



# 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.

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*Changes to legislation:* There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 19. (See end of Document for details)

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- (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.
- [<sup>F1</sup>(9A) The court may adjourn any proceedings on an application for a knife crime prevention order even after sentencing the defendant.
- (9B) If the defendant does not appear for any adjourned proceedings the court may—
- (a) further adjourn the proceedings,
  - (b) issue a warrant for the defendant’s arrest, or
  - (c) hear the proceedings in the defendant’s absence.
- (9C) The court may not act under subsection (9B)(b) unless it is satisfied that the defendant has had adequate notice of the time and place of the adjourned proceedings.
- (9D) The court may not act under subsection (9B)(c) unless it is satisfied that the defendant—
- (a) has had adequate notice of the time and place of the adjourned proceedings, and
  - (b) has been informed that if the defendant does not appear for those proceedings the court may hear the proceedings in the defendant’s absence.]
- (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.

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**Textual Amendments**

**F1** S. 19(9A)-(9D) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [167\(1\)](#), [208\(1\)](#); S.I. 2022/520, reg. 5(t)

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**Changes to legislation:** There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 19. (See end of Document for details)

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#### Commencement Information

- I1** S. 19(1)-(4), (7)-(11) in force at 5.7.2021 in relation to the metropolitan police district for the specified period by [S.I. 2021/762](#), regs. 1(2), **2(1)** (with reg. 3(2)(3)) (as amended (16.7.2022) by [The Offensive Weapons Act 2019 \(Commencement No. 2\) \(England and Wales\) \(Amendment\) Regulations 2022](#) (S.I. 2022/828), regs. 1(1), **2**)
- I2** S. 19(5)(6) in force at 5.7.2021 for specified purposes in relation to the metropolitan police district for the specified period by [S.I. 2021/762](#), regs. 1(2), **2(2)** (with reg. 3(2)(3)) (as amended) (16.7.2022) by [The Offensive Weapons Act 2019 \(Commencement No. 2\) \(England and Wales\) \(Amendment\) Regulations 2022](#) (S.I. 2022/828), regs. 1(1), **2**)

**Changes to legislation:**

There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 19.