EXPLANATORY MEMORANDUM TO

THE CRIMINAL JUSTICE ACT 1988 (OFFENSIVE WEAPONS) (AMENDMENT, SURRENDER AND COMPENSATION) (ENGLAND AND WALES) ORDER 2025

2025 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Dame Diana Johnson, Minister of State for Crime, Policing and Fire at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Nick Hunt, Head of Firearms and Weapons Policy Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Esperanza Gomez at the Home Office, knifecrimepolicyteam@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument adds certain types of swords – 'ninja swords' – to the list of prohibited offensive weapons. Once the legislation comes into force, it will become an offence to manufacture, import, sell or possess a ninja sword.

4.2 The instrument also establishes a surrender scheme to allow those who currently own ninja swords to surrender these items safely at police stations and other safe locations and claim compensation if they wish to do so and qualify.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument is England and Wales.

4.4 The territorial application of this instrument is England and Wales.

5. Policy Context

What is being done and why?

5.1 The primary policy objective is to support public safety. The Government committed in its manifesto to banning ninja swords and this is part of its wider Safer Streets mission and halving knife crime in a decade.

5.2 As of the year ending September 2024, the police recorded a 4% increase in knife enabled violent offences compared with the previous year. There are now 55,008 offences recorded in the year to September 2024 compared with 52,969 offences recorded in the year to September 2023. Data for 2022/23 showed that there were three homicides where the weapon was a sword.

5.3 Once this legislation comes into force, it will become an offence to manufacture, import, sell or possess a ninja sword, without a legal defence. If a person is found to be guilty of committing an offence, as per section 141 of the Criminal Justice Act 1998, they will be liable of a maximum penalty of up to six months' imprisonment or a fine. The Government has introduced provisions in the Crime and Policing Bill that, if approved by Parliament, will increase the maximum penalty to two years' imprisonment, for the offences of private possession, importation, manufacture, sale, or supply of prohibited offensive weapons and knives and of selling knives to those under 18.

5.4 This will therefore apply to those committing an offence in relation to ninja swords.

5.5 This instrument also provides for a surrender scheme to allow those who currently own ninja swords to surrender these items safely at police stations and other safe locations and claim compensation if they wish to do so and qualify. The guidance being published alongside this instrument provides more information.

5.6 Those wishing to claim compensation should be aware that they will need to provide evidence they owned or contracted to the weapons prior to the date of laying this instrument (known as the cut-off date of 27 March 2025) to be eligible for compensation. The surrender scheme will run for four weeks preceding a ban coming into force.

5.7 The standard compensation for each surrendered weapon will be £5. Owners will be able to claim a higher amount if they are able to provide receipts of the value exceeding this. To be entitled to compensation, owners will be required to show evidence of ownership before the cut-off date (27 March 2025).

What was the previous policy, how is this different?

5.8 Zombie-style knives and machetes were banned in September 2024 after the secondary legislation was approved in the previous Parliament. This ban sought to remove from the market weapons over eight inches in length and with a serrated edge, more than one hole in the blade, spikes, or more than two sharp points. We are now going further and adding ninja swords to the list of prohibited offensive weapons.

6. Legislative and Legal Context

How has the law changed?

6.1 Under section 141 of the Criminal Justice Act 1988, it is an offence to possess in private, manufacture, sell, hire, lend or give a weapon specified in an Order made under that section. The importation of any such weapon is also prohibited.

6.2 This instrument will add ninja swords to the list of prohibited offensive weapons. The ninja swords that will be prohibited will have to meet the requirements as set out in the legal description set out at paragraph 6.4.

6.3 The legal description has been developed using the standard definitions of a typical ninja sword. This was to ensure that we were capturing the targeted bladed articles, whilst preventing bringing into scope of the ban swords that are usually used for legitimate purposes.

6.4 The proposed legal definition is as follows:

The weapon sometimes known as a "ninja sword", being a sword with—

(i) a blade whose length is at least 14 inches, but no more than 24 inches (the length of the blade being the straight-line distance from the top of the handle to the tip of the blade);

(ii) a primary straight cutting edge - a primary straight cutting edge is the longest cutting edge of a blade which immediately connects to the handle;

(iii) a secondary straight cutting edge - a secondary straight cutting edge is a cutting edge which forms an angle with the primary straight cutting edge and the spine, and is no more than 5% longer or shorter than the width of the blade immediately after the handle;

(iv) a blunt spine – a spine is blunt if it is not adapted to cutting; and,

(v) either a tanto style point or a reversed tanto style point.

A sword has a tanto style point if the angle between its primary straight cutting edge and its secondary straight cutting edge is greater than 90 degrees, and the angle between its secondary straight cutting edge and its spine is less than 90 degrees.

A sword has a reversed tanto style point if the angle between its primary straight cutting edge and its secondary straight cutting edge is less than 90 degrees, and the angle between its secondary straight cutting edge and its spine is greater than 90 degrees.

6.5 There will be legal defences available to those manufacturing, selling or owning ninja swords, similar to the defences available for other bladed articles. These include:

(a) The weapon is antique (over 100 years old).

