe) undertaken with a kitchen knife, then (using the same logic) it follows that all kitchen knives need to be seized.	Legislate only for items on the offensive weapons list. If most knife crime is undertaken with kitchen knives, then these need to be added to the list...although this may cause issues with the population agreeing!
32	7	All	“...views from respondents in England and Wales...”	Border controls and the Customs & Excise dept. need to be consulted and informed, there have already been instances of swords (blunt/training) have been seized and impounded due to misunderstanding. Many of the swords used by HEMA practitioners are manufactured in Europe/overseas with very very few options in the UK.	
34	7	1-2	“...offence of having an article with a blade or point or an offensive weapon on school premises.”	The intent of this paragraph is noble but extremely poorly worded. Sports fencing is captured here whether a school club or after-school/private rental or HEMA club. Similarly, historical educators are penalised for bringing in show and tell props, even if blunt.	As mentioned before, there needs to be distinction between what is an offensive weapon and not...simply put “an article with a blade or point” is too vague and encompasses too many legitimate activities/items.
36	7	All	“Threatening with the blade or point or an offensive weapon...” “strengthen this offence to...victim reasonably fears they would suffer...”	Vague and open to abuse. Also, in the world of sport fencing and HEMA, there is almost always an element of risk and injury from participation, even despite the protective kit.	Exclude sport from this.
54 (Proposals for new knife offences)	11	All	A: Ok B: No (criminalises everyone) C: No (sport/cooking/craft) D: No (sport) E: Ok	n/a	See above
56	11	1	“It will be for retailers to decide where purchasers can collect the knives bought online...” “e.g. entering into a third party agreement...”	This will unfairly punish small crafts people and smaller traders by forcing them to come to arrangements with multi-regional/national retailers in order to ensure customers	Government assistance in paving the way for small businesses to be able to access pick-up points. Government guidance on the resale of items (secondhand



				can collect. This may be many miles away and put smaller crafts people in the debt of large retailers with their corporate aims.	market) from individuals to other individuals.
59	12	All	"The proposed new possession offence will apply to offensive weapons..."	Knives or types of knives are not defined here, in fact it is not until the following paragraph that it specifically states "We will use these specific weapons as the basis of the proposed offence..."	Once more, vague definitions of the actual 'weapons' and a catch-all implication which is open to abuse by the police/ government.
61	12	All	"Current legislation provides defenses for a person charged..." "We will provide defenses available similar to other knife legislation and are considering statutory defences..."	Apart from the grammatical errors, the current defenses are not defined in this consultation, not even as an end-note. The 'assurance' that there may be some other statutory ones added is encouraging but vague. The entire paragraph misses out sporting, educational and culinary grounds for defence.	Government to provide examples of reasonable and statutory defences. Add in statutory defenses for sports (whether recognised/with a governing body or not, e.g. HEMA); educational, and culinary uses.
63 (top of section D)	13	All	"...threatening with an article with a blade or point..."	The definition of an offensive weapon has shifted throughout the consultation document from "knife" to "offensive weapon" and now to the far more generalised "article" this opens up significant scope as to what an 'article' is and at what point an 'article' (which could be anything) now falls into this legislation..	Vague, may be applied to any item rather than the specific objective of 'knives and knife crime'.
64	13	All	"...immediate risk that the other person will actually suffer serious physical harm..."	This paragraph will capture all sporting activities (including Olympic Fencing and HEMA) as 'threatening' is the very object of the sport, and 'likely to suffer serious harm' is a given risk of taking part	Participating in sport and HEMA needs to be excluded.
65	13	All	"The current definition of flick knives...."	It is good that they are defined, but why are other knives not described? In the referenced Offensive Weapons list, there is a description seeking to ban samurai swords, but due to the choice of words (poor) military sabres, napoleonic reenactors, and similar find themselves in some difficulty with their curved swords (blunt and sharp).	Update and improve all definitions of all weapons on the list, or provide acceptable exclusions e.g. "blunt reenactor napoleonic sword", "blunt longsword for HEMA training".



Questionnaire Section:

Overall, we are concerned with the questionnaire design and the leading or vague nature of many of the questions. Furthermore, we would like clarification of who will store the data, how it will be used, whether it will be passed on to 3rd parties (including police forces), and the length of time the information will be stored for. We have no objections for the information to be used for this consultation and the reports that stem from it, but rather the legacy and circulation of the information provided in good faith and *specifically* for this consultation.

Proposal	Page	Concern	Recommendation
A	19	Binary and un-nuanced to gain result wanted by asker	Design survey using best practice guidelines. This question excludes teenage chefs, culinary course, art or craft students. By implication it also depicts under 18's as predisposed toward crime.
B	19	Vague. Not enough information for an informed opinion.	The comments section is welcome but the question sets out a tone which encourages a 'yes' answer, inline with the asker's desire.
C	19	Vague. Not enough information for an informed opinion.	Again, steers the respondent to answer how the asker wants. Also assumes respondent knows what is on the list, and what is not. Danger of marginalising legitimate sports & educational activity.
D	20	Inconsistent. In the paragraph this refers to a 'knife' is not mentioned but both an 'offensive weapon' and 'article' are.	Be consistent in what is asked. Also, sport needs to be an exemption.
E	20	None	Ok
F	20	None	Ok
G	21	Ignores transport difficulties. If it becomes an offense in a public place, how are people supposed to buy items at the supermarket and walk home with them? Stop off in a cafe on the way? What about metal etching acid from crafts/arts shops?	Simply put, this would limit all sales of corrosive substances to online only as people would be unable to walk home with it. Alternatively, pick up from a depot/retailer after ordering online means an automatic breach of the law. The question is poorly thought-out and poorly worded.
H	21	None	Ok
Business & trade	21	Question 9: purchased 10 x nylon arming swords, 6 rubber daggers, 4 x steel feders (longswords)	20 in total.
	21	Question 10: £1,100	
	22	Question 11: Not applicable	
	22	Question 12: Not applicable	



	22	Question 13: Members unable to buy 'swords' and other fencing equipment online as legitimate sporting items. Members unable to carry equipment to/from training. Members unable to fence due to 'threatening' and 'risk'.
	22	Question 14: Not applicable/ Zero
	23	Question 15: Not applicable/Zero
	24	Question 16: Zero
	24	Question 17: Yes, number: all of them. Because the term 'offensive weapon' is subjective to criminal intent/interpretation (even if no intent exists) means that any article which may be 'perceived' as a weapon (e.g the word "sword" is ceremonial, sporting, ritual, religious, a historical weapon-now education museum piece, but above all; many people associate it as a weapon); so 'all' articles may be classified as 'weapons' whether blunt or sharp regardless of ownership intent. The term 'knives' and 'knife' are also so loosely defined that it captures far more articles than it should. There needs to be a positive list of 'weapons' which is populated via consultation. Similarly, a 'negative' list for acceptable articles and intents is required.
	25	Question 18: >£1,100
	25	Questions 19 - 24: Zero
	26	Questions 25 & 26: Zero

We trust this exhaustive list of comments and feedback for the consultation will be properly considered and discussed. As an Historical European Martial Arts (HEMA) club, we will be greatly affected by any legislation that is based on assumed or ill-defined article descriptions.

Should further feedback or consultation be required, please contact us directly and we will facilitate in anyway we can.

Best regards,

Kieran Neale
Secretary, For and on behalf of Taunton Longsword Association.