

Paper to lie before both Houses of Parliament for a period of 40 days, during which time either House may resolve that the Draft Guidance be not approved.



Home Office

Serious Violence Reduction Orders

DRAFT Statutory Guidance

October 2022

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Presented to Parliament pursuant to Section 342K of the
Sentencing Act 2020

October 2022



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ISBN 978-1-5286-3703-9
E02803680

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

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Summary

About this guidance

1. Following a public consultation from 14 September to 8 November 2020,¹ Serious Violence Reduction Orders (SVRO) were introduced in the Police, Crime, Sentencing and Courts Act 2022² (“PCSC Act 2022”) and inserted into the Sentencing Code³.
2. Section 342J(1) of the Sentencing Code (as inserted by the PCSC Act 2022) provides that the Secretary of State may issue guidance to constables, chief officers of police and the Chief Constable of British Transport Police Force about the exercise of their functions relating to SVROs.
3. Section 342J(4) of the Sentencing Code (as inserted by the PCSC Act 2022) provides that the police must have regard to such guidance when exercising functions in relation to SVROs.
4. This guidance sets out background on SVROs, police processes, evidential considerations, court procedure and information on using SVROs alongside other orders and interventions.

Terminology

5. The following terminology is used throughout this guidance:
 - SVRO – Serious Violence Reduction Order.
 - Prosecution – The authority applying for the SVRO, that is the Crown Prosecution Service (CPS). Applications for an SVRO can only be made by the prosecution. Applications for variation, renewal or discharge can be made by the offender or the chief officer of specified police forces or in certain cases the British Transport Police Force (BTP).
 - Offender – The individual in respect of whom an SVRO has been made or in respect of whom an application for an SVRO has been made. SVROs can only be issued to individuals who are aged 18 or over.

¹ [Serious Violence Reduction Orders - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/serious-violence-reduction-orders)

² [Police, Crime, Sentencing and Courts Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/17/section/342j)

³ [Sentencing Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/17/section/342j)

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- Bladed article⁴ - an article to which section 139 of the Criminal Justice Act 1988 applies.
- Harm- includes physical and psychological harm.
- Offensive Weapon ⁵- has the same meaning as in section 1(4) of the Prevention of Crime Act 1953.
- Public place— any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, or any other place to which people have ready access but which is not a dwelling.

⁴ [Criminal Justice Act 1988 \(legislation.gov.uk\)](#)

⁵ [Prevention of Crime Act 1953 \(legislation.gov.uk\)](#)

Chapter 1: What is a Serious Violence Reduction Order?

Overview

Purpose	An SVRO is a civil order made in respect of an offender convicted of an offence involving a bladed article or offensive weapon. The order provides the police with the power to search a person subject to an SVRO, to ascertain if they have a bladed article or offensive weapon with them and to detain them for the purpose of carrying out that search, provided that person is in a public place.
Applicants	The prosecution only, either at its own initiative or following a request from the police.
Test	<ul style="list-style-type: none"> The court must be satisfied on the balance of probabilities that a bladed article or offensive weapon was used by or was with the offender when the offence was committed; or another person who committed the offence used or had with them a bladed article or offensive weapon in the commission of the offence and the offender knew or ought to have known that this would be the case. The court must consider it necessary to make an order to protect the public or protect any particular members of the public (including the offender) in England and Wales from the risk of harm involving a bladed article or offensive weapon or to prevent the offender from committing an offence involving a bladed article or offensive weapon.
Details	<ul style="list-style-type: none"> Available to those aged 18 and over. May be issued by the court if the conditions above are met. The order provides the police with the power to search a person subject to an SVRO, to ascertain if they have a weapon or bladed article with them and to detain them for the purpose of carrying out that search, provided that person is in a public place. Duration of between six months and two years – if imprisoned, the court may order that the order does not take effect until the offender is released from custody.
Penalty for Breach	<ul style="list-style-type: none"> The offender commits an offence if they fail, without reasonable excuse to do anything they are required to do by the order or do anything they are prohibited from doing by the order; if they knowingly notify the police with false information in purported compliance with the order; if they tell a constable that they are not subject to an order, or they intentionally obstruct a constable in the exercise of the stop and search power. The penalty for committing such an offence on summary conviction is currently imprisonment for a maximum of twelve months or a fine (unlimited) or both. The penalty for conviction on indictment is imprisonment for a maximum of two years, or a fine (unlimited) or both.
Discharge, Variation and Renewal	<ul style="list-style-type: none"> Under section 342H, an application may be made for the variation, renewal or discharge of an SVRO. Such an application must be made to the appropriate court.
Appeal	<ul style="list-style-type: none"> Appeals by the offender against the making of an order can be made as if the order were a sentence passed on the offender for an offence. Appeals in respect of an application for an order varying, renewing or discharging an SVRO can be made to the Court of Appeal if that application was made to the Crown Court or in any other case appeals for an order varying, renewing or discharging an SVRO are made to the Crown Court.
The Legislation	<ul style="list-style-type: none"> Section 342A to 342K of the Sentencing Code (as inserted by Section 165 of the Police, Crime, Sentencing and Courts Act 2022).

