



# 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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- (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;
  - <sup>F1</sup>(g) .....
  - (h) <sup>F2</sup>... to commission research in connection with such practice.
  - <sup>F3</sup>(ha) with the approval of the Secretary of State, to make grants to local authorities and other persons for the purposes of the operation of the youth justice system and the provision of youth justice services, subject to such conditions as the Board considers appropriate, including conditions as to repayment;
  - (hb) to provide assistance to local authorities and other persons in connection with information technology systems and equipment used or to be used for the purposes of the operation of the youth justice system and the provision of youth justice services;]
  - <sup>F4</sup>(i) to enter into agreements for the provision of—
    - <sup>F5</sup>(i) [<sup>F6</sup>youth detention accommodation], within the meaning given by [<sup>F7</sup>section 248 of the Sentencing Code ], for the purpose of detaining persons subject to orders under section 100, 104(3)(a) or 105(2) of [<sup>F8</sup>the Powers of Criminal Courts (Sentencing) Act 2000, detention and training orders within the meaning given by section 233 of the Sentencing Code, orders under paragraph 3(2)(a) or 7(2) of Schedule 12 to that Code or orders under] section 211 or 214 of the Armed Forces Act 2006;
    - (ii) accommodation which is or may be used for the purpose of detaining persons sentenced under [<sup>F9</sup>section 250, [<sup>F10</sup>252A,] 254 or 259 of the Sentencing Code,] section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 [<sup>F11</sup>, section 226, 226B or 228 of the Criminal Justice Act 2003 ] or section 209 [<sup>F12</sup> 218, 221, 221A or 222 ] of the Armed Forces Act 2006;]
    - <sup>F13</sup>(iii) .....
    - (iv) accommodation which is or may be used for the purpose of detaining persons who are under the age of 18 when remanded in custody under section 128 of the 1980 Act;
    - <sup>F14</sup>(v) .....
    - <sup>F14</sup>(vi) .....
    - [ accommodation referred to in paragraph 14(3) of Schedule 5A to the
    - <sup>F15</sup>(vii) Policing and Crime Act 2009 which is or may be used for the purpose of detaining persons subject to a detention order under that Schedule;]
- but no agreement shall be made under this paragraph in relation to accommodation for persons who have attained the age of 18 unless it appears

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- to the Board that it is expedient to enter into such an agreement for the operation of the youth justice system;
- (j) to facilitate arrangements between the Secretary of State and any person providing—
- [<sup>F16</sup>(i) [<sup>F17</sup>youth detention accommodation], within the meaning given by [<sup>F18</sup>section 248 of the Sentencing Code], to be used for detaining a person in accordance with a determination under [<sup>F19</sup>section 241(1) of that Code, paragraph 3(2)(a) or 7(2) of Schedule 12 to that Code,] section 102(1), 104(3)(a) or 105(2) of [<sup>F20</sup>the Powers of Criminal Courts (Sentencing) Act 2000] or section 214(3) of the Armed Forces Act 2006; or
- (ii) accommodation to be used for detaining a person in accordance with a direction by the Secretary of State under [<sup>F21</sup>section 260 of the Sentencing Code or] section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 or a determination by the Secretary of State under section 210 or 218(3) of the Armed Forces Act 2006;]
- [<sup>F22</sup>(ja) at the request of the Secretary of State, to assist him in carrying out his functions in relation to the release of offenders detained in accommodation which is youth detention accommodation, within the meaning given by [<sup>F23</sup>section 248(1) of the Sentencing Code];]
- [<sup>F24</sup>(k) . . . . .
- (l) annually—
- (i) to assess future demand for secure accommodation for remanded [<sup>F25</sup>children and young persons and secure and other accommodation for sentenced children and young persons],
- (ii) to prepare a plan setting out how they intend to exercise, in the following three years, the functions described in paragraphs (i) and (k) above, and any function for the time being exercisable by the Board concurrently with the Secretary of State by virtue of subsection (6)(b) below which relates to securing the provision of such accommodation, and
- (iii) to submit the plan to the Secretary of State for approval.]
- (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.
- [<sup>F26</sup>(6A) The power of the Secretary of State under subsection (6)(b) includes power—
- (a) to provide that, in relation to any function of his that is exercisable in respect of particular cases, the function is to be exercisable by the Board only—
- (i) where it proposes to exercise the function in a particular manner, or
- (ii) in respect of a class of case specified in the order, and
- (b) to make any supplementary, incidental or consequential provision (including provision for any enactment to apply subject to modifications).]
- (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—

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- (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 [<sup>F27</sup>local policing body], a [<sup>F28</sup>local probation board][<sup>F29</sup>a provider of probation services][<sup>F30</sup>, [<sup>F31</sup>an integrated care board][<sup>F32</sup>and] a [<sup>F33</sup>Local Health Board]<sup>F34</sup>...].
- (11) Schedule 2 to this Act (which makes further provision with respect to the Board) shall have effect.

