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DRAFT STATUTORY INSTRUMENTS

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**2000 No.**

**Youth Justice Board for England and Wales Order 2000**

**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<sup>(1)</sup> (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<sup>(2)</sup> (place of confinement of prisoners);
- (c) the function, conferred on the Secretary of State by section 36(1) of the 1952 Act<sup>(3)</sup>, of purchasing land by agreement;
- (d) the function conferred on the Secretary of State by section 43(1)(d) of the 1952 Act<sup>(4)</sup> (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<sup>(5)</sup> (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<sup>(6)</sup> (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<sup>(7)</sup> (certification of custody officers);
- (i) the functions conferred on the Secretary of State by sections 7 and 11 of the 1994 Act of entering into contracts for the provision or running, or both, of secure training centres,

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- (1) 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.
  - (2) Section 12 is applied to remand centres and young offender institutions (and to persons detained in them) by section 43(5).
  - (3) 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).
  - (4) 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.
  - (5) Section 61A was inserted by section 21 of the Criminal Justice and Public Order Act 1994.
  - (6) Section 92 of the Criminal Justice Act 1991 extends the meaning of “prison” and the effect of sections 80 and 81(1).
  - (7) Section 92 of the Criminal Justice Act 1991 extends the meaning of “prison” and the effect of section 89 and Schedule 10.

- or the performance of functions at directly managed secure training centres, and any function exercisable by the Secretary of State in relation to such contracts, including the procurement of, and the making of payments under, such contracts;
- (j) the functions conferred on the Secretary of State by paragraph 1 of Schedule 1 to the 1994 Act (escort arrangements), and any function exercisable by the Secretary of State in relation to arrangements under that paragraph, including the procurement of, and the making of payments under, such arrangements;
- (k) the functions conferred on the Secretary of State by—
- (i) section 8(1)(b) and (3) of the 1994 Act (secure training centre monitors);
  - (ii) section 12(3) of, and paragraphs 2, 3(2)(a) and 4 of Schedule 2 to, that Act (certification of custody officers);
  - (iii) section 14(1) of that Act (disclosure of information about offender);
  - (iv) paragraph 2(1)(a) and (2) of Schedule 1 to that Act (escort monitors: appointment and reports);
- (l) the functions conferred on the Secretary of State by rule 7 of the Attendance Centre Rules 1995<sup>(8)</sup> (permitting person to be admitted to or remain in an attendance centre);
- (m) the function, conferred on the Secretary of State by section 75(1) of the 1998 Act, of determining in which secure accommodation a person is to serve the period of detention and training under a detention and training order;
- (n) the functions conferred on the Secretary of State by—
- (i) section 75(7)(e) of the 1998 Act (detention and training orders: secure accommodation);
  - (ii) section 76(3) of that Act (detention and training orders: category of person to supervise offender);
  - (iii) section 76(6) of that Act (detention and training orders: supervision notices);
  - (iv) section 77(3) of that Act (detention and training orders: detention on breach of supervision notice);
  - (v) section 78(2) of that Act (detention and training order: detention on conviction of offence during term of order);
- (o) the functions conferred on the Secretary of State by—
- (i) rule 18 of the Secure Training Centre Rules 1998<sup>(9)</sup> (approval of room to be used as sleeping accommodation in secure training centre);
  - (ii) rule 42(1) and (2) of those Rules (authorisation of persons to view secure training centres, take photographs, make sketches and communicate with trainees);
  - (iii) rule 45 of those Rules (giving leave to governor of secure training centre to delegate powers and duties to another officer).
- (3) The transitional functions relating to secure training orders are those conferred on the Secretary of State by—
- (a) section 2(2)(a)(i) and (ii) of the 1994 Act (directing, or arranging with other persons, the place in which and conditions on which offender to be committed following exercise of the court's power under section 4(3)(a) to order offender to be detained on breach of supervision requirements);

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<sup>(8)</sup> S.I. 1995/3281.

<sup>(9)</sup> S.I. 1998/472.

- (b) section 2(4) of that Act (transferring offenders subject to a secure training order, and directing, or arranging with other persons, the place in which and conditions on which person to be transferred);
- (c) section 3(2) of that Act (designation of person to supervise offender subject to secure training order);
- (d) section 3(3) of that Act (determination of category of person to supervise offenders subject to secure training orders); and
- (e) section 3(7) of that Act (giving supervision notices to offenders subject to secure training orders),

as those provisions(10) have effect in relation to persons who are subject to detention or supervision under a secure training order (within the meaning of section 1 of the 1994 Act) made before 1st April 2000.

(4) The transitional function in relation to detention in a young offender institution is the function conferred on the Secretary of State by section 1C(2) of the 1982 Act(11) (direction as to detention in prison or remand centre instead of in a young offender institution), as that provision(12) has effect in relation to persons sentenced to detention in a young offender institution before 1st April 2000.

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(10) Sections 2 and 3 of the Criminal Justice and Public Order Act 1994 were repealed by section 73(7) of the Crime and Disorder Act 1998. That repeal was brought into force with savings from 1st April 2000 by [S.I. 1999/3426 \(C. 94\)](#).

(11) Section 1C of the Criminal Justice Act 1982 was inserted by section 123 of the Criminal Justice Act 1988 and relevant amendments were made by section 18 of the Criminal Justice and Public Order Act 1994 and section 63 of the Criminal Justice Act 1991.

(12) The power in section 1A of the Criminal Justice Act 1982 to pass a sentence of detention in a young offender institution was repealed by section 73(7) of the Crime and Disorder Act 1998. That repeal was brought into force with savings by [S.I. 1999/3426 \(C. 94\)](#).