Background

Why have Serious Violence Reduction Orders been introduced?

6. Serious violence has a devastating impact on victims and their families, instils fear within communities and is extremely costly to society. Recorded knife crime has risen over a period of several years.
7. It is within this context that we have introduced SVROs. We know the police see stop and search as a vital tool to crack down on violent crime and the habitual carrying of weapons by a number of offenders.
8. SVROs will give the police powers to take a more assertive and proactive approach, providing them with an automatic right to search these offenders. This is intended to increase the risk of detection in the mind of those individuals subject to the order, helping discourage them from carrying weapons, and provide them with a credible basis for distancing themselves from weapon-carrying and other criminal behaviour.
9. Targeted use of stop and search, as part of a wider approach to intervene and supervise offenders and encourage their desistance from crime, aims to help safeguard people in those neighbourhoods most at risk.

Who can receive a Serious Violence Reduction Order?

10. The court will be able to make an SVRO when an adult (aged 18 or over) is convicted of an offence involving a bladed article or offensive weapon, that is, any offence in which a bladed article or an offensive weapon has been involved. This could include unlawfully carrying a bladed article or offensive weapon, committing a robbery or assaulting a person while a weapon was used, brandished or possessed, for instance.
11. The conviction must be for an offence which was committed on or after the first day appointed by regulations for the commencement to any extent of the orders. That is, on or after the day the pilot of SVROs was commenced. The legislation is not retrospective, an SVRO cannot be made in relation to a conviction for an offence committed before the legislation was first commenced.

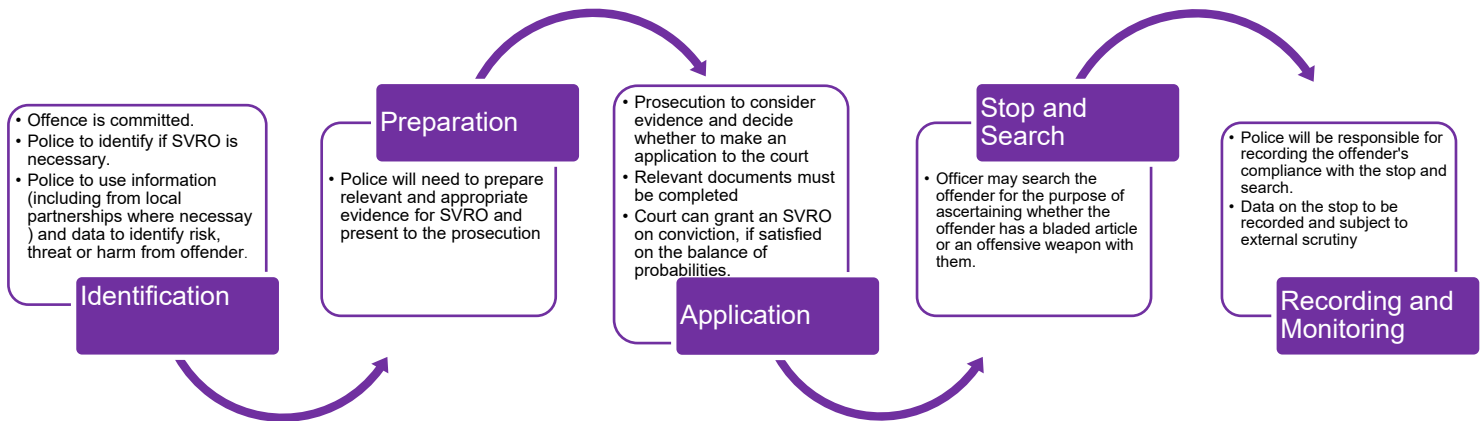
What do the court consider when granting a Serious Violence Reduction Order?

12. The prosecution must apply to the court for an SVRO to be made in respect of an offender, and the court will have full discretion to make an order.

