

Aikido and the possession of bladed/pointed articles with regards to UK law

Offence –

Any person who has an *article* to which this section applies has *with him* in a *public place* shall be guilty of an offence.

Meanings –

Public place is any highway or premises to which members of public have access at the time whether permitted to have access by payment or not. Examples are cinema, aikido do-jo, car park, supermarket.

Article applies to any article that has a blade or is sharply pointed with the exception of a folding pocket knife where the cutting blade is 3 inches long or less.

With him means possession and possession can be to have it on your person. It however can be what is called constructive possession which means that you do not have it in your person but you have control over it whether it is in a place where you have immediate access to it or in another's possession who is holding that item for you. The fact that you have control over the item means you would therefore have possession over it. This would lead to both persons being guilty of the offence.

Blade means the blade of a knife or sword.

Please note that a folding pocket knife must not be lockable. If either of the points regarding folding pocket knives is broken, then the offence is complete. Therefore, the folding knife must not lock into position AND have a cutting blade less 3 inches less.

Multi tools with points and/or blades which fit the criteria for the offence of having such an article in public would be guilty of the offence even though the other tools on the multi tool are of a useful nature such as a bottle opener.

Defences -

The burden of proof for the defences below lies upon the defendant.

Lawful authority – A police officer has lawful authority to carry these items in conjunction with his work.

For use at work, such as a carpet fitter.

Religious reasons, such as members of the Sikh religion having a kirpan.

Part of a national costume such as a the skean dhu in the highland dress.

At a school for educational purposes.

Aikido application –

In R v Cheong Wang (2003), A Buddhist who practiced shaolin martial arts had a sword and Gurkha-type knife with him in public, but had failed to provide sufficient evidence to prove the defence of religious reason for possession.

It does not matter that the blade is not sharp, the fact that it is bladed shows that the offence is complete.

Although there are defences, do not expect this to protect you from arrest. You could be arrested if the police constable has any suspicion to believe that an offence has been committed and your legal defence would have to be proved. If the Crown Prosecution Service (CPS) believe that charging standards have been met, then they would charge you and take you to court. The courts would then decide if your defence is acceptable if the offence was complete. Unfortunately, because of the violent offences that occur in the UK and the high media attention wrapped around it, officers will arrest to prevent serious injury as it would be within the police authorities and public's interest to follow this course of action to reassure the public. It also reduces the risk of injury and death through knife crime by taking the items off the streets and deterring people from carrying such weapons. A police officer would have to justify why he had not arrested a person just as much as to why he has arrested a person. With the pressures of serious violent crime and police officers being accountable for their actions, they would arrest to prevent critical incidents that make newspaper headlines and put them in the court explaining their actions which may have led to another's demise.

A study was carried out that showed that those who carried such items were more likely to be victims of knife crime.

If you carry such items for work and that is your legal defence it would not be accepted if after work you had gone to any other public place. The police officer would arrest you and you would have to go to court to explain yourself to the judge.

It would be wise to carry such items in the boot or the back of the car in a secure case. If it is in the side of the door or on your person, you have ready access to the item and it would then be for you to explain to the courts as to why it was in said location and not secured away.

The reasons for this is actions, behaviour, location of items showing possession all go toward proving guilt and complete offences. A court would be less inclined to punish a person who had secured said item away in a tool box in the boot of a car than if it was next to him within easy grasp.

Finally, it will not be accepted if you say "I forgot I had it in there/with me". This is not a defence.

Rai McLaren

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