

## SCHEDULES

### SCHEDULE 3

Section 39

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

###### NEW ARRANGEMENTS FOR THE PROVISION OF PROBATION SERVICES

###### *Race Relations Act 1976 (c. 74)*

- 1 In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty under section 71), under the heading “*Other Bodies, Etc*” there are inserted, at the appropriate places, the following entries—

“A probation trust.”

“A provider of probation services (other than the Secretary of State or a probation trust), in respect of its statutory functions and the carrying out by it of activities of a public nature in pursuance of arrangements made with it under section 3(2) of the Offender Management Act 2007.”

###### *Interpretation Act 1978 (c. 30)*

- 2 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined) there is inserted, at the appropriate places—

“Officer of a provider of probation services” in relation to England and Wales, has the meaning given by section 9(1) of the Offender Management Act 2007;” and

“Provider of probation services”, in relation to England and Wales, has the meaning given by section 3(6) of the Offender Management Act 2007;”.

###### *Crime and Disorder Act 1998 (c. 37)*

- 3 (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 38(2) (provision of youth justice services), after paragraph (a) (but before the “and” following it) there is inserted—
- “(aa) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007;
- (ab) every provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to carry out the duty under this subsection in relation to the local authority;”.
- (3) In section 39 (youth offending teams)—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) in subsection (3), after paragraph (a) (but before the “and” following it) there is inserted—
    - “(aa) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007;
    - (ab) every provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to carry out the duty under this subsection in relation to the local authority;”; and
  - (b) in subsection (5)(a), after “board” there is inserted “or an officer of a provider of probation services”.
- (4) In section 41(10) (the Youth Justice Board) and 42(3) (supplementary provisions), after “probation board” there is inserted “a provider of probation services”.

*Children Act 2004 (c. 31)*

- 4 (1) The Children Act 2004 is amended as follows.
- (2) In section 10(4) (co-operation to improve wellbeing: relevant partners), after paragraph (c) there is inserted—
    - “(ca) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;
    - (cb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;”.
  - (3) In section 11(1) (persons required to make arrangements to safeguard and promote welfare), after paragraph (j) there is inserted—
    - “(ja) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;”.
  - (4) In section 13(3) (establishment of LSCBs: Board Partners), after paragraph (c) there is inserted—
    - “(ca) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;
    - (cb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Board partner of the authority;”.
  - (5) In section 25(4) (co-operation to improve wellbeing in Wales: relevant partners), after paragraph (b) there is inserted—
    - “(ba) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to Wales;
    - (bb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;”.
  - (6) In section 28(1) (persons required to make arrangements to safeguard and promote welfare in Wales), after paragraph (f) there is inserted—

---

*Status: This is the original version (as it was originally enacted).*

---

“(fa) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to Wales;”.

(7) In section 31(3) (establishment of LSCBs in Wales), after paragraph (b) there is inserted—

“(ba) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to Wales;

(bb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Board partner of the authority;”.

#### *Local Government and Public Involvement in Health Act 2007*

5 (1) Section 80 of the Local Government and Public Involvement in Health Act 2007 (application of Chapter 1 of Part 5: partner authorities) is amended as follows.

(2) In subsection (3)(g)—

(a) the “and” after sub-paragraph (ii) is omitted;

(b) after sub-paragraph (iii) there is inserted “;

(iv) his functions under sections 2 and 3 of the Offender Management Act 2007 (responsibility for ensuring the provision of probation services throughout England and Wales).”

(3) After subsection (5) there is inserted—

“(5A) The Secretary of State’s functions under this Chapter as a partner authority of a local authority in relation to the functions referred to in subsection (3) (g)(iv) are functions to which section 2(1)(c) of the Offender Management Act 2007 (functions to be performed through arrangements under section 3 of that Act) applies.”

## **PART 2**

### **PRISONS**

#### *Prison Act 1952 (c. 52)*

6 In section 19 of the Prison Act 1952 (right of justices to visit prison), in subsection (3) for “visiting committee or the board of visitors” there is substituted “independent monitoring board”.

