

Youth Justice Board for England and Wales (Restoration of Powers and Responsibilities) Bill [HL]

[AS INTRODUCED]

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TO

Restore the powers and responsibilities of the Youth Justice Board for England and Wales; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Functions of the Youth Justice Board

- (1) The functions of the Youth Justice Board for England and Wales (“the Board”) under section 41(5) and (5A) of the Crime and Disorder Act 1998 are to be undertaken primarily by the Board.
- (2) The Secretary of State must, within six months of the passing of this Act, agree a memorandum of understanding with the Board and the Welsh Government setting out how responsibility for delivering youth justice services in England and Wales is to be divided between the Board, the department and the Welsh Government, and which ensures that the functions mentioned in subsection (1) are primarily undertaken by the Board. 5
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- (3) The Secretary of State must, within one year of the passing of this Act, make arrangements for those functions to be undertaken in accordance with the memorandum of understanding under subsection (2).

2 Amendments to the Crime and Disorder Act 1998: devolution

- (1) Section 41 of the Crime and Disorder Act 1998 is amended as follows. 15
- (2) In subsection (3), after “State” insert “following consultation with the Welsh Government”.
- (3) In paragraph (5)(b), after “State” insert “and the Welsh Government” and, in sub-paragraph (iii) for “he” substitute “they”.
- (4) In paragraph (5)(ha), after “State” insert “or, if the local authority or person is in Wales, the Welsh Government,”. 20

3 Amendment to the Crime and Disorder Act 1998: functions

(1) After section 41(5) of the Crime and Disorder Act 1998, insert –

- “(5A) The following functions shall, so far as exercisable in relation to the youth justice system, be exercisable by the Youth Justice Board for England and Wales concurrently with the Secretary of State, namely – 5
- (a) the functions conferred on the Secretary of State by section 12(2) of the Prison Act 1952 (place of confinement of prisoners);
 - (b) the function, conferred on the Secretary of State by section 36(1) of the Prison Act 1952, of purchasing land by agreement;
 - (c) the function conferred on the Secretary of State by section 43(1)(d) of the Prison Act 1952 (provision of secure training centres); 10
 - (d) the functions conferred on the Secretary of State by sections 80 and 81(1)(a) and (2) of the Criminal Justice Act 1991 (escort arrangements) and any function exercisable by the Secretary of State in relation to arrangements under section 80, including the procurement of, and the making of payments under, such arrangements; 15
 - (e) the functions conferred on the Secretary of State by section 89 of, and paragraphs 2, 3(2)(a) and 4 of Schedule 10 to, the Criminal Justice Act 1991 (certification of custody officers); 20
 - (f) the functions conferred on the Secretary of State by sections 7 and 11 of the Criminal Justice and Public Order Act 1994 of entering into contracts for the provision or running, or both, of secure training centres, or the performance of functions at directly managed secure training centres, and any function exercisable by the Secretary of State in relation to such contracts, including the procurement of, and the making of payments under, such contracts; 25
 - (g) the functions conferred on the Secretary of State by paragraph 1 of Schedule 1 to the Criminal Justice and Public Order Act 1994 (escort arrangements), and any function exercisable by the Secretary of State in relation to arrangements under that paragraph, including the procurement of, and the making of payments under, such arrangements; 30
 - (h) the functions conferred on the Secretary of State by – 35
 - (i) section 8(1)(b) and (3) of the Criminal Justice and Public Order Act 1994 (secure training centre monitors);
 - (ii) section 12(3) of, and paragraphs 2, 3(2)(a) and 4 of Schedule 2 to, that Act (certification of custody officers); 40
 - (iii) section 14(1) of that Act (disclosure of information about offender);
 - (iv) paragraph 2(1)(a) and (2) of Schedule 1 to that Act (escort monitors: appointment and reports);
 - (i) the functions conferred on the Secretary of State by rule 7 of the Attendance Centre Rules 1995 (permitting person to be admitted to or remain in an attendance centre); 45

- (j) the functions conferred on the Secretary of State by—
 - (i) rule 18 of the Secure Training Centre Rules 1998 (approval of room to be used as sleeping accommodation in secure training centre);
 - (ii) rule 42(1) and (2) of those Rules (authorisation of persons to view secure training centres, take photographs, make sketches and communicate with trainees); 5
 - (iii) rule 45 of those Rules (giving leave to governor of secure training centre to delegate powers and duties to another officer).” 10
- (2) The Youth Justice Board for England and Wales Order 2000 (SI 2000/1160) is revoked.

4 Power to amend section 41 of the Crime and Disorder Act 1998

In section 41(6)(a) of the Crime and Disorder Act 1998, omit “subtract from or alter”. 15

5 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Youth Justice Board for England and Wales (Restoration of Powers and Responsibilities) Act 2026. 20

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Restore the powers and responsibilities of the Youth Justice Board for England and Wales; and for connected purposes.

Lord Oates

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