This draft supersedes the previous draft laid before Parliament on 27th March 2000 which was withdrawn before being made available to the public.Draft Order laid before Parliament under section 114(3) of the Crime and Disorder Act 1998 for approval by resolution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

2000 No.

CRIMINAL LAW, ENGLAND AND WALES

Youth Justice Board for England and Wales Order 2000

Made - - - -

Coming into force - -

Whereas a draft of this Order has been approved by a resolution of each House of Parliament, the Secretary of State, in exercise of the powers conferred by section 41(6) of the Crime and Disorder Act 1998(**1**) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Youth Justice Board for England and Wales Order 2000 and shall come into force on the day after the day is made.

Interpretation

2. In this Order—

"the 1933 Act" means the Children and Young Persons Act 1933(**2**);

"the 1952 Act" means the Prison Act 1952(**3**);

"the 1969 Act" means the Children and Young Persons Act 1969(**4**);

"the 1980 Act" means the Magistrates' Courts Act 1980(**5**);

"the 1982 Act" means the Criminal Justice Act 1982(**6**);

"the 1991 Act" means the Criminal Justice Act 1991(**7**);

(**1**) 1998 c. 37.
(**2**) 1933 c. 12.
(**3**) 1952 c. 52.
(**4**) 1969 c. 54.
(**5**) 1980 c. 43.
(**6**) 1982 c. 48.
(**7**) 1991 c. 53.

"the 1994 Act" means the Criminal Justice and Public Order Act 1994(**8**);

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

Amendment of section 41(5) of the 1998 Act

3. In section 41(5) of the 1998 Act (functions of the Youth Justice Board)—

(a) omit the word "and" at the end of paragraph (g); and

(b) after paragraph (h) insert—

"(i) to enter into agreements for the provision of—

(i) secure accommodation within the meaning of section 75(7) below for the purpose of detaining persons in respect of whom a detention and training order is made under section 73 below or an order is made under section 77(3)(a) or 78(2) below;

(ii) accommodation which is or may be used for the purpose of detaining persons sentenced under section 53(1) or (3) of the 1933 Act;

(iii) accommodation which is or may be used for the purpose of detaining persons dealt with under subsection (4)(c) of section 23 of the 1969 Act, as that section has effect in relation to persons described in section 98(1) below;

(iv) accommodation which is or may be used for the purpose of detaining persons who are under the age of 18 when remanded in custody under section 128 of the 1980 Act;

(v) accommodation which is or may be used for the purpose of detaining persons sentenced when under the age of 18 and before 1st April 2000 to detention in a young offender institution under section 1A of the 1982 Act; and

(vi) accommodation which is or may be used for the purpose of detaining persons subject to secure training orders made before 1st April 2000 under section 1 of the 1994 Act;

but no agreement shall be made under this paragraph in relation to accommodation for persons who have attained the age of 18 unless it appears to the Board that it is expedient to enter into such an agreement for the operation of the youth justice system;

(j) to facilitate arrangements between the Secretary of State and any person providing—

(i) secure accommodation within the meaning of section 75(7) below to be used for detaining a person in accordance with a determination under section 75(1), 77(3)(a) or 78(2) below, or

(ii) accommodation to be used for detaining a person in accordance with a direction by the Secretary of State under section 53(1)(a) or (3)(a) of the 1933 Act;

(k) to offer assistance to local authorities in discharging their duty under section 61 of the 1991 Act, whether by acting as the agent of a local authority or facilitating arrangements under section 61(2), or otherwise; and

(l) annually—

(**8**) 1994 c. 33.

(i) to assess future demand for secure accommodation for remanded and sentenced children and young persons,

(ii) to prepare a plan setting out how they intend to exercise, in the following three years, the functions described in paragraphs (i) and (k) above, and any function for the time being exercisable by the Board concurrently with the Secretary of State by virtue of subsection (6)(b) below which relates to securing the provision of such accommodation, and

(iii) to submit the plan to the Secretary of State for approval.".

Functions of the Youth Justice Board for England and Wales

4.—(1) The following functions shall, so far as exercisable in relation to the youth justice system, be exercisable by the Youth Justice Board for England and Wales concurrently with the Secretary of State, namely—

(a) the functions specified in paragraph (2);

(b) the transitional functions in relation to secure training orders specified in paragraph (3); and

(c) the transitional function in relation to detention in a young offender institution specified in paragraph (4).

(2) The functions are—

(a) making arrangements for delivery of persons sentenced under section 53 of the 1933 Act(**9**) (punishment of certain grave crimes) to the place where they are to be detained;

(b) the functions conferred on the Secretary of State by section 12(2) of the 1952 Act(**10**) (place of confinement of prisoners);

(c) the function, conferred on the Secretary of State by section 36(1) of the 1952 Act(**11**), of purchasing land by agreement;

(d) the function conferred on the Secretary of State by section 43(1)(d) of the 1952 Act(**12**) (provision of secure training centres);

(e) the functions conferred on the Secretary of State by section 16(1) and (4) of the 1982 Act (provision of attendance centres and arrangements for use of premises);

(f) the functions conferred on the Secretary of State by section 61A of the 1991 Act(**13**) (local authorities: cost of secure accommodation);

(g) the functions conferred on the Secretary of State by sections 80 and 81(1)(a) and (2) of the 1991 Act(**14**) (escort arrangements) and any function exercisable by the Secretary of State in relation to arrangements under section 80, including the procurement of, and the making of payments under, such arrangements;

(h) the functions conferred on the Secretary of State by section 89 of, and paragraphs 2, 3(2)(a) and 4 of Schedule 10 to, the 1991 Act(**15**) (certification of custody officers);

(**9**) Relevant amendments to section 53 have been made by sections 1(5) and 4 of the Murder (Abolition of Death Penalty) Act 1965 and section 16 of the Criminal Justice and Public Order Act 1994.
(**10**) Section 12 is applied to remand centres and young offender institutions (and to persons detained in them) by section 43(5).
(**11**) Section 36 is applied to remand centres, young offender institutions and secure training centres (and to persons detained in them) by section 43(4) and (4A).
(**12**) Section 43 was substituted by section 11 of the Criminal Justice Act 1982, and subsection (1)(d) was inserted by section 5 of the Criminal Justice and Public Order Act 1994.
(**13**) Section 61A was inserted by section 21 of the Criminal Justice and Public Order Act 1994.
(**14**) Section 92 of the Criminal Justice Act 1991 extends the meaning of "prison" and the effect of sections 80 and 81(1).
(**15**) Section 92 of the Criminal Justice Act 1991 extends the meaning of "prison" and the effect of section 89 and Schedule 10.