

POLICE AND JUSTICE ACT 2006

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 3: Crime and anti-social behaviour

Schedule 9: Amendments to the Crime and Disorder Act 1998

219. Section 5 of the Crime and Disorder Act 1998 lists the "responsible authorities" that comprise CDRPs and CSPs as local authorities, chief police officers, police authorities, fire and rescue authorities and primary care trusts in England and health boards in Wales.
220. *Paragraph 2* amends section 5 of the 1998 Act by including new subsection (6) which enables the appropriate national authority to add to or otherwise change the list of responsible authorities and new subsection (7) which provides a definition for "appropriate national authority" – the Secretary of State in relation to English bodies and Welsh bodies whose functions are not devolved, the National Assembly for Wales in relation to bodies whose functions are wholly devolved and both acting jointly in other cases. The paragraph also makes consequential amendments to the section.
221. *Paragraph 3* replaces sections 6 and 6A (which provide for the formulation and implementation of crime and disorder reduction strategies) of the 1998 Act with a new section 6. The new section extends the scope of the strategies from the reduction of crime and disorder and the combating of the misuse of drugs to the reduction of crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) and the combating of the misuse of drugs, alcohol and other substances. The new section also enables the appropriate national authority to make regulations making further provision in connection with the formulation, implementation and review of the strategies. These regulations will be known as national standards. This section also allows the appropriate national authority to issue guidance.
222. Section 17 of the 1998 Act currently states that defined bodies have a duty to do all that they reasonably can to prevent crime and disorder. *Paragraph 4* will amend the scope of duty so as to extend it to include the misuse of drugs, alcohol and other substances, anti-social behaviour and other behaviour adversely affecting the local environment. It also amends section 17 to enable the appropriate national authority to extend the duty to other persons or bodies as required. Appropriate national authority is given the same definition as in the amendments made by *paragraph 2*.
223. *Paragraph 5* amends section 115 of the 1998 Act (which enables information sharing between authorities for the purposes of crime reduction and community safety) and creates a new section 17A which places specified agencies in England and Wales under a duty to share depersonalised data that is already held in a depersonalised format for the purposes of reducing crime and disorder and is of a prescribed description as set out by the Secretary of State in regulations. The Secretary of State may also prescribe the

*These notes refer to the Police and Justice Act 2006
(c.48) which received Royal Assent on 8 November 2006*

intervals and the form that this data must be shared in. The definition of personal data is as set out in the Data Protection Act 1998.

224. *Paragraph 6* makes amendments to section 114 of the 1998 Act (orders and regulations) as a consequence of the other amendments made by this Schedule.
225. *Paragraph 7* extends the list of authorities to which the duty applies to the London Fire and Emergency Planning Authority, and all other fire and rescue authorities. It will also enable the appropriate national authority to extend the duty to other persons or bodies by means of secondary legislation.