Draft Order laid before Parliament under section 114(3) of the Crime and Disorder Act 1998 for approval by both Houses of Parliament

DRAFT STATUTORY INSTRUMENTS

2007 No.

HOUSING, ENGLAND

The Local Authorities (Contracting Out of Anti-social Behaviour Order Functions) (England) Order 2007

Made - - - -	*2007*
Coming into force - -	*2007*

This Order is made in exercise of the powers conferred by subsections (1), (2), (10) and (11) of section 1F of the Crime and Disorder Act 1998(**1**).

In accordance with section 1F(5)(b) and (c) of that Act the Secretary of State has consulted such representatives of local government and such other persons as she considers appropriate.

In accordance with section 114(3)(**2**) of that Act a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Accordingly the Secretary of State makes the following Order:

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Local Authorities (Contracting Out of Anti-social Behaviour Order Functions) (England) Order 2007 and shall come into force on the day after the day on which it is made.

(2) In this Order—

"the Act" means the Crime and Disorder Act 1998;

"local authority" means a relevant authority which is a local authority;

"relevant function" means any function exercisable by a local authority under sections 1 to 1E(**3**) of the Act;

(**1**) 1998 (c.37). Section 1F of the Act was inserted by section 142(1) of the Serious Organised Crime and Police Act 2005 (c.15).

(**2**) The reference to section 1F of the Act was inserted in section 114(3) of the Act by section 142(3) of the Serious Organised Crime and Police Act 2005.

(**3**) Sections 1A, 1B, 1C, 1D and 1E of the Act were inserted by sections 62(1), 63, 64, 65(1) and 66 respectively of the Police Reform Act 2002 (c.30) and sections 1AA and 1AB were inserted by section 322 of the Criminal Justice Act 2003 (c.44). Section 1 of the Act has been amended by section 165(1) of, and paragraph 192 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c.6); sections 61(1), (2), (3), (4), (5), (7), (8), (10), and 107(2) of and Schedule 8 to, the Police Reform Act 2002; section 85(1), (2), (3) and (4) of the Anti-social Behaviour Act 2003 (c.38); sections 139(1) and (2) of the Serious Organised Crime and Police Act 2005 and article 2 and paragraph 55 of the Schedule to the Courts Act 2003 (Consequential

"housing manager" means a person who exercises management functions of the local authority pursuant to an agreement made under section 27 of the Housing Act 1985(**4**).

(3) This Order applies to local authorities in England only.

Contracting out

2. Subject to article 3, a local authority may make arrangements with one or more housing managers whereby the housing manager, or an employee of the manager, may exercise any relevant function.

Conditions

3.—(1) A local authority shall not make arrangements with the housing manager for the exercise of any function under section 1 or 1B of the Act unless it also makes arrangements with him for the exercise of its functions under section 1E of the Act.

(2) Arrangements made by the local authority with the housing manager—

(a) shall require the housing manager to consult the local authority before exercising any relevant function; and

(b) may include such other conditions as the local authority considers appropriate.

Legal Proceedings

4. Section 223 (appearance of local authorities in legal proceedings) of the Local Government Act 1972(**5**) shall have effect as if—

(a) a housing manager with whom arrangements are made by virtue of this Order to exercise any relevant functions; and

(b) any employee of the manager,

were an officer of the local authority.

Provisions) Order 2005 (S.I. 2005/886). Section 1A has been amended by section 139(1) and (3) of the Serious Organised Crime and Police Act 2005. Section 1AA has been amended by sections 18(9)(a) and 64 of and paragraph 8 of Schedule 2, and Part 4 of Schedule 5 to, the Children Act 2004 (c.31). Section 1B has been amended by section 63 of the Police Reform Act 2002 and section 85(1), (5) and (6) of the Anti-social Behaviour Act 2003. Section 1C of the Act has been amended by section 86(1), (2), (3) and (4) of the Anti-social Behaviour Act 2003 and sections 139(1) and (4), 140(1) and (3), 141(1) and (3), 174(2) of, and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005. Section 1D has been amended by section 139(1), (5), (6), (7), (8) and (9) of the Serious Organised Crime and Police Act 2005. Section 1E has been amended by section 85(1) and (7) of the Anti-social Behaviour Act 2003. There are other amendments that are not relevant to this order.

(**4**) 1985 (c.68). Section 27 was substituted by article 2 of the Regulatory Reform (Housing Management Agreements) Order 2003 (S.I. 2003/940).

(**5**) 1972 (c.70).