



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART III

#### CRIMINAL JUSTICE SYSTEM

##### *Youth justice*

#### **41 The Youth Justice Board**

- (1) There shall be a body corporate to be known as the Youth Justice Board for England and Wales (“the Board”).
- (2) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board’s property shall not be regarded as property of, or held on behalf of, the Crown.
- (3) The Board shall consist of 10, 11 or 12 members appointed by the Secretary of State.
- (4) The members of the Board shall include persons who appear to the Secretary of State to have extensive recent experience of the youth justice system.
- (5) The Board shall have the following functions, namely—
  - (a) to monitor the operation of the youth justice system and the provision of youth justice services;
  - (b) to advise the Secretary of State on the following matters, namely—
    - (i) the operation of that system and the provision of such services;
    - (ii) how the principal aim of that system might most effectively be pursued;
    - (iii) the content of any national standards he may see fit to set with respect to the provision of such services, or the accommodation in which children and young persons are kept in custody; and
    - (iv) the steps that might be taken to prevent offending by children and young persons;

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*Status: This is the original version (as it was originally enacted).*

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- (c) to monitor the extent to which that aim is being achieved and any such standards met;
  - (d) for the purposes of paragraphs (a), (b) and (c) above, to obtain information from relevant authorities;
  - (e) to publish information so obtained;
  - (f) to identify, to make known and to promote good practice in the following matters, namely—
    - (i) the operation of the youth justice system and the provision of youth justice services;
    - (ii) the prevention of offending by children and young persons; and
    - (iii) working with children and young persons who are or are at risk of becoming offenders;
  - (g) to make grants, with the approval of the Secretary of State, to local authorities or other bodies for them to develop such practice, or to commission research in connection with such practice; and
  - (h) themselves to commission research in connection with such practice.
- (6) The Secretary of State may by order—
- (a) amend subsection (5) above so as to add to, subtract from or alter any of the functions of the Board for the time being specified in that subsection; or
  - (b) provide that any function of his which is exercisable in relation to the youth justice system shall be exercisable concurrently with the Board.
- (7) In carrying out their functions, the Board shall comply with any directions given by the Secretary of State and act in accordance with any guidance given by him.
- (8) A relevant authority—
- (a) shall furnish to the Board any information required for the purposes of subsection (5)(a), (b) or (c) above; and
  - (b) whenever so required by the Board, shall submit to the Board a report on such matters connected with the discharge of their duties under the foregoing provisions of this Part as may be specified in the requirement.
- A requirement under paragraph (b) above may specify the form in which a report is to be given.
- (9) The Board may arrange, or require the relevant authority to arrange, for a report under subsection (8)(b) above to be published in such manner as appears to the Board to be appropriate.
- (10) In this section “relevant authority” means a local authority, a chief officer of police, a police authority, a probation committee and a health authority.
- (11) Schedule 2 to this Act (which makes further provision with respect to the Board) shall have effect.