

2010 No. 790

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

MAGISTRATES' COURTS, ENGLAND AND WALES

The Retention of Knives in Court Regulations 2010

<i>Made</i> - - - -	<i>15th March 2010</i>
<i>Laid before Parliament</i>	<i>16th March 2010</i>
<i>Coming into force</i> - -	<i>6th April 2010</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 55A and 56 of the Courts Act 2003^(a) makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Retention of Knives in Court Regulations 2010 and come into force on 6th April 2010.

Interpretation

2. In these Regulations—

“the Act” means the Courts Act 2003 and a reference to a section by number is a reference to that section of the Act; and

“person”, except where the context requires otherwise, means a person who surrenders a knife or from whom a knife is seized at a court building.

Procedure to be followed when a knife is surrendered or seized

3.—(1) This regulation applies where a knife is surrendered to a court security officer in response to a request under section 54(1) or seized by a court security officer under section 54(2).

(2) The court security officer must give the person a notice containing the following—

- (a) a statement that the court security officer has power to retain the knife under section 55A and that the knife will not be returned when the person leaves the court building;
- (b) a statement that the court security officer may draw the knife to the attention of a constable if the officer reasonably believes that it may be evidence of, or in relation to, an offence; and

(a) 2003 c.39. Section 55A was inserted by section 146 of the Coroners and Justice Act 2009 (c.25).

(c) information about the procedure prescribed by these Regulations for requesting the return of the knife and the time limit for making a request.

(3) The court security officer must also give the person a receipt (which includes a reference number) for the knife.

(4) The court security officer must request the name of the person and must record the name, a brief description of the knife and the date on which it was surrendered or seized.

Record of knives retained to be kept

4.—(1) The court manager must keep a written record of knives retained under section 55A.

(2) The record must include the name of the person, a brief description of the knife and the date on which it was surrendered or seized.

Procedure for requesting the return of a knife

5.—(1) The return of a knife may be requested by the person or by somebody else on their behalf.

(2) A request must be made within 28 days of the day on which the knife was surrendered or seized.

(3) The request must be in writing addressed to the court manager.

(4) The request must include the following—

- (a) the name and address of the person making the request;
- (b) where the request is made on behalf of a person, their name;
- (c) a brief description of the knife;
- (d) the date when the knife was surrendered or seized; and
- (e) the reference number provided by the court security officer.

Dealing with a request

6.—(1) Unless paragraphs (2) and (3) apply, the court manager must, within 28 days of receipt of a request under regulation 5, arrange for the knife to be posted to the person requesting its return.

(2) This paragraph and paragraph (3) apply where a constable has advised the court manager that the knife may be treated as evidence of, or in relation to, an offence.

(3) Where paragraph (2) applies, the court manager must, within 28 days of receipt of the request under regulation 5, notify in writing the person requesting the return of the knife of the following—

- (a) that the knife will not be returned because it may be treated as evidence of, or in relation to, an offence;
- (b) the date on which the court manager was so advised;
- (c) the name of the police station at which the police officer who gave the advice is based; and
- (d) that the knife will be disposed of.

Signed by authority of the Lord Chancellor

15th March 2010

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 55A of the Courts Act 2003 (inserted by section 146 of the Coroners and Justice Act 2009) provides for knives surrendered by or seized from persons entering a court building to be retained in accordance with regulations made under the section.

These Regulations prescribe the procedure to be followed when a knife is retained by court security officers and the procedure for the return of a retained knife.

Regulation 3 sets out the procedure to be followed when a knife is retained and the information which is required to be provided by the court security officer to the person who surrenders the knife or from whom it is seized.

Regulation 4 requires the court manager to keep a written record of any knives retained by court security officers.

Regulation 5 sets out the procedure for making a request for the return of a retained knife.

Regulation 6 provides the procedure to be followed by the courts in dealing with a request for the return of a retained knife.

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STATUTORY INSTRUMENTS

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