#### Textual Amendments

- F1** S. 41(5)(g) omitted (28.1.2015) by virtue of [The Youth Justice Board for England and Wales \(Amendment of Functions\) Order 2015 \(S.I. 2015/79\)](#), arts. 1, **2(a)**
- F2** Word in s. 41(5)(h) omitted (28.1.2015) by virtue of [The Youth Justice Board for England and Wales \(Amendment of Functions\) Order 2015 \(S.I. 2015/79\)](#), arts. 1, **2(b)**
- F3** S. 41(5)(ha)(hb) inserted (28.1.2015) by [The Youth Justice Board for England and Wales \(Amendment of Functions\) Order 2015 \(S.I. 2015/79\)](#), arts. 1, **2(c)**
- F4** S. 41(5)(i)-(k) inserted (20.4.2000) by [S.I. 2000/1160](#), **art. 3(b)**
- F5** S. 41(5)(i)(ii) substituted (28.3.2009 for specified purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), **Sch. 16 para. 154(a)**; [S.I. 2009/812](#), **art. 3(a)(b)**; [S.I. 2009/1167](#), **art. 4**
- F6** Words in s. 41(5)(i)(i) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 16(3)**; [S.I. 2007/3001](#), **art. 2(1)(r)**
- F7** Words in s. 41(5)(i)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 155(2)(a)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F8** Words in s. 41(5)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 155(2)(b)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F9** Words in s. 41(5)(i)(ii) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 155(3)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F10** Word in s. 41(5)(i)(ii) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), **Sch. 13 para. 17(3)**
- F11** Words in s. 41(5)(i)(ii) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. 40(2)(a), 95(1); [S.I. 2015/778](#), art. 3, **Sch. 1 para. 32**
- F12** Words in s. 41(5)(i)(ii) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. 40(2)(b), 95(1); [S.I. 2015/778](#), art. 3, **Sch. 1 para. 32**
- F13** S. 41(5)(i)(iii) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 38(a)**; [S.I. 2012/2906](#), art. 2(j) (with art. 7(2)(3))
- F14** S. 41(5)(i)(v)(vi) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. 40(3), 95(1); [S.I. 2015/778](#), art. 3, **Sch. 1 para. 32**
- F15** S. 41(5)(i)(vii) inserted (9.1.2012) by [Crime and Security Act 2010 \(c. 17\)](#), ss. 39(4), 59(1); [S.I. 2011/3016](#), **art. 2(d)**

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- F16** S. 41(5)(j)(i)(ii) substituted (28.3.2009 for specified purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383\(2\), Sch. 16 para. 154\(b\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#); S.I. 2009/1167, [art. 4](#)
- F17** Words in s. 41(5)(j)(i) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 39, 41\(1\), Sch. 3 para. 16\(5\)](#); S.I. 2007/3001, [art. 2\(1\)\(r\)](#)
- F18** Words in s. 41(5)(j)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 155\(4\)\(a\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F19** Words in s. 41(5)(j)(i) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 155\(4\)\(b\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F20** Words in s. 41(5)(j)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 155\(4\)\(c\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F21** Words in s. 41(5)(j)(ii) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 155\(5\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F22** S. 41(5)(ja) inserted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 32\(2\), 41\(1\)](#); S.I. 2007/3001, [art. 2\(1\)\(i\)](#)
- F23** Words in s. 41(5)(ja) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 155\(6\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F24** S. 41(5)(k) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 12 para. 38\(b\)](#); S.I. 2012/2906, [art. 2\(j\)](#) (with [art. 7\(2\)\(3\)](#))
- F25** Words in s. 41(5)(l)(i) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 39, 41\(1\), Sch. 3 para. 16\(6\)](#); S.I. 2007/3001, [art. 2\(1\)\(r\)](#)
- F26** S. 41(6A) inserted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 32\(3\), 41\(1\)](#); S.I. 2007/3001, [art. 2\(1\)\(i\)](#)
- F27** Words in s. 41(10) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 99, 157\(1\), Sch. 16 para. 236](#); S.I. 2011/3019, [art. 3](#), [Sch. 1 para. \(nnn\)\(iii\)](#)
- F28** Words in s. 41(10) substituted (1.4.2001) by [2000 c. 43, s. 74](#), [Sch. 7 Pt. II para. 151](#); S.I. 2001/919, [art. 2\(f\)\(ii\)](#)
- F29** Words in s. 41(10) 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\(l\)](#)
- F30** Words in s. 41(10) 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\(5\)](#)
- F31** Words in s. 41(10) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 4 para. 55](#); S.I. 2022/734, reg. 2(a), [Sch. \(with regs. 13, 29, 30\)](#)
- F32** Word in s. 41(10) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 88\(b\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with [arts. 7-9](#))
- F33** Words in s. 41(10) substituted (1.4.2007) by [The References to Health Authorities Order 2007 \(S.I. 2007/961\), art. 3, Sch. para. 29\(2\)\(d\)](#)
- F34** Words in s. 41(10) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 88\(c\)](#); 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. 41 wholly in force; s. 41 not in force at Royal Assent, see s. 121. in force at 1.8.1998 for the purposes of making appointments under this section and under paragraph 1 of [Sch. 2](#) by S.I. 1998/1883, [art. 2\(a\)](#). s. 41 in force at 30.9.1998 by S.I. 1998/2327, [art. 2\(1\)](#) (subject to savings in [arts. 5-8](#))

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**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\(d\)](#)