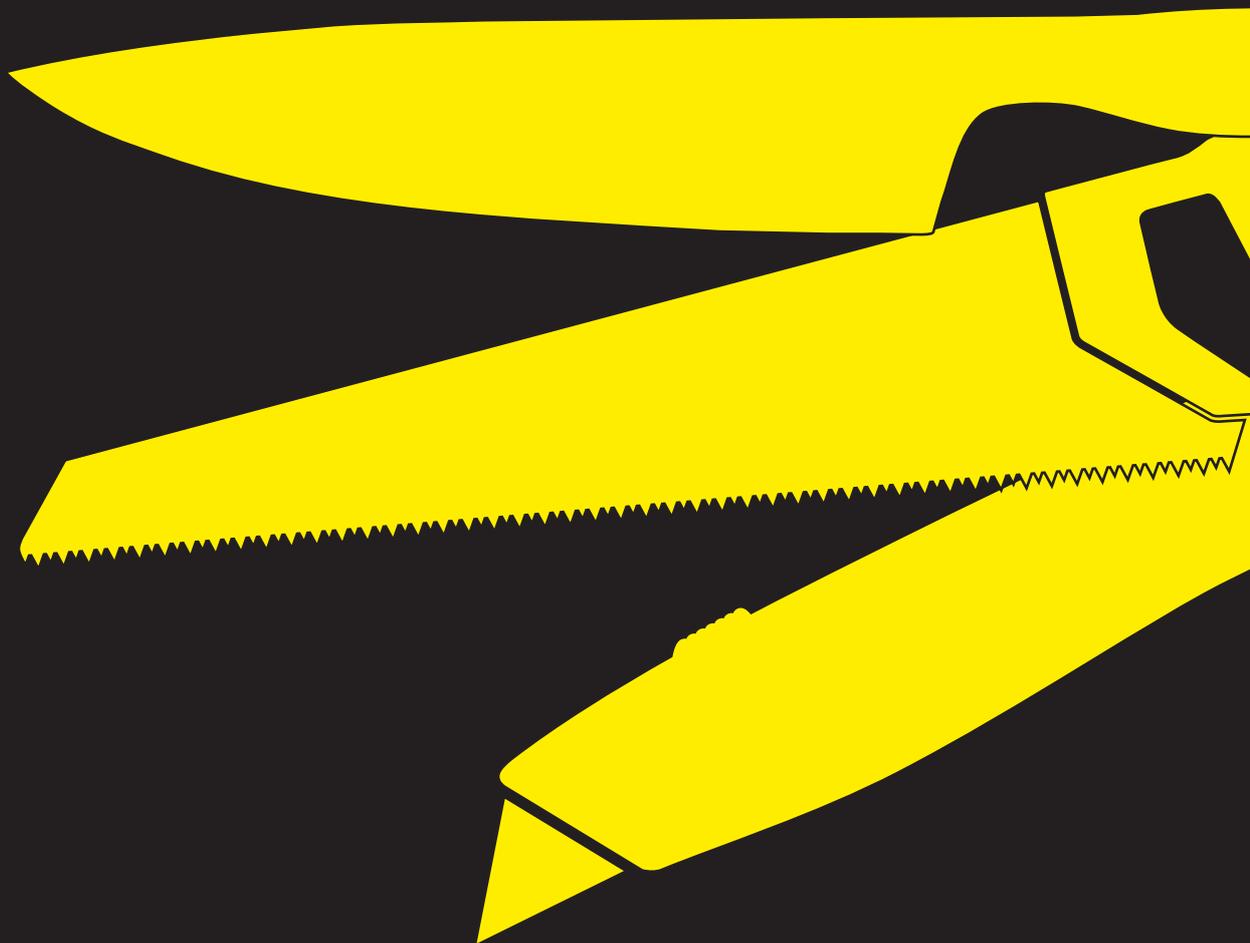


# KNIFE SALES

INFORMATION SUPPORT PACK



Free to **bira** members

**bira**

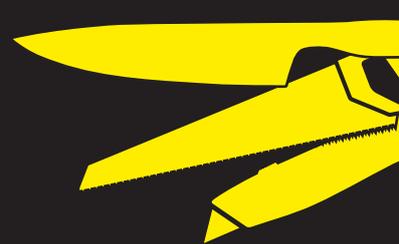
British Independent Retailers Association

## Introduction

The British Independent Retailers Association (bira) Knife Sales Information Support Pack has been created with support from the Cookshop & Housewares Association division of the Group, who identified a real need for information on the subject of knife sales. The CHA Committee felt strongly that clear and concise information about the legislation on knife sales was urgently needed by retailers, including guidance on best practice when it comes to staff training, recording sales refusals and displaying in-store signage.

