

**2013 No. 2532**

**SUPREME COURT OF THE UNITED KINGDOM**

**The Retention of Knives (Supreme Court) Regulations 2013**

*Made* - - - - *2nd October 2013*

*Laid before Parliament* *8th October 2013*

*Coming into force* - - *1st November 2013*

The Lord Chancellor makes these Regulations in exercise of the power conferred by section 51D of the Constitutional Reform Act 2005(a).

**Citation and Commencement**

1. These Regulations may be cited as the Retention of Knives (Supreme Court) Regulations 2013 and come into force on 1st November 2013.

**Interpretation**

2. In these Regulations—

“the Act” means the Constitutional Reform Act 2005 and a reference to a section by number is a reference to that section of the Act;

“the chief executive” means the chief executive of the Supreme Court; and

**Procedure to be followed when a knife is surrendered or seized**

3.—(1) This regulation applies where under section 51C(1) a knife is surrendered to a Supreme Court security officer in response to a request or seized by a Supreme Court security officer.

(2) Where a knife is surrendered to or seized by a Supreme Court security officer, the officer must give the eligible person a notice containing the following—

- (a) a statement that the officer has power to retain the knife under section 51C and that the knife will not be returned when the person leaves the Supreme Court;
- (b) a statement that the 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
- (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 Supreme Court security officer must also give the person a receipt (which includes a reference number) for the knife.

(4) The Supreme 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.

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(a) 2005 c. 4. Section 51D was inserted by section 30 of the Crime and Courts Act 2013 (c. 22).

### **Record of knives to be retained to be kept**

4.—(1) The chief executive must keep a written record of knives retained under these Regulations.

(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 date on which the knife was surrendered or seized.

(3) A request must be in writing addressed to the chief executive.

(4) A 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 Supreme Court security officer.

### **Dealing with a request**

6.—(1) Unless paragraphs (2) and (3) apply, the chief executive 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 chief executive that the knife may be treated as evidence of, or in relation to, an offence.

(3) Where paragraph (2) applies, the chief executive 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 chief executive 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

2nd October 2013

*Lord McNally*  
Minister of State  
Ministry of Justice

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 51C of the Constitutional Reform Act 2005 (inserted by section 30 of the Crime and Courts Act 2013) provides for knives to be surrendered by, or seized from, persons entering the Supreme Court by Supreme Court security officers.

Knives that have been surrendered or seized must be retained in accordance with section 51C of the Constitutional Reform Act 2005. Regulation 3 sets out the procedure to be followed when a knife is retained and the information which a Supreme Court security officer must provide to the person who surrenders the knife or from whom it is seized.

Regulation 4 requires the chief executive of the Supreme Court to keep a written record of any knives retained by Supreme 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 in dealing with a request for the return of a retained knife.

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