

**EXPLANATORY MEMORANDUM TO
THE CRIME AND DISORDER ACT 1998 (RESPONSIBLE AUTHORITIES)
(AMENDMENT) ORDER 2011**

2011 No. 2468

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

2. Purpose of the instrument

2.1 This order amends the following statutory instruments:

Crime and Disorder Act 1998 (Responsible Authorities) Order 2008 (S.I 2008/2163)

Crime and Disorder Act 1998 (Responsible Authorities) Order 2009 (S.I 2009/1033)

Crime and Disorder Act 1998 (Responsible Authorities) Order 2010 (S.I 2010/970)

Crime and Disorder Act 1998 (Responsible Authorities) Order 2011 (S.I.2011/1224).

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

3.1 This amendment has been made in response to the Joint Committee on Statutory Instruments' comments on the Crime and Disorder Act 1998 (Responsible Authorities) Order 2011 (S.I. 2011/1224) contained in a letter to the department dated 15th June 2011.

4. Legislative Context

4.1 This Order is made under section 5(1A) of the Crime and Disorder Act 1998 (the "1998 Act"). The Secretary of State is satisfied that the applications from the South Warwickshire, South Northamptonshire and Daventry, South Nottinghamshire, Nottinghamshire, Dorset, North Yorkshire and Norfolk CSPs are in the interests of reducing crime and disorder, of combatting the misuse of drugs, alcohol and other substances and of reducing re-offending and that it is supported by all the responsible authorities, which comprise the CSPs, within those areas.

5. Territorial Extent and Application

5.1 This instrument extends 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

What is being done and why

7.1 This Order amends SI 2008/2163, SI 2009/1033, SI 2010/970 and SI 2011/1224. These Orders referred to functions conferred “by” section 6 of the Crime and Disorder Act 1998, but given the terms of the power conferred by section 5(1A)(a) of that Act, as amended with effect from 1st August 2007 in relation to England and with effect from 19th November 2007 in relation to Wales, these Orders should have referred to functions conferred “by or under section 6 or by section 7”.

7.2 Since this is an error which has been identified in SI 2008/2163, SI 2009/1033, SI 2010/970 and SI 2011/1224, this amending instrument is being issued free of charge to all known recipients of these instruments.

Consolidation

7.3 As this Order makes only a short textual amendment to SI 2008/2163, SI 2009/1033, SI 2010/970 and SI 2011/1224 the department does not propose to consolidate the instruments.

8. Consultation outcome

8.1 The Department does not consider that wider public consultation is necessary given that this Order only makes a short textual amendment to existing Orders.

9. Guidance

9.1 Guidance originally produced by the Home Office in 2004 for CSPs on the procedure for mergers was followed for the original applications.

10. Impact

10.1 There is no impact on business, charities, or voluntary bodies.

10.2 The impact on the public sector is expected to be minimal.

10.3 An Impact Assessment has not been prepared for this instrument

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Monitoring or review of this Order will not be required as this Order only makes a short textual amendment to earlier Orders.

13. Contact

13.1 Heather Vivian at the Home Office (Tel: 020 7035 3197 or email: heather.vivian@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.