

2013 No. 507

CRIMINAL LAW, ENGLAND AND WALES

**The Recovery of Costs (Remand to Youth Detention
Accommodation) Regulations 2013**

<i>Made</i> - - - -	<i>6th March 2013</i>
<i>Laid before Parliament</i>	<i>11th March 2013</i>
<i>Coming into force</i> - -	<i>1st April 2013</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 103(2)(a) and (6) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation and commencement

1. These Regulations may be cited as the Recovery of Costs (Remand to Youth Detention Accommodation) Regulations 2013 and come into force on 1st April 2013.

Revocation of the Recovery of Costs (Remand to Youth Detention Accommodation) (England and Wales) Regulations 2012

2. The Recovery of Costs (Remand to Youth Detention Accommodation) (England and Wales) Regulations 2012(b) are revoked.

Liability for costs of a child being subject to a remand to youth detention accommodation

3.—(1) This regulation applies in the case of any child—

- (a) who is, on or after the coming into force of these Regulations, subject to a remand to youth detention accommodation under section 91(4) of the Act; and
- (b) in respect of whom the Secretary of State or the Youth Justice Board for England and Wales(c) has directed under section 102(1) of the Act (whether before or after the coming into force of these Regulations) that the remand is to a secure children's home, a secure training centre or a young offender institution.

(2) The designated authority for the child is liable to pay the Youth Justice Board for England and Wales the applicable amount in respect of each night on which the child is remanded to a secure children's home, a secure training centre or a young offender institution.

(3) In this regulation—

- (a) “the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012;
- (b) “the applicable amount” means, in the case of a child who is remanded to—

(a) 2012 c.10.

(b) S.I. 2012/2822.

(c) The Youth Justice Board for England and Wales is established by section 41 of the Crime and Disorder Act 1998 (c.37).

- (i) a secure children's home, £580;
- (ii) a secure training centre, £579; and
- (iii) a young offender institution, £163 (subject to paragraph (4)).

(4) On or after 1st July 2013, the applicable amount means, in the case of a child who is remanded to a young offender institution, £157.

Payment procedure

4.—(1) Any amount which a designated authority is liable to pay by virtue of these Regulations is to be paid within 30 days of receipt by the designated authority of an invoice issued for that amount by the Youth Justice Board for England and Wales.

(2) An invoice must specify—

- (a) the name of the child;
- (b) the date of birth of the child;
- (c) the designated authority for the child;
- (d) the name and address of the accommodation to which the child was remanded;
- (e) the period to which the invoice relates; and
- (f) the total amount payable by the designated authority.

Enforcement and repayment

5.—(1) Any amount which a designated authority is liable to pay by virtue of these Regulations is recoverable by the Youth Justice Board for England and Wales as a civil debt.

(2) Where an amount paid by a designated authority to the Youth Justice Board for England and Wales by virtue of these Regulations was paid in error, the Youth Justice Board for England and Wales must repay that amount to the designated authority.

Signed by the authority of the Secretary of State

Jeremy Wright
Parliamentary Under Secretary of State
Ministry of Justice

6th March 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for and in connection with payment by local authorities to the Youth Justice Board for England and Wales of the cost of a child being subject to a remand to a secure children's home, a secure training centre or a young offender institution.

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