



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART I

#### PREVENTION OF CRIME AND DISORDER

#### CHAPTER I

##### ENGLAND AND WALES

##### *Crime and disorder strategies*

#### **5 Authorities responsible for strategies.**

- (1) Subject to the provisions of this section, the functions conferred by [<sup>F1</sup>or under] section 6 below shall be exercisable in relation to each local government area by the responsible authorities, that is to say—
- (a) the council for the area and, where the area is a district and the council is not a unitary authority, the council for the county which includes the district; [<sup>F2</sup>and]
  - [<sup>F3</sup>(aa) every provider of probation services operating within the area in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to be a responsible authority under this section;]
  - (b) every chief officer of police any part of whose police area lies within the area.
  - [<sup>F4</sup>(c) every police authority any part of whose police area so lies;
  - (d) every [<sup>F5</sup>fire and rescue authority] any part of whose area so lies;
  - (e) if the local government area is in England, every Primary Care Trust the whole or any part of whose area so lies; and
  - (f) if the local government area is in Wales, every [<sup>F6</sup>Local Health Board] the whole or any part of whose area so lies.]

[<sup>F7</sup>(1A) The Secretary of State may by order provide in relation to any two or more local government areas in England—

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- (a) that the functions conferred [<sup>F8</sup>by or under section 6 or by section 7] below are to be carried out in relation to those areas taken together as if they constituted only one area; and
- (b) that the persons who for the purposes of this Chapter are to be taken to be responsible authorities in relation to the combined area are the persons who comprise every person who (apart from the order) would be a responsible authority in relation to any one or more of the areas included in the combined area.

(1B) The Secretary of State shall not make an order under subsection (1A) above unless—

- (a) an application for the order has been made jointly by all the persons who would be the responsible authorities in relation to the combined area or the Secretary of State has first consulted those persons; and
- (b) he considers it would be in the interests of reducing crime and disorder, or of combatting the misuse of drugs [<sup>F9</sup>, alcohol and other substances][<sup>F10</sup>or of reducing re-offending], to make the order.]

[<sup>F11</sup>(1C) An order under subsection (1A) above—

- (a) may require the councils for the local government areas in question to appoint a joint committee of those councils (the “joint crime and disorder committee”) and to arrange for crime and disorder scrutiny functions in relation to any (or all) of those councils to be exercisable by that committee;
- (b) may make provision applying any of the relevant provisions, with or without modifications, in relation to a joint crime and disorder committee.

(1D) In subsection (1C)—

“crime and disorder scrutiny functions”, in relation to a council, means functions that are, or, but for an order under subsection (1A) above, would be, exercisable by the crime and disorder committee of the council under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters);

“the relevant provisions” means—

- (a) section 19 of the Police and Justice Act 2006;
- (b) section 20 of that Act and any regulations made under that section;
- (c) Schedule 8 to that Act;
- (d) section 21 of the Local Government Act 2000.]

(2) In exercising those functions, the responsible authorities shall act in co-operation with the following persons and bodies, namely—

- [<sup>F12</sup>(b) every local probation board any part of whose area lies within the area;
- [<sup>F13</sup>(ba) every provider of probation services operating within the area in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to co-operate under this subsection with the responsible authorities;]]
- (c) every person or body of a description which is for the time being prescribed by order of the Secretary of State under this subsection
- [<sup>F14</sup>, and
- (d) where they are acting in relation to an area in Wales, every person or body which is of a description which is for the time being prescribed by an order under this subsection of the National Assembly for Wales;]

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and it shall be the duty of those persons and bodies to co-operate in the exercise by the responsible authorities of those functions.

(3) The responsible authorities shall also invite the participation in their exercise of those functions of at least one person or body of each description which is for the time being prescribed by order of the Secretary of State under this subsection [<sup>F15</sup>and, in the case of the responsible authorities for an area in Wales, of any person or body of a description for the time being prescribed by an order under this subsection of the National Assembly for Wales.]

(4) In this section and sections 6 and 7 below “local government area” means—

- (a) in relation to England, each district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;
- (b) in relation to Wales, each county or county borough.

[<sup>F16</sup>(5) In this section—

[<sup>F17</sup>“fire and rescue authority” means—

- (a) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a metropolitan county fire and civil defence authority; or
- (c) the London Fire and Emergency Planning Authority;] and

“police authority” means—

- (a) any police authority established under section 3 of the Police Act 1996 (c. 16); or
- (b) the Metropolitan Police Authority.]

[<sup>F18</sup>(6) The appropriate national authority may by order amend this section by—

- (a) adding an entry for any person or body to the list of authorities in subsection (1),
- (b) altering or repealing an entry for the time being included in the list, or
- (c) adding, altering or repealing provisions for the interpretation of entries in the list.

(7) In this section the “appropriate national authority”, in relation to a person or body, means—

- (a) the National Assembly for Wales, if all the functions of the person or body are devolved Welsh functions;
- (b) the Secretary of State and the Assembly acting jointly, if the functions of the person or body include devolved Welsh functions and other functions; and
- (c) the Secretary of State, if none of the functions of the person or body are devolved Welsh functions.

