

# Written evidence submitted by John Pidgeon to the House of Commons Committee on the Crime and Policing Bill (CPB63).

## INTRODUCTION

1. This written evidence relates to clauses 11 and 12 of the Crime and Policing Bill and the defences within all Offensive Weapons Legislation.
2. Clause 11 Increasing penalties offensive weapons legislation  
If increasing the penalties in line with more up to date legislation, then I kindly request the Committee to also review the defences in ROWA 1959 for specific activities and items that appear not to have contributed to a single crime in 65 years and apply the historical importance defence in section 141 CJA 1988 in a consistent manner.
3. Clause 12 Power to enter private property and seize bladed articles  
Not all the reasons for a Police Office to enter a property relate to criminal activity or domestic violence by the homeowner and I express concerns that people who possess knives for legitimate reasons are not unjustly targeted or treated as criminals.

## **BACKGROUND**

4. My background is as a collector, author, militaria specialist adviser to auctioneers and researcher with 45 years of knowledge in the subject of historic edged weapons. I am one of the lead contacts for the group shown in annex A that promotes the interest of researchers, collectors and traders of antique and historic weapons. The group has engaged in meetings and correspondence with the Home Office Firearms and Weapons Policy Unit, discussing with them weapon definitions and defences for prohibited items (Zombie Style Knives and Ninja Swords). As a group we are supportive of the measures in the manifesto of reducing knife crime and welcome the ongoing opportunity to temper the legislation with defences for historic weapons and legitimate pastimes that play no part in the knife crime problem. It is also our aim to assist the legitimate retailing and collecting community with a baseline clarification of the complicated laws on offensive weapons.
5. I am also a committee member of Coleshill Auxiliary Research Team (CART), which is a group of volunteer researchers and supporters who investigate and record the history of the WW2 Auxiliary Units and Special Forces. We publish findings on the British Resistance Archive website and organise exhibits at public events or at the unveiling of memorials where edged weapons are frequently, but securely displayed.

## **Evidence on Need for Defences**

6. The majority of our Heritage is in private hands, either with the veterans' families or in private collections. The statement *"Collecting – the preservation of the past by many individual collectors in England and Wales is important in itself, and often to the benefit of our museums and national heritage bodies."* was included in the Home Office 2007 Consultation document on Offensive Weapons and is still relevant today. An example of this *"benefit"* is that the first three copies of the book *"The History & Knives of Robbins & Company with related knives"* by Ron Flook & John Pidgeon, were sent to The Royal Armouries, The National Army Museum and Dudley Library. The majority of the reference books used by museum staff are written by private collectors after many hundreds of hours of research and many decades of experience. This complements the preservation of the past undertaken by our museums and advances our knowledge of history in a different way, by use of online media, talks to historic interest groups and public exhibitions. Historic items, albeit of daunting appearance, that were deliberately made as offensive weapons are now at the opposite end of the spectrum to the bladed weapons encountered by the Police on our streets.
7. To my knowledge, weapons of historical importance have not featured in any crimes. By contrast, I would suggest that every MP and member of the Lords owns a knife of the type most commonly used in knife crime. Also there are 51 members of the Lords and 39 MPs who have served in the forces, many of whom are likely to have retained their officer's sword or been presented with an inscribed commando dagger, which they consider as a memento of their service in the same way as a veteran from WW2.

## **Clause 11 CPB 2025 (increased penalties offensive weapons); update the defences**

8. The government has stated that the intention of Clause 11 CPB 2025 is to bring the maximum penalty for offences relating to offensive weapons in line with the existing offence of unlawful marketing of knives in section 1 of the Knives Act 1997. Section 3 of the Knives Act 1997 has the defence of exempt trades of antiques and curios. Correspondingly, now is the appropriate juncture for the Committee to consider bringing the defences in section 1 of ROWA 1959 and section 141 of CJA 1988 in line with this more modern offensive weapons legislation for activities and items of extremely low risk to society as follows: -