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13. The court may only make an order if either of the following two conditions are met. The first condition is that the court must be satisfied on the balance of probabilities that:
 - i) a bladed article or offensive weapon was used by the offender in the commission of the offence; or
 - ii) the offender had such an article or weapon with them when the offence was committed.
14. The second condition is that the court must be satisfied on the balance of probabilities that:
 - iii) a bladed article or offensive weapon was used by another person in the commission of the offence and the offender knew or ought to have known that this would be the case; or
 - iv) another person who committed the offence had a bladed article or offensive weapon with them when the offence was committed and the offender knew or ought to have known that this would be the case.
15. The balance of probabilities (civil standard) means that a court must be satisfied on the evidence that it was more likely than not that the circumstances in the first or second condition occurred.
16. The second condition allows SVROs to be made where an individual who did not use or possess a weapon is convicted of an offence where a bladed article or offensive weapon was present. An example of such conduct is where a person is convicted of a robbery where a knife is brandished by another person, but the convicted person was present and assisted or encouraged the offending.
17. If either of the first two conditions are met, the court must also consider it necessary to make an SVRO in respect of the offender to:
 - i) protect the public in England and Wales from the risk of harm (including physical and psychological harm) involving a bladed article or offensive weapon,
 - ii) protect any particular members of the public in England and Wales (including the offender) from such risk, or
 - iii) prevent the offender from committing an offence involving a bladed article or offensive weapon.

Chapter 2: SVRO Process



Identification

18. Police forces should support the prosecution to make applications for SVROs in relation to those offenders who present a risk of harm involving a bladed article or offensive weapon, or a risk of committing a further offence involving a bladed article or offensive weapon, within their local communities.
19. It is intended that an SVRO will deter individuals from carrying weapons through increasing the risk of detection of weapon-carrying. It is a matter for the prosecution to decide to apply for an SVRO, and the courts have full discretion to decide whether it is necessary to make an SVRO.
20. Police forces should consider every eligible case for an SVRO. The decision to make an application for an SVRO should be based on information known about the case, the offender, the wider circumstances and local risk and crime factors.
21. Police forces should consider existing information and data on offenders. SVROs are available only on conviction as such considerations should only be made once an offence is committed.
22. The police may wish to discuss with local multi agency partnerships (such as those with representation from local authorities, probation service, social services; etc) those who present the greatest risk and what broader package of interventions are most relevant and appropriate to an offender, alongside an SVRO – this might be

another court order such as a Knife Crime Prevention Order, a Gang Injunction or other voluntary interventions.

23. Careful consideration should be given to the individual circumstances of each case, and any interventions that are considered alongside the SVRO should be tailored to the individual case.

Police preparation of evidence for the prosecution

24. Police should prepare the evidence to present to the prosecution to make an application for an SVRO.
25. Police should ensure that this is with the file forwarded to the prosecution for the first hearing. Where an SVRO is sought on a case put forward to the prosecution for pre-charge authorisation (PCA), the police should flag on the PCA request that the order will be sought and the evidence will be on the file.
26. When preparing the case, care should be taken to ensure that the evidence put forward is relevant and appropriate. This may include:
 - Information summarising the offender's offending history and background information included as part of the case file
 - Reports from local offender management teams and other relevant agencies (e.g. social services, community safety partnerships; etc.)
 - Compilation of supporting evidence (gathered at the identification stage) such as why the SVRO is needed to protect the public in England and Wales from the risk of harm involving a bladed article or offensive weapon, protect any particular members of the public (including the offender) from such risk, or prevent the offender from committing another offence involving a bladed article or offensive weapon
27. Relevant documents will also need to be available. This will include:
 - An application form including a summary of the offender's offending history and background information

Notification requirements and police interaction

28. Where an order is issued, the police should be made aware via the court result and update the order and operation information page on Police National Computer (PNC).
29. The police may wish to use this opportunity to engage with the offender and clarify the effects of an SVRO, that is, explain to the offender in ordinary language what

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the requirements and effects of an SVRO are and what offences may be committed if they breach the order. The offender commits an offence if they knowingly notify the police with false information in purported compliance with the order (see section on [Breach of an SVRO](#) for more details).

30. The offender must notify the following information to the police within three days beginning with the day on which the order takes effect:
 - i) Their name, or names, on the day the notification is given and where the offender uses one or more other names on that day, each of those names; and
 - ii) Their home address on that day and any other address where, on that day, they regularly reside or stay.

31. Where a photograph of the offender does not already exist, where a photograph of the offender has not been taken since conviction or where the photograph of the offender is inadequate, i.e., unclear, incomplete or no longer an accurate representation of the person, the police may wish to consider taking an up-to-date photograph of the offender to assist in the prevention or detection of crime. This, along with an up-to-date description, could be used to assist with future identification when conducting a stop and search. Taking an up-to-date photograph requires authorisation at inspector level. Please see section 64A of the [Police and Criminal Evidence Act 1984](#).

