

Knife Law - The Criminal Justice Act (1988)

There are many misconceptions surrounding the carrying of knives and tools with blades. As a Forest School practitioner, knives and tools with blades are often used and essential to many tasks. It is important that practitioners working with knives are aware of the legal position in relation to the carrying of knives and bladed tools.

The Criminal Justices Act 1988 was introduced and dealt with articles with blades or points and offensive weapons. Under s139 it states *“any person who has an article with him in a public place shall be guilty of an offence”*. This act reinforced the Prevention of Crime Act 1953 but it went on to define that it was an offence to carry any knife *“which has a blade or is sharply pointed except a folding pocketknife..... The blade of a pocket knife should not exceed 3 inches”*.

A knife which is capable through manufacture to be locked open or has a fixed blade is thus deemed illegal in a public place. Although there are many penknives which have a cutting edge to its blade not exceeding 3 inches, a sizable proportion of these have some form of locking mechanism (e.g. Opinel). Also, folding blade knives are of little use in Forest School, being less strong and therefore more dangerous to use for outdoor tasks.

A person who has been charged with the offence of carrying a knife or offensive weapon must prove he had **good reason or lawful authority** for having the item with him in a public place. The acceptable defence for carrying a knife is to prove that it was:

- A. for use at work
- B. for educational purposes
- C. for religious reasons
- D. as part of any national costume

This must be taken within context of that good reason/lawful authority, i.e although you may have it with you because you are on your way back from running a session, it does not cover you to have it on display in the supermarket on your way back from a session.

It is also illegal to:

- sell a knife of any kind (including cutlery and kitchen knives) to anyone under 18
- carry, buy or sell any type of banned knife (such as flick knives, butterfly knives, disguised knives, samurai swords etc, local police have a list of these)
- use any knife in a threatening way (even a legal knife, such as a Swiss Army knife)

The maximum penalty for an adult carrying a knife is 4 years in prison and a fine of £5,000.

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In summary for the context of Forest School - It is illegal to carry a knife in public except for folding pocket knives with a 3 inch blade or less unless you can prove it is for work and educational purposes.

There may be a variety of ways a Forest School leader could provide evidence that knives are being used at work or for educational purposes, including:

- Having a written tool use policy, procedure and risk assessment
- Appropriately storing and carrying knives – in secure containers and not worn on the body or concealed, and out of sight (possibly locked) in vehicles
- Carrying a tool log and maintenance schedule
- Wearing a uniform or carrying an ID badge
- Providing learning policies and/or lesson plans for tool use

Further Information:

- Gov.uk, Quick Answer on Your Rights and the Law - www.gov.uk/find-out-if-i-can-buy-or-carry-a-knife
- Forest School Leaders Guide – Knife Use with Groups, Liz Knowles, Muddy Faces www.muddyfaces.co.uk/forest-school-leaders-guide-knife-use-with-groups-p-1266.html