

EXPLANATORY MEMORANDUM TO
THE CRIME AND DISORDER (PRESCRIBED INFORMATION)(AMENDMENT)
REGULATIONS 2008

2008 No. 1406

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The instrument updates the references to the National Incident Category List (NICL) and the Notifiable Offences List (NOL) found in the Crime and Disorder (Prescribed Information) Regulations 2007 (“the 2007 Regulations”). The NICL and the NOL contain definitions of some of the depersonalised information that relevant authorities must share in accordance with section 17A of the Crime and Disorder Act 1998 (“the 1998 Act”).

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

3.1 None.

4. Legislative Background

4.1 The 2007 Regulations, made under sections 17A(2), 114(1) and (2) of the 1998 Act, set out the depersonalised information which relevant authorities (such as the police, probation boards, local authorities, primary care trusts and fire services) are under a duty to share with one another. They require the information to be disclosed in electronic form on a quarterly basis. Some of the information prescribed in the Regulations is defined by reference to the NOL and NICL. Both lists have now been amended and therefore the Crime and Disorder (Prescribed Information) (Amendment) Regulations 2008 are needed to update the 2007 Regulations accordingly.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

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 The 1998 Act introduced a new requirement for the police, local authorities and other key agencies to work together in Crime and Disorder Reduction Partnerships. The

landscape in which these partnerships deliver has changed over time so a formal review of the provisions of the 1998 Act was carried out in 2004-5.

7.2 The overall objective of the review was to make CDRPs more effective, responsive and visible. In particular, the review considered how CDRPs identified and prioritised issues important to local people; how they shared information between partners; how they planned ahead and managed performance; and how they were accountable to local communities.

7.3 Flowing from this review, the Home Office has a programme of reform in train which has a number of key strands to it. These include adjusting the statutory requirements placed on CDRPs to both relieve unnecessary burdens and to introduce some underpinning minimum standards. In particular, the Police and Justice Act 2006 introduced a new section 17A into the 1998 Act, requiring partners in the CDRP to share such depersonalised information as may be prescribed in regulations made by the Secretary of State.

7.4 The 2007 Regulations prescribe the information to be shared and provide for this to take place on a quarterly basis. These minimum requirements will ensure that all partnerships have at least the minimum information necessary to identify priorities, map trends and patterns in crime and disorder and manage their performance.

7.5 The information to be shared includes information on certain types of crime and certain incidents, such as anti-social behaviour incidents, as defined in the NOL and NICL respectively. These lists are updated annually and therefore the 2007 Regulations need to be amended accordingly so that data is shared according to the revised definitions. The revised definitions will apply for the quarter starting on the 1 April 2008. This is not retrospective because section 17A (1) of the 1998 Act makes clear that the duty is to disclose information held by the relevant authority, not to obtain additional information, and the information for the quarter commencing on the 1 April 2008 will not have to be shared until 30th September 2008.

8. Impact

8.1 A Regulatory Impact Assessment (RIA) was done at the time of the passage of the Police and Justice Act 2006 for the partnership provisions. A further RIA was also undertaken before the 2007 Regulations came into force. As the duty to disclose only applied to information already held by a relevant authority, it was clear that the 2007 Regulations did not require the collection of additional information. Where further changes in practice were needed, it was anticipated that these would be achievable within existing resources.

9. Contact

9.1 Varsha Ratna at the Home Office, telephone: 0207 035 6174 or e-mail: varsha.ratna@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.