32. The offender must also notify the police if they use a name which has not been previously notified to the police, change their home address or if they decide to live for a period of one month or more at an address not previously notified to the police. This information must be provided to the police within three days, beginning with the day of using that name, of changing home address or deciding to live at that premises.

33. The offender must provide the information required in person by attending a police station in a police area in which the offender lives and by giving an oral notification to a police officer, or any person authorised by the officer in charge of the station.

34. The police force where the notification is given or where a change of name or address is notified by the offender is responsible for recording this information on PNC and adding an operational information marker.

35. Where an offender moves out of one police force area to another, the police should consider sharing relevant information regarding the SVRO with the new residing police force. Police should also consider sharing information on individuals

with SVROs with key policing stakeholders including other territorial and special forces, where there is risk of travelling criminality.

Police communication to local communities

36. As required by Police and Criminal Evidence Act 1984 (PACE) Code A, forces are required to have their stop and search records scrutinised by community representatives and to be able to explain the use of their powers locally.
37. The police should communicate that they are using or are intending to use SVROs in the local area and why they are used. Communicating this information may increase community confidence in the fair and effective use of stop and search in communities and in the local response to serious violence and knife crime. It may also deter a person choosing to engage in such criminal behaviour.
38. The use of SVROs and criteria that is considered by the court when deciding who receives an order should be communicated via community groups, faith forums, educational groups, Independent Advisory Panels or any other appropriate medium.
39. Please refer to College of Policing Guidance on Community Engagement.
[Transparent \(college.police.uk\)](https://www.college.police.uk)

Police use of the stop and search power

40. Section 342E of the Sentencing Code (as inserted by the PCSC Act 2022) provides the police with a power to search a person subject to an SVRO, and to detain them for the purpose of carrying out that search, provided that such person is in a public place.
41. The purpose of this power is to check if the person has a bladed article or an offensive weapon on them. Searches must be conducted in a public place. The power does not provide officers with any grounds to search anyone else accompanying that person. The power does not provide officers with the grounds to search vehicles. A person accompanying an individual that has an SVRO should not be searched unless a constable has the relevant reasonable grounds of suspicion.
42. SVROs will not replace existing stop and search powers, but will instead build on them. They are intended to make it easier for the police to search those who have been convicted of an offence involving a bladed article or offensive weapon with the aim of deterring continued offending among those subject to an order.
43. SVRO powers can be used in addition to other stop and search powers such as section 1 of PACE and others listed in [Annex A of PACE Code A \(Stop and](#)

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[Search](#)). Vehicle searches, for example, could be undertaken using section 1 of PACE, if the conditions required for exercise of that power were met.

44. The police will have obtained the offender's details at the notification stage (see section on [notification requirements and police interaction](#)) and should ensure that any stop and search under the power is targeted at offenders that have an SVRO only. Details of offenders subject to an SVRO should be recorded on PNC.
45. In most cases, it is expected that offenders subject to an SVRO will be known to the police and officers will be able to identify the offender before conducting a search.
46. Where an officer is unsure of an offender's identity, they should seek to confirm that offender's identity and whether they have an SVRO. Officers may wish to confirm the order is in place via PNC.
47. This means that unless officers are able to confirm the individual is subject to an SVRO, the power cannot be used and it would be unlawful if an individual without an SVRO is searched, unless other stop and search powers apply.
48. It is an offence for an offender to tell a police constable that they are not subject to an SVRO, if they are. See section on Breach of an [SVRO](#).
49. The police officer may seize and retain, in accordance with the Sentencing Act 2020 (Serious Violence Reduction Orders) (Retention and Disposal of Items Seized) Regulations 2022, items found in the course of the search which they reasonably suspect to be a bladed article or an offensive weapon.
50. In exercising the stop and search power, the provisions of section 2 and 3 of PACE will apply to the conduct and recording of the search. These are reflected in PACE Code A, the statutory code of practice that governs the use of stop and search.
51. Failure to comply with the Code could result in evidence obtained during the search being excluded in subsequent criminal proceedings arising from the search. It could also support separate criminal and/or civil proceedings against the police for assault/unlawful detention.
52. PACE Code A also requires that stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. Force may only be used as a last resort to conduct a search or to detain a person. Officers must maintain the highest standards of professional behaviour and there must always be an objective and rational basis for conducting a stop and search. In these circumstances, this is based on the fact that an SVRO is in force. Please see: [Code of Ethics | College of Policing](#).
53. However, the use of the SVRO stop and search power is also discretionary and police officers are expected to use their professional judgement when deciding in

what circumstances and how many times an individual issued with an SVRO is stopped and searched. Officers should therefore consider all the circumstances that appear relevant to that decision as officers remain accountable for use of the power. For instance, the particular location in a public place, its proximity to the offender's home and other family members, as well as other locations and individuals known to be associated with or linked to their offending history.

