



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 2

KNIFE CRIME PREVENTION ORDERS

Knife crime prevention orders made otherwise than on conviction

14 Knife crime prevention order made otherwise than on conviction

- (1) A court may make a knife crime prevention order under this section in respect of a person aged 12 or over (the “defendant”) if the following conditions are met.
- (2) The first condition is that a person has, by complaint to the court, applied for a knife crime prevention order under this section in accordance with section 15.
- (3) The second condition is that the court is satisfied on the balance of probabilities that, on at least two occasions in the relevant period, the defendant had a bladed article with them without good reason or lawful authority—
 - (a) in a public place in England and Wales,
 - (b) on school premises, or
 - (c) on further education premises.
- (4) In subsection (3) “the relevant period” means the period of two years ending with the day on which the order is made; but an event may be taken into account for the purposes of that subsection only if it occurred after the coming into force of this section.
- (5) Without prejudice to the generality of subsection (3), a person has good reason for having a bladed article with them in a place mentioned in that subsection if the person has the article with them in that place—
 - (a) for use at work,
 - (b) for educational purposes,
 - (c) for religious reasons, or
 - (d) as part of any national costume.

Status: This is the original version (as it was originally enacted).

- (6) The third 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.
- (7) A knife crime prevention order under this section is an order which, for a purpose mentioned in subsection (6)—
- (a) requires the defendant to do anything described in the order;
 - (b) prohibits the defendant from doing anything described in the order.
- (8) See also—
- (a) section 21 (which makes further provision about the requirements and prohibitions which 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).
- (9) Section 127 of the Magistrates’ Courts Act 1980 (time limits) does not apply to a complaint under this section.
- (10) In this section—
- “court”—
- (a) in the case of a defendant who is under the age of 18, means a magistrates’ court which is a youth court, and
 - (b) in any other case, means a magistrates’ court which is not a youth court;
- “further education premises” means land used solely for the purposes of—
- (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
 - (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),
- excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;
- “public place” includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;
- “school premises” means any land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and “school” has the meaning given by section 4 of the Education Act 1996.

15 Requirements for application for order under section 14

- (1) An application for a knife crime prevention order under section 14 may be made only by—
- (a) a relevant chief officer of police,
 - (b) the chief constable of the British Transport Police Force, or

- (c) the chief constable of the Ministry of Defence Police.
- (2) For the purposes of subsection (1)(a) a chief officer of police is a relevant chief officer of police in relation to an application for a knife crime prevention order in respect of a defendant if—
 - (a) the defendant lives in the chief officer’s police area, or
 - (b) the chief officer believes that the defendant is in, or is intending to come to, the chief officer’s police area.
- (3) An application for a knife crime prevention order under section 14 made by a chief officer of police for a police area may be made only to a court acting for a local justice area that includes any part of that police area.
- (4) Subsections (5) and (6) apply if a person proposes to apply for a knife crime prevention order under section 14 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.
- (5) Before making the application the person must consult the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the person that the defendant lives.
- (6) If it appears to the person that the defendant lives in the area of two or more youth offending teams, the obligation in subsection (5) is to consult such of those teams as the person thinks appropriate.

16 Application without notice

- (1) An application for a knife crime prevention order under section 14 may be made without the applicant giving notice to the defendant.
- (2) Section 15(4) to (6) (consultation requirements) does not apply to an application made without notice.
- (3) If an application is made without notice the court must—
 - (a) adjourn the proceedings and make an interim knife crime prevention order under section 17,
 - (b) adjourn the proceedings without making an interim knife crime prevention order under that section, or
 - (c) dismiss the application.
- (4) If the court acts under subsection (3)(a) or (b), the applicant must comply with section 15(4) to (6) before the date of the first full hearing.
- (5) In this section “full hearing” means a hearing of which notice has been given to the applicant and the defendant in accordance with rules of court.