

SCHEDULE 1

Article 5

Modification of the Crime and Disorder Act 1998

1. In section 39(1) (youth offending teams), in subsection (7) for paragraph (b) substitute—
 - “(b) to carry out such functions as are assigned to the team or teams either—
 - (i) in the youth justice plan formulated by the authority under section 40(1) below;
or
 - (ii) where the authority are an excepted authority, under section 40A(2) below.”.
2. In section 40 (youth justice plans), in subsection (4) after the words “local authority” insert “other than an excepted authority”.
3. After section 40, insert—

“Youth justice arrangements of excepted authorities

40A.—(1) Subsections (2) to (4) below apply where an excepted authority—

- (a) have, before being excepted, made a youth justice plan, but decide not to implement it; or
- (b) decide not to formulate a youth justice plan.

(2) The authority shall be under a duty to determine, in conjunction with the relevant persons and bodies—

- (a) how youth justice services in their area are to be provided and funded; and
- (b) how the youth offending team or teams established by them (whether alone or jointly with one or more other local authorities) are to be composed and funded, how they are to operate, and what functions they are to carry out.

(3) The functions assigned to a youth offending team under subsection (2)(b) above may include, in particular, functions under paragraph 7(b) of Schedule 2 to the 1989 Act (local authority’s duty to take reasonable steps designed to encourage children and young persons not to commit offences).

(4) Any assignment of functions to a youth offending team under subsection (2)(b) above shall be made in writing.

(5) In this section, “relevant persons and bodies” has the meaning given by section 40(2) above.”.

4. In section 42 (supplementary provisions), in subsection (1) after the definition of “chief officer of police” insert—

““excepted authority” means a local authority who—

- (a) are an excellent authority within the meaning given to that term by the Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005, or
- (b) are treated as though they were such an authority by virtue of article 5(5) of that Order.”.

(1) Section 39 was substituted in part by the Criminal Justice and Court Services Act 2000 (2000 c. 43), section 74, Schedule 7 Part 2, paragraphs 4, 150 and 151, and by the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (SI 2000/90), article 3(1) and Schedule 1 paragraph 35(1), (4).