54. Following a stop and search, the police must make a record of the search and provide the offender with a copy of the record in accordance with PACE Code A, section 4. Where available, the searching officer should use body worn cameras when carrying out an SVRO stop and search, in accordance with the chief officer's operational guidance.
55. Please refer to the College of Policing Authorised Professional Practice on Stop and Search.⁶

Duration of an SVRO

56. The SVRO takes effect on the day it is made. Section 342D(3) and (4) of the Sentencing Code (as inserted by PCSC Act 2022) allow that where an offender has been remanded or committed to custody or a custodial sentence has been imposed, or the offender is otherwise serving or subject to such a sentence, the court can determine that the order will not take effect until the offender is released from custody or ceases to be subject to a custodial sentence.
57. An SVRO must contain a start date and will be for a fixed period of no less than six months and not more than two years, with the court deciding within this range.
58. When an application is being made, the police may wish to provide relevant information to support the prosecution when making recommendations on the duration of an SVRO to the court. It will be for the court to decide on the final duration of the order.

Breach of an SVRO

59. If a person subject to an SVRO is found to be unlawfully in possession of a bladed article or offensive weapon, existing criminal offences in relation to possession of a bladed article or offensive weapon are available. Where convicted of a repeat offence for possession of a bladed article or offensive weapon under the existing "two strikes" legislation in section 315 of the Sentencing Code, the offender could expect to receive a custodial sentence.

⁶ [Stop and search | College of Policing](#)

60. Additionally, Section 342G(1) of the Sentencing Code (as inserted by PCSC Act 2022) provides that a person who is subject to an SVRO commits an offence if they:

- Fail, without reasonable excuse, to do anything they are required to do by the order;
- Without reasonable excuse, do anything they are prohibited from doing by the order;
- Notify the police, in purported compliance with the order, any information which they know to be false;
- Tell a police constable that they are not subject to an SVRO; or
- Intentionally obstruct a police constable exercising any power conferred under section 342E.

61. The police will be responsible for any monitoring and any action to be taken if an offence is committed.

62. The penalty for breaching an order on summary conviction is imprisonment for a maximum of 12 months or a fine (unlimited) or both.

63. The penalty for conviction on indictment is imprisonment for a maximum of two years, or a fine (unlimited) or both.

How can you effectively monitor, collect data and scrutinise SVROs?

Monitoring of stop and search power

64. The SVRO stop and search power must be monitored, and police officers must have regard to PACE Code A, the statutory code of practice that governs the use of stop and search.

65. Police officers must make a record that the search has taken place in accordance with PACE Code A section 4, noting that it has been carried out under the SVRO power, by recording the date the SVRO was made and took effect and the court making the order. This data will then be shared with the Home Office and published via the Annual Data Requirement, alongside other data on stop and search.

66. As required by PACE Code A, the record of a search must always include the following information: (a) A note of the self-defined ethnicity, and if different, the ethnicity as perceived by the officer making the search, of the person searched; (b) The date, time and place the person was searched; (c) The object of the search in

terms of the article or articles for which there is a power to search. In the case of an SVRO, this will be a bladed article or offensive weapon.

67. In order to promote public confidence in the use of the SVRO powers, forces, in consultation with police and crime commissioners, must make arrangements for the records and related data and information to be scrutinised by representatives of the community, especially those perceived to or have been disparately affected by the use of police powers, and to explain the use of the powers at a local level, for instance via community scrutiny panels.
68. Effective scrutiny is necessary to ensure communities understand that SVRO police powers are used appropriately. A robust community scrutiny process can empower and instil confidence for the police to tackle crime more effectively, provide reassurance and better understand the communities they serve, and allow police to focus their efforts in a targeted, legitimate, and proportionate way.
69. PACE Code A section 5 also sets out that senior officers with area or force-wide responsibilities must monitor the broader use of stop and search powers and, where necessary, take action at the relevant level. This will also include the use of the SVRO stop and search power.
70. Any misuse of stop and search powers is likely to be harmful to policing and lead to mistrust of the police by the local community and by the public in general. Where there are complaints with the way that an officer has used the SVRO stop and search power, the relevant practices to record and deal with such instances should be followed. It is important that officers take both timely and appropriate action to deal with complaints. Please refer to [Statutory Guidance on the police complaints. \(policeconduct.gov.uk\)](https://www.policeconduct.gov.uk)

Oversight of individuals subject to an SVRO

71. Offenders should be made aware that their compliance with the order will be monitored (e.g. via reporting requirements) and the police will be responsible for any action to be taken if there is a breach.
72. Police will use the SVRO power to manage the risk that the offender poses, and this may feed into wider offender management strategies.
73. Officers interacting with offenders subject to SVROs should encourage engagement with additional support services – such as education, employment, and drug treatment – as appropriate.

