

Report to: Executive Board – 12<sup>th</sup> December 2005

**OXFORD POLICE ACT 1868**

<b>Report of:</b> <i>Head of Legal and Democratic Services</i>	<b>WARDS AFFECTED</b>  <b>ALL</b>
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<b>Lead Member Responsible:</b> <i>Councillor Baker</i>	
<b>Overview and Scrutiny Committee Responsibility:</b> <i>Finance</i>	
<b>Key Decision:</b> <i>No</i>	
<b>SUMMARY AND RECOMMENDATIONS</b>  <p>This report is submitted to the Executive Board as the decision making body responsible for “initiating or responding to appropriate Parliamentary matters”. The report concerns the repeal of the Oxford Police Act 1868. The Act ceased to have effect on 1<sup>st</sup> January 1882 but nevertheless remains on the Statute Book. The Law Commission is seeking comments upon the repeal of the 1868 Act.</p> <p>The Board is <b>RECOMMENDED</b> to advise the Law Commission that the City Council has no objection to the Oxford Police Act 1868 being repealed by a Statute Law (Repeals) Bill, and to advise the University of Oxford accordingly.</p>	

1. The Law Commission is charged, among other things, with reviewing legislation that appears to be unnecessary, obsolete or otiose and proposing its repeal. The purpose of this function of the Law Commission is to both simplify and modernise the Statute Book, to avoid people being misled by obsolete and otiose laws and to avoid unnecessary costs .
2. Repeals are included in Statute Law (Repeals) Bills. Since 1965 some 17 such Bills have been enacted, 2000 Acts have been repealed by the Bills and several thousand partial repeals have been achieved.

3. The Law Commission is currently consulting the Council on the repeal of the Oxford Police Act 1868. The Law Commission's explanatory note on the Act forms the Appendix to this report.
4. The Executive Board is responsible for "initiating and responding to appropriate Parliamentary matters". Response to the Law Commissions consultation represents such a matter. The 1868 Act expressly says that it shall remain in force until 1<sup>st</sup> January 1882 (and shall then cease to have effect). However, the words "cease to have effect" do not amount to repeal. In the light of the content of the Law Commission's explanatory note the Board is being recommended to raise no objection to the repeal of the Oxford Police Act 1868, and to advise the University of Oxford accordingly.

THIS REPORT HAS BEEN SEEN AND APPROVED BY:

Portfolio Holder, Corporate Governance and Procurement (Councillor Baker)  
Head of Legal and Democratic Services (Jeremy Thomas)

Background papers: The Oxford Police Act 1868