

Status: Point in time view as at 03/10/2011.

Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, SCHEDULE 9. (See end of Document for details)

SCHEDULES

SCHEDULE 9

Section 22

AMENDMENTS TO THE CRIME AND DISORDER ACT 1998

1 The Crime and Disorder Act 1998 (c. 37) is amended as follows.

Commencement Information

- I1** Sch. 9 para. 1 in force at 1.8.2007 for E. by S.I. 2007/1614, art. 3(b)
I2 Sch. 9 para. 1 in force at 19.11.2007 for W. by S.I. 2007/3073, art. 2(a)

- 2 (1) Section 5 (authorities responsible for strategies) is amended as follows.
- (2) In subsection (1), after “functions conferred by” there is inserted “ or under ”.
- (3) In subsection (1A)(a), for “by sections 6 to 7” there is substituted “ by or under section 6 or by section 7 ”.
- (4) In subsection (1B)(b), after “drugs” there is inserted “ , alcohol and other substances ”.
- (5) After subsection (5) there is inserted—
- “(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.”

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- I3** Sch. 9 para. 2 in force at 1.8.2007 for E. by S.I. 2007/1614, art. 3(b)
I4 Sch. 9 para. 2 in force at 19.11.2007 for W. by S.I. 2007/3073, art. 2(a)

3 For sections 6 and 6A there is substituted—

“6 Formulation and implementation of strategies

- (1) The responsible authorities for a local government area shall, in accordance with section 5 and with regulations made under subsection (2), formulate and implement—
 - (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area.
- (2) The appropriate national authority may by regulations make further provision as to the formulation and implementation of a strategy under this section.
- (3) Regulations under subsection (2) may in particular make provision for or in connection with—
 - (a) the time by which a strategy must be prepared and the period to which it is to relate;
 - (b) the procedure to be followed by the responsible authorities in preparing and implementing a strategy (including requirements as to the holding of public meetings and other consultation);
 - (c) the conferring of functions on any one or more of the responsible authorities in relation to the formulation and implementation of a strategy;
 - (d) matters to which regard must be had in formulating and implementing a strategy;
 - (e) objectives to be addressed in a strategy and performance targets in respect of those objectives;
 - (f) the sharing of information between responsible authorities;
 - (g) the publication and dissemination of a strategy;
 - (h) the preparation of reports on the implementation of a strategy.
- (4) The provision which may be made under subsection (2) includes provision for or in connection with the conferring of functions on a committee of, or a particular member or officer of, any of the responsible authorities.
- (5) The matters referred to in subsection (3)(d) may in particular include guidance given by the appropriate national authority in connection with the formulation or implementation of a strategy.
- (6) Provision under subsection (3)(e) may require a strategy to be formulated so as to address (in particular)—
 - (a) the reduction of crime or disorder of a particular description; or

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- (b) the combatting of a particular description of misuse of drugs, alcohol or other substances.
- (7) Regulations under this section may make—
 - (a) different provision for different local government areas;
 - (b) supplementary or incidental provision.
- (8) For the purposes of this section any reference to the implementation of a strategy includes—
 - (a) keeping it under review for the purposes of monitoring its effectiveness; and
 - (b) making any changes to it that appear necessary or expedient.
- (9) In this section the “appropriate national authority” is—
 - (a) the Secretary of State, in relation to strategies for areas in England;
 - (b) the National Assembly for Wales, in relation to strategies for combatting the misuse of drugs, alcohol or other substances in areas in Wales;
 - (c) the Secretary of State and the Assembly acting jointly, in relation to strategies for combatting crime and disorder in areas in Wales.”