This pack is the result of much hard work on the part of the CHA Committee and by ordering the pack, you've taken an important step towards ensuring responsible retailing of knives and bladed items.

# KNIFE SALES



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in partnership with

**Home Office**

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**bira**  
the voice of independent retailers

# KNIFE SALES

## what you need to know

### AGE RESTRICTED SALES

It is illegal to sell certain products to people under a certain age, and if you do, you or your staff could be held personally liable, your company could be held liable, and in some cases, a business could even lose a licence.

Where an age restricted product is sold to an under age person the retailer and the salesperson are guilty of an offence. It is not a defence that they did not know that the buyer was under age. Except in the case of alcohol the under age buyer does not commit any offence.

The table below gives a non-exhaustive list of products sales of which are restricted by age.

Age Restricted Products	Minimum Age
Alcohol	18
Solvent etc.	18
Fireworks (except party poppers etc.)	18 (16)
Video and selected computer games	18 or 15 or 12 (check packaging)
Knives (includes knife blades, razor blades and axes)	18
Tobacco / tobacco products	18
National Lottery	16
Chocolate liquers	16
Spray paint	16

In the event of a sale to an under age person, the seller may avoid being taken to court if it can be shown that proper steps have been taken to avoid committing the offence. In other words, the seller will have to show that they have taken all reasonable precautions and exercised all due diligence to satisfy the legal requirements. Only the Courts can ultimately decide such questions.

To ensure all reasonable precautions and due diligence were exercised, all personnel must be:

- properly trained to understand their personal responsibility.
- fully familiar with the job
- fully familiar with the methods of carrying out the job
- fully aware of company procedures and follow them at all times
- fully aware of the consequences.

### Test Purchasing

Trading Standards Departments are expected to ensure that the law is followed and the use of test purchasing is commonplace. Trading Standards staff may, therefore, send in under age persons to your store and ask them to purchase age restricted products. **bira** members have expressed concerns that in some cases, test purchasers have been used who look well over the minimum age required to purchase an age-restricted item. **bira** is keen to take a stance against entrapment, and continues to lobby against this practice. It should be noted that a test purchaser will usually disclose their actual age if asked. However, they are not obliged to do so, and if it's thought that the question is only being asked to ascertain whether the individual is working on behalf of Trading Standards, they are able to lie.

# KNIFE SALES



## what you need to know continued...

### Guidance for Management

- All staff should be formally trained to understand the requirements relating to the sale of age restricted products.
- Records of training should be kept safely and appropriately.
- You are responsible for ensuring that all company systems are properly implemented and maintained.
- Ensure that all warning signs are appropriately displayed.
- Encourage all staff to approach you if they are in any doubt over a sale.
- If you have doubts about any particular product you can check with the Information Office or access a relevant website of your Local Trading Standards office or via Google or other search engine.

### Guidance for Staff

- If you have any doubt over any of the age of sale requirements or your company procedures check with your Manager/Supervisor. If you have concerns during the sale of an age restricted product, then check with your Manager/Supervisor.
- Above all, remember, **IF IN DOUBT, DON'T SELL!**
- Take special care during busy periods. The standard procedure for age restricted sales must be followed regardless of how busy you are.
- Be vigilant, but remember to be calm and understanding throughout.
- Be aware that if you break the law, you, as well as the company/owner may be liable to a conviction and fine.

### Procedure for Making a Sale

- Is the product age restricted?
- Are you certain, beyond doubt that the person is old enough?
- Does the customer have proof of age?
  - Passport
  - Photo driving licence
  - PASS proof of age card [www.pass-scheme.org.uk](http://www.pass-scheme.org.uk)
- Are you satisfied that the proof of age belongs to the customer?
- If at any stage you are unsure that the customer is old enough, politely refuse to sell to them. It's much better to ask for proof of age rather than simply to ask the customer how old they are. Explain that you are not allowed to serve them with the product. If required, call the manager or supervisor.
- Fill in a Refuse to Sell form.

# KNIFE SALES

## DUE DILIGENCE

What is reasonable in terms of due diligence will always depend on the particular circumstances. A system needs to be set up, kept under review and amended as necessary. It is good practice to keep a record of refusals (see Refusal Register sheet enclosed). Any defence is likely to fail where there was a reasonable step that could have been taken but was not.

How to put this into practice:

### 1. Assess the risk

It will not be enough for the control or quality system you put in place to simply follow general procedures outlined in a book. The system must relate to the structure and area of your business.

