



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART III **E+W+S**

#### CRIMINAL JUSTICE SYSTEM

##### *Youth justice*

#### 42 **Supplementary provisions.** **E+W**

(1) In the foregoing provisions of this Part and this section—

“chief officer of police” has the meaning given by section 101(1) of the <sup>M1</sup>Police Act 1996;

“local authority” [<sup>F1</sup>(except in section 39A)] means—

(a) in relation to England, a county council, a district council whose district does not form part of an area that has a county council, a London borough council or the Common Council of the City of London;

(b) in relation to Wales, a county council or a county borough council;

<sup>F2</sup> .....

“youth justice system” means the system of criminal justice in so far as it relates to children and young persons.

(2) For the purposes of those provisions, the Isles of Scilly form part of the county of Cornwall and the Inner Temple and the Middle Temple form part of the City of London.

[<sup>F3</sup>(2A) So far as relating to the Isles of Scilly, subsection (2) does not apply for the purposes of section 39A.]

(3) In carrying out any of their duties under those provisions, a local authority, a police authority, a [<sup>F4</sup>local probation board][<sup>F5</sup>a provider of probation services][<sup>F6</sup>an integrated care board,][<sup>F7</sup>or] a [<sup>F8</sup>Local Health Board]<sup>F9</sup>... shall act in accordance with any guidance given by the Secretary of State.

*Changes to legislation: Crime and Disorder Act 1998, Section 42 is up to date with all changes known to be in force on or before 23 July 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) View outstanding changes*

### Textual Amendments

- F1** S. 42(1): words in definition of "local authority" inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 5(1), **Sch. 2 para. 43(2)** (with Sch. 4 para. 3)
- F2** S. 42(1): definition of "police authority" omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 99, 157(1), **Sch. 16 para. 237**; S.I. 2011/3019, **art. 3**, Sch. 1 para. (nn)(iii)
- F3** S. 42(2A) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 5(1), **Sch. 2 para. 43(3)** (with Sch. 4 para. 3)
- F4** Words in s. 42(3) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 151**; S.I. 2001/919, **art. 2(f)(ii)**
- F5** Words in s. 42(3) inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 3(4)**; S.I. 2008/504, **art. 3(1)**
- F6** Words in s. 42(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 56**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** Word in s. 42(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 89(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 42(3) substituted (1.4.2007) by [The References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 3, **Sch. para. 29(2)(e)**
- F9** Words in s. 42(3) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 89(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

### 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. 42 wholly in force; S. 42 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** 1996 c.16.

**Changes to legislation:**

Crime and Disorder Act 1998, Section 42 is up to date with all changes known to be in force on or before 23 July 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.

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**Changes and effects yet to be applied to :**

- s. 42(1) words inserted by [2008 c. 4 s. 9\(4\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**  
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1C) inserted by [2010 c. 17 s. 40\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed (23.3.2015) without ever being in force by [2014 c. 12, Sch. 11 para. 46](#); S.I. 2015/373, art. 4(f)(x))
- s. 8A inserted by [2010 c. 17 s. 41\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by [2014 c. 12, Sch. 11 para. 46](#); S.I. 2015/373, art. 4(f)(x))
- s. 8A repealed by [2014 c. 12 Sch. 11 para. 24\(c\)](#)
- s. 9(2)(d) and word inserted by [2010 c. 17 s. 41\(4\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by [2014 c. 12, Sch. 11 para. 46](#); S.I. 2015/373, art. 4(f)(x))
- s. 9(2)(d) and word omitted by [2014 c. 12 Sch. 11 para. 26\(4\)\(a\)](#)
- s. 9(2AA) inserted by [2010 c. 17 s. 41\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by [2014 c. 12, Sch. 11 para. 46](#); S.I. 2015/373, art. 4(f)(x))
- s. 9(2AA) repealed by [2014 c. 12 Sch. 11 para. 26\(5\)](#)
- s. 41(5)(i)(ii) words substituted by [2021 c. 11 Sch. 13 para. 37\(3\)](#)
- s. 47(A1) inserted by [2022 c. 35 s. 12\(2\)](#)
- s. 47(1)-(1F) substituted for s. 47(1) by [2022 c. 35 s. 12\(3\)](#)
- s. 47(4)(a) word substituted by [2022 c. 35 s. 12\(6\)\(b\)](#)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by [2022 c. 35 s. 12\(6\)\(a\)](#)
- s. 47(4)(b) and word inserted by [2022 c. 35 s. 12\(6\)\(c\)](#)
- s. 47(4A) inserted by [2022 c. 35 s. 12\(7\)](#)
- s. 50A(6) inserted by [2022 c. 35 Sch. 2 para. 8\(2\)\(b\)](#)
- s. 51(2A)-(2E) inserted by [2022 c. 35 s. 10\(4\)](#)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by [2022 c. 35 s. 10\(5\)](#)
- s. 51A(A1) inserted by [2022 c. 35 s. 10\(7\)](#)
- s. 51A(3A)-(3E) inserted by [2022 c. 35 s. 10\(9\)](#)
- s. 51A(4A)(4B) substituted for s.0051A(4)-(10) by [2022 c. 35 s. 10\(10\)](#)
- s. 52(2A) inserted by [2022 c. 35 s. 10\(11\)](#)
- Sch. 3 para. 3(11A) inserted by [2003 c. 44 Sch. 3 para. 71\(d\)](#)