Chapter 3: Evidential Considerations

Civil rules of evidence

74. Applications for SVROs are made under the civil rules of evidence. In most circumstances, the rules of evidence are the same as in criminal courts. However, the test is the civil standard of proof, the balance of probabilities. In particular, the rules for hearsay evidence are different.

Hearsay evidence

75. Hearsay evidence is governed by the Civil Evidence Act 1995 (CEA) and the Magistrates' Courts (Hearsay Evidence in Civil Proceedings) Rules 1999.

76. Hearsay means " a statement made otherwise than by a person while giving oral evidence in the proceedings which is tendered as evidence of the matters stated " (section1(2) Civil Evidence Act 1995).⁷

77. The hearsay notice should wherever possible be served at the same time as the notice of intention to apply for an SVRO, and in any case at least 21 days before the hearing date. In its form the hearsay notice must comply with Rule 2 of the Hearsay Rules. It is open to the defendant to apply for the person who made the statement to be called to give evidence in person.

78. Late service of hearsay evidence on the defence (i.e. at least 21 days before the hearing) risks the court refusing to permit service of the evidence. The court has the power to relax the time limit, but only where it would not cause prejudice to the defendant. If the court refuses to relax the time limit it can hear the application but refuse to receive the evidence at all. Alternatively, it may adjourn the hearing to give the defendant more time to consider the evidence. In such a case they may order the applicant to pay the costs caused by the adjournment. It is therefore desirable always to serve the evidence with the application.

79. Where previous convictions are not accepted (i.e., following consideration of the PNC printout) they can be proved by producing an extract of the court register (a fee is payable) under section 73 of PACE 1984.

⁷ [Criminal Justice Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Chapter 4: Court Procedure

Court Responsibilities

80. An SVRO may be made by any court dealing with the offender (e.g. a Crown Court, or a Magistrates' Court).
81. An SVRO can be only made as part of the sentencing exercise following a conviction on the application of the prosecution. However, the court may adjourn the application for an SVRO even after sentencing the offender. This will usually occur when the defendant opposes the making of the order, requiring more court time.
82. The court may hear evidence from both the offender and the prosecution when considering whether to make an SVRO.
83. The court may consider evidence (in relation to whether to make an SVRO) that would not have been admissible in the proceedings in which the offender was convicted.
84. The court must first decide whether there are grounds to make the order. If the court is satisfied that the prosecution has proved on the balance of probabilities that the conditions are satisfied and the order is necessary, it will determine whether to make an order. If an order is made its effects must be explained in ordinary language.
85. See chapter 1 for detail on considerations by the court before making an order.

Variations, renewals and discharge

86. Under section 342H, an application may be made for the variation, renewal or discharge of an SVRO. Such an application must be made to the appropriate court by either:
 - (i) the offender;
 - (ii) the chief officer of police for the police area in which the offender lives;
 - (iii) the chief officer of police for the police area in which the offender committed the offence on the basis of which the SVRO was made;
 - (iv) a chief officer of police who believes the offender is in, or is intending to come to, the chief officer's area; or
 - (v) the chief constable of the British Transport Police Force where the offence on the basis of which the SVRO was made is an offence which was committed at, or in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 (jurisdiction of the British Transport Police Force) or otherwise related to a railway within the

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meaning given by section 67 of the Transport and Works Act 1992 or a tramway within the meaning of that section.

87. The application must be made directly to the appropriate court rather than to the prosecution.
88. The appropriate court means:
- (i) the Crown Court where the SVRO was made in the Crown Court or Court of Appeals;
 - (ii) where a magistrates' court made the SVRO and the application for variation, renewal or discharge is made by the offender or the chief constable of the British Transport Police Force, that magistrates' court, or a magistrates' court for the area in which the offender lives;
 - (iii) where a magistrates' court made the SVRO and the application for variation, renewal or discharge is made by a chief officer of police, that magistrates' court, a magistrates' court for the area in which the offender lives, or a magistrates' court acting for a local justice area that includes any part of the chief officer's police area.
89. The court may vary, renew or discharge an order as it sees appropriate. The court may renew an order, or vary an order so as to lengthen its duration to the maximum two year period, only if it considers doing so is necessary to protect the public or any particular member of the public in England and Wales from the risk of harm involving a bladed article or offensive weapon, or to prevent the offender from committing an offence involving a bladed article or offensive weapon.
90. There may be circumstances where it would be necessary to renew the SVRO for another period between 6 months and 2 years. The police should carefully consider individual circumstances, including whether an order has already been renewed, when deciding to make an application to the court. It will be up to the court to decide whether granting a renewal would be proportionate and necessary.
91. The court must explain in ordinary language to the offender the effects of the variation or renewal of the order, and the powers that a police constable has under the stop and search power in section 342E of the Sentencing Code.

