

2017 No. 1147

CRIMINAL LAW, ENGLAND AND WALES

**The Recovery of Costs (Remand to Youth Detention
Accommodation) (Amendment No. 2) Regulations 2017**

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| <i>Made</i> | - - - - | <i>23rd November 2017</i> |
| <i>Laid before Parliament</i> | | <i>27th November 2017</i> |
| <i>Coming into force</i> | - - | <i>18th December 2017</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 103(2)(a) and (3)(a), and section 106(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Recovery of Costs (Remand to Youth Detention Accommodation) (Amendment No. 2) Regulations 2017 and come into force on 18th December 2017.

(2) In these Regulations—

“2013 Regulations” means the Recovery of Costs (Remand to Youth Detention Accommodation) Regulations 2013(b);

“applicable amount” has the meaning in regulation 3(3)(b)(c) of the 2013 Regulations.

Amendment to the 2013 Regulations

2. The 2013 Regulations are amended as follows—

- (a) in regulation 3(2) (liability for costs of a child being subject to a remand to youth detention accommodation), for “Youth Justice Board for England and Wales” substitute “Secretary of State”;
- (b) in regulation 4(1) (payment procedure), for “Youth Justice Board for England and Wales” substitute “Secretary of State”, and
- (c) in regulation 5(1) and (2) (enforcement and repayment), in each place, for “Youth Justice Board for England and Wales” substitute “Secretary of State”.

Savings and Transitional Arrangements

3. For the purposes of regulation 3(2) of the 2013 Regulations—

(a) 2012 c. 10.
(b) S.I. 2013/507, to which there are amendments not relevant to these Regulations.
(c) As amended by S.I. 2014/562 and 2013/2243.

- (a) on and from 18th December 2017 to the end of 17th December 2018 the designated authority for the child may pay an applicable amount that it is liable to pay the Youth Justice Board for England and Wales to the Secretary of State; and
- (b) on and from 18th December 2018 must pay an applicable amount that it is liable to pay the Youth Justice Board for England and Wales to the Secretary of State.

4. For the purposes of regulation 4(1) of the 2013 Regulations—

- (a) the Youth Justice Board for England and Wales may continue to issue invoices up until the end of 17th December 2018; and
- (b) where an invoice is issued by both the Youth Justice Board for England and Wales and the Secretary of State, the designated authority is liable to pay an applicable amount once, to either of the Youth Justice Board for England and Wales or the Secretary of State.

5. For the purposes of regulation 5 of the 2013 Regulations, the Youth Justice Board for England and Wales may recover any amount owed to the Youth Justice Board for England and Wales which a designated authority is liable to pay by virtue of the 2013 Regulations as a civil debt and must repay any amount paid by the designated authority to that designated authority if it has been paid in error.

23rd November 2017

Phillip Lee
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Recovery of Costs (Remand to Youth Detention Accommodation) Regulations 2013 (S.I. 2013/507) by transferring the power of the Youth Justice Board for England and Wales to recover the cost of a night of remand to youth detention accommodation to the Secretary of State. These Regulations provide for a transition period between 18th December 2017 and 17th December 2018 to allow for the effective transfer of the administrative arrangements associated with the cost recovery process. During that time the Youth Justice Board for England and Wales and the Secretary of State can both issue invoices to seek to recover the cost of a night of accommodation for remand to youth detention accommodation. The local authority is only liable to pay one of these bodies (either the Youth Justice Board for England and Wales or the Secretary of State).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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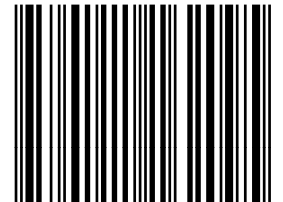
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