#### *Race Relations Act 1976 (c. 74)*

7 In Part 2 of Schedule 1A to the Race Relations Act 1976 (public bodies and other persons subject to general statutory duty), there is inserted, in the appropriate place under the heading “Other Bodies Etc.”, the following entry—

“An Independent Monitoring Board appointed under section 6(2) of the Prison Act 1952.”

---

*Status: This is the original version (as it was originally enacted).*

---

*Employment Rights Act 1996 (c. 18)*

- 8 In section 50 of the Employment Rights Act 1996 (right to time off for public duties)
- 
- (a) in subsection (2)(d), for “a board of prison visitors” there is substituted “an independent monitoring board for a prison”; and
  - (b) in subsection (7)(a), for the words from the beginning to “of visitors” there is substituted ““independent monitoring board” means a board”.

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 9 In section 99 of the Powers of Criminal Courts (Sentencing) Act 2000 (conversion of sentence of detention or custody to sentence of imprisonment), in subsection (1) (b) for “board of visitors” there is substituted “independent monitoring board”.

*Freedom of Information Act 2000 (c. 36)*

- 10 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: other public bodies and offices) there is inserted, in the appropriate place, the following entry—
- “Any Independent Monitoring Board established under section 6(2) of the Prison Act 1952.”

**PART 3**

DTOS: ACCOMMODATION

*Prison Act 1952 (c. 52)*

- 11 (1) Section 49 of the Prison Act 1952 (persons unlawfully at large) is amended as follows.
- (2) In subsection (1), for “secure” there is substituted “youth detention”.
  - (3) In subsection (2), for “secure” (in both places it occurs) there is substituted “youth detention”.
  - (4) In subsection (5)—
    - (a) for ““secure accommodation”” there is substituted ““youth detention accommodation””, and
    - (b) in paragraph (c), for “secure” there is substituted “youth detention”.

*Army Act 1955 (3 & 4 Eliz. 2 c. 18)*

- 12 (1) The Army Act 1955 is amended as follows.
- (2) In section 71AA(6)(a) (young service offenders: custodial orders), as amended by paragraph 16(c) of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43), for “secure accommodation” there is substituted “youth detention accommodation”.
  - (3) In paragraph 10(6)(a) of Schedule 5A (powers of court on trial of civilian), as amended by paragraph 18(2)(d) of Schedule 7 to the Criminal Justice and Court

Services Act 2000 (c. 43), for “secure accommodation” there is substituted “youth detention accommodation”.

*Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)*

- 13 (1) The Air Force Act 1955 is amended as follows.
- (2) In section 71AA(6)(a) (young service offenders: custodial orders), as amended by paragraph 23(c) of Schedule 7 to the Criminal Justice and Court Services Act 2000, for “secure accommodation” there is substituted “youth detention accommodation”.
- (3) In paragraph 10(6)(a) of Schedule 5A (powers of court on trial of civilian), as amended by paragraph 25(2)(d) of Schedule 7 to the Criminal Justice and Court Services Act 2000, for “secure accommodation” there is substituted “youth detention accommodation”.

*Naval Discipline Act 1957 (c. 53)*

- 14 (1) The Naval Discipline Act 1957 is amended as follows.
- (2) In section 43AA(6)(a) (young service offenders: custodial orders), as amended by paragraph 30(c) of Schedule 7 to the Criminal Justice and Court Services Act 2000, for “secure accommodation” there is substituted “youth detention accommodation”.
- (3) In paragraph 10(6)(a) of Schedule 4A (power of court on trial of civilian), as amended by paragraph 32(2)(d) of Schedule 7 to the Criminal Justice and Court Services Act 2000, for “secure accommodation” there is substituted “youth detention accommodation”.

*Crime (Sentences) Act 1997 (c. 43)*

- 15 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.
- (2) In paragraph 8(6)(a), for “secure”, in the first place it occurs, there is substituted “youth detention”.
- (3) In paragraph 20(1), in the definition of “prison”, for “a young offender institution” there is substituted “any accommodation which is youth detention accommodation (within the meaning given by section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000)”.

