

Aikido and the possession of offensive weapons (wooden) with regards to UK law

Offence –

Any person who without *lawful authority or reasonable excuse*, the proof whereof shall lie on him, has with him in any *public place* any *offensive weapon* 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.

Offensive weapon is anything that is *made, adapted or intended* to cause injury to a person.

Made – A sword, throwing star, knuckle duster. All these items are made for one purpose, to cause injury to a person. (Not a Stanley knife – this is made for work.)

Adapted – Anything that has been changed from its original use to something that would cause injury to a person. A bottle that has the end smashed off, a glove covered in glass or spikes, a baseball bat with nails poking out of it.

Intended – Any article that is not made or adapted to cause injury but is intended by the person to be used to cause injury to a person. Examples are a Stanley knife, biro pen, a brick, an umbrella. The list is endless. The intent would need to be proved through admission and action.

Defences -

Lawful authority – A police officer has lawful authority to carry weapons that are made to cause injury to a person.

Reasonable excuse –

Persons carrying Tools of their trade (Such as a carpenter carrying a hammer).

Self defence – There is an imminent threat that the person needs to defend themselves against. This does not mean that you can carry a weapon around with you at all times in case there is a threat to you as you would then be guilty of causing public order offences as well as carrying an offensive weapon in a public place. It is if you have a fear of imminent attack that you would pick up a brick for example that was laying in the street as you fear that the person would cause you great damage or significant harm i.e the assailant was carrying a knife. Etc.

Aikido application –

Therefore, if a boken is purely made for the use of teaching, then it is not an offensive weapon. If it is however made to cause harm, and its secondary use is as an implement to teach, then it would be an offensive weapon. You have a reasonable excuse to carry an offensive weapon to a place of further education which aikido is a source of physical martial arts education. Therefore a defence is applicable under reasonable excuse. However, it is

not a defence to take said boken in the car to the park, the supermarket and then pub etc. You must take it home immediately after. If it is not reasonable at the time to do so, then this could be a defence but the onus is upon the person to prove this.

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 reasonable excuse is acceptable if the offence was complete. However, it is not something that I would expect to happen as it would not be within the police authorities or public's interest to follow this course of action as it does not fall within policing guidelines. It would not be proportionate or necessary to prosecute a person going to aikido training with a jo but it would be proportionate to protect innocent members of public from fear of violence or actual violence from a person who carries a weapon at all times for defence purposes only.

If you carry such items as a jo which is a made offensive weapon and your legal defence is that you are taking it to aikido or straight home. The fact that you have it in the car in the passenger seat next to you could be deemed that you are intending to use it as a defensive weapon. The police officer not having knowledge of such items would then arrest you on suspicion of carrying an offensive weapon. It would be wise to carry such items in the boot or the back of the car in a carry case to show evidence that there is no intent.

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

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Disclaimer

"The BAB by providing this information as to the state of the current UK law in October 2010 is not providing legal advice or any indication as to what the police or a court might determine in relation any specific incidence of your being said to be unlawfully in possession of a weapon.

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