

POLICE AND JUSTICE ACT 2006

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 3: Crime and anti-social behaviour

Section 25: Contracting out of local authority functions with regard to parenting contracts and parenting orders

252. This section inserts a new section 28A in Part 3 of the Anti-social Behaviour Act 2003 so as to make it possible for the Secretary of State to make an order enabling a local authority to contract out to a person specified in the order (subject to the negative resolution procedure) the functions of entering into parenting contracts and applying for parenting orders.
253. New section 28A(1) confers on the Secretary of State the power to make an order providing for a local authority to make arrangements with a specified person, or a person of a specified description, for the exercise of any of its functions under the new sections 25A and 26A. The power is conferred on the National Assembly for Wales to make such an order in relation to Welsh local authorities.
254. New section 28A(2) indicates that such an order may provide, first that the local authority's power to contract out is subject to any conditions specified in the order, secondly that the contracting out arrangements must be subject to such conditions as are so specified and, thirdly, that the contracting out arrangements may be subject to any other conditions which the local authority considers appropriate.
255. New section 28A(3) indicates that the order may also provide that the contracting out arrangements can authorise the exercise of the function wholly or to such an extent as may be specified, and generally or in specified cases or areas.
256. New section 28A(4) indicates that the order may provide that the person with whom the contracting out arrangements are made is to be treated as a public body for the purposes of section 1 of the Local Authorities (Goods and Services) Act 1970.
257. New section 28A(5) stipulates that before making an order under the new section the Secretary of State and the National Assembly for Wales must consult with such representatives of local government, and with such other persons, as he or it thinks appropriate.
258. New section 28A(6) provides that any contracting out arrangements made under such an order are not to prevent the local authority from exercising the functions to which the arrangements relate.
259. New section 28A(7) and (8) provides that certain provisions of the Deregulation and Contracting Out Act 1994 are to apply for the purposes of arrangements made in the pursuance of an order under this section.

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

260. New section 28A(9) requires local authorities in England and any person to whom they contract out functions by arrangements made in pursuance of an order under section 28 to have regard to any guidance issued by the Secretary of State for the purposes of that section.
261. New section 28A(10) requires local authorities in Wales and any person to whom they contract out functions by arrangements made in pursuance of an order under section 28 to have regard to any guidance issued by the National Assembly for Wales for the purposes of that section.