*Crime and Disorder Act 1998 (c. 37)*

- 16 (1) Section 41(5) of the Crime and Disorder Act 1998 (the Youth Justice Board) is amended as follows.
- (2) In paragraph (i) (as it has effect before the commencement of paragraph 154(a) of Schedule 16 to the Armed Forces Act 2006), for sub-paragraph (i) there is substituted—
- “(i) youth detention accommodation, within the meaning given by section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000, for the purpose of detaining persons in respect of whom a detention and training order is made

---

*Status: This is the original version (as it was originally enacted).*

---

under section 100 of that Act or an order is made under section 104(3)(a) or 105(2) of that Act;”.

- (3) In paragraph (i) (as it has effect on or after the commencement of paragraph 154(a) of Schedule 16 to the Armed Forces Act 2006), in sub-paragraph (i) for “secure accommodation” there is substituted “youth detention accommodation”.
- (4) In paragraph (j) (as it has effect before the commencement of paragraph 154(b) of Schedule 16 to the Armed Forces Act 2006), for sub-paragraph (i) there is substituted—
  - “(i) youth detention accommodation, within the meaning given by section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000, to be used for detaining a person in accordance with a determination under section 102(1), 104(3)(a) or 105(2) of that Act, or”.
- (5) In paragraph (j) (as it has effect on or after the commencement of paragraph 154(b) of Schedule 16 to the Armed Forces Act 2006), in sub-paragraph (i) for “secure accommodation” there is substituted “youth detention accommodation”.
- (6) In paragraph (1)(i), for “and sentenced children and young persons” there is substituted “children and young persons and secure and other accommodation for sentenced children and young persons”.

*Armed Forces Act 2006 (c. 52)*

- 17 (1) The Armed Forces Act 2006 is amended as follows.
- (2) In section 214(3) (powers of court to order person to be detained where offence committed during currency of detention and training order) for “secure accommodation” there is substituted “youth detention accommodation”.
- (3) In section 215(3) (meaning of “secure accommodation” in section 214) for ““secure accommodation”” there is substituted ““youth detention accommodation””.

**PART 4**

ESCORT ARRANGEMENTS

*Imprisonment (Temporary Provisions) Act 1980 (c. 57)*

- 18 (1) Section 6 of the Imprisonment (Temporary Provisions) Act 1980 (detention in the custody of a constable) is amended as follows.
- (2) In subsection (1) for the words from “prison” to “in which” there is substituted “prison or accommodation which is youth detention accommodation (within the meaning given by section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000) in which”.
- (3) In subsection (2) for the words from “prison” to “in which” there is substituted “accommodation in which”.

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 19 The Criminal Justice and Public Order Act 1994 is amended as follows.
- 20 In section 9 (powers and duties of custody officers employed at contracted out secure training centres)—
- (a) in subsection (1)(a) for “offender” there is substituted “person”, and
  - (b) in subsection (3), for “offenders” there is substituted “persons”.
- 21 In section 12 (escort arrangements and officers)—
- (a) in subsection (1), for “offenders detained at a secure training centre” there is substituted “persons detained in youth detention accommodation”, and
  - (b) in subsection (3), for paragraph (a) there is substituted—
    - “(a) that he has been approved by the Secretary of State for the purpose of performing any of the following—
    - (i) escort functions;
    - (ii) custodial duties at secure training centres;”.
- 22 In the sidenote to section 13 (protection of custody officers at secure training centres), the words “at secure training centres” are omitted.
- 23 (1) In section 14(1) (wrongful disclosure of information relating to offenders detained at secure training centres), for “offender detained at a secure training centre” there is substituted “person detained in youth detention accommodation”.
- (2) In the sidenote to section 14, for “offenders detained at secure training centres” there is substituted “persons detained in youth detention accommodation”.
- 24 In section 15 (interpretation of sections 7 to 14), after the definition of “sub-contractor” there is inserted—
- ““youth detention accommodation” has the meaning given by section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000.”
- 25 In paragraph 2(1)(b) of Schedule 1, for “offenders” there is substituted “detained persons”.
- 26 In paragraph 3 of Schedule 1—
- (a) in paragraphs (a) and (b) of sub-paragraph (1), for “offender” there is substituted “detained person”, and
  - (b) in sub-paragraph (3), for “offenders” there is substituted “detained persons”.