### **Section 141 Criminal Justice Act 1988**

#### **General Historical Importance Defence**

9. I refer the Committee to the press release “Government bans machetes and zombie knives” from the Home Office and Minister for Crime, Policing and Fire, The Rt Hon Chris Philp MP published 30 August 2023 which contains the paragraph:-

*“ Specific exemptions will be made for legitimate articles such as objects of historical importance and those that are hand-made, in order to avoid negative impacts on the antiques market and British-made industries that rely on top-end, high-value blades that are highly unlikely to end up in the hands of criminals.”*

10. As one of the lead contacts of the group that debated both the “zombie style knives and machetes” and “ninja sword” legislation with the Home Office Firearms and Weapons Policy Unit, I welcome the continued appreciation of “*legitimate articles*” by inclusion of identical defences in the draft Statutory Instrument banning ninja swords to those for zombie style knives and machetes.
11. However there is an inconsistency between the historical importance defence for these two categories of weapons and the rest of the items detailed in Section 141 CJA 1988 (Offensive Weapons) Order 1988. Paragraph 5.2 of the Ninja Sword Ban consultation document (General Defences) lists both “The weapon is antique (100 years old)” and “The item being of historical importance”. However defence 7A of Section 141 CJA 1988 (historical importance) currently only applies to an offence under subsection 1A (ownership in private), except for item (sa) “zombie-style knife” and “zombie-style machete” and proposed item (u) “ninja swords” where it applies generally to section 141 CJA 1988 and section 50(2) or (3) of the Customs and Excise Management Act 1979. I would kindly request the Committee to consider that the Historical Importance defence is applied generally as stated in the ninja sword consultation document. Please consider that if someone can demonstrate that the item they own in private is of historical importance, there is no good reason preventing them passing the item on to the next custodian. The

defence relates to the nature of the item, not who owns it. An example of “*top-end high value*” is the privately owned truncheon presented to Col Keith Grand shown in Annex B item (B1). I would suggest there is no appreciable risk to society if this item is transferred to the next generation.

#### Straight Handled Truncheons of the “Heartbeat” era

12. I would kindly request the Committee to review wording of section 141 Criminal Justice Act 1988 (Offensive Weapons) Order item (q) “straight, side handled or friction lock truncheons” for consideration.
13. This has been discussed in correspondence with the previous Home Office Minister and in debate (Hansard Volume 837: Grand Committee 18 April 2024) but I believe that this legislation provides an opportunity to clarify the wording of item (q) at minimal cost to the public purse. CJA 1988 provides restrictions on weapons of a more serious nature and in my opinion the traditional “straight truncheon” of the “Heartbeat” era does not really come within this category:-
  - i. Although an offensive weapon per se, it is similar in form to a rounders bat or baseball bat.
  - ii. Engraved examples are presented to retiring police officers.
  - iii. Thousands of them are on open sale in auctions and antique venues.
  - iv. Although common place, they do not appear to be used as weapons of the street.
14. Batons with side handles, martial arts weapons known as Tonfa and friction lock truncheons should remain prohibited, but the law on straight truncheon does not appear to be actively enforced and for many decades Police Forces have traditionally presented retiring officers with engraved examples; this includes presentations to three members of the Lords and the late Queen Elizabeth II. It follows that removal of the “straight truncheon” from the restrictions of Section 141 CJA 1988 presents no additional risk to society. Someone carrying one in public as an offensive weapon, or indeed a baseball bat or even a branch pruned from a tree, could still be charged with an offence under the Prevention of Crime Act 1953.
15. Annex B illustrates some of the items.

#### Restriction of Offensive Weapons Act 1959

16. The necessity to remove the cheap foreign flick knives from society has been clearly demonstrated in the debate of Barnett Janner’s Bill in 1959 and these items are still a risk to society from foreign suppliers. What is unclear is why gravity knives were included in

ROWA 1959 when not a single word of debate or incident involving them had been recorded.