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- I5** Sch. 9 para. 3 in force at 1.8.2007 for E. by S.I. 2007/1614, art. 3(b)
- I6** Sch. 9 para. 3 in force at 19.11.2007 for W. by S.I. 2007/3073, art. 2(a)

- 4 (1) Section 17 (duty to consider crime and disorder implications) is amended as follows.
- (2) In subsection (1), for “crime and disorder in its area” there is substituted—
 - “(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) the misuse of drugs, alcohol and other substances in its area.”
- (3) For subsection (2) there is substituted—
 - “(2) This section applies to each of the following—
 - a local authority;
 - a joint authority;
 - the London Fire and Emergency Planning Authority;
 - 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;
 - a metropolitan county fire authority;
 - a police authority;
 - a National Park authority;
 - the Broads Authority.”
- (4) After subsection (3) there is inserted—
 - “(4) 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 (2),

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- (b) altering or repealing any entry for the time being included in the list, or
 - (c) adding, altering or repealing provisions for the interpretation of entries in the list.
- (5) In subsection (4) “the appropriate national authority” has the same meaning as in section 5.”

Commencement Information

- I7** Sch. 9 para. 4 in force at 1.8.2007 for E. by S.I. 2007/1614, art. 3(b)
I8 Sch. 9 para. 4 in force at 19.11.2007 for W. by S.I. 2007/3073, art. 2(a)

5 After section 17 there is inserted—

“17A Sharing of information

- (1) A relevant authority is under a duty to disclose to all other relevant authorities any information held by the authority which is of a prescribed description, at such intervals and in such form as may be prescribed.
- (2) In subsection (1) “prescribed” means prescribed in regulations made by the Secretary of State.
- (3) The Secretary of State may only prescribe descriptions of information which appears to him to be of potential relevance in relation to the reduction of crime and disorder in any area of England and Wales (including anti-social or other behaviour adversely affecting the local environment in that area).
- (4) Nothing in this section requires a relevant authority to disclose any personal data (within the meaning of the Data Protection Act 1998).
- (5) In this section “relevant authority” means an authority in England and Wales which is for the time being a relevant authority for the purposes of section 115.”

Commencement Information

- I9** Sch. 9 para. 5 in force at 1.8.2007 for E. by S.I. 2007/1614, art. 3(b)
I10 Sch. 9 para. 5 in force at 19.11.2007 for W. by S.I. 2007/3073, art. 2(a)

- 6 (1) Section 114 (orders and regulations) is amended as follows.
- (2) In subsection (2)—
 - (a) “, 6A(1)” is omitted;
 - (b) after “regulations under” there is inserted “ section 6 or 17A or ”.
 - (3) In subsection (3)—
 - (a) after “1F,” there is inserted “ 5(6), ”;
 - (b) for “38(5) or 41(6)” there is substituted “ 17(4), 38(5), 41(6) or 115(3) ”.
 - (4) After that subsection there is inserted—

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“(4) The Secretary of State must consult the National Assembly for Wales before making an order under section 5(6), 17(4) or 115(3) that relates to a person or body any of whose functions are dischargeable in relation to Wales (not being functions of the kind referred to in section 5(8)).”

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- I11** Sch. 9 para. 6 in force at 1.8.2007 for E. by S.I. 2007/1614, art. 3(b)
I12 Sch. 9 para. 6 in force at 19.11.2007 for W. by S.I. 2007/3073, art. 2(a)

- 7 (1) Section 115 (disclosure of information) is amended as follows.
- (2) In subsection (2), for “subsection (1) above” there is substituted “ this section ”, and at the end there is inserted—
- “(h) the London Fire and Emergency Planning Authority;
 - (i) 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;
 - (j) a metropolitan county fire and rescue authority.”
- (3) After that subsection there is inserted—
- “(3) The appropriate national authority may by order amend this section so far as it extends to England and Wales by—
- (a) adding an entry for any person or body to the list of authorities in subsection (2),
 - (b) altering or repealing any entry for the time being included in the list, or
 - (c) adding, altering or repealing provisions for the interpretation of entries in the list.
- (4) In subsection (3) “the appropriate national authority” has the same meaning as in section 5.”

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- I13** Sch. 9 para. 7 in force at 1.8.2007 for E. by S.I. 2007/1614, art. 3(b)
I14 Sch. 9 para. 7(1)(3) in force at 19.11.2007 for W. by S.I. 2007/3073, art. 2(a)
I15 Sch. 9 para. 7(2) in force at 19.11.2007 for W. by S.I. 2007/3251, art. 2

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