
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments consequential to Part 1 of the Offender Management Act 2007⁽¹⁾ (“the OMA 2007”) which contains new arrangements for the provision of probation services. The OMA 2007 places a statutory duty on the Secretary of State to ensure that sufficient probation services are provided throughout England and Wales⁽²⁾ and enables the Secretary of State to make contractual or other arrangements with providers of probation services for the provision of probation services⁽³⁾. The OMA 2007 also establishes probation trusts⁽⁴⁾. The arrangements in the OMA 2007 are to be brought into force by geographical areas in phases and will replace the arrangements in respect of the National Probation Service for England and Wales contained in Part 1 of the Criminal Justice and Court Services Act 2000 (“the CJCSA 2000”), which place the duty for ensuring sufficient provision of probation services on local probation boards.

This Order amends references in enactments to the arrangements under Part 1 of the CJCSA 2000, such as to “a local probation board” and “an officer of a local probation board”, to include a reference to the new arrangements for the provision of probation services in the OMA 2007. Such amendments to primary legislation are contained in Part 1 of Schedule 1 to this Order and the amendments to secondary legislation are contained in Schedule 2.

This Order also substitutes references in primary legislation to “Her Majesty’s Inspectorate of the National Probation Service for England and Wales” with “Her Majesty’s Inspectorate of Probation for England and Wales”, and substitutes references to “Her Majesty’s Chief Inspector of the National Probation Service for England and Wales” with “Her Majesty’s Chief Inspector of Probation for England and Wales”. These amendments are consequential to section 12 of the OMA 2007 which renames Her Majesty’s Inspectorate of the National Probation Service for England and Wales and Her Majesty’s Chief Inspector of the National Probation Service for England and Wales. These amendments are contained in Part 2 of Schedule 1 to this Order.

(1) [2007 c.21](#)
(2) Section 2(1)
(3) Section 3(2)
(4) Section 5