
DRAFT STATUTORY INSTRUMENTS

2000 No.

Youth Justice Board for England and Wales Order 2000

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—
 - (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.”.