



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 5

#### MISCELLANEOUS CRIMINAL JUSTICE PROVISIONS

#### **146 Retention of knives surrendered or seized (England and Wales)**

- (1) The Courts Act 2003 (c. 39) is amended as follows.
- (2) In section 55 (powers to retain articles surrendered or seized), after subsection (3) add—
  - “(4) This section is subject to section 55A.”
- (3) After section 55 insert—

#### **“55A Retention of knives surrendered or seized**

- (1) This section 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) Section 55 does not apply.
- (3) The knife must be retained in accordance with regulations under subsection (5), unless returned or disposed of in accordance with those regulations or regulations made under section 56.
- (4) If a court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subsection (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 section 56, the Lord Chancellor must by regulations make provision as to—
  - (a) the procedure to be followed when a knife is retained under this section;

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**Changes to legislation:** *Coroners and Justice Act 2009, Section 146 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) the making of requests by eligible persons for the return of knives so retained;
  - (c) 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 section—
- “eligible person”, in relation to a knife retained under this section, means—
- (a) the person who has surrendered the knife under section 54(1) or from whom the knife has been seized under section 54(2), or
  - (b) any other person specified in regulations made under subsection (5);
- “knife” includes—
- (a) a knife-blade, and
  - (b) any other article which—
    - (i) has a blade or is sharply pointed, and
    - (ii) is made or adapted for use for causing injury to the person.”
- (4) In section 56(2)(a), after “section 55” insert “ or section 55A ”.

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**Commencement Information**

**II** S. 146 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 9](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)