

2010 No. 64

REGULATORY REFORM, ENGLAND AND WALES

CRIMINAL LAW, ENGLAND AND WALES

**The Legislative Reform (Revocation of Prescribed Form of
Penalty Notice for Disorderly Behaviour) Order 2010**

Made - - - - *12th January 2010*

Coming into force in accordance with article 1(1).

The Secretary of State for Justice makes the following Order in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006^(a).

For the purposes of section 3(1) of that Act, the Secretary of State considers that the conditions specified in section 3(2) of that Act are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation, commencement and extent

1.—(1) This Order may be cited as The Legislative Reform (Revocation of Prescribed Form of Penalty Notice for Disorderly Behaviour) Order 2010 and shall come into force on the day after the date on which the Order is made.

(2) It extends to England and Wales only.

^(a) 2006 c.51. Section 13(1) has been amended by the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), Schedule 1, paragraph 147. See also section 32 for the definitions of “Minister of the Crown” and “regulatory function”.

Amendments

2. Section 3 of the Criminal Justice and Police Act 2001(a) is amended as follows—
- (a) omit paragraph (a) of subsection (3),
 - (b) omit subsection (4), and
 - (c) in subsection (5), omit the words “regulations or”.

Revocations

3. The following Regulations and provisions are revoked—
- (a) the Penalties for Disorderly Behaviour (Form of Penalty Notice) Regulations 2002(b),
 - (b) the Penalties for Disorderly Behaviour (Form of Penalty Notice) (Amendment) Regulations 2004(c),
 - (c) article 2 of the Courts Act 2005 (Consequential Provisions) (No. 2) Order 2005(d) insofar only as it applies to paragraph 200 of the Schedule to that Order, and
 - (d) the Penalties for Disorderly Behaviour (Form of Penalty Notice) (Amendment) Regulations 2005(e).

Signed by authority of the Secretary of State

Claire Ward
Parliamentary Under Secretary of State
Ministry of Justice

12th January 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order repeals the requirement that penalty notices for disorder must be in a form prescribed by regulations made by the Secretary of State. The repeal does not alter the information which section 3 of the Criminal Justice and Police Act 2001 (c.16) provides must be stated on the penalty notice when issued to a person, nor the provisions for prescribing by statutory instrument the amount of the penalty which may be levied under section 3 of that Act.

The Order is made under the provisions of the Legislative and Regulatory Reform Act 2006 (c.51) to remove a burden resulting from legislation, namely the element of section 3 of the Criminal Justice and Police Act 2001 (c. 16) that requires the form of a penalty notice for disorder to be prescribed by regulations. It makes a consequential revocation of the regulations that have prescribed the forms of penalty notice.

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- (a) 2001 c.16. Section 3 has been amended by section 87 of the Anti-social Behaviour Act 2003 (c. 38) and Schedule 8, paragraph 397 of the Courts Act 2003 (c. 39). It has also been amended by S.I. 2004/2540.
 - (b) S.I. 2002/1838, as amended by paragraph 200 of the Schedule to S.I. 2005/617.
 - (c) S.I. 2004/3169
 - (d) S.I. 2005/617
 - (e) S.I. 2005/630

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