### 2. Establish what you are going to do

Identify the reasonable steps that you could take to avoid selling age-restricted goods to those underage. These steps will form the basis of a control system.

### 3. Document it

Write down your control system so that it can be followed. Unless you do so it will be difficult to show the steps you have taken. Staff responsible for following the system should be properly trained and updated in the operation of the system.

### 4. Maintain and test the system

In order to demonstrate due diligence you will need to show that the control system actually works in operation.

### 5. Review the system

Your system should also be regularly reviewed to ensure that it remains effective. No system will be 100% foolproof. The important point is to show that failures have been acted upon and that you made changes to prevent similar occurrences.

## THE SALE OF KNIVES

It is an offence to supply anyone under the age of 18 with any of the items listed below:

- any knife, knife blade or razor blade (a knife includes cutlery and kitchen knives)
- any axe
- any other article which has a blade or which is sharply pointed and which is made or is adapted for use for causing injury to the person.

Clearly, in the case of the third point above, **bira** members would not be selling implements which had been adapted for use for causing injury. These are official guidelines, and are simply reproduced here for information.

# KNIFE SALES



## THE SALE OF KNIVES cont...

There has been widespread confusion over what constitutes a bladed item, with recent prosecutions including one for selling a pruning saw to an underage purchaser. This confusion will hopefully be reduced somewhat with some guidance produced by LACORS (the Local Authorities Coordinators of Regulatory Services) and the Trading Standards Institute which was issued to **bira** in January 2010. The guidance states that it is not illegal to sell the following:

- Skewers
- Screw drivers
- Scissors
- Pruning saws
- Plasterboard saws
- Peelers
- Children's cutlery
- Wooden or plastic cutlery

However, the best advice to **bira** members remains to use a common sense approach. If the item had a blade which could cause injury, it's probably best not to sell to an underage purchaser. If in doubt - don't sell.

Members should be aware that it is illegal to sell certain knives to anyone, regardless of age. Such knives include:

- flick knives (also known as automatic knives or switchblades, these are knives with a folding or sliding blade contained within the handle and opened by a spring)
- disguised knives (knives disguised as other, everyday items)
- stealth knives (such as sharp plastic knives designed to elude detection by metal detectors).

While some retailers have been advised that parents cannot buy a knife to supply for a person under the age of 18 (who may be training to be a chef, for example) there is no legal basis for this. Retailers can still operate a store policy on proxy sales (selling to a 19 year old with a group of 16 year old friends might not be sensible) but refusing to sell on proxy purchasing grounds for sensible and legitimate purposes not only costs a sale, but also upsets customers.

As knife sales continue to have a high profile on the public agenda, some **bira** members have raised concerns about any requirements on the age of the seller. Whilst it is not a legal requirement for the seller to be 18, managers may prefer to keep knife sales in the hands of more senior staff, who are likely to feel more confident in challenging a purchaser, or in refusing a sale. However, younger members of staff may find it easier to identify the age of purchasers, so members may wish to bear this in mind when dealing with the issue of knife sales.

# KNIFE SALES

## THE SALE OF KNIVES cont...

### Retailers in Scotland

In Scotland, it is not illegal to sell a knife to a person aged 16 or over, providing the blade is intended for domestic use. **bira** would still advise that in such situations, it may be prudent to carry out checks if the person appears to be under the age of 18. In time, it's possible that the law in Scotland will be changed to mirror the situation in England and Wales, and retailers would be wise to prepare for such an eventuality early.

Also in Scotland, retailers should note that a new licensing scheme is being introduced, which will require some outlets to apply for a licence. If you're based in Scotland and sell knives for non-domestic use, you will require a license. The regulations refer to knives other than those designed for domestic use or any other article with a blade, which is sharply pointed or which is made or adapted for use for causing injury to the person. There is no definition provided of what constitutes a non-domestic knife. Members should enquire with the licensing sections of their relevant local authorities to obtain clarification, and if advised that a licence is required, should apply as soon as possible to allow sufficient time for the license to be granted by 1 June 2010. Unlicensed retailers who continue to sell knives after 1 June 2010 will be committing a criminal offence. License costs will vary depending on the local authority.

### Knives commitment

The knives commitment is an initiative launched by the Government in February 2009, as part of a crackdown on knife crime. Knife retailers are encouraged to sign up to the commitment, which advocates best practice in knife sales. In August 2009, **bira** became a signatory to the knives commitment, pledging to continue to promote responsible retailing of knives and bladed items by our members.

