
DRAFT STATUTORY INSTRUMENTS

2005 No.

**The Local Authorities' Plans and Strategies
(Disapplication) (England) Order 2005**

Disapplication of duty to prepare youth justice plans, and amendment of provisions relating to such plans

5.—(1) Section 40(1) of the Crime and Disorder Act 1998⁽¹⁾ shall not apply to local authorities⁽²⁾ which are excellent authorities.

(2) In consequence of paragraph (1), sections 39 to 42 of the Crime and Disorder Act 1998 shall apply, in relation to local authorities which are excellent authorities, subject to the modifications set out in Schedule 1 to this Order.

(3) Notwithstanding paragraph (1)—

- (a) an excellent authority who, at the date on which this Order comes into force, have formulated a youth justice plan for the current year, may implement that plan, and
- (b) an excellent authority other than one described in sub-paragraph (a) may formulate and implement a youth justice plan,

and in either case sections 39 to 42 of the Crime and Disorder Act 1998 shall apply in relation to the authority as though unmodified by this Order.

(4) Paragraph (5) applies to a local authority who—

- (a) have not formulated a youth justice plan, and
- (b) by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, cease to be categorised as excellent.

(5) Where this paragraph applies the authority shall be treated as an excellent authority for the purpose of paragraph (1), for a period of one year beginning with the date on which the order mentioned in paragraph (4)(b) comes into force.

(1) 1998 c.37.

(2) For the relevant definition of “local authority”, see section 42(1) of the Crime and Disorder Act 1998.