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STATUTORY INSTRUMENTS

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**1998 No. 1928**

**SECURE TRAINING CENTRES,  
ENGLAND AND WALES**

**The Secure Training Order (Transitory Provisions) Order 1998**

*Made* - - - - *6th August 1998*  
*Coming into force* - - *12th August 1998*

In exercise of the power conferred on him by section 116 of the Crime and Disorder Act 1998<sup>(1)</sup>, the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Secure Training Order (Transitory Provisions) Order 1998 and shall come into force on 12th August 1998.

2. In relation to any time before the commencement of section 73 of the Crime and Disorder Act 1998, a court shall not make an order under—

- (a) section 1 of the 1994 Act (secure training orders); or
- (b) subsection (3)(a) of section 4 of that Act (breaches of supervision requirements),

unless it has been notified by the Secretary of State that accommodation at a secure training centre, or accommodation provided by a local authority for the purpose of restricting the liberty of children and young persons, is immediately available for the offender, and the notice has not been withdrawn.

3. Sections 2 and 4 of the 1994 Act shall have effect, in relation to any such time, as if—

- (a) for subsections (2) and (3) of section 2 there were substituted the following subsection—
  - “(2) Where accommodation for the offender at a secure training centre is not immediately available—
    - (a) the court shall commit the offender to accommodation provided by a local authority for the purpose of restricting the liberty of children and young persons until such time as accommodation for him at such a centre is available; and
    - (b) the period of detention in the centre under the order shall be reduced by the period spent by the offender in the accommodation so provided.”;
- (b) in subsection (5) of that section, for the words “subsections (2)(a)(ii) and (4)(b) apply” there were substituted the words “subsection (4)(b) applies”;

- (c) for subsection (8) of that section there were substituted the following subsection–
  - “(8) In this section “local authority” has the same meaning as in the Children Act 1989.”; and
- (d) in subsection (4) of section 4, for the words “paragraphs (a), (b) and (c) of subsection (2) and subsections (5), (7) and (8) of section 2” there were substituted the words “paragraphs (a) and (b) of subsection (2) and subsections (7) and (8) of section 2”.

Home Office  
6th August 1998

*Alun Michael*  
Minister of State

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes transitory provision in respect of secure training orders. By article 2, it prohibits a court from ordering any person to be detained in a secure training centre under section 1 or 4 of the Criminal Justice and Public Order Act 1994 (c. 33) unless the court is notified that accommodation is available. Article 3 makes various amendments to sections 2 and 4 of that Act.