



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART I

#### PREVENTION OF CRIME AND DISORDER

#### CHAPTER I

##### ENGLAND AND WALES

##### *Crime and disorder: general*

VALID FROM 01/07/2005

#### **[<sup>F1</sup>1F] Contracting out of local authority functions**

- (1) The Secretary of State may by order provide that a relevant authority which is a local authority may make arrangements with a person specified (or of a description specified) in the order for the exercise of any function it has under sections 1 to 1E above—
  - (a) by such a person, or
  - (b) by an employee of his.
- (2) The order may provide—
  - (a) that the power of the relevant authority to make the arrangements is subject to such conditions as are specified in the order;
  - (b) that the arrangements must be subject to such conditions as are so specified;
  - (c) that the arrangements may be made subject to such other conditions as the relevant authority thinks appropriate.
- (3) The order may provide that the arrangements may authorise the exercise of the function—

*Status: Point in time view as at 01/06/1999. This version of this provision is not valid for this point in time.*

*Changes to legislation: Crime and Disorder Act 1998, Section 1F is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) either wholly or to such extent as may be specified in the order or arrangements;
  - (b) either generally or in such cases or areas as may be so specified.
- (4) An order may provide that the person with whom arrangements are made in pursuance of the order is to be treated as if he were a public body for the purposes of section 1 of the Local Authorities (Goods and Services) Act 1970.
- (5) The Secretary of State must not make an order under this section unless he first consults—
- (a) the National Assembly for Wales, if the order relates to a relevant authority in Wales;
  - (b) such representatives of local government as he thinks appropriate;
  - (c) such other persons as he thinks appropriate.
- (6) Any arrangements made by a relevant authority in pursuance of an order under this section do not prevent the relevant authority from exercising the function to which the arrangements relate.
- (7) The following provisions of the Deregulation and Contracting Out Act 1994 apply for the purposes of arrangements made in pursuance of an order under this section as they apply for the purposes of an authorisation to exercise functions by virtue of an order under section 70(2) of that Act—
- (a) section 72 (effect of contracting out);
  - (b) section 73 (termination of contracting out);
  - (c) section 75 and Schedule 15 (provision relating to disclosure of information);
  - (d) paragraph 3 of Schedule 16 (authorised persons to be treated as officers of local authority).
- (8) For the purposes of subsection (7), any reference in the provisions specified in paragraphs (a) to (d) to a person authorised to exercise a function must be construed as a reference to a person with whom an arrangement is made for the exercise of the function in pursuance of an order under this section.
- (9) Relevant authorities and any person with whom arrangements are made in pursuance of an order under this section must have regard to any guidance issued by the Secretary of State for the purposes of this section.
- (10) An order under this section may make different provision for different purposes.
- (11) An order under this section may contain—
- (a) such consequential, supplemental or incidental provisions (including provision modifying any enactment), or
  - (b) such transitional provisions or savings,
- as the person making the order thinks appropriate.
- (12) Each of the following is a local authority—
- (a) a local authority within the meaning of section 270 of the Local Government Act 1972;
  - (b) the Common Council of the City of London;
  - (c) the Council of the Isles of Scilly.]

---

**Status:** Point in time view as at 01/06/1999. This version of this provision is not valid for this point in time.

**Changes to legislation:** Crime and Disorder Act 1998, Section 1F is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

.....

#### Textual Amendments

- F1** S. 1F inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 142(1), 178(8); S.I. 2005/1521, art. 3(1)(s)

**Status:**

Point in time view as at 01/06/1999. This version of this provision is not valid for this point in time.

**Changes to legislation:**

Crime and Disorder Act 1998, Section 1F is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.