



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 2

#### KNIFE CRIME PREVENTION ORDERS

##### *Supplementary provisions*

#### **27 Variation, renewal or discharge of knife crime prevention order etc**

- (1) A person within subsection (2) may apply to the appropriate court for—
  - (a) an order varying, renewing or discharging a knife crime prevention order, or
  - (b) an order varying or discharging an interim knife crime prevention order.
- (2) Those persons are—
  - (a) the defendant;
  - (b) the chief officer of police for a police area in which the defendant lives;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, the chief officer's police area;
  - (d) if the application for the order was made by a chief officer of police other than one within paragraph (b) or (c), the chief officer by whom the application was made;
  - (e) if the order was made on an application by the chief constable of the British Transport Police Force, that chief constable;
  - (f) if the order was made on an application by the chief constable of the Ministry of Defence Police, that chief constable.
- (3) An application under subsection (1) may be made—
  - (a) where the appropriate court is the Crown Court, in accordance with rules of court;
  - (b) in any other case, by complaint.
- (4) Before a person other than the defendant makes an application under subsection (1), the person must notify the persons consulted under section 15(5) or section 20(2).

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*Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 27. (See end of Document for details)*

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- (5) Before making a decision on an application under subsection (1), the court must hear—
  - (a) the person making the application, and
  - (b) any other person within subsection (2) who wishes to be heard.
- (6) Subject as follows, on an application under subsection (1)—
  - (a) the court may make such order varying or discharging the order as it thinks appropriate;
  - (b) in the case of an application under paragraph (a) of that subsection, the court may make such order renewing the order as it thinks appropriate.
- (7) The court may renew a knife crime prevention order, or vary such an order or an interim knife crime prevention order so as to impose an additional prohibition or requirement on a defendant, only if it is satisfied that it is necessary to do so—
  - (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.
- (8) The provisions mentioned in subsection (9) have effect in relation to the renewal of a knife crime prevention order, or the variation of a knife crime prevention order or interim knife crime prevention order so as to impose a new requirement or prohibition, as they have effect in relation to the making of such an order.
- (9) Those provisions are—
  - (a) section 21 (provisions of knife crime prevention order),
  - (b) section 22 (requirements included in knife crime prevention order etc), and
  - (c) section 23 (duration of knife crime prevention order etc).
- (10) The court may not discharge a knife crime prevention order before the end of the period of 6 months beginning with the day on which the order takes effect without the consent of the defendant and—
  - (a) where the application under this section is made by a chief officer of police, that chief officer,
  - (b) if paragraph (a) does not apply but the application for the order was made by a chief officer of police, that chief officer and (if different) each chief officer of police for an area in which the defendant lives, or
  - (c) in any other case, each chief officer of police for an area in which the defendant lives.
- (11) In this section the “appropriate court” means—
  - (a) where the Crown Court or the Court of Appeal made the knife crime prevention order or the interim knife crime prevention order, the Crown Court;
  - (b) where an adult magistrates' court made the order, that court, an adult magistrates' court for the area in which the defendant lives or, where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area;
  - (c) where a youth court made the order and the defendant is under the age of 18, that court, a youth court for the area in which the defendant lives or, where

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the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer's police area;

- (d) where a youth court made the order and the defendant is aged 18 or over, an adult magistrates' court for the area in which the defendant lives or, where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area.

(12) In subsection (11) “adult magistrates' court” means a magistrates' court that is not a youth court.

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**Commencement Information**

- II** S. 27 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. 4](#)) (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](#))

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