

2012 No. 2822

CRIMINAL LAW, ENGLAND AND WALES

**The Recovery of Costs (Remand to Youth Detention
Accommodation) (England and Wales) Regulations 2012**

<i>Made</i>	- - - -	<i>8th November 2012</i>
<i>Laid before Parliament</i>		<i>12th November 2012</i>
<i>Coming into force</i>	- -	<i>3rd December 2012</i>

The Secretary of State makes the following Regulations in exercise of the power conferred by section 103(2)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Recovery of Costs (Remand to Youth Detention Accommodation) (England and Wales) Regulations 2012 and come into force on 3rd December 2012.

(2) In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and

“relevant person” means—

- (a) in the case of a child who is remanded to a secure children’s home, the local authority which provides the secure children’s home, and
- (b) in the case of a child who is remanded to a secure training centre, the Youth Justice Board for England and Wales(b).

Liability for costs of a child being subject to a remand: secure children’s homes and secure training centres

2.—(1) This regulation applies where a court remands a child to youth detention accommodation under section 91(4) of the Act.

(2) Subject to paragraph (3), where the Secretary of State or the Youth Justice Board for England and Wales has directed under section 102(1) of the Act that the remand is to a secure children’s home or a secure training centre, the designated authority for the child is liable to pay the relevant person the applicable amount in respect of each night on which the child is remanded there.

(3) Where the designated authority is also the relevant person, regulation 2(2) does not apply.

(4) In this regulation—

“the applicable amount” means—

(a) 2012 c.10.

(b) The Youth Justice Board for England and Wales is established by section 41 of the Crime and Disorder Act 1998 (c.37).

- (a) in the case of a child who is remanded to a secure children's home, one third of the price per night at which the child is provided with accommodation by the relevant person in accordance with an arrangement made under section 103(1) of the Act; and
- (b) in the case of a child who is remanded to a secure training centre, £233.56.

Payment procedure

3.—(1) Any amount which a designated authority is liable to pay by virtue of these Regulations is to be paid within 30 days of receipt by the designated authority of an invoice issued for that amount by the relevant person.

(2) An invoice must specify—

- (a) the name of the child;
- (b) the date of birth of the child;
- (c) the designated authority for the child;
- (d) the name and address of the accommodation to which the child was remanded;
- (e) the period to which the invoice relates; and
- (f) the total amount payable by the designated authority.

Enforcement and repayment

4.—(1) Any amount which a designated authority is liable to pay by virtue of these Regulations is recoverable by the relevant person as a civil debt.

(2) Where an amount paid to a relevant person by virtue of these Regulations was paid in error, the relevant person must repay that amount.

Signed by the authority of the Secretary of State

8th November 2012

Jeremy Wright
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 103(2)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and extend to England and Wales. They make provision for and in connection with, payment by local authorities of the cost of a child being subject to remand to a secure children's home or a secure training centre. In the case of a child remanded to a secure children's home these costs are payable to the provider of the home in which the child is remanded. In the case of a child remanded to a secure training centre, these costs are payable to the Youth Justice Board for England and Wales.

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STATUTORY INSTRUMENTS

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