

Status: Point in time view as at 07/05/2024.

Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 2 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 41(11).

THE YOUTH JUSTICE BOARD: FURTHER PROVISIONS

Commencement Information

- II** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 121; Sch. 2 paras 1-2 in force for certain purposes at 1.8.1998 by 1998/1883; Sch. 2 in force at 30.9.1998 to the extent that it is not already in force by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Membership

- 1 The Secretary of State shall appoint one of the members of the Board to be their chairman.

Commencement Information

- I2** Sch. 2 para. 1 wholly in force; Sch. 2 para. 1 not in force at Royal Assent. In force at 1.8.1998 for the purpose of making appointments under para. 1 of Sch. 2 by S.I. 1998/1883, art. 2(e); wholly in force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

- 2 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member of the Board, or as chairman of the Board, in accordance with the terms of his appointment.
- (2) An appointment as a member of the Board may be full-time or part-time.
- (3) The appointment of a person as a member of the Board, or as chairman of the Board, shall be for a fixed period of not longer than five years.
- (4) Subject to sub-paragraph (5) below, a person whose term of appointment as a member of the Board, or as chairman of the Board, expires shall be eligible for re-appointment.
- (5) No person may hold office as a member of the Board for a continuous period which is longer than ten years.
- (6) A person may at any time resign his office as a member of the Board, or as chairman of the Board, by notice in writing addressed to the Secretary of State.
- (7) The terms of appointment of a member of the Board, or the chairman of the Board, may provide for his removal from office (without cause being assigned) on notice from the Secretary of State of such length as may be specified in those terms, subject (if those terms so provide) to compensation from the Secretary of State; and in any such case the Secretary of State may remove that member from office in accordance with those terms.

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- (8) Where—
- (a) the terms of appointment of a member of the Board, or the chairman of the Board, provide for compensation on his removal from office in pursuance of sub-paragraph (7) above; and
 - (b) the member or chairman is removed from office in pursuance of that sub-paragraph,
- the Board shall pay to him compensation of such amount, and on such terms, as the Secretary of State may with the approval of the Treasury determine.
- (9) The Secretary of State may also at any time remove a person from office as a member of the Board if satisfied—
- (a) that he has without reasonable excuse failed to discharge his functions as a member for a continuous period of three months beginning not earlier than six months before that time;
 - (b) that he has been convicted of a criminal offence;
 - (c) that a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
 - (d) that he is unable or unfit to discharge his functions as a member.
- (10) The Secretary of State shall remove a member of the Board, or the chairman of the Board, from office in pursuance of this paragraph by declaring his office as a member of the Board to be vacant and notifying that fact in such manner as the Secretary of State thinks fit; and the office shall then become vacant.
- (11) If the chairman of the Board ceases to be a member of the Board he shall also cease to be chairman.

Commencement Information

I3 Sch. 2 para. 2 wholly in force; Sch. 2 para. 2 not in force at Royal Assent. In force at 1.8.1998 for the purpose of making appointments under para. 1 of Sch. 2 by S.I. 1998/1883, art. 2(e). Wholly in force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Members and employees

- 3 (1) The Board shall—
- (a) pay to members of the Board such remuneration;
 - (b) pay to or in respect of members of the Board any such allowances, fees, expenses and gratuities; and
 - (c) pay towards the provision of pensions to or in respect of members of the Board any such sums,
- as the Board are required to pay by or in accordance with directions given by the Secretary of State.
- (2) Where a member of the Board was, immediately before becoming a member, a participant in a scheme under section 1 of the ^{M1}Superannuation Act 1972, the Minister for the Civil Service may determine that his term of office as a member shall be treated for the purposes of the scheme as if it were service in the employment or

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office by reference to which he was a participant in the scheme; and his rights under the scheme shall not be affected by sub-paragraph (1)(c) above.

- (3) Where—
- (a) a person ceases to hold office as a member of the Board otherwise than on the expiry of his term of appointment; and
 - (b) it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation,
- the Secretary of State may direct the Board to make to the person a payment of such amount as the Secretary of State may determine.

Commencement Information

I4 Sch. 2 para. 3 wholly in force; Sch. 2 para. 3 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Marginal Citations

M1 1972 c.11.

- 4 (1) The Board may appoint a chief executive and such other employees as the Board think fit, subject to the consent of the Secretary of State as to their number and terms and conditions of service.
- (2) The Board shall—
- (a) pay to employees of the Board such remuneration; and
 - (b) pay to or in respect of employees of the Board any such allowances, fees, expenses and gratuities,
- as the Board may, with the consent of the Secretary of State, determine.
- (3) Employment by the Board shall be included among the kinds of employment to which a scheme under section 1 of the ^{M2}Superannuation Act 1972 may apply.

Commencement Information

I5 Sch. 2 para. 4 wholly in force; Sch. 2 para. 4 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Marginal Citations

M2 1972 c.11.

- 5 The Board shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to paragraph 3(2) or 4(3) above in the sums payable out of money provided by Parliament under the ^{M3}Superannuation Act 1972.

Commencement Information

I6 Sch. 2 para. 5 wholly in force; Sch. 2 para. 5 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

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Marginal Citations

M3 1972 c.11.

House of Commons disqualification

- 6 In Part II of Schedule 1 to the ^{M4}House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there shall be inserted at the appropriate place the following entry— “The Youth Justice Board for England and Wales”.

Commencement Information

I7 Sch. 2 para. 6 wholly in force; Sch. 2 para. 6 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Marginal Citations

M4 1975 c.24.

Procedure

- 7 (1) The arrangements for the procedure of the Board (including the quorum for meetings) shall be such as the Board may determine.
- (2) The validity of any proceedings of the Board (or of any committee of the Board) shall not be affected by—
- (a) any vacancy among the members of the Board or in the office of chairman of the Board; or
 - (b) any defect in the appointment of any person as a member of the Board or as chairman of the Board.

Commencement Information

I8 Sch. 2 para. 7 wholly in force; Sch. 2 para. 7 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Annual reports and accounts

- 8 (1) As soon as possible after the end of each financial year of the Board, the Board shall send to the Secretary of State a report on the discharge of their functions during that year.
- (2) The Secretary of State shall lay before each House of Parliament, and cause to be published, a copy of every report sent to him under this paragraph.

Commencement Information

I9 Sch. 2 para. 8 wholly in force; Sch. 2 para. 8 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

- 9 (1) The Board shall—

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- (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) prepare a statement of accounts in respect of each financial year of the Board.
- (2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may, with the consent of the Treasury, direct.
- (3) The Board shall send a copy of the statement of accounts to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (4) The Comptroller and Auditor General shall—
 - (a) examine, certify and report on the statement of accounts; and
 - (b) lay a copy of the statement of accounts and of his report before each House of Parliament.

Commencement Information

I10 Sch. 2 para. 9 wholly in force; Sch. 2 para. 9 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

- 10 For the purposes of this Schedule the Board's financial year shall be the period of twelve months ending with 31st March; but the first financial year of the Board shall be the period beginning with the date of establishment of the Board and ending with the first 31st March which falls at least six months after that date.

Commencement Information

I11 Sch. 2 para. 10 wholly in force; Sch. 2 para. 10 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Expenses

- 11 The Secretary of State shall out of money provided by Parliament pay to the Board such sums towards their expenses as he may determine.

Commencement Information

I12 Sch. 2 para. 11 wholly in force; Sch. 2 para. 11 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

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