

RETENTION OF KNIVES, GUNS AND OTHER ARTICLES RULES 2015

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RETENTION OF KNIVES, GUNS AND OTHER ARTICLES RULES 2015

Date of enactment: [●] 2015

The Board of Directors of the Abu Dhabi Global Market make the following Rules in exercise of the powers conferred by section 216 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015:-

1. Procedure to be followed when a knife, gun or other article is surrendered or seized

- (1) This rule applies where, under section 215(1) of the Regulations, a knife or gun is –
 - (a) surrendered to a Court security officer in response to a request; or
 - (b) seized by a Court security officer.
- (2) Where a knife or a gun is surrendered to or seized by a Court security officer, that officer must give the eligible person a notice containing the following –
 - (a) a statement that the Court security officer has power to retain the knife or gun under section 215 of the Regulations and that the knife or gun will not be returned when the person leaves the court building;
 - (b) a statement that the Court security officer may draw the knife or gun to the attention of a police officer if the Court security officer reasonably believes that it may be evidence of, or in relation to, a criminal offence; and
 - (c) information about the procedure prescribed by these Rules for requesting the return of the knife or gun and the time limit for making a request.
- (3) The Court security officer must also give the person a receipt (which includes a reference number) for the knife or gun.
- (4) The Court security officer must request the name of the person and must record the name, a brief description of the knife or gun (including details about the gun's intended or loaded projectiles) and the date on which it was surrendered or seized.

2. Record of knives, guns and projectiles to be retained to be kept

- (1) The Registrar must keep a written record of knives, guns and projectiles retained under these Rules.
- (2) The record must include the name of the person, a brief description of the knife, gun or projectile and the date on which it was surrendered or seized.

3. Procedure for requesting the return of a knife or gun

- (1) The return of a knife or gun may be requested by the person who surrendered it or from whom it was seized or by somebody else on their behalf.

- (2) A request must be made within 28 days of the date on which the knife or gun was surrendered or seized.
- (3) A request must be in writing addressed to the Registrar.
- (4) A request must include the following –
 - (a) the name and address of the person making the request;
 - (b) where the request is made on behalf of another person, their name;
 - (c) a brief description of the knife or gun;
 - (d) the date when the knife was surrendered or seized; and
 - (e) the reference number provided by the Court security officer.
- (5) A request under this rule must be made in English.

4. Dealing with a request

- (1) Unless paragraphs (2) and (3) apply, the Registrar must, within 28 days of receipt of a request under rule 3, arrange for the knife or gun to be delivered to the person requesting its return.
- (2) This paragraph and paragraph (3) apply where a police officer has advised the Registrar that the knife or gun may be treated as evidence of, or in relation to, a criminal offence.
- (3) Where paragraph (2) applies, the Registrar must, within 28 days of receipt of the request under rule 3, notify the person requesting the return of the knife or gun of the following –
 - (a) that the knife or gun will not be returned because it may be treated as evidence of, or in relation to, an offence;
 - (b) the date on which the Registrar was so advised;
 - (c) the name of the police station at which the police officer who gave the advice is based; and
 - (d) that the knife or gun will be disposed of.
- (4) A notification under paragraph (3) must be in English.

5. Interpretation

In these Rules, unless the context otherwise provides or requires –

- (a) “Abu Dhabi Global Market” has the meaning given in section 1 of the Interpretation Regulations 2015;

- (b) “ADGM Founding Law” has the meaning given in section 1 of the Interpretation Regulations 2015;
- (c) “Board” has the meaning given in section 1 of the Interpretation Regulations 2015;
- (d) “court building” has the meaning given in section 213(4) of the Regulations;
- (e) “Court security officer” has the meaning given in section 213(1) of the Regulations;
- (f) “eligible person” has the meaning given in section 216(4)(a) of the Regulations;
- (g) “gun” and “guns” have the meaning given in section 215(9)(a) of the Regulations;
- (h) “knife” and “knives” have the meaning given in section 215(8) of the Regulations;
- (i) “projectile” and “projectiles” have the meaning given in section 215(9)(b) of the Regulations;
- (j) “Registrar” has the meaning given in section 230(1) of the Regulations;
- (k) “the Regulations” means the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

6. Short title, extent and commencement

- (1) These Rules may be cited as the Retention of Knives, Guns and Other Articles Rules 2015.
- (2) These Rules shall apply in the whole of the Abu Dhabi Global Market.
- (3) These Rules shall come into force on the date of their publication (the “Commencement Date”). The Board may by rules make any transitional, transitory, consequential, saving, incidental or supplementary provision in relation to the commencement of these Rules as the Board thinks fit.
- (4) Nothing in these Rules shall have retrospective effect.
- (5) On and from the Commencement Date, any law previously in force in the Abu Dhabi Global Market which is inconsistent with, or deals with the same subject matter as, these Rules shall, subject to the ADGM Founding Law or the Regulations, cease to have any effect or force in the Abu Dhabi Global Market.