

EXPLANATORY MEMORANDUM TO

THE CRIME PREVENTION (DESIGNATED AREAS) (REVOCATIONS) ORDER 2013

2013 No. 1760

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. Purpose of the instrument

2.1 This instrument revokes the following six instruments:

The Crime Prevention (Designated Areas) Order 2004 (S.I. 2004/1239);
The Crime Prevention (Designated Areas) Order 2005 (S.I. 2005/829);
The Crime Prevention (Designated Areas) (No. 2) Order 2005 (S.I. 2005/914);
The Crime Prevention (Designated Areas) (No. 3) Order 2005 (S.I. 2005/2463);
The Crime Prevention (Designated Areas) Order 2006 (S.I. 2006/302); and
The Crime Prevention (Designated Areas) Order 2007 (S.I. 2007/1829).

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

3.1 None.

4. Legislative Context

4.1 Sections 118B and 119B of the Highways Act 1980, inserted by paragraphs 8 and 12 respectively of Part 1 of Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 66), enable a council which is a highway authority, for the purposes of preventing or reducing certain crime (which would otherwise disrupt the community), or for protecting school pupils or staff from certain criminal activities such as violence or harassment, to make orders stopping up or diverting the line of certain highways. Such orders are known as “special extinguishment orders” and special diversion orders” respectively and can only be made in relation to areas designated by order made by the Secretary of State.

4.2 Eight such Crime Prevention (Designated Areas) Orders including one amending order were made between 2003 and 2007, and designated 87 areas in 27 different local authorities. The designation of one of these areas was withdrawn by the Crime Prevention (Designated Areas) (Amendment) Order 2004 (S.I. 2004/2674).

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 As part of the Department for Environment, Food and Rural Affairs' response to the Red Tape Challenge scrutiny of environment regulations the intention was announced on 19 March 2012 - <https://www.gov.uk/government/publications/red-tape-challenge-environment-theme-proposals>- to revoke any of the existing Crime Prevention (Designated Areas) Orders which were redundant. Local authorities notified the Department that in some cases they had instead made orders under the gating orders powers introduced by the Clean Neighbourhoods and Environment Act 2005 to restrict public access along alleyways that were facilitating crime and anti social behaviour. In other cases no special extinguishment orders or special diversion orders had been made in relation to designated areas.

8. Consultation outcome

8.1 Following the announcement on 19 March 2012 about the results of the environment theme of the Red Tape Challenge the Department for Environment, Food and Rural Affairs consulted the relevant highway authorities about the revocation of the eight Crime Prevention (Designated Areas) Orders. The authorities agreed to the revocation of six of the Orders.

9. Guidance

9.1 No guidance will be published but the Department for Environment, Food and Rural Affairs will notify the relevant highway authorities once the instrument has come into force in October 2013. The coming into force of the instrument will be part of the Department's reporting of progress against its overall commitments under the Red Tape Challenge.

10. Impact

10.1 There will be no regulatory requirements placed on business, charities or the voluntary sector as a result of this instrument.

10.2 There is no impact on the public sector.

10.3 An impact assessment has not been prepared for this instrument as it has no impact on the costs of business.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 This instrument will not be subject to any further or specific monitoring and review.

13. Contact

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