



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 3

PARENTAL RESPONSIBILITIES

Criminal conduct and anti-social behaviour

[^{F1}28A Contracting out of local authority functions

- (1) An order made by—
 - (a) the Secretary of State as regards local authorities in England, or
 - (b) the National Assembly for Wales as regards local authorities in Wales,may provide that a local authority may make arrangements with a person who is specified in the order, or is of a description so specified, for the exercise of any function it has under or by virtue of section 25A or 26A.
- (2) The order may provide—
 - (a) that the power of the local 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 local authority thinks appropriate.
- (3) The order may provide that the arrangements may authorise the exercise of the function—
 - (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 under this section 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.

Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 28A. (See end of Document for details)

- (5) The Secretary of State or (as the case may be) the National Assembly for Wales must not make an order under this section without first consulting—
- (a) such representatives of local government as appear to be appropriate;
 - (b) such other persons as appear to be appropriate.
- (6) Any arrangements made by a local authority in pursuance of an order under this section do not prevent the local 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 is to 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) Local authorities in England and any person with whom they make arrangements 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) Local authorities in Wales and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the National Assembly for Wales for the purposes of this section.]

Textual Amendments

- F1** S. 28A inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 25, 53(1)**; [S.I. 2007/1614](#), [art. 3\(a\)](#)

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