EXPLANATORY MEMORANDUM TO

THE RETENTION OF KNIVES (SUPREME COURT) REGULATIONS 2013

2013 No. 2532

1. This explanatory memorandum has been prepared by Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Retention of Knives (Supreme Court) Regulations 2013 set out the process to be followed by the Supreme Court security officers when seizing knives from persons entering the Supreme Court.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Section 51D of the Constitutional Reform Act 2005 contains an obligation to make regulations dealing with the procedure to be followed when a knife is retained, the making of requests for the return of knives and the procedure to be followed when returning a knife. These requirements are met by draft regulations 3, 5 and 6 respectively.

4. Legislative Context

4.1 Section 30 of the Crime and Courts Act 2013 inserts sections 51A to 51E into the Constitutional Reform Act 2005. These provisions confer on the President of the Supreme Court the power to appoint and designate Supreme Court security officers who will exercise powers identical to those of court security officers in courts in England and Wales. Section 51C provides for knives to be surrendered by, or seized from, persons entering the Supreme Court. Section 51D specifies that the Lord Chancellor may by regulations make provisions relating to the process for the retention of knives and other articles.

5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Lord Chancellor, in accordance with the Courts Act 2003, appoints and designates court security officers for all courts in England and Wales, but not for the UK

Supreme Court. Court security officers are required to comply with training requirements prescribed by secondary legislation. Once the Lord Chancellor designates an individual as a court security officer they have specific powers that they may exercise in court buildings, including the power of search, seizure of weapons and other prohibited articles and of restraint and/or removal from a court.

7.2 The provisions inserted in the Constitutional Reform Act 2005 ensure that Supreme Court security officers, designated as such by the President of the Supreme Court, are provided with the same powers in the Supreme Court.

8. Consultation outcome

8.1 This instrument has not been consulted on.

9. Guidance

9.1 The Ministry of Justice does not intend to issue public guidance to accompany the instrument.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies arising from this instrument.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There are no plans for formal monitoring of this instrument. However the UK Supreme Court will monitor the effectiveness of its security arrangements and evaluate if this instrument meets the needs of the UK Supreme Court.

13. Contact

13.1 Graham Mackenzie at the Ministry of Justice Tel: 0203 334 3853 or email: graham.mackenzie@justice.gsi.gov.uk can answer any queries regarding the instrument.