17. Given the recent approach taken with Ronan's Law of not just banning every straight bladed sword, but providing a detailed specific definition of the ninja sword, I would kindly request the Committee to review the blanket ban on knives based purely on the fact that they open by a flick knife mechanism or by gravity and consider appropriate defences similar to other more modern legislation as follows:-
  - i. Use by visiting armed forces or fire & rescue personnel
  - ii. Use in film, TV and theatrical productions  
(limited to section 5 approved licensed armourers)
  - iii. Antiques defined with a fixed cut off date of 1945  
(to prevent items of modern design dropping out of the Act).
18. It is conspicuous to me that while the range of defences has increased in Section 141 CJA 1988, amendments to ROWA 1959 have been limited to the museum defence included in 2019. It is a discrepancy in the body of legislation that weapons such as WW2 Samurai swords have defences for legitimate ownership and transfer, while WW2 pilot's gravity knives are prohibited. I note that at the time of ROWA 1959 the simplistic determination of an offensive weapon by the mechanism of opening was too broad, when in fact the pilot's gravity knife was designed for saving a life in an emergency parachute situation without accidentally stabbing the user.
19. Also one of the consequences of the new definition of a flick knife introduced by the Offensive Weapons Act 2019 sub-section 43, is 18th and 19th century flintlock and percussion firearms with spring operated bayonets came within that definition; items that have not been involved in acts of violence for a couple of centuries.
20. Flick knives have appeared in films, stage performances and TV programmes for over 65 years, with the productions relying on enforcement officers turning a common sense blind eye; episodes of Peaky Blinders, Minder and Bond movies etc. The proposed theatrical performance defence was presented on 4th March 2019 in the Lords Offensive Weapons Bill debate and the rationale is still valid:-

Lord Lucas Hansard Vol 796.

*"We make a lot of money out of making films in this country. By and large, film directors want their close-up shots to be authentic in terms of the look, sound and heft of real weapons. Clearly, these things have to be used in secure conditions, but we allow heavy machine guns, assault rifles and similar items to be used in films made in this country under conditions of strict control. There are licensed armourers who supply such weapons for*

*dramatic performances and films. It does not seem to me that people who are trusted with such weapons should not be trusted with the weapons prohibited under the Bill. To have a film of "Mack the Knife" without a flick-knife would seem a bit odd. I cannot see that by allowing an exemption for film and performance, we are doing anything more dangerous than we allow for other weapons at the moment. This is a direction in which we should feel comfortable about moving."*

21. Annex C provides some background material on items I believe should be excluded from ROWA 1959 by inclusion of suitable defences.

### **Concerns with Clause 12 CPB 2025 Power to Seize Bladed Articles etc.**

22. Clause 12 of the Crime and Policing Bill 2025 is worded the same as Clause 18 of the Criminal Justice Bill 2023. In the Policy Document, Criminal Justice Bill 2023: Knife Crime, (updated 1 December 2023) referring to the consultation states:

*"Most responses were supportive of the measures overall. However, a number of respondents raised concerns in relation to the new police power to seize knives held in private, and how the power would be exercised. We will work with the NPCC to develop guidance to police forces to ensure that these powers are exercised appropriately."*

23. In the Public Bill Committee debate of Criminal Justice Bill 2023 on 16 January 2024, Committee member Jess Phillips MP raised this very pertinent question:

*"I seek clarity. There is a load of big kitchen knives on the wall in my house, and I can see them when I walk in. I deal with the issue of violence in a domestic setting all the time, but would that count?"*

24. Virtually at the same time as this debate, a police officer knocked on the door of a collector of military bayonets to enquire if he had witnessed an incident further down his street where some drunken youths had damaged some parked cars. The homeowner invited the officer in, offered him a cup of tea and proceeded to give a witness statement. The officer noticed a glass display cabinet containing some bayonets and informed the homeowner that the law was going to change and in the future they would enter the property and confiscate such items. The very worried collector spoke to a senior police officer and received confirmation of how the law would change. The collector turned to the Facebook Bayonet Collectors Forum asking for help.
25. The Policing Minister (Chris Philp) assured Jess Phillips that "this would not count", however the historic weapon collecting community are not convinced these powers will be exercised appropriately and for them the safest course of action to protect their legally owned property will be to leave the police officer stood on the doorstep; a sad loss to neighbourhood policing.

