STATUTORY RULES OF NORTHERN IRELAND

2010 No. 105

COURT OF JUDICATURE OF NORTHERN IRELAND

COUNTY COURTS

MAGISTRATES' COURTS

The Retention of Knives in Court Regulations (Northern Ireland) 2010

Made - - - -	*15th March 2010*
To be laid before Parliament	
Coming into operation	*6th April 2010*

The Lord Chancellor, in exercise of the powers conferred upon him by paragraphs 5A (5) and 6 of Schedule 3 to the Justice (Northern Ireland) Act 2004(**1**) hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Retention of Knives in Court Regulations (Northern Ireland) 2010 and shall come into operation on 6th April 2010.

2. In these Regulations—

(a) "court manager" means the chief clerk, the clerk of petty sessions, the Court of Judicature Administrator or other nominated member of the Northern Ireland Court Service; and

(b) "person", except where regulation 5 requires otherwise, means a person who surrenders a knife or from whom a knife is seized at a relevant building.

Procedure to be followed when a knife is surrendered or seized

3.—(1) This regulation applies where a knife is surrendered to a court security officer in response to a request under paragraph 4(1) of Schedule 3 to the Act, or is seized by a court security officer under paragraph 4(2) of Schedule 3 to the Act.

(2) The court security officer shall record in the Form set out in the Schedule to these Regulations —

(**1**) 2004 c.4; to which the most recent relevant amendment was made by section 147 of the Coroners and Justice Act 2009 c.25.

(a) the name of the person;

(b) a brief description of the knife surrendered or seized; and

(c) the date on which the knife was surrendered or seized.

(3) The court security officer shall provide a copy of the completed Form to the person and the court manager.

Records of knives retained

4.—(1) The court manager shall keep a written record of knives retained under paragraph 5A of Schedule 3 to the Act.

(2) The record shall include the name of the person, a brief description of the knife and the date on which the knife was surrendered or seized.

Procedure for requesting the return of a knife

5.—(1) The return of a knife may be requested by the person or someone else on his or her behalf.

(2) A request shall be made in writing, to the court manager responsible for the relevant building where the knife was surrendered or seized, within 28 days of the date on which the knife was surrendered or seized.

(3) The request shall contain—

(a) the name and address of the person making the request;

(b) where the request is made on behalf of the person, their name;

(c) a copy of the Form.

(4) If a copy of the Form cannot be provided, the person shall provide the following details:

(a) a brief description of the knife; and

(b) the date on which the knife was surrendered or seized.

Refusal of a request

6.—(1) Subject to paragraph (2), the court manager shall, within 28 days of receipt of a request under regulation 5, arrange for the knife to be posted to the person requesting its return.

(2) Where a police officer has advised the court manager that the knife may be treated as evidence of, or in relation to, an offence, the court manager shall, within 28 days of receipt of a request under regulation 5, notify the person in writing of the following—

(a) that the knife will not be returned because it may be treated as evidence of, or in relation to, an offence;

(b) the date on which the court manager was so advised;

(c) the name and address of the police station at which the police officer who gave the advice is based; and

(d) that the knife will be disposed of.

Signed by the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under-Secretary of State,
Ministry of Justice

Dated 15th March 2010