



Criminal Justice Act 1972

1972 CHAPTER 71

PART IV

ADMINISTRATIVE PROVISIONS

52 Functions of probation and after-care committees in relation to community service orders

- (1) A probation and after-care committee may, with the approval of the Secretary of State, secure that arrangements for persons to perform work under community service orders are made for their area or, if it comprises more than one petty sessional division, for any of those divisions.
- (2) Where in pursuance of this section a probation and aftercare committee secure the making of such arrangements as aforesaid, they shall appoint a sub-committee (to be known as the "community service committee") to superintend the working of the arrangements; and the community service committee shall consist of—
 - (a) such members of the probation and after-care committee; and
 - (b) such other persons (not being justices of the peace),as may be appointed by the probation and after-care committee, but so that the number of persons appointed under paragraph (b) of this subsection shall not exceed the number of those appointed under paragraph (a).
- (3) For the purposes of any arrangements made pursuant to this section for the whole or any part of the area of a probation and after-care committee, that committee shall have power—
 - (a) to appoint such staff as the committee think requisite;
 - (b) to provide accommodation, equipment, materials and transport;
 - (c) to make payments to any society or body in respect of services rendered by them ;
 - (d) to defray travelling and other expenses in connection with the performance of work by persons in respect of whom community service orders are in force.

Status: This is the original version (as it was originally enacted).

- (4) In paragraph 6 of Schedule 5 to the Criminal Justice Act 1948 (power of Secretary of State to make rules about probation and after-care committees and probation officers) references to those committees and to probation officers shall respectively include references to any community service committee and to staff appointed under this section.
- (5) Section 36 of the Justices of the Peace Act 1949 (travelling and subsistence allowances etc.) shall have effect as if—
 - (a) any person appointed to a community service committee under subsection (2) (b) of this section were a member of the probation and after-care committee by whom he is appointed ; and
 - (b) duties performed by a person as a member of a community service committee were performed by him as a member of the probation and after-care committee by whom that committee is appointed.

53 Provision of day training centres, bail hostels, probation hostels etc.

- (1) A probation and after-care committee may, with the approval of the Secretary of State, provide and carry on day training centres, bail hostels, probation hostels, probation homes and other establishments for use in connection with the rehabilitation of offenders.
- (2) The Secretary of State may approve bail hostels; and in relation to hostels approved by him under this subsection—
 - (a) section 46(2) of the Criminal Justice Act 1948 (Secretary of State's power to make rules as to management etc.) shall apply as it applies in relation to approved probation hostels and approved probation homes; and
 - (b) section 47 of that Act (certain residential institutions to be subject to inspection by Secretary of State) shall apply as it applies in relation to the institutions mentioned in that section.
- (3) The Secretary of State may, with the approval of the Treasury and subject to such conditions as he may with the like approval determine, make payments to a probation and after-care committee towards any expenditure of the committee in exercising their powers under this section in respect of bail hostels, probation hostels and probation homes.
- (4) The conditions subject to which any payments are made to a probation and after-care committee under subsection (3) of this section may include conditions for securing the repayment in whole or in part of the sums received by the committee if the hostel or home in question ceases to be used as such.
- (5) Subsection (3)(b) of section 77 of the said Act of 1948 (contribution out of moneys provided by Parliament towards expenditure of any society or person in respect of approved probation hostels or homes) shall have effect as if references to approved probation hostels or homes included references to bail hostels ; and subsection (5) of that section (provisions as to conditions imposed in relation to grants under the said subsection (3)(b)) shall, in relation to any grant made by virtue of this subsection, have effect as if the reference to an approved probation hostel or home ceasing to be approved were a reference to a bail hostel ceasing to be used as such.
- (6) In this section—

" day training centres " means premises at which persons may be required to attend by a probation order containing a requirement under section 20 of this Act;

" bail hostels " means premises for the accommodation of persons remanded on bail;

" probation homes " means premises for the accommodation of persons who may be required to reside there by a probation order, not being such persons as are mentioned below in the definition of " probation hostels " ;

" probation hostels " means premises for the accommodation of persons who may be required to reside there by a probation order, being persons who are employed outside the premises or are awaiting such employment.

54 Maintenance of persons attending day training centres

In the case of persons attending at day training centres, the Secretary of State may with the approval of the Treasury provide for the making of payments towards the cost of the maintenance of such persons and their dependants; and any expenses incurred by the Secretary of State under this section shall be paid out of moneys provided by Parliament.

