



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 2

KNIFE CRIME PREVENTION ORDERS

Provisions of knife crime prevention order

21 Provisions of knife crime prevention order

- (1) The only requirements and prohibitions that may be imposed on a defendant by a knife crime prevention order are those which the court making the order thinks are necessary—
 - (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.
- (2) The requirements imposed by a knife crime prevention order on a defendant may, in particular, have the effect of requiring the defendant to—
 - (a) be at a particular place between particular times on particular days;
 - (b) be at a particular place between particular times on any day;
 - (c) present themselves to a particular person at a place where they are required to be between particular times on particular days;
 - (d) participate in particular activities between particular times on particular days.
- (3) Section 22 makes further provision about the inclusion of requirements in a knife crime prevention order.
- (4) The prohibitions imposed by a knife crime prevention order on a defendant may, in particular, have the effect of prohibiting the defendant from—
 - (a) being in a particular place;

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- (b) being with particular persons;
 - (c) participating in particular activities;
 - (d) using particular articles or having particular articles with them;
 - (e) using the internet to facilitate or encourage crime involving bladed articles.
- (5) References in subsection (4) to a particular place or particular persons, activities or articles include a place, persons, activities or articles of a particular description.
- (6) A knife crime prevention order which imposes prohibitions on a defendant may include exceptions from those prohibitions.
- (7) Nothing in subsections (2) to (6) affects the generality of section 14(7) or section 19(5).
- (8) The requirements or prohibitions which are imposed on the defendant by a knife crime prevention order must, so far as practicable, be such as to avoid—
- (a) any conflict with the defendant’s religious beliefs, and
 - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment.

22 Requirements included in knife crime prevention order etc

- (1) A knife crime prevention order or interim knife crime prevention order which imposes a requirement on a defendant must specify a person who is to be responsible for supervising compliance with the requirement.
- (2) That person may be an individual or an organisation.
- (3) Before including a requirement, the court must receive evidence about its suitability and enforceability from—
- (a) the individual to be specified under subsection (1), if an individual is to be specified;
 - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (4) Before including two or more requirements, the court must consider their compatibility with each other.
- (5) It is the duty of a person specified under subsection (1)—
- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”);
 - (b) to promote the defendant’s compliance with the relevant requirements;
 - (c) if the person considers that the defendant—
 - (i) has complied with all of the relevant requirements, or
 - (ii) has failed to comply with a relevant requirement,
 to inform the appropriate chief officer of police.
- (6) In subsection (5)(c) “the appropriate chief officer of police” means—
- (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the defendant lives, or
 - (b) if it appears to that person that the defendant lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.

- (7) A defendant subject to a requirement in a knife crime prevention order or interim knife crime prevention order must—
 - (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
 - (b) notify that person of any change of the defendant’s home address.
- (8) The obligations mentioned in subsection (7) have effect as if they were requirements imposed on the defendant by the order.

23 Duration of knife crime prevention order etc

- (1) A knife crime prevention order or an interim knife crime prevention order under section 18 takes effect on the day on which it is made, subject to subsections (6) and (7).
- (2) An interim knife crime prevention order under section 17 takes effect when it is served on the defendant, subject to subsections (6) and (7).
- (3) A knife crime prevention order must specify the period for which it has effect, which must be a fixed period of at least 6 months, and not more than 2 years, beginning with the day on which it takes effect.
- (4) An interim knife crime prevention order under section 17 has effect until the determination of the application mentioned in subsection (1) of that section, subject to section 27 (variation, renewal or discharge).
- (5) An interim knife crime prevention order under section 18 has effect until the determination of the application mentioned in subsection (1) of that section, subject to section 27.
- (6) Subsection (7) applies if a knife crime prevention order or an interim knife crime prevention order is made in respect of—
 - (a) a defendant who has been remanded in or committed to custody by an order of a court,
 - (b) a defendant on whom a custodial sentence has been imposed or who is serving or otherwise subject to such a sentence, or
 - (c) a defendant who is on licence for part of the term of a custodial sentence.
- (7) The order may provide that it does not take effect until—
 - (a) the defendant is released from custody,
 - (b) the defendant ceases to be subject to a custodial sentence, or
 - (c) the defendant ceases to be on licence.
- (8) A knife crime prevention order or an interim knife crime prevention order may specify periods for which particular prohibitions or requirements have effect.
- (9) Where a court makes a knife crime prevention order or an interim knife crime prevention order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.
- (10) In this section “custodial sentence” means—
 - (a) a sentence of imprisonment or any other sentence or order mentioned in section 76(1) of the Powers of Criminal Courts (Sentencing) Act 2003, or

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- (b) a sentence or order which corresponds to a sentence or order within paragraph (a) and which was imposed or made under an earlier enactment.