

Knives and other bladed items

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This guidance is for England and Wales

It is illegal to sell knives and other similar products to anyone under 18. The legislation is enforced by the police and trading standards. Sellers should always verify the age of the purchaser before a sale.

Further restrictions are included in the Knives Act 1997, which specifically deals with knives advertised for use in 'combat'.

The law

Under the Criminal Justice Act 1988, it is an offence for any person to sell to a person under 18:

- any knife, knife blade or razor blade
- any axe
- any other article that has a blade or is sharply pointed and is made or adapted for use for causing injury to the person

The prohibition does not apply to:

- folding pocket knives if the cutting edge of the blade is less than 7.62 cm (three inches).
- replacement cartridges for safety razors, where less than 2 mm of the blade is exposed

Whether a particular article is a knife is a question of fact, but using a wider definition this legislation prohibits sales of, for example, sheath knives, kitchen knives, craft knives and carpet knives to persons

under 18. The prohibition is not intended to apply to articles such as scissors or compasses.

Under the Knives Act 1997 it is an offence to market a knife and also an offence to publish marketing material in relation to a knife in a way that either:

- indicates or suggests that it is suitable for combat (the term 'suitable for combat' means that the knife is suitable for use as a weapon for inflicting injury or causing fear of injury to the person)
... or
- is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon

An indication or suggestion that a knife is suitable for combat may be made by a name or description in any of the following ways:

- applied to the knife
- on the knife or on any packaging in which it is contained
- included in any advertisement that expressly or by implication relates to the knife

There are exemptions to allow sales of such items for legitimate purposes, such as for use by armed forces, as antiques or as collectors' pieces.

Defences

If you are charged with an offence under the Knives Act 1997, you have the defence that you did not know or suspect that the way in which the knife was marketed, or the marketing material, amounted to an indication or suggestion that the knife was suitable for combat or was likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon.

If you are charged with an offence under either law, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. With particular reference to the Criminal Justice Act 1988 this means that you are responsible for making sure that you and your staff do not sell knives to people under 18.

Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent an underage sale. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best practice features of an effective system include:

Age verification checks

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or photocard driving licence can also be accepted, but make sure that the card matches the

person using it and the date of birth shows they are 18 or over. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove they are 18 or over, or if you are in any doubt, then the sale should be refused.

Please see the Home Office *False ID Guidance* for more information.

Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are 18 or over by showing valid proof of age.

Staff training

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking members of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

Maintain a refusals log

All refusals should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen refusals log is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

Store and product layout

Identify the age-restricted products in your store and consider moving them nearer to the counter, or even behind it. Consider displaying dummy packs so that people have to ask for the products if they want to buy them.

Till prompts

If you possess an EPOS system, it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

Signage

Display posters showing age limits and a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff.

Closed circuit television (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate the products behind, or closer to, the counter.

Online sales

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

Criminal Justice Act 1988

Knives Act 1997

Last reviewed / updated: February 2020

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide.

Information on amendments to legislation can be found on each link's 'More Resources' tab.

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