

2010 No. 105

COURT OF JUDICATURE OF NORTHERN IRELAND

COUNTY COURTS

MAGISTRATES' COURTS

**The Retention of Knives in Court Regulations (Northern
Ireland) 2010**

Made - - - - - *15th March 2010*
Coming into operation - - - - - *6th April 2010*
To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred upon him by paragraphs 5A (5) and 6 of Schedule 3 to the Justice (Northern Ireland) Act 2004^(a) hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Retention of Knives in Court Regulations (Northern Ireland) 2010 and shall come into operation on 6th April 2010.

2. In these Regulations—

- (a) “court manager” means the chief clerk, the clerk of petty sessions, the Court of Judicature Administrator or other nominated member of the Northern Ireland Court Service; and
- (b) “person”, except where regulation 5 requires otherwise, means a person who surrenders a knife or from whom a knife is seized at a relevant 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 paragraph 4(1) of Schedule 3 to the Act, or is seized by a court security officer under paragraph 4(2) of Schedule 3 to the Act.

(2) The court security officer shall record in the Form set out in the Schedule to these Regulations—

- (a) the name of the person;
- (b) a brief description of the knife surrendered or seized; and
- (c) the date on which the knife was surrendered or seized.

(a) 2004 c.4; to which the most recent relevant amendment was made by section 147 of the Coroners and Justice Act 2009 c.25.

(3) The court security officer shall provide a copy of the completed Form to the person and the court manager.

Records of knives retained

4.—(1) The court manager shall keep a written record of knives retained under paragraph 5A of Schedule 3 to the Act.

(2) The record shall include the name of the person, a brief description of the knife and the date on which the knife 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 someone else on his or her behalf.

(2) A request shall be made in writing, to the court manager responsible for the relevant building where the knife was surrendered or seized, within 28 days of the date on which the knife was surrendered or seized.

(3) The request shall contain—

- (a) the name and address of the person making the request;
- (b) where the request is made on behalf of the person, their name;
- (c) a copy of the Form.

(4) If a copy of the Form cannot be provided, the person shall provide the following details:

- (a) a brief description of the knife; and
- (b) the date on which the knife was surrendered or seized.

Refusal of a request

6.—(1) Subject to paragraph (2), the court manager shall, 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) Where a police officer has advised the court manager that the knife may be treated as evidence of, or in relation to, an offence, the court manager shall, within 28 days of receipt of a request under regulation 5, notify the person in writing 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 and address 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 the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under-Secretary of State,
Ministry of Justice

Dated 15th March 2010

SCHEDULE

Regulation 3(2)

Form

NOTIFICATION OF SURRENDERED OR SEIZED KNIVES

(Paragraphs 4(1), 4(2) and 5A of Schedule 3 to the Justice
(Northern Ireland) Act 2004)

Name of person from whom the knife has been surrendered or seized:

Description of knife surrendered or seized:

Date:

The above knife has been taken into the custody of the court in accordance with paragraph 4(1) of Schedule 3 or paragraph 4(2) of Schedule 3 to the Justice (Northern Ireland) Act 2004.

NOTE: Under paragraph 5A of Schedule 3 to the Justice (Northern Ireland) Act 2004, this knife will be retained by the court and will not be returned to you on leaving the court building.

Any offensive weapons surrendered or seized will be automatically notified to the Court Manager and the Police, as will any knives that may be evidence of, or in relation, to an offence.

If the police officer advises that the knife may be evidence of, or in relation to an offence, the officer may remove the knife from the court.

Procedure for requesting the return of a surrendered or seized knife:

A request for the return of a surrendered or seized knife can be made by you, or a person acting on your behalf.

The request must be made in **writing** to the court manager **within 28 days** from the date on which the knife was surrendered or seized.

The request must include the following information:

- a copy of this form; and
- the name and address of the person making the request

If a copy of this form **cannot** be provided the request must include:

- the name and address of the person making the request (where a request is made on behalf of the person, their name);
- a brief description of the knife retained; and
- the date on which the knife was seized.

Return of the surrendered or seized knife:

The Court Manager will process your request **within 28 days of receipt** of the request and will either:

- (a) allow the request and arrange for the knife to be posted to you or the person acting on your behalf; or
- (b) refuse the request on the basis that the police has advised the court manager that the knife may be treated **as evidence of, or in relation to an offence.**

Refusal of Request

If in accordance with regulation 6, the Court Manager has been advised by the police not to return the knife, you will be provided with the following information:

- confirmation that the knife may be treated as evidence of, or in relation to an offence;
- the date on which the court was advised of this;
- the name and address of the police station at which the police officer who gave the advice is based; and
- **that the knife will NOT be returned to you and that it will be disposed of.**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Para 5A of Schedule 3 to the Justice (Northern Ireland) Act 2004 (as inserted by section 147 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 paragraph.

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.

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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