

Joint response to the Home Office consultation on new laws for offensive weapons

December 2017

This submission is made on behalf of the National Museum Directors' Council, the Museums Association and the Association of Independent Museums.

About the NMDC

The National Museum Directors' Council represents the leaders of the UK's national collections and major regional museums. Our members are the national and major regional museums in England, Northern Ireland and Scotland, the British Library, the National Library of Scotland, the National Archives and Royal Botanic Gardens Kew. NMDC acts as an advocate on behalf of members and their collective priorities and provides them with a valuable forum for discussion and debate and an opportunity to share information and work collaboratively. While our members are funded by government, the NMDC is an independent, non-governmental organisation. For more information about NMDC and our activity see our website:

www.nationalmuseums.org.uk

About the MA

The Museums Association (MA) is a membership organisation representing and supporting museums and people who work for them, throughout the UK. Our membership of over 8000 includes all types of museums, from small volunteer-run locals to large nationals and people working in all types of roles from directors to trainees. Founded in 1889, the MA was the world's first professional body for museums. We lead thinking in UK museums with initiatives such as *Collections for the Future*, *Museums 2020* and, most recently, *Museums Change Lives*. We receive no regular public funding, and we do not wish to do so. For more information about the Museums Association, see our website: <http://www.museumsassociation.org/home>

About AIM

The Association of Independent Museums (AIM) is a membership organisation, representing over 1200 members across the UK. The museums AIM represents usually receive no core funding from local or central government. Most are constituted as charities. AIM members range from entirely volunteer-run museums to some of the UK's largest museums. <https://www.aim-museums.co.uk/>

1. Summary

The museum sector welcomes the opportunity to respond to the Government consultation on new legislation for offensive and dangerous weapons.

We support Government efforts to prevent serious acts of violence and measures to reduce incidences of knife and firearm related crimes. However, many museum collections contain offensive weapons of aesthetic, cultural, historical and national importance, be they European, African, Asian or American. Examples include 18th and 19th century knuckledusters, Spanish folding knives and 18th century sword canes. Manufactured or improvised trench weapons of WWI, many of which have significant value would also be considered offensive weapons.

While we recognise that this new legislation is not aimed at offensive weapons held in museum collections, we are keen to ensure that amendments and proposed definitions ensure clarity as outlined below, and that they do not impact negatively on museums' ability to continue to collect, manage and display such weapons. Any new legislation should account for the role museums play in collecting examples of offensive weapons to expand public education and understanding.

2. (B) Making it an offence to possess certain weapons in private

If this proposal is introduced there must continue to be a defence for museums similar to that laid out in Section 141(8 & 9) of the Criminal Justice Act 1988 - which permits museums to acquire, dispose and possess prohibited offensive weapons. There are many offensive weapons that are of aesthetic, cultural, historical or national importance, we would therefore welcome statutory defences on cultural, artistic and religious grounds as outlined in the consultation similar to existing knife legislation.

The retention of section 2 of the schedule to the various offensive Weapons Orders (for the purposes of this Schedule, a weapon is an antique if it is manufactured more than 100 years before the date of any offence) would be of importance to museums as it identifies when a weapon can be considered an antique. This goes for flick and gravity knives, both of which were issue equipment with various militaries particularly in WWII.

3. (C) Making it an offence to possess a knife or an offensive weapon in educational institutions other than schools.

If museums are to be considered educational establishments, then an exemption would be required as edged weapons, especially for military museums, form a significant part of the hands-on learning experience that museums provide both now and in the future.

Experiential, hands-on learning is a vital pedagogic tool for many learners (formal and otherwise), and museums are uniquely equipped to service that need already – most schools in particular don't have the resources to provide experiential learning opportunities, which is precisely why learning outside of the classroom in general, and museum learning in particular, is so important.

If 'possession' is absolute, we would strongly urge for an explicit exemption, or at least a device or understanding, to allow students to handle edged weapons for educational purposes.

4. (E) Updating the definition of a flick knife.

From a museum perspective the definition should not matter as long as the museum exemption is clear and concise. In terms of the definition, this needs to be set out in a statutory instrument to allow for future changes in legislation.

5. (G) Making it an offence to possess a corrosive substance in a public place.

For museums, corrosive substances such as acids form part of the conservation armoury. As museums constitute a 'public place', it is conceivable that conservators would need to use a variety of corrosive substance in the galleries of our museums and art galleries. This is especially true of the cleaning of objects that cannot be moved to the appropriate lab. We would urge for an explicit defence for

museums in this instance, which acknowledges the competence of museums professionals to safely use the tools they need to effectively manage and steward collections.

6. (H) Prohibit .50 calibre 'materiel destruction' rifles and rapid firing rifles under section 5 of the Firearms Act 1968

Very few museums hold such rifles (.50) in their collections. The change of status from Section 1 to Section 5 would not be an issue as both classifications are covered by the Museums Firearms License. Even fewer hold MARS (Manually Actuated Release System) rifles.

In case of any queries regarding this response or if you require any further information please contact Kathryn Simpson, Policy and Projects Manager, National Museum Directors' Council: kathryn.simpson@nationalmuseums.org.uk / 020 7942 4076.