

The Carrying and Use of Ritual Tools in Public Places

By Dane

Author's background: *I am a 'Whitesmith'; I make Ritual Jewellery, Tools and Knives out of Silver, bronze, copper, steel, bone and wood. I also make various other tools such as 'Bushcraft' and hunting knives. In these areas I have over 25 years experience in making. Currently I have memberships with the 'East Midlands Collectors and Cutlers Union' and the 'Romani Knife Makers Guild'*

This article is written in response to a thread that was on the Network's forums earlier last year (2006) and as a reference for the many people who have asked for my advice about current UK legislation in respect to carrying bladed and ritual tools in public. Throughout the article I refer to legislation that I have listed links to in full at the end.

So the first question to ask is : **what is the difference between a tool and a weapon?**

The English Oxford Dictionary defines a tool as firstly 'a device or implement used to carry out a particular function' and secondly, 'a thing used to help perform a job'.¹ A weapon is defined as 'a thing designed or used for inflicting bodily harm or physical damage' or 'a means of gaining an advantage or defending oneself'. British Law, however, defines a weapon as the following: an 'offensive weapon' is as any article made or adapted for use to causing injury to the person, or intended by the person having it with him for such use'.²

Unfortunately this definition encompasses the ritual swords and knives that many of us carry. In the eyes of the law they are weapons and cannot be carried in public without a valid excuse as stated in the Prevention of Crime Act 1953 : "Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence."³

It also states in the section 24 of the Police and Criminal Evidence Act 1984 (arrest without warrant for arrestable offences), "(I) an offence under section 139(1) of the Criminal Justice Act 1988 (offence of having article with blade or point in public place)". This means that carrying a ritual knife in public can be deemed an arrestable offence.

So where are our rights that will allow us to carry our ritual tools?

Under the section S139 of the Criminal Justice Act 1988 it states that: "(4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him -

- (a) for use at work,
- (b) for educational purposes,
- (c) for religious reasons, or
- (d) as part of any national costume." ⁴

This means that, providing you can prove that your sword, athame or ritual knife is for ritual work, then you can carry it in public providing you have just cause to do so, ie. you are travelling to or from a celebration or ritual.

This has already been tested in court in the case of 'The Crown v. Arthur Pendragon' in November 1997. With the appropriate witnesses and specialist testimonies from people such as Ronald Hutton, the case was decided in the favour of Arthur Pendragon giving him the right to wear his ritual sword 'Excalibur' in public whilst he is in ritual robes. This has now set a precedent in law that could be used for future cases.

An example that didn't make it to court was that of the Druid priestess Debbie King. On 9 May 2006 she visited Fareham Court. As she had an interview at the BBC studios later that day and would not have the time to go home to collect her ritual tools and clothing she attended court with her ritual robes in a sports bag with her athame wrapped in her robes. Her bag was left with security and she went into the courts. Upon leaving she was detained by security and later arrested for having an offensive weapon in her possession. Debbie King refused to accept a caution and the Crown Prosecution Services eventually dropped their charge against her, stating that there was insufficient evidence to prosecute her and that she had a valid reason to be carrying her athame. Debbie King finally managed to get her athame back on 31 October 2006, 5 months after it had been confiscated.

So, it seems to be quite straightforward; it's not. If we look again at the definition of an offensive weapon, 'offensive weapon' is defined as any article made or adapted for use to causing injury to the person, or intended by the person having it with him for such use'.

This means that any object - be it a screwdriver, hair comb, soup spoon, etc - can be seen as a weapon in the eyes of the law if used in an act of violence against another person. For example, if you attack someone with a ballpoint pen, you will be charged with attacking him or her with an offensive weapon. The concept of an offensive weapon focuses on you, what you are doing with the object, what your intent is with an object and how you make others react and feel about your actions with that object. The object itself is almost irrelevant.