(b) Functions carried out on behalf of the Crown or of a visiting force.

(c) The item being of historical importance.

(d) Making the weapons available to a museum or gallery in certain circumstances.

(e) Educational purposes.

(f) Production of certain films or certain television programmes.

(g) Theatrical performances and rehearsals of such performances.

(h) Made by hand.

(i) Use in permitted activities (for example a historical re-enactment or sporting activity).

(j) Blunt.

Why was this approach taken to change the law?

6.6 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 A public consultation opened on 13 November 2024 and closed on 11 December 2024 to seek views on the proposed legal definition of ninja swords whilst protecting other types of blades which typically have a legitimate use1. The public consultation also tested views on applying some of the existing defences to ninja swords.

7.2 The consultation received a total of 312 responses. This was collected through a survey and emails.

[1] https://www.gov.uk/government/consultations/ninja-swords-legal-definition-and-defences

7.3 We wrote to over 150 stakeholders, including retailers, specialist and interested groups, directly inviting them to provide input, and raised awareness of the consultation through the media, Parliament, and various stakeholder groups. This was to ensure a wide range of views could be considered for policy development.

7.4 The Government's response2 to the consultation was published on 27 March 2025 on gov.uk and provides details on all questions asked. The majority of respondents were in support of the proposals for both the legal description (64% support) and the defences (58% support) however some said that they did not think the ban went far enough, with 15% of respondents calling for a blanket ban on all bladed articles, and others disagreed with the efficacy of the proposals.

7.5 The Government has decided to ban ninja swords unless a defence, as set out at paragraph 6.5, applies. This would ensure that we allow possession and supply of ninja swords used for legitimate purposes.

8. Applicable Guidance

8.1 Public guidance on the surrender scheme will be published alongside this instrument. The guidance will outline the scheme, designated locations and how to claim compensation. This can be found on gov.uk[3].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Economic Note is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

9.2 In summary, it has not been possible to monetise benefits. Breakeven analysis suggests approximately two homicides would need to be prevented over the ten-year appraisal period to achieve a net positive impact.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies.

9.4 There is no significant impact on businesses from no longer being able to sell ninja swords. Wholesalers and retailers will incur costs associated with the loss of future profits which they could have made had they been able to buy and sell ninja swords, however even following the public consultation there is still an absence of evidence on the size of the market. The annual loss to retailers is estimated to be a range of £0.14 million to £4.01 million, with a central estimate of £0.87 million. This estimate, however, does not account for the possibility that businesses may enter new markets and start selling alternative products. If a displacement effect occurs and retailers swap to selling non-prohibited weapons, this will be an overestimate. Businesses will be eligible to claim compensation for any stock of ninja swords they have prior to the SI being introduced on 27 March, minimising the monetary impact on them. More detail on the monetised impact can be found in the accompanying economic note.

9.5 The legislation does impact small or micro businesses who sell ninja swords. The proportion of small or micro businesses is not known, but the overall impact on businesses is not significant.

[2] https://www.gov.uk/government/consultations/ninja-swords-legal-definition-and-defences
[3] https://www.gov.uk/government/publications/ninja-sword-surrender-scheme

9.6 Small and micro businesses are not exempt from the requirements of regulation, as allowing small and micro businesses to continue selling ninja swords would mean the legislation is ineffective.

9.7 The impact on the public sector is presented in the economic note. The main costs for the public sector associated with the ban are the surrender and compensation scheme, and new flows through the criminal justice system.

9.8 The prevalence of ninja swords is unknown, which makes it difficult to estimate the volume of ninja swords that fall within scope of the ban and therefore within the surrender and compensation scheme. The overall cost of public returns through the surrender and compensation scheme is calculated to range from £0.03 million to £0.38 million (£0.1 million central). The overall cost of retailer returns is estimated to range from £0.40 million to £4.87 million (£1.48 million central). Further breakdown of estimated costs of the surrender and compensation scheme are included in the economic note.

9.9 Where retailers breach the ban on the sale of ninja swords, and where owners continue to possess prohibited ninja swords, there will be enforcement costs for the police, the Crown Prosecution Service, HM Courts and Tribunals Service, HM Prison and Probation Service, and the Legal Aid system. An additional annual cost to the Magistrates' Court is expected to range from £1,200 to £3,500 with a central estimate of £2,300. The additional annual cost for legal aid is expected to range from £1,300 to £4,000 with a central of £2,700. Additional probation costs are estimated to be between £25,900 to £77,700 with a central estimate of £51,800 over the entire appraisal period (ten years).

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The impact of the proposed measure will be monitored using feedback from the police and Trading Standards, and through statistics relating to offences. The Home Office will also keep under review the impact of the measures on business.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister of state for Crime, Policing and Fire, Dame Diana Johnson, has made the following statement regarding Human Rights:

"In my view the provisions of THE CRIMINAL JUSTICE ACT 1988 (OFFENSIVE WEAPONS) (AMENDMENT, SURRENDER AND COMPENSATION) (ENGLAND AND WALES) ORDER 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").