**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**NORTHERN IRELAND**

# Weapons Act

*1.1 Which knives are considered weapons under your local law?*

Section 139 of the Criminal Justice Act 1988 (as amended) and as applying to Northern Ireland applies to any article which has a blade or is sharply pointed except a folding pocketknife with a blade of less than 3 inches (7.62cm).

A folding pocketknife with a blade of less than 3 inches (7.62cm) is not considered to be a knife in local law. To be a folding pocketknife the blade ‘should be readily and immediately foldable at all times simply by the folding process’. If the blade can be locked in place or requires another mechanism to fold it, it will not be considered a folding pocketknife (Sharma v Director of Public Prosecutions [2018] EWHC 3330).

It is an offence to have any such article in a public place.

*1.2 Is there a legal requirement to have a legitimate/justifiable reason for carrying and/or transporting a knife in the public? If so, for what kind of knives (lock knife, folding knife [depending on a special blade length or not?], fixed knife or any knife)?*

It is an offence to have any article referred to at 1.1 in a public place.

It is a defence to any such charge to prove that the person had good reason or lawful authority for having the article with him in a public place.

There are also specific defences for knives carried:

1. for use at work;
2. for religious reasons; or
3. as part of any national costume.

It is for the person carrying the knife to demonstrate that the defence applies to them.

No such defences exist for certain knifes. The Criminal Justice (Northern Ireland) Order 1996 in particular provides no such defence for possession of ‘flick knife’ or ‘gravity knife’. Possession of these items is entirely prohibited with limited exceptions for museums and other cultural purposes.

*1.3 How must these concerned knives of point 1.2 be carried or transported in the public (e.g. in a closed or locked container)?*

We can find no particular restrictions on transport when carrying is permitted.

*1.4 Are there any public places which may be restricted by an authority (on certain days or at certain times) for carrying any knives or other dangerous tools (e.g. railway station, airport, market places, football stadium, event halls etc.)?*

There are particular offences in relation to the carrying of restricted items on school premises.

Section 139A of the Criminal Justice Act 1988 (as amended) and as applying to Northern Ireland forbids the carrying of any article at 1.1 or any offensive weapon whatsoever on school premises.

The defences to this particular section are the same as at 1.2 with the added ground of possessing an article for educational purposes.

*1.5 How is the blade length measured (only the cutting blade or including the blade shank)?*



The blade length is defined as being ‘the cutting edge of its blade’.

*1.6 Are there any further dangerous objects which also fall under the Weapons Act?*

Section 141 of the Criminal Justice Act 1988 entirely prohibits the manufacture, sale or possession of certain dangerous objects including:

* flick knives - where the blade is hidden inside the handle and shoots out when a button is pressed - these are also called switchblades or automatic knives
* butterfly knives - where the blade is hidden inside a handle that splits in two around it, like wings or the handles swing around the blade to open or close it
* disguised knives - where the blade is hidden inside something, like a belt buckle or fake mobile phone
* push daggers
* gravity knives
* `airport' or stealth knives
* sword-sticks
* samurai swords
* knuckle-dusters
* hand-claws
* foot-claws
* blowpipes or guns
* kubotan (cylindrical container holding spikes)
* shuriken (also known as death stars or throwing stars)
* telescopic truncheons (automatically extending)
* kusari-gama (sickle attached to a rope, cord or wire)
* kyoketsu shoge (hook-knife attached to a rope, cord or wire)
* kusari (weight attached to a rope, cord or wire)
* straight, side handled or friction-lock truncheons

Section 93 of the Justice Act (Northern Ireland) 2011 creates an offence of possession of any offensive weapon with the intent of committing an indictable offence.

An offensive weapon in this context is defined as ‘any article made or adapted for use for causing injury to the person, or intended by the person in possession of it for such use’.

*1.7 Are there any exceptions?*

As set out above there are particular defences for carrying of items which would otherwise be considered knives are set out above.

In respect of other offensive weapons there are other limited exceptions for possession by museums and galleries for historic or cultural purposes. Exceptions also apply to possession for use in theatres or in TV or film production.

*1.8 What are the consequences for a legal offense?*

Possession of a knife contrary to the Criminal Justice Act 1988, possession of flick or gravity knife or any offensive weapon with intent are punishable on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both.

*1.9 Are there any legislative developments? If so what do they concern?*

We are not aware of any developments at present.

# Airports

* 1. *According to the Official Journal of the European Union laying down detailed measures for the implementation of the common basic standards in aviation security, any pointed or sharp objects which may cause serious injury, including a knife with a blade more than 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.* 
     1. *Are there any further national regulations to be considered in this respect?*

The Aviation Security (Amendment) (EU Exit) Regulations 2020, made pursuant to the European Union (Withdrawal) Act 2018 makes certain amendments to the EU regulation as it applies to the United Kingdom to include Northern Ireland.

* + 1. *If your country is outside the EU, what are the corresponding local regulations?*

The EU regulations are retained in Northern Ireland law pursuant to the European Union (Withdrawal) Act 2018 subject to the amendments of the Aviation Security (Amendment etc.) (EU Exit) Regulations 2019 the Aviation Security (Amendment) (EU Exit) Regulations 2020.

* 1. *May the airports/airlines in your country issue any further (stricter) regulations for forbidden items?*

Order 18 of the Airports (Northern Ireland) Order 1994 permits the operator of airports to issue byelaws for the purposes of ‘securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport’.

* 1. *May a pair of scissors or a saw be included in a pocket knife with a blade of max. 6cm? If so, is the size of the pair of scissors or the length of the saw of relevance?*

Scissors with maximum blade length of 6cm may be carried on board. The point of measurement is from the fulcrum.

* 1. *What is considered as a sharp object besides knives?*

The definition includes:

* objects with a sharp point or sharp edge
  + objects with a sharp point or sharp edge capable of being used to cause serious injury, including:
* items designed for chopping, such as axes, hatchets and cleavers,
* ice axes and ice picks,
* razor blades,
* box cutters,
* knives with blades of more than 6 cm,
* scissors with blades of more than 6 cm as measured from the fulcrum,
* martial arts equipment with a sharp point or sharp edge,
* swords and sabres.
  1. *Are there any further aviation security regulations with respect to the Victorinox (pocket) knives to be observed?*

None that we are aware of.

* 1. *Are there any changes intended in the near future? If so what do they concern?*

All regulations with EU origin are subject to ongoing review in accordance with the terms of the European Union (Withdrawal) Act 2018 and are subject to change at short notice.

Ibach, Switzerland, 14 July 2021

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