So now this creates other problems for the Pagan Ritualist. **Do you carry a bronze sickle or a large staff?**

If a member of the public feels threatened in any way by these tools, you can be charged with carrying an offensive weapon. So unless you are in ritual, ask yourself, "do I need to carry my ritual tools openly, at this moment in time?" For such things as swords, athames, knives and sickles, it can be simply a matter of draping your cloak around to cover them and a staff can appear an ornate walking stick to a member of the general public as long as you aren't brandishing it like Gandalf on a Balrog hunt.

So what can be done to protect ourselves and our precious ritual tools?

If you carry edged tools, make sure that they are carried in sheaths and preferably carrying cases whilst travelling to and from the ritual. A carrying case could be a professionally-made zippered case as bought by martial artists for carrying their weapons, or a simple shoulder bag with a closable top, or even a rucksack. For larger tools such as swords or staffs, again a professionally-made sword bag or a long cover designed for a fishing rod is ideal. Or you could make your own case: a simple fabric tube with a stitched bottom and tie top would work well.

If you are attending a large celebration or ritual, ask yourself, do you need to carry your ritual sword, athame, knife, sickle? Will you be using it? Or will someone else be using theirs, leaving many people around the circle all carrying swords and big knives and sickles that aren't necessary? Yes, you have a right to carry it if you wish, and yes, it feels wonderful to have it on your hip, but do you actually need to?

If you are stopped by the Police what do you do?

Firstly, answer any questions politely, without sarcasm and truthfully. As far as the officer is concerned you are some nutter carrying a big knife in public, so it is up to you to convince him or her otherwise.

If you fail to do so and the officer insists you are carrying a potentially offensive weapon, they will take the 'tool' from you and either offer you a caution for carrying it or arrest you. If you accept that caution you will never see your 'tool' again; it will be sent for destruction.

If you are arrested remain polite and insist on a receipt at this point for your 'tool'. You will be taken to the police station and one of two things will happen:

1. You may again be offered a caution. If you accept this, it will mean your tool goes for destruction and a note of this caution will go on record.
2. You will be charged for carrying an offensive weapon. If this occurs, the first thing you will need to do is ask for a receipt for your ritual tool. If you don't, the next time you see it will be in court as 'Exhibit A' before it is sent for destruction. Insist on a solicitor and then refuse to say anything until the solicitor arrives – you then will need to explain to the solicitor that you are Pagan and that your tool is a genuine religious tool.

At no time during this must you admit to doing anything illegal or agree that you are carrying a weapon. It is a Ritual tool: make sure that everyone who will listen is aware of this. But keep your temper and remain civil at all times. If an angry person is carrying a knife, it is more likely that the knife will be seen as an 'offensive weapon'.

You will then be bailed to appear before Magistrates whilst your case is sent to the Crown Prosecution Service, who will decide whether it will be worth their time to attempt to prosecute you. If it is decided there is a case to prosecute you, you will be informed of a court date when you must appear.

Summary

- If you have a legitimate reason for carrying your ritual tools, you may do so, BUT it is up to *you* to prove that you have that right.
- Do not show your tools around in any public non-ritual areas, where the general public may be present.
- When travelling to and from events, carry any edged tools in sheaths and also preferably in either tie top or zipped cases.
- Do not surrender any tools to the police without a receipt.
- Do not accept a caution. You will have your tool taken off you and destroyed, and you will have a police record that states you have been cautioned for carrying an offensive weapon, which will show up whenever you undergo a police check.

With thanks for the input and comments from:

Members of the East Midlands Collectors and Cutlers Union

Members of the BritishBlades.Com website (Makers and Collectors Knife forum).

Please Note: This Article is written with a working knowledge of the law appertaining to the making and carrying of edged tools and ritual tools within England, but the Author

possesses no qualifications or certificates within British law and as such would always advise that any persons arrested for 'carrying an offensive weapon' seek legal advice from a qualified solicitor.

Written: May 2007

References

1 Oxford English Dictionary online

2 Guidance for CPS on offensive weapons charges:

http://cps.gov.uk/legal/section12/chapter_c.html

3 The Prevention of Crime Act 1953: <http://www.opsi.gov.uk/acts/acts2002/20030>

4 1996 amendment section S139 of the Criminal Justice Act 1988

http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880033_en_12.htm#mdiv139