*Draft Order laid before Parliament under section 114(3) of the Crime and Disorder Act 1998, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2014 No.

# CRIMINAL LAW, ENGLAND AND WALES

## The Youth Justice Board for England and Wales (Amendment of Functions) Order 2014

*Made - - - -* ***

*Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by section 41(6) and (6A)(b) of the Crime and Disorder Act 1998(**1**).

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

### Citation and commencement

**1.** This Order may be cited as the Youth Justice Board for England and Wales (Amendment of Functions) Order 2014 and shall come into force on the day after the day on which it is made.

### Amendments to the Crime and Disorder Act 1998

**2.** In section 41(5)(**3**) of the Crime and Disorder Act 1998 (functions of the Youth Justice Board) —

(a) omit paragraph (g) (making grants to develop or research good practice);

(b) in paragraph (h) (commissioning research in connection with good practice), omit "themselves"; and

(c) after paragraph (h) insert—

(**1**) 1998 c. 37. The power in section 41(6)(b) was extended by the insertion of subsection (6A) by section 32(1) and (3) of the Offender Management Act 2007 (c. 21).

(**2**) Section 114(3) has been amended by section 142(3) of, and paragraphs 1 and 5 of Schedule 10 to, the Serious Organised Crime and Police Act 2005 (c.15); paragraphs 1 and 6(1) and (3) of Schedule 9 to the Police and Justice Act 2006 (c.48); section 48 of, and paragraphs 1 and 4(1) and (4) of Schedule 9 to, the Criminal Justice and Immigration Act 2008 (c.4).

(**3**) Section 41(5) has been amended by paragraph 154 of Schedule 16 to the Armed Forces Act 2006 (c. 52); section 32 of, and paragraph 16 of Schedule 3 to, the Offender Management Act 2007 (c. 21); section 39(4) of the Crime and Security Act 2010 (c. 17); paragraphs 36 and 38 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and S.I. 2000/1160.

"(ha) with the approval of the Secretary of State, to make grants to local authorities and other persons for the purposes of the operation of the youth justice system and the provision of youth justice services(**4**), subject to such conditions as the Board considers appropriate, including conditions as to repayment;

(hb) to provide assistance to local authorities and other persons in connection with information technology systems and equipment used or to be used for the purposes of the operation of the youth justice system and the provision of youth justice services;".

**Amendments to the Youth Justice Board for England and Wales Order 2000**

**3.**—(1) The Youth Justice Board for England and Wales Order 2000(**5**) is amended as follows.

(2) In article 2 (interpretation) after the definition of "the 2003 Act" insert—

""directly managed young offender institution" means a young offender institution, or part of a young offender institution, in respect of which a contract under section 84 of the 1991 Act(**6**) (contracting out) is not for the time being in force;

"directly managed secure training centre" means a secure training centre, or part of a secure training centre, in respect of which a contract under section 7 of the 1994 Act(**7**) (contracting out) is not for the time being in force."

(3) In article 4(2) (functions of the Youth Justice Board for England and Wales)—

(a) in sub-paragraph (o)—

(i) before paragraph (i) insert—

"(ai) rule 5 of the Secure Training Centre Rules 1998(**8**) (temporary release of trainees);"; and

(ii) in paragraph (i) for "the Secure Training Centre Rules 1998" substitute "those Rules"; and

(b) after sub-paragraph (p) insert—

"(pa) the functions conferred on the Secretary of State by section 4(1) of the 1952 Act (general duties of the Secretary of State)(**9**) of making the contracts and doing the other acts necessary for the provision of education to persons aged under 18 detained in directly managed young offender institutions, and any functions exercisable by the Secretary of State in relation to such contracts and acts, including the procurement of, and the making of payments under, such contracts;".

(4) After article 4 insert—

"**Modification of section 49(4) of the 1952 Act**

**5.** In its application to a trainee temporarily released from a secure training centre who is recalled by the Youth Justice Board (by virtue of article 4(2)(o)(ai) of this Order), section 49(4)

(**4**) "Youth justice system" is defined in section 42(1) of the Crime and Disorder Act 1998 and "youth justice services" is defined in section 38(4) of that Act.
(**5**) S.I. 2000/1160. This S.I. has been amended by S.I. 2008/3155.
(**6**) Criminal Justice Act 1991 (c. 53). Section 84 has been substituted by section 94 of the Criminal Justice and Public Order Act 1994 (c. 33).
(**7**) Criminal Justice and Public Order Act 1994 (c.33).
(**8**) S.I. 1998/472, to which there are amendments not relevant to this Order.
(**9**) Prison Act 1952 (c.52). Section 4(1) has been amended by S.I. 1963/597. Section 4(1) applies to young offender institutions by virtue of section 43(5) of the 1952 Act.