26. I respectfully suggest to the Committee that entering “private property lawfully” requires clarification. A Police Officer can enter a property lawfully for the following reasons:

- i. Execution of a search warrant.
- ii. An owner or an occupant of the property may invite a Police Officer to enter the property.
- iii. Dealing with breach of the peace or preventing it.
- iv. Enforce an arrest warrant.
- v. Arrest a person in connection with certain offences who they believe is in the property.
- vi. Recapture someone who has escaped from custody.
- vii. Save life.
- viii. Prevent serious damage to property.
- ix. Check whether the occupant is at risk because of mental illness.

27. Not all of these reasons for entering a property lawfully relate to criminal activity and without suitable defences or exemptions may result in unintended consequences. Inexperienced constables entering a property to save the occupant’s life after a fall could misinterpret visible items, such as a commando dagger, which has been kept as a proud memento of a veteran’s service to the nation with the Chindits in WW2, as a potential cause of harm. Seizing this would be unjust if the individual were unable to challenge the confiscation due to ill health and a waste of court resources if they were.

28. I suggest that any amendments to PACE code B and the law need to ensure that people who possess knives for legitimate reasons are not unjustly targeted or treated as criminals.

## ANNEX A : Experts in Antique Weapons/Weapons of Historical Importance

Name	Expertise	Background	Contact Details
John Pidgeon	Edged Weapons	Historical researcher, author and collector of historic edged weapons with 45 years of expertise Committee member, historical weapons expert and biographical researcher for Coleshill Auxiliary Research Team (CART) WW2 British Resistance Archive	
Ron Flook	Edged Weapons	Historical researcher, author and collector of historic edged weapons with 48 years of expertise. Member of the Antique Bowie Knife Association. In association with John Pidgeon, contributor to Offensive Weapons legislation consultations since 1997	
Bill Harriman	Firearms & Edged Weapons	Director of Firearms BASC Arms & Militaria expert BBC Antiques Roadshow for 38 years Consultant to Royal Armouries and Home Office Reference Panel for historical firearms.	
Runjeet Singh	Asian Arms	Dealer in Asian Arms and Armour with 25 years' experience Asian Arms expert BBC Antiques Roadshow. Retired Police Officer	
John Carlin	Historic Weapons	25 years collecting and trading in historic weapons, online and exhibiting at British & Continental Militaria Fairs Retired Police Superintendent with 30 years' service	



Chris Scott	Swords and Kukris	<p>30 years' experience of collecting and dealing in Military Antiques, trading on-line as Great Scott Antiques. Specialist knowledge on historic swords and kukris.</p> <p>Participant in NPCC Seminar "Online sales of knives" in May</p>	
Matt Easton	Historic Swords and Martial Arts	<p>30 years experience of collecting antique swords, trading as Easton Antique Arms Ltd for 8 years, working with Royal Armouries on certified replicas. Head of Arms &amp; Armour at auction house. Running historical fencing clubs and martial arts events for over 20 years. Whitehall Civil Servant for 15 years. Consults for museums and film/TV.</p> <p>Participant in NPCC Seminar "Online sales of knives" in May</p>	
Graham Priest	Historic Bayonets	<p>Retired headmaster. Collecting bayonets since 1957, specialising in socket bayonets since 1972. Renown author of reference books and articles on socket bayonets. Has lectured at the Tower of London and Imperial War Museum. Catalogued the bayonets in the Grand Master's Palace, Valletta, Malta.</p>	
David Williams OBE FREng	Arms & Armour Society	<p>Emeritus Professor. President of the Arms &amp; Armour Society and Editor of its journal. The Society was formed in 1950 to bring together enthusiasts, collectors, scholars and professional experts to further the study, collection and preservation of arms and armour.</p>	

**ANNEX B**      Examples of Truncheons



(B1) WW2 truncheon presented to Col Keith Grand by the officers and men of 13<sup>th</sup> Wiltshire Home Guard (G.W.R. Locomotive Works Swindon). Owned by his grandson. This will not be antique until 2040.



