

**EXPLANATORY MEMORANDUM TO THE
CRIME PREVENTION (DESIGNATED AREAS) (NO.2) ORDER 2005**

2005 No.914

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order designates areas in the boroughs of Stockport and Wigan within which councils, which are highway authorities, may, for the purposes of crime prevention, make orders for the stopping up or diversion of certain highways.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 This Order is the fourth designation order (excluding one amending order) to be made under section 118B(1)(a) of the Highways Act 1980 (“the 1980 Act”). This section was inserted into the 1980 Act by paragraph 8 of Schedule 6 to the Countryside and Rights of Way Act 2000.

4.2 The purpose of this Order is to designate areas within which the local highway authority for the area is able to make orders for the stopping up (section 118B(4) of the 1980 Act) or diversion (section 119B(4) of the 1980 Act) of certain highways for the purposes of crime prevention.

4.3 These areas are within the areas of the authorities mentioned in paragraph 2 above and are shown hatched and edged red on plans deposited at the offices of the Department for Environment and at the offices of the highway authority for the designated area.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 Not applicable

7. Policy background

7.1 The Secretary of State, in exercising the power to designate areas under section 118B(1)(a), has said that she will consider submissions from highway authorities on the inclusion of areas in designation orders. The Department for Environment, Food and Rural Affairs issued guidance to local highway authorities in February 2003 setting out what should be included in these submissions. This guidance made it clear

that although all submissions for designation would be considered, the Government generally believes a primary consideration must be that highway authorities are able to demonstrate (in their submission) that:

- a) there are rights of way in the area in question, that are demonstrable causes of a persistent crime problem; and
- b) realistic alternative options to tackle the causes of problems have been examined prior to making a submission.

7.2 Furthermore the guidance stated that a highway authority should only consider an area for inclusion in a designation order if the given area has rights of way where the conditions set out in the legislation for the exercise of the powers might be potentially met.

7.3 To date, 72 areas in 20 different local authorities have been designated. The designation in one of these areas was withdrawn by The Crime Prevention (Designated Areas)(Amendment) Order 2004 (2004 no. 2674).

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

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