

Status: Point in time view as at 12/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, Paragraph 5A. (See end of Document for details)

SCHEDULES

SCHEDULE 3

COURT SECURITY

Modifications etc. (not altering text)

- C1** Sch. 3: functions transferred (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), 15(1), **Sch. 17 para. 20** (with arts. 28-31)

[^{F1}Retention of knives surrendered or seized

Textual Amendments

- F1** Sch. 3 para. 5A inserted (6.4.2010) by [Coroners and Justice Act 2009, \(c. 25\)](#), {ss. 147(3)}, 182(4)(c) (with s. 180, Sch. 22 para. 44(2)); [S.I. 2010/816](#), **art. 2**, [Sch. para. 10](#)

- 5A (1) This paragraph applies where a knife is surrendered to a court security officer in response to a request under paragraph 4(1) or seized by a court security officer under paragraph 4(2).
- (2) Paragraph 5 does not apply.
- (3) The knife must be retained in accordance with regulations under sub-paragraph (5), unless returned or disposed of in accordance with those regulations or regulations made under paragraph 6.
- (4) If a court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in sub-paragraph (3) prevents the officer retaining the knife for so long as necessary to enable the court security officer to draw it to the attention of a constable.
- (5) Without prejudice to the generality of paragraph 6, the [^{F2}Department of Justice] must by regulations make provision as to—
- the procedure to be followed when a knife is retained under this paragraph;
 - the making of requests by eligible persons for the return of knives so retained;
 - the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.
- (6) For the purposes of this paragraph—
- “ eligible person ”, in relation to a knife retained under this paragraph, means—
- the person who has surrendered the knife under paragraph 4(1) or from whom the knife has been seized under paragraph 4(2), or

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- (b) any other person specified in regulations made under subparagraph (5);
 - “ knife ” includes—
 - (a) a knife-blade, and
 - (b) any other article which—
 - (i) has a blade or which is sharply pointed, and
 - (ii) is made or adapted for use for causing injury to the person.]

Textual Amendments

- F2** Words in Sch. 3 para. 5A(5) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), **Sch. 18 para. 71(5)** (with arts. 28-31)

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