



Crime and Disorder Act 1998

1998 CHAPTER 37

PART III **E+W+S**

CRIMINAL JUSTICE SYSTEM

Youth justice

39 Youth offending teams. **E+W**

- (1) Subject to subsection (2) below, it shall be the duty of each local authority, acting in co-operation with the persons and bodies mentioned in subsection (3) below, to establish for their area one or more youth offending teams.
- (2) Two (or more) local authorities acting together may establish one or more youth offending teams for both (or all) their areas; and where they do so—
 - (a) any reference in the following provisions of this section (except subsection (4)(b)) to, or to the area of, the local authority or a particular local authority shall be construed accordingly, and
 - (b) the reference in subsection (4)(b) to the local authority shall be construed as a reference to one of the authorities.
- (3) It shall be the duty of—
 - (a) every chief officer of police any part of whose police area lies within the local authority's area;
 - ^[F1](aa) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007;
 - (ab) every provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to carry out the duty under this subsection in relation to the local authority;] and
 - (b) every ^[F2]local probation board^[F3], clinical commissioning group or^[F4F5]...^[F6]Local Health Board^[F7]...] any part of whose area lies within that area,

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- to co-operate in the discharge by the local authority of their duty under subsection (1) above.
- (4) The local authority and every person or body mentioned in subsection (3) above shall have power to make payments towards expenditure incurred by, or for purposes connected with, youth offending teams—
- (a) by making the payments directly; or
 - (b) by contributing to a fund, established and maintained by the local authority, out of which the payments may be made.
- (5) A youth offending team shall include at least one of each of the following, namely—
- (a) [^{F8}an officer of a local probation board][^{F9}or an officer of a provider of probation services];
 - [^{F10}(aa) where the local authority is in England, a person with experience of social work in relation to children nominated by the director of children’s services appointed by the local authority under section 18 of the Children Act 2004;]
 - (b) [^{F11}where the local authority is in Wales, a social worker of the] local authority [^{F12} ;
 - (c) a police officer;
 - (d) a person nominated by [^{F13}a clinical commissioning group or]^{F14} . . . a [^{F6}Local Health Board] any part of whose area lies within the local authority’s area;
 - [^{F15}(da) where the local authority is in England, a person with experience in education nominated by the director of children’s services appointed by the local authority under section 18 of the Children Act 2004;]
 - (e) [^{F16}where the local authority is in Wales,] a person nominated by the chief education officer appointed by the local authority under section 532 of the ^{M1}Education Act 1996.
- (6) A youth offending team may also include such other persons as the local authority thinks appropriate after consulting the persons and bodies mentioned in subsection (3) above.
- (7) It shall be the duty of the youth offending team or teams established by a particular local authority—
- (a) to co-ordinate the provision of youth justice services for all those in the authority’s area who need them; and
 - (b) to carry out such functions as are assigned to the team or teams in the youth justice plan formulated by the authority under section 40(1) below.

Textual Amendments

- F1** S. 39(3)(aa)(ab) inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), [Sch. 3 para. 3\(3\)\(a\)](#); S.I. 2008/504, [art. 3\(1\)](#)
- F2** Words in s. 39(3)(b) substituted (1.4.2001) by [2000 c. 43](#), s. 74, [Sch. 7 Pt. II para. 151](#); S.I. 2001/919, [art. 2\(f\)\(ii\)](#)
- F3** Words in s. 39(3)(b) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 86\(a\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F4** Words in s. 39(3)(b) substituted (8.2.2000) by [The Health Act 1999 \(Supplementary, Consequential etc. Provisions\) Order 2000 \(S.I. 2000/90\)](#), arts. 1, 3(1), [Sch. 1 para. 35\(4\)](#)
- F5** Words in s. 39(3)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 86\(b\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)

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- F6** Words in s. 39(3)(b)(5)(d) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 3, **Sch. para. 29(2)(c)**
- F7** Words in s. 39(3)(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 86(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 39(5)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)**, (2); S.I. 2001/919, **art. 2(f)(i)**
- F9** Words in s. 39(5)(a) inserted (1.4.2008) by Offender Management Act 2007 (c. 21), ss. 39, 41(1), **Sch. 3 para. 3(3)(b)**; S.I. 2008/504, **art. 3(1)**
- F10** S. 39(5)(aa) inserted (with effect for specified purposes as mentioned in s. 18(9)(a) of the amending Act, otherwise 1.1.2008) by Children Act 2004 (c. 31), ss. 18(9)(10), 67(2), **Sch. 2 para. 5(3)(a)**; S.I. 2007/1792, **art. 2**
- F11** Words in s. 39(5)(b) substituted (with effect for specified purposes as mentioned in s. 18(9)(a) of the amending Act, otherwise 1.1.2008) by Children Act 2004 (c. 31), ss. 18(9)(10), 67(2), **Sch. 2 para. 5(3)(b)**; S.I. 2007/1792, **art. 2**
- F12** Words in s. 39(5)(b) repealed (1.4.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), ss. 64, 67(8), **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(2)(h)**
- F13** Words in s. 39(5)(d) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 87(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F14** Words in s. 39(5)(d) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 87(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** S. 39(5)(da) inserted (with effect for specified purposes as mentioned in s. 18(9)(a) of the amending Act, otherwise 1.1.2008) by Children Act 2004 (c. 31), ss. 18(9)(10), 67(2), **Sch. 2 para. 5(3)(c)**; S.I. 2007/1792, **art. 2**
- F16** Words in s. 39(5)(e) inserted (with effect for specified purposes as mentioned in s. 18(9)(a) of the amending Act, otherwise 1.1.2008) by Children Act 2004 (c. 31), ss. 18(9)(10), 67(2), **Sch. 2 para. 5(3)(d)**; S.I. 2007/1792, **art. 2**

Modifications etc. (not altering text)

- C1** Ss. 39-42 applied (with modifications) (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), **art. 5(2)**, Sch. 1 (with art. 5(3))

Commencement Information

- I1** S. 39 wholly in force at 1.4.2000; S. 39 not in force at Royal Assent see s. 121; S. 39 in force at 30.9.1998 in the areas specified in Sch. 1 of the said S.I. by S.I. 1998/2327, **art. 3(1)**, **Sch. 1** (subject to savings in **art. 9**); s. 39 in force at 1.4.2000 insofar as not already in force by S.I. 2000/924, **art. 2**

Marginal Citations

- M1** 1996 c.56.

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