Appeals

92. Where an SVRO is made the offender may appeal against the making of the order as if the order were a sentence passed on the offender for the offence.
93. Where an application is made to vary, renew or discharge an order:
- (i) The person who made the application may appeal against a refusal to make an order;

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- (ii) The offender may appeal against the making of an order which was made on the application of a chief officer of police or the chief constable of the British Transport Police Force;
- (iii) a chief officer of police may appeal against the making of an order which was made on the application of the offender; or
- (iv) where the offence for which the order was made is an offence committed at or in relation to the jurisdiction of British Transport Police or otherwise related to a railway or tramway, the chief constable of the British Transport Police Force may appeal against the making of an order which was made on the application of the offender.

94. An appeal may be made against a decision to vary, renew or discharge an order, or a refusal to do so, to the Court of Appeal where the application for variation, renewal or discharge was made to the Crown Court, or to the Crown Court in any other case (i.e. where a magistrates' court heard the case).

95. In determining an appeal, the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal and such incidental and consequential orders as appears to it to be appropriate.

Chapter 5: Interaction with other orders and interventions

Can a Serious Violence Reduction Order be used alongside another order?

96. SVROs should be used as part of a wider crime prevention approach to intervene with and supervise offenders, encouraging their desistance from crime.
97. In supporting the prosecution to make an application for an SVRO, the police may wish to discuss with the prosecution whether it would be appropriate to also apply for another order, alongside an SVRO, for the same offender.
98. An SVRO could support another court order where relevant and necessary and it would be open to the court to decide to make an SVRO and another order, for example, a Knife Crime Prevention Order (KCPO), Criminal Behaviour Order (CBO), or Gang Injunction, for the same individual (see further details on additional orders at [Annex A](#)).
99. The court would need to be satisfied that this was appropriate and necessary in all the circumstances and that the various requirements do not conflict.
100. Police may wish to consult wider partners locally on additional interventions to aid with the supervision of offenders and encouraging their desistance from crime.

Chapter 6: Pilot

101. Section 141 of the PCSC Act 2022 makes provision for two conditions which must be met before the provisions relating to SVROs can be brought into force across the whole of England and Wales for all purposes.
102. Firstly, SVROs must be piloted in one or more areas in England and Wales for one or more specified purposes; and secondly, the Secretary of State must lay a report before Parliament on the operation of the pilot. SVROs will be piloted in Merseyside, Thames Valley, Sussex and West Midlands police force areas.
103. SVROs can only be made in the four pilot police force areas; however, the stop and search powers are enforceable by police constables across England and Wales. This is aimed at supporting an operational response across jurisdictions, allowing constables from non-pilot forces to stop and search individuals subject to SVROs.
104. The purpose of piloting SVROs is to build an understanding of their impact and effectiveness, and to test and inform processes for wider rollout.
105. The pilot will test the effect of SVROs, community responses to SVROs, including any issues of disproportionality, and the outcomes for offenders who are subject to an SVRO. To inform this assessment, data will be gathered on a number of measures, including the age, sex and ethnicity of people subject to SVROs.
106. Following the pilot, a report will be produced and laid before Parliament.
107. This guidance will be reviewed in light of the findings and learnings from the pilot, and updated ahead of any introduction of SVROs across England and Wales.

Chapter 7: Other considerations

Territorial extent

108. The territorial extent of SVROs is England and Wales.

109. The SVRO will continue to have effect for the duration of the period specified in the order and if the offender has moved outside of England and Wales, the offender will be required to comply with the requirements and prohibitions imposed by it, if that person returns to England or Wales from elsewhere.

Consideration of the public-sector equality duty and human rights

110. In exercising their functions in relation to SVROs, constables, chief officers of police and the chief constable of the British Transport Police Force are required, in accordance with section 149 of the Equality Act 2010, to have due regard to the need to eliminate discrimination, harassment and victimisation, and advance equality of opportunity regardless of factors such as age, disability, sex, race, religion or belief or sexual orientation. Constables, chief officers of police and the chief constable of the British Transport Police Force are also required by section 6 of the Human Rights Act 1998 to act compatibility with the Convention rights set out in Schedule 1 to that Act.

