



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 2

KNIFE CRIME PREVENTION ORDERS

Knife crime prevention orders made on conviction

19 Knife crime prevention order made on conviction

- (1) This section applies where—
 - (a) a person aged 12 or over (the “defendant”) is convicted of an offence which was committed after the coming into force of this section, and
 - (b) a court dealing with the defendant in respect of the offence is satisfied on the balance of probabilities that the offence is a relevant offence.
- (2) The court may make a knife crime prevention order under this section in respect of the defendant if the following conditions are met.
- (3) The first condition is that the prosecution applies for a knife crime prevention order to be made under this section.
- (4) The second condition is that the court thinks that it is necessary to make the order—
 - (a) to protect the public in England and Wales from the risk of harm involving a bladed article,
 - (b) to protect any particular members of the public in England and Wales (including the defendant) from such risk, or
 - (c) to prevent the defendant from committing an offence involving a bladed article.
- (5) A knife crime prevention order under this section is an order which, for a purpose mentioned in subsection (4)—
 - (a) requires the defendant to do anything described in the order;
 - (b) prohibits the defendant from doing anything described in the order.

Status: This is the original version (as it was originally enacted).

- (6) See also—
- (a) section 21 (which makes further provision about the requirements and prohibitions that may be imposed by a knife crime prevention order under this section),
 - (b) section 22 (which makes further provision about the inclusion of requirements in a knife crime prevention order under this section), and
 - (c) section 23 (which makes provision about the duration of a knife crime prevention order under this section).
- (7) The court may make a knife crime prevention order under this section in respect of the defendant only if it is made in addition to—
- (a) a sentence imposed in respect of the offence, or
 - (b) an order discharging the offender conditionally.
- (8) For the purposes of deciding whether to make a knife crime prevention order under this section the court may consider evidence led by the prosecution and evidence led by the defendant.
- (9) It does not matter whether the evidence would have been admissible in the proceedings in which the defendant was convicted.
- (10) For the purposes of this section an offence is a relevant offence if—
- (a) the offence involved violence,
 - (b) a bladed article was used, by the defendant or any other person, in the commission of the offence, or
 - (c) the defendant or another person who committed the offence had a bladed article with them when the offence was committed.
- (11) In subsection (10) “violence” includes a threat of violence.

20 Requirement to consult on application for order under section 19

- (1) This section applies if the prosecution proposes to apply for a knife crime prevention order under section 19 in respect of a defendant who—
- (a) is under the age of 18, and
 - (b) will be under that age when the application is made.
- (2) Before making the application, the prosecution must consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the prosecution that the defendant lives.
- (3) If it appears to the prosecution that the defendant lives in the area of two or more youth offending teams, the obligation in subsection (2) is to consult such of those teams as the prosecution thinks appropriate.