(8) In subsection (7), “devolved Welsh functions” means functions which are dischargeable only in relation to Wales and relate to matters in relation to which the Assembly has functions.]

#### Textual Amendments

- F1** Words in s. 5(1) inserted (1.8.2007 for E. and 19.11.2007 for W.) by [Police and Justice Act 2006](#) (c. 48), ss. 22, 53(1)(a), [Sch. 9 para. 2\(2\)](#); S.I. 2007/1614, [art 3\(b\)](#); S.I. 2007/3073, [art. 2\(a\)](#)

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- F2** Word at the end of s. 5(1) repealed (30.4.2004 for E. and otherwise prosp.) by Police Reform Act 2002 (c. 30), ss. 107(2), 108(2), **Sch. 8**; S.I. 2004/913, **art. 3**
- F3** S. 5(1)(aa) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 108(2)**, 116(1); S.I. 2010/507, **art. 5(p)**
- F4** S. 5(1)(c)-(f) inserted (1.4.2003 for W., 1.4.2003 for E. in relation to s. 5(1)(c)(d), and 30.4.2004 for E. otherwise) by Police Reform Act 2002 (c. 30), **ss. 97(2)**, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2003/808, **art. 2(j)**; S.I. 2004/913, **art. 3(a)**
- F5** Words in s. 5(1)(d) substituted (7.9.2004 for E.S. for specified purposes, 1.10.2004 for E.S. otherwise, and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53(1), 61, **Sch. 1 para. 89(2)(a)**; S.I. 2004/2304, **art. 2** (with art. 3); S.I. 2004/2917, **art. 2**
- F6** Words in s. 5(1)(f) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 3, **Sch. para. 29(2)(a)**
- F7** S. 5(1A)(1B) inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **ss. 97(3)**, 108(2)(4); S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**
- F8** Words in s. 5(1A)(a) substituted (1.8.2007 for E. and 19.11.2007 for W.) by Police and Justice Act 2006 (c. 48), ss. 22, 53(1)(a), **Sch. 9 para. 2(3)**; S.I. 2007/1614, **art. 3(b)**; S.I. 2007/3073, **art. 2(a)**
- F9** Words in s. 5(1B)(b) inserted (1.8.2007 for E. and 19.11.2007 for W.) by Police and Justice Act 2006 (c. 48), ss. 22, 53(1)(a), **Sch. 9 para. 2(4)**; S.I. 2007/1614, **art. 3(b)**; S.I. 2007/3073, **art. 2(a)**
- F10** Words in s. 5(1B)(b) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 108(3)**, 116(1); S.I. 2010/507, **art. 5(p)**
- F11** S. 5(1C)(1D) inserted (30.4.2009 for E., otherwise prosp.) by Police and Justice Act 2006 (c. 48), **ss. 21**, 53(1)(a); S.I. 2009/936, **art. 2(c)**
- F12** S. 5(2)(b) substituted for s. 5(2)(a)(b) (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **s. 97(4)(a)**; S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**
- F13** S. 5(2)(ba) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 13(2)**
- F14** S. 5(2)(d) and preceding word inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **s. 97(4)(b)**; S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**
- F15** Words in s. 5(3) inserted (1.4.2003 for W. and 23.2.2004 for E.) by Police Reform Act 2002 (c. 30), **ss. 97(5)**, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2004/119, **art. 2**
- F16** S. 5(5) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 97(6)**, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2003/808, **art. 2(j)**
- F17** S. 5(5): definition of "fire authority" substituted (7.9.2004 for E.S. for specified purposes, 1.10.2004 for E.S. otherwise, and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53(1), 61, **Sch. 1 para. 89(2)(b)**; S.I. 2004/2304, **art. 2** (with art. 3); S.I. 2004/2917, **art. 2**
- F18** S. 5(6)-(8) inserted (1.8.2007 for E. and 19.11.2007 for W.) by Police and Justice Act 2006 (c. 48), ss. 22, 53(1)(a), **Sch. 9 para. 2(5)**; S.I. 2007/1614, **art. 3(b)**; S.I. 2007/3073, **art. 2(a)**

#### Modifications etc. (not altering text)

- C1** S. 5: functions of local authority not to be the sole responsibility of the executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 4(1), **Sch. 3**
- C2** S. 5(1) modified (1.4.2003 for W. and 30.4.2004 for E.) by Police Reform Act 2002 (c. 30), ss. {s. 97(15)}, 108(2)(4); S.I. 2003/525, **art. 2**; S.I. 2004/913, **art. 3(a)**
- C3** S. 5 modified (30.4.2009 for E. and 1.10.2009 for W.) by Police and Justice Act 2006 (c. 48), ss. 19(10), 53(1)(a), **Sch. 8 para. 11(2)**; S.I. 2009/936, **art. 2(d)**; S.I. 2009/2540, **art. 2(c)**

#### Commencement Information

- I1** S. 5 wholly in force; S. 5 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

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