The six-point commitment encourages retailers to:

- provide training and support to staff on the sale of knives, and keep a register of completion of training
- clearly display to the public signs stating that knives are not for sale to under-18s
- ensure that display and storage of knives minimises the risk of theft
- ensure till prompts are in place to remind staff at the point of sale
- enhance safeguards on internet sales to address attempted underage sale of knives
- monitor attempted underage sales and share information with local police and other partners
- Home Office-approved posters are available in varying formats and can be requested through the Information Office.

# PROCEDURE FOR MAKING A SALE



## A checklist for all sales personnel

### STEP 1 Is the product age restricted?

For example:  
Knives (18)  
Alcohol (18)

Solvents (18)  
Butane lighters (18)  
Chocolate liquers (16)

### STEP 2 Are you certain, beyond doubt that the person is old enough to purchase it?

### STEP 3 Does the customer have proof of age?

- Passport
- Citizen Card
- Photo driving licence
- PASS proof of age card

### STEP 4 Check the identification

1. Does the identification look and feel valid?
2. If it's a proof of age card does it bear the PASS hologram?
3. Are you satisfied that the proof of age belongs to the customer?
4. Does the photograph on the identification match the person in front of you?

### STEP 5 Know Your Responsibilities

- **Be sure** - If you have any doubt over any of the age of sale requirements or your company procedures check with your Manager / Supervisor. If you have concerns during the sale of an age restricted product, then check with your Manager / Supervisor.
- **Be disciplined** - Take special care during busy periods. The standard procedure for age restricted sales must be followed at all times regardless of how busy you are.
- **Be vigilant**, but remember to be calm and understanding throughout.
- **Be aware** that if you break the law, you, as well as the company / owner may be liable to a conviction and fine.

## IF IN DOUBT, DON'T SELL!

# STAFF TRAINING

## Age Restricted Sales

### Sample Training Record

I confirm that I have trained (name)

.....(Print)

in all aspects of the requirements of laws relative to the sales of age restricted goods and I am satisfied that he/she\* is competent in those requirements. \*delete as necessary

Signed ..... (Trainer)

Name .....(print)

Date .....

I have been trained in the laws relating to the sale of age restricted goods and I am fully aware of my responsibilities. I am/am not\* under 18. \*delete as necessary

Signed .....

Name ..... (print)

Date .....

Signed .....Store Manager (Licensee)

Print name .....

Date .....

Either take a copy of this form or detach this page. When all signatures have been obtained, file in the individual's personal file.



# **Are you 18?**

**The minimum legal age to buy a knife, bladed or sharply pointed item is 18.**

**You may be asked to produce proof of age in order for a sale to take place.**

**Don't be offended if we ask for proof of age.**

**NO IDENTIFICATION  
MEANS NO SALE.**

# **Are you 18?**

**THE MINIMUM LEGAL AGE TO BUY A KNIFE, BLADED OR SHARPLY POINTED ITEM IS 18.**

**YOU MAY BE ASKED TO PRODUCE PROOF OF AGE IN ORDER FOR A SALE TO TAKE PLACE.**

**DON'T BE OFFENDED IF WE ASK FOR PROOF OF AGE.**



**NO IDENTIFICATION MEANS NO SALE.**

# ORDER FORM



The Home Office are supplying a number of marketing items for use in your shop, these include:

- A4 card standees
- Shelf edge barker
- Till vinyl stickers



## ORDER FORM

Please tick which free items you would like and how many (you may tick all if you wish):

A4 card standees	Quantity _____
Shelf edge barker	Quantity _____
Till vinyl stickers	Quantity _____

Name .....  
Company .....  
Address .....  
.....  
Postcode ..... Telephone .....

Email .....  
Signed ..... Date .....

**FAX: 0121 446 5215**

Fax your completed form back to Rebecca Abbott, **bira** Information Manager, who will arrange delivery to you. Alternatively post to: Rebecca Abbott, bira, 225 Bristol Road, Edgbaston, Birmingham, B5 7UB.



## Membership benefits at a glance...

**Connecting** you with a community of independent retailers

**Exclusive** terms and discounts through **bira direct**

**Competitive** loans and savings through **bira finance**

**Comprehensive** private medical insurance

**Free** business banking for the first 12 months and preferential rates

**Preferential** headline rates for card processing

**Protect** your business with our free legal benefits scheme

**Free advice** and product sourcing through the **bira information office**

**Be sure you're legal** with free factsheets via **CybHR**

**Cost effective retail training** to suit all budgets and levels

**Reduce** your rates with our no win no fee service

**Lower** your utility and telecoms overheads

We'd love to talk to you

To join or for more details on getting the most out of your membership, visit our new bira website or call our membership teams:

**Banbury office: 01295 713333**

**Birmingham office: 0121 446 6688**

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