

2021 No. 762 (C. 39)

CRIMINAL LAW, ENGLAND AND WALES

**The Offensive Weapons Act 2019 (Commencement No. 2)
(England and Wales) Regulations 2021**

Made - - - -

25th June 2021

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 31(4) and 70(1) and (4) of the Offensive Weapons Act 2019(a).

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Offensive Weapons Act 2019 (Commencement No. 2) (England and Wales) Regulations 2021.

(2) In these Regulations—

“KCPO” means a knife crime prevention order;

“the specified period” means the period of 14 months beginning with 5th July 2021;

“the 2019 Act” means the Offensive Weapons Act 2019.

(3) These Regulations extend to England and Wales.

Commencement of Part 2 of the 2019 Act

2.—(1) The following provisions of the 2019 Act come into force on 5th July 2021 in relation to the metropolitan police district(b) for the specified period—

(a) section 14(1) to (6), (9) and (10) (KCPO made otherwise than on conviction);

(b) section 15 (requirements for application for order under section 14);

(c) section 16 (application without notice);

(d) section 17(1) to (3) (interim KCPO: application without notice);

(e) section 18(1) to (5) and (8) (interim KCPO: application not determined);

(f) section 19(1) to (4) and (7) to (11) (KCPO made on conviction);

(g) section 20 (requirement to consult on an application for order under section 19);

(h) section 26 (review of KCPO);

(i) section 27 (variation, renewal or discharge of a KCPO);

(j) section 28 (appeal against a KCPO);

(k) section 32 (consequential amendments).

(a) 2019 c. 17 (“the 2019 Act”).

(b) “metropolitan police district” means that district as defined in section 76 of the London Government Act 1963 (c. 33). Section 76(1) of that Act was amended by section 323 of the Greater London Authority Act 1999 (c. 29).

(2) The following provisions of the 2019 Act, so far as they relate to a KCPO or interim KCPO applied for or made in the metropolitan police district, come into force on 5th July 2021 in relation to England and Wales for the specified period—

- (a) section 14(7) and (8);
- (b) section 17(4) to (6);
- (c) section 18(6) and (7);
- (d) section 19(5) and (6);
- (e) section 21 (provisions of a KCPO);
- (f) section 22 (requirements included in a KCPO);
- (g) section 23 (duration of a KCPO)(a);
- (h) section 24 (notification requirements);
- (i) section 25 (offences relating to notification)(b);
- (j) section 29 (offence of breaching a KCPO)(c);
- (k) section 33 (interpretation of Part 2 of the 2019 Act).

Period for which KCPOs and interim knife crime prevention orders are to have effect

3.—(1) Where an interim KCPO is made during the specified period under section 17 or 18 of the 2019 Act, the order is to cease to have effect at the end of the specified period (unless the order ceases to have effect before that date under sections 23(4), (5) or (9) or 27 of the 2019 Act, as the case may be(d));

(2) Where a KCPO is made during the specified period under section 14 or 19 of the 2019 Act but does not take effect before the end of the specified period(e), the order is to cease to have effect at the end of that period (unless the order ceases to have effect before that date under sections 23(3), (9) or 27 of the 2019 Act, as the case may be(f));

(3) Where a KCPO is made during the specified period under section 14 or 19 of the 2019 Act and has effect immediately before the end of the specified period, the order is to cease to have effect at the end of the period of 6 months following the end of the specified period (unless the order ceases to have effect before that date under sections 23(3), (9) or 27 of the 2019 Act, as the case may be).

Saving

4. Where a KCPO has effect immediately before the end of the specified period, the following provisions of the 2019 Act continue in effect in relation to those orders for a further period of 6 months—

- (a) sections 21 to 25 (provisions of KCPO and notification requirements);
- (b) section 26(1), (2), (5) and (6) (review of KCPO);
- (c) section 27 (variation, renewal or discharge of KCPO) in so far as it applies to an application for an order varying or discharging a KCPO;

(a) Section 23(10) of the 2019 Act was amended by paragraph 300 of Schedule 24 to the Sentencing Act 2020 (c. 17) (“the 2020 Act”).

(b) Section 25(3) of the 2019 Act was amended by paragraph 443(1) of Schedule 24 to the 2020 Act.

(c) Section 29(3) of the 2019 Act was amended by paragraph 443(1) of Schedule 24 to the 2020 Act.

(d) Section 23(4) and (5) of the 2019 Act makes provision for cessation of interim knife crime prevention orders on the determination of the substantive knife crime prevention order application subject to variation, renewal or discharge under section 27. Section 23(9) provides that, where a court makes a knife crime prevention order or 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.

(e) Section 23(7) of the 2019 Act makes provision for when a knife crime prevention order may take effect.

(f) Section 23(3) of the 2019 Act provides that a knife crime prevention order must specify the period for which it has effect. Section 23(9) provides that, 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. Section 27 of the Act makes provision for variation, renewal or discharge of such an order.

- (d) sections 28 and 29 (appeal against KCPO and offence of breaching KCPO);
- (e) section 32(2) and (3) (consequential amendments);
- (f) section 33 (interpretation).

25th June 2021

Kit Malthouse
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 31 of the Offensive Weapons Act 2019 Act (c. 17) (“the 2019 Act”) requires the provisions of Part 2 (knife crime prevention orders) to be brought into force either for one or more specified purposes or in relation to one or more specified areas in England and Wales, and for the Secretary of State to lay a report before Parliament on the operation of those provisions, before all the provisions of Part 2 may be brought fully into force in England and Wales.

Regulation 2 brings provisions of Part 2 of the 2019 Act into force for a specified period of 14 months (“the pilot period”). Paragraph (1) brings provisions relating to applications for and the making of knife crime prevention orders (“KCPOs”), and their subsequent review, variation, renewal, discharge or appeal, into force in relation to the metropolitan police district (“MPD”) only. Paragraph (2) brings provisions relating to the effect of KCPOs, including the prohibitions and requirements imposed by them, notification obligations and offences of breaching a KCPO into force in relation to England and Wales for orders made in the MPD. As such, during the pilot period KCPOs can only be made in the MPD but will be enforceable throughout England and Wales.

Regulation 3 provides for the cessation of KCPOs and interim KCPOs made during the pilot period. Paragraphs (1) and (2), respectively, provide that interim KCPOs, and KCPOs made but which do not have effect prior to the end of the pilot period, cease to have effect at the end of that period (subject to earlier cessation under the 2019 Act).

Regulation 3(3) provides that KCPOs which have effect immediately before the end of the pilot period cease to have effect at the end of a further period of 6 months (subject to earlier cessation under the 2019 Act). Regulation 4 similarly preserves the application of certain provisions of the 2019 Act relating to KCPOs for a further period of 6 months, where the KCPO has effect before the end of the specified period (that is, KCPOs to which regulation 3(3) also applies). As such, KCPOs which have effect immediately before the end of the pilot period may continue to have effect for a further period of 6 months.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Act have been brought into force in England and Wales by commencement Regulations made before these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 44 (1) and (4) (partially)	10 December 2020	2020/1480