

Cutting it fine



Evie Green of Knights Solicitors explains the new law on bladed articles.

All of us are familiar with the rise in knife crime and the threat it presents to our society although (fortunately) most of us are not exposed to this in our day-to-day lives. However, it is very common for those engaged in shooting, hunting, gamekeeping or similar to possess, carry and use knives in the performance of these activities.

Although the use of knives in this context seems far removed from the reports of violence in the news, it is crucial for everyone who carries or uses a knife or other bladed article for work or in sport to understand the law surrounding the possession of knives or similar bladed articles to avoid finding yourself (however unintentionally) the subject of a Prosecution under the Criminal Justice Act 1988 or the Offensive Weapons Act 2019. The 2019 Act came into force on 16 May 2019.

New rules from September 2024

Until September 2024 it was legal to own a 'zombie style' knife, but the new law came into force under the Offensive Weapons Act 2019 adding these knives to the list of dangerous prohibited items already banned.

This new law also covers their manufacture, importation, supply and sale. The new law is designed to remove these 'statement knives' from the streets as another measure to prevent knife crime. Although this is unlikely to be relevant to any of your circumstances, some knives used by land managers and gamekeepers for vegetation management and conservation activities could potentially fall under the new criteria.

Gamekeepers in particular will have legitimate uses for a machete, for example, but it is now crucial to ensure that any knife or other bladed article that you use fits the new guidelines and is still legal.

Illegality

It is illegal to use any knife or weapon in a threatening way. It is also illegal to:

- carry most knives or any bladed article in public without a 'good reason'; or

“Forgetting it is there is not a defence.”

- sell most knives or any weapons to anyone under the age of 18.

The exceptions to these two rules are folding pocket knives that:

- have a cutting edge no longer than three inches; and
- are not lock knives (they do not have a button, spring or catch to enable you to fold the knife and conversely to brace it open so that it can be used as a weapon).

The law states that a folding pocket knife to be legal “must be foldable at all times”.

Therefore, knives such as Opinel knives, which utilise a manual twist collar to hold the blade in the open position, are considered to be lock knives regardless of the length of their cutting edge. If you own such a blade, you will need a 'good reason' to have one with you.

It is likely that most of you reading this – as gamekeepers or country folk – are in the habit of keeping a pocket knife or similar with you on a day's shooting or for gamekeeping or general estate management tasks, and so to stay on the right side of the law, you need to know what defines a 'public place' and what constitutes a 'good reason'.

Public places

As stated above, it is illegal to have any sharply pointed or bladed instrument in your possession in a public place without good reason.

A 'public place' is anywhere to which the public has, or is permitted to have, access, even if they must pay to do so. This not only covers areas such as roads and highways, shops, and pubs but also less obvious areas such as racecourses or football stadiums or cinemas. This is important to realise for those working or spending leisure time in the countryside, as public footpaths or other rights of way come under the definition of a 'public place'.

Estate land where the public may have access is also a public place, even if it is privately owned. Your car or other vehicle is also classed as a public place while on the public highway, and the police now have search and seize powers without warrant with respect to knives and will use those powers with alacrity.

Good reason

The requirement for 'good reason' for carrying a knife may be fulfilled by the subject's occupation. A farmer, estate manager, gamekeeper, recreational stalker,

This Opinel penknife has a manual twist collar and is considered a 'lock knife', so you need 'good reason' to have one.





This well-used garden machete, typical of those used by keepers to cut brash, was handed in during the Police amnesty, but the owner was told it was legal.

TYPES OF KNIVES

A list of prohibited knives and weapons can be found at www.gov.uk/buying-carrying-knives or by scanning the QR code here.



game shooter, angler or anyone else in a relevant line of work may have reasonable grounds and/or may be expected to need a knife while pursuing a lawful activity either for work or for recreation.

Leaving a knife in the car after you have used it, or in your pocket when your next stop is the pub after shooting, or forgetting that it is there, is not a defence.

Carrying a knife in public must be in connection with the activity for which it is needed. Having such a blade in your car or on your person when returning from or going to a place where you work, keeper, farm, fish or shoot, etc, would not necessarily constitute a good reason, unless you have a need to use it immediately after being in the public place, and can show that having it with you or in your car was reasonable.

Potential penalties

The maximum penalty for an adult carrying a knife or weapon illegally is either four years in prison or an unlimited fine, or both. You will certainly get a prison sentence if you are convicted of carrying a knife or weapon illegally more than once. On the first occasion, it will probably be a stiff fine. As a garnish, you will probably lose your Firearms Certificate and/or your Shotgun Certificate.

Offences capable of attracting these sentences include the possession of a prohibited knife/weapon as detailed above or carrying a prohibited knife/weapon anywhere. Therefore please be diligent with your use and possession of knives or other bladed articles, however trivial the circumstances may seem to you.

Summary

- It is illegal to have any sharply pointed or bladed instrument in a public place without good reason or lawful authority.
- Occupations which would show 'good reason' for carrying a knife could include:

gamekeeper, farmer, estate manager, recreational stalker, game shooter or angler.

- Estate land to which the public have access is a public place even if it is privately owned.
- A car or vehicle is classed as a public place while on the highway, and the police have stop, search and seize powers without warrant with respect to knives and bladed articles in a public place.

Blade lengths of the garden machete and Opinel penknife.



KNIGHTS SOLICITORS

Evie Green is a Level 7 Solicitor Apprentice at Knights Solicitors. She is part of the team which fields NGO Legal Helpline calls (see below). Knights Solicitors is a specialist litigation practice well-known for representing clients with animal and countryside interests on a national level.

NGO free legal Helpline

NGO members in need of emergency legal advice relating to gamekeeping and fieldsports can call the helplines below. Up to 30 minutes telephone advice is available free of charge as a benefit of your NGO membership.

For those in the South: Matthew Knight, Richard Atkins, Surini Saparamadu, Evie Green, Georgia Wardle or Anna Crew at Knights Solicitors (Tunbridge Wells), 01892 537311. www.knights-solicitors.co.uk

For those in the North, Scotland and Wales:

Michael Kenyon, Solicitor (Macclesfield), 01625 422275 or 07798 636460. ●