Useful Guidance and Resources

111. The police may also wish to refer to the following guidance documents and resources:

[Knife Crime Prevention Orders \(KCPOs\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/kcpos)

[Anti-social behaviour powers: Statutory guidance for frontline professionals](#)

[Injunctions to prevent gang-related violence and drug dealing - GOV.UK \(www.gov.uk\)](#)

[Serious Violence Reduction Orders - GOV.UK \(www.gov.uk\)](#)

[Police and Criminal Evidence Act 1984 \(PACE\) codes of practice - GOV.UK \(www.gov.uk\)](#)

[Sentencing Code – Sentencing \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk/)

[Offensive Weapons, Knives, Bladed and Pointed Articles | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/offensive-weapons)

[Criminal Justice Act 1988 \(legislation.gov.uk\)](https://www.legislation.gov.uk/)

[Prevention of Crime Act 1953 \(legislation.gov.uk\)](https://www.legislation.gov.uk/)

[Police, Crime, Sentencing and Courts Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/)

[Transparent \(college.police.uk\)](https://www.college.police.uk/)

[https://assets.college.police.uk/s3fs-public/2022-03/Knife Crime Evidence Briefing.pdf](https://assets.college.police.uk/s3fs-public/2022-03/Knife_Crime_Evidence_Briefing.pdf)

[Stop and search | College of Policing](#)

[Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](https://www.policeconduct.gov.uk/)

[Code of Ethics | College of Policing](#)

Annex A

Knife Crime Prevention Orders (KCPOs)

The Offensive Weapons Act 2019 introduced Knife Crime Prevention Orders (KCPOs). These new preventative civil orders are an additional tool that the police will be able to use to work with young people and others to help steer them away from knife crime and serious violence by using positive requirements to address factors in their lives that may increase the chances of offending, alongside measures to prohibit certain activities to help prevent future offending.

KCPOs may be made either on conviction, or otherwise than on conviction.

KCPO made on conviction

A KCPO made on conviction may be made by any court dealing with the defendant (e.g. a crown court, magistrates' court or youth court).

Section 19 of the Offensive Weapons Act 2019 sets out the conditions that must be met for the court to make a KCPO on conviction.

KCPO made otherwise than on conviction

The courts also have the power to make KCPOs on complaint by the police. A KCPO may be made in respect of any person who is over the age of 12.

Section 14 of the Offensive Weapons Act 2019 sets out the conditions under which a KCPO can be made further to an application by the police.

Who can receive a KCPO?

KCPOs can be sought for any individual aged 12 upwards. The aim here is to prevent the most at risk or vulnerable individuals including, where appropriate, children from becoming involved in knife possession and knife crime.

Breach of a KCPO without reasonable excuse is an offence which can be tried either in the magistrates' court or in the crown court. In the former, the current maximum sentence is 6 months' imprisonment and/or a fine; in the latter, the maximum sentence is 2 years' imprisonment and/or a fine

KCPOs are currently being piloted in the Metropolitan Police Force. For further information on Knife Crime Prevention Orders, please see: [Knife Crime Prevention Orders \(KCPOs\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/knife-crime-prevention-orders-kcpos)

Criminal Behaviour Orders (CBO)

A Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The court may make a CBO so long as the court imposes a sentence in respect of the offence or discharges the offender conditionally. For a CBO to be made, the court must be satisfied that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person and that making the order will help in preventing the offender from engaging in such behaviour. The order is intended for tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

The court may make a CBO only on the application of the prosecution. The prosecution can make such an application at its own initiative or following a request from a council or the police. The CBO hearing will occur after, or at the same time as, sentencing for the criminal conviction.

The CBO can be used to deal with a wide range of anti-social behaviours following an individual's conviction for a criminal offence; for example, threatening others in the community, persistently being drunk and aggressive in public, or to deal with anti-social behaviour associated with a more serious conviction, such as for burglary or street robbery. The CBO can also be used to address the anti-social behaviour of gang members, for example to prevent them from affiliating with certain individuals or to require them to attend a job readiness course to help them get employment.

The terms of the CBO must include the duration of the order. For adults this is a minimum of two years, up to an indefinite period. For under 18s the order must be between one and three years.

It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the CBO. Failure to comply with a prohibition or requirement should be notified to the police. The court has the power to impose serious penalties on conviction, including: on summary conviction in the magistrates' court: a maximum of six months in prison or a fine or both; on conviction on indictment in the Crown Court: a maximum of five years in prison or a fine or both.

For further information on Criminal Behaviour Orders please see: [Anti-social behaviour powers: Statutory guidance for frontline professionals](#)

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978-1-5286-3703-9