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

2008 No.

CRIMINAL LAW, ENGLAND AND WALES

The Youth Justice Board for England and Wales (Amendment) Order 2008

Made - - - -

Coming into force in accordance with article 1

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

In accordance with section 114(3)(**2**) of that Act, 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) Order 2008 and shall come into force on the day after the day on which it is made.

Amendment to the Youth Justice Board for England and Wales Order 2000

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

(2) In article 2 after the interpretation of "the 1998 Act" insert —

""the 2000 Act" means the Powers of Criminal Courts (Sentencing) Act 2000(**4**);

"the 2003 Act" means the Criminal Justice Act 2003(**5**)."

(3) In article 4(2) —

(**1**) 1998 c.37. The power in section 41(6)(b) was extended by the insertion of subsection (6A)(power to exercise powers in particular cases and make consequential amendments) by section 32(1) and (3) of the Offender Management Act 2007 (c.21).

(**2**) 1998 c.37. Section 114(3) has been amended by sections 142(3) and 144 of and paragraphs 1 and 5 in Part 1 of Schedule 10 to the Serious Organised Crime and Police Act 2005(c.15); by section 22 of, and paragraphs 1 and 6(1) and (3) of Schedule 9 to the Police and Justice Act 2006 (c.48); by 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**) S.I. 2000/1160

(**4**) 2000 c.6

(**5**) 2003 c.44

(a) in sub-paragraph (a) for "section 53 of the 1933 Act" substitute "section 90(**6**) or 91(**7**) of the 2000 Act";

(b) in sub-paragraph (e) for "section 16(1) and (4) of the 1982 Act" substitute "section 221(1) and (3) of the 2003 Act";

(c) for sub-paragraphs (m) to (o) substitute the following —

"(m) the functions conferred on the Secretary of State by —

(i) section 102(1) of the 2000 Act(**8**), of determining in which youth detention accommodation a person is to serve the period of detention and training under a detention and training order;

(ii) section 92(1) of the 2000 Act, in so far as it relates to persons aged under 18, of directing, or arranging with other persons, the place in which and conditions under which persons sentenced to be detained under section 90 or 91 of that Act shall be detained;

(n) the functions conferred on the Secretary of State by —

(i) section 103(3) of the 2000 Act (detention and training orders: category of person to supervise offender);

(ii) section 103(6) of that Act (detention and training orders: supervision orders);

(iii) section 104(3)(a) of that Act (detention and training orders: detention on breach of supervision notice);

(iv) section 105(2) of that Act (detention and training orders: detention on conviction of offence during term of order);

(o) the functions conferred on the Secretary of State by —

(i) rule 6(1) of the Secure Training Centre Rules 1998(**9**) (approval of system of privileges, incentives and sanctions);

(ii) rule 18(2) of those Rules (approval of room to be used as sleeping accommodation in secure training centre);

(iii) rule 21 of those Rules (directions as to trainees' library books);

(iv) rule 42(1) and (2) of those Rules (authorisation of persons to view secure training centres, take photographs, make sketches, and communicate with trainees);

(v) rule 45 of those Rules (giving leave to governor(**10**) of secure training centre to delegate powers and duties to another officer);

(p) the function conferred on the Secretary of State by section 43(1)(aa) of the 1952 Act(**11**) (provision of young offender institutions), for persons aged under 18;

(**6**) 2000 c.6. Section 90 was amended by section 60(2) and (3) of the Criminal Justice and Court Services Act 2000 (c.43).
(**7**) 2000 c.6. Section 91 was amended by section 139 of, and paragraph 43(1) and (2) of Schedule 6 to, the Sexual Offences Act 2003 (c.42); by sections 289 and 304 of, and Part 1, paragraphs 90 and 110 of Schedule 32 to, the Criminal Justice Act 2003 (c.42) and section 332 of, and Part 7 of Schedule 37 to, that Act; by section 49 of, and paragraph 7(1) and (2) of Schedule 1 to, the Violent Crime Reduction Act 2006 (c.38); and by section 6(2) of, and Part 1, paragraphs 51 and 56 of Schedule 4 to, the Criminal Justice and Immigration Act 2008 (c.4).
(**8**) 2000 c.6. Section 102(1) was amended by section 34(2) of the Offender Management Act 2007 (c.21).
(**9**) S.I.1998/472, to which there are amendments not relevant to this Order.
(**10**) S.I. 1998/472, rule 46(2) provides that in a contracted out secure training centre, for any reference to the governor there should be substituted a reference to the director.
(**11**) Prison Act 1952 (c.52). Section 43(1)(aa) was inserted by section 170 of, and paragraph 11 of Schedule 15 to, the Criminal Justice Act 1988 (c.33). It was amended by section 18(3) of the Criminal Justice and Public Order Act 1994 (c.33) and by section 148(1) of, and paragraph 3 of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c.4).