(B2) Late 20th century British Police truncheon in fitted box with badge of Surrey Constabulary. This is probably the most common retirement gift for police officers. I own the one presented to my late father who served in Avon & Somerset Police for 30 years. There will be many thousands of similar owners of items like this which the recipients or their descendants consider as a family heirloom.



lock baton  
(B3) Martial Arts Tonfa  
(straight side-handled baton)

(B4) Standard modern ASP friction

## ANNEX C Items banned under Restriction of Offensive Weapons Act 1959



Auction date: **05 May 2015 10:30 BST**  
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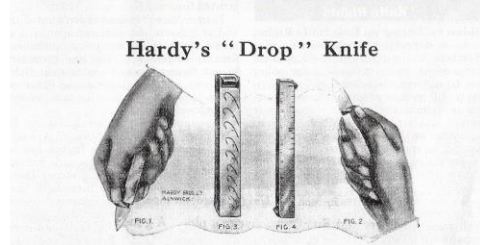
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Extremely Rare WW2 British Issue Knife by George Ibberson & Co Sheffield, knife is complete with its perfectly intact black chequered grip. Blade has clear makers mark to the base. Original spike fitting. Lock catch remains in working order. Blade has some light staining but is generally in good condition. \*\*When the British Military Intelligence captured a Luftwaffe paratrooper knife, they were so impressed, that they instructed George Ibberson & Co, Sheffield, to produce copies of these. They were issued to SOE (Special Operations Executive) operatives and other special forces units. They were made in a very small numbers and as such are very rare. The vendor was given this knife over 30 years ago by an elderly neighbour amongst a box of tools.

(C1) British WW2 SOE gravity knife sold in 2015 for £4,000 (Saleroom.com)

### Spring operated 'Nelson' knife, New York, United States, 1845-1855

MADE: 1845-1855 in New York county  
 MAKER: A A Marks Company



(C2) An amputee's flick knife designed to allow a one armed man to eat his dinner

(C3) The early 20<sup>th</sup> century Hardy's Drop Knife is a gravity knife intended for anglers




(C4) 19<sup>th</sup> century gravity knife issued to US Navy sailors. Note blunt end.

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Description	Auction Details	Shipping	T&Cs & Important Info
\ German Third Reich Paratrooper's Gravity Knife, the blade etched with maker's mark for Paul Weyersberg & Co., Solingen, and etched ROSTFREI, with walnut grip scales and folding marlin spike, together with a copy photograph showing a line of JU52's in a deserted German airfield known as Westerland Sylt, taken in 1945 by the vendor's father 1775142 R E Smith of the RAF Regiment who also recovered the knife from one of the aircraft			

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**LOT 159 A GERMAN THIRD REICH**  
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(C5) WW2 German parachutist gravity knife; issued as a piece of life saving equipment. The round nature of the point is a deliberate design feature so that the user does not get stabbed trying to cut straps or parachute cord when entangled. (Saleroom.com)





(C7) 19<sup>th</sup> century percussion pistol with flick knife bayonet



(C8) An Edwardian miniature flick knife made to demonstrate cutler's skill



(C9) This item is not banned by ROWA 1959 and opens with a thumb stud.

This is the type of knife the Home Office have deemed suitable for use by Rock Climbers and Fishermen for self-rescue purposes in 2019. It can be deployed faster and potentially cause greater injury than any of the historic items previous illustrated.



(C10) German troops on a joint exercise with the British, use their gravity knife to spread butter on bread c 1960. This was replaced by a similar new model of gravity knife which I believe still remains on the NATO Classification System, available for withdraw from stores by any member nation's armed forces.

NATO Stores Number NSN 7340-12-140-1031

Description

MESSER

Federal Supply Classification

FSC 7340 - Cutlery and Flatware

National Item Identification Number

NIIN 121401031

Codification Country

Germany

Detail

KNIFE, LIFESAVING

Date Created:

30 May 1969

**April 2025.**