55 Provision of accommodation for probation service

- (1) In any case in which a local authority would be liable under paragraph 5(1) or (2) of Schedule 5 to the Criminal Justice Act 1948 to defray all or part of the expenses incurred by a probation and after-care committee in providing any accommodation, the local authority may, subject to the provisions of this section, itself provide the accommodation in question for the use of the committee.
- (2) A local authority shall not by virtue of this section provide any accommodation for the use of a probation and after-care committee except with the agreement—
 - (a) of the committee; and
 - (b) if the expenses of the committee in providing the accommodation would have fallen to be defrayed partly by that local authority and partly by one or more other local authorities, of the other local authority or authorities.
- (3) Where in accordance with subsection (2)(b) of this section a local authority provides accommodation with the agreement of one or more other local authorities, that authority shall be entitled to receive from the other authority or authorities such contribution to its expenditure in providing the accommodation as may be agreed upon between them or, in default of agreement, as may be determined by the Secretary of State.
- (4) Any expenditure of a local authority under this section shall be treated for the purposes of section 77(3)(a) of the said Act of 1948 (contribution to expenditure out of moneys provided by Parliament) as expenditure under Schedule 5 to that Act.

56 Financial and other provisions as to probation and aftercare committees

- (1) Where a probation and after-care committee arrange for a person in another committee's area to perform work under a community service order, the probation and after-care committee for the other area shall make to the first-mentioned committee such payments in respect of that person and the arrangements made for him as may

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be agreed between the committees concerned or as in default of agreement may be determined by the Secretary of State.

- (2) Such a committee shall, in respect of any person under the supervision of a probation officer for their area who attends at a day training centre carried on by another committee, make to the other committee such payments as may be agreed between the committees concerned or as in default of agreement may be determined by the Secretary of State.
- (3) Such a committee—
 - (a) shall make such payments and to such persons as may be prescribed by the Secretary of State's rules under Schedule 5 to the Criminal Justice Act 1948 in respect of persons accommodated in probation hostels, probation homes and bail hostels ; and
 - (b) may, in such cases and in such manner as may be so prescribed, give financial and other assistance to persons remanded on bail.
- (4) Paragraph 5 of Schedule 5 to the said Act of 1948 (expenses of probation and after-care committees to be defrayed by local authorities) shall have effect as if any expenses incurred by such a committee—
 - (a) under section 52 of this Act;
 - (b) in providing and carrying on day training centres or such establishments (other than probation hostels and homes and bail hostels) as are referred to in section 53(1); or
 - (c) under the foregoing provisions of this section,

were expenses incurred by the committee under that Schedule; and section 77(3)(a) of that Act (contribution out of moneys provided by Parliament towards expenditure of local authorities on probation system) and section 22(4) of the Administration of Justice Act 1964 (committee's expenses in the inner London area to be paid out of metropolitan police fund) shall have effect accordingly.
- (5) Section 77(3) of the Criminal Justice Act 1948 shall have effect without the proviso (which limits grants under paragraph (a) of the subsection to 50 per cent. of expenditure).

57 Membership of probation and after-care committees and delegation of their functions

- (1) The Lord Chancellor may, if he thinks fit, appoint—
 - (a) one or more judges of the Crown Court (being judges of the High Court, Circuit judges or Recorders); and
 - (b) one or more justices with experience of sitting as members of the Crown Court,

to be members of the probation and after-care committee for any area, and any person so appointed shall hold office in accordance with the terms of his appointment.
- (2) A probation and after-care committee (" the principal committee ") may, with the approval of the Secretary of State, delegate all or any of their functions to a sub-committee consisting of members of the principal committee and such other persons (if any) as may be co-opted to be members of the subcommittee ; but so that the number of co-opted members of the sub-committee shall not exceed the number of its members who are members of the principal committee.

58 Amendment of Police (Property) Act 1897

In section 1(1) of the Police (Property) Act 1897 (which makes provision for the disposal of property which has come into the possession of the police in connection with any criminal charge) for the words " with any criminal charge " there shall be substituted the words " with their investigation of a suspected offence ".

59 Abolition of duty to re-convey certain prisons to local authorities

Section 38 of the Prison Act 1952 (which gives local authorities the right to buy back at a fixed price prisons taken over under the Prison Act 1877 if they are subsequently closed) shall not apply where any prison is closed after the coming into force of this section unless the Secretary of State has before 10th November 1971 informed the appropriate authority of his intention to close it after that date.

60 Power of entry in connection with acquisition of land for prisons

- (1) Any person authorised in writing by the Secretary of State may enter any land and survey it for the purpose of enabling the Secretary of State to determine whether to exercise his powers under section 36 of the Prison Act 1952 (acquisition of land for prisons) in respect of that land.
- (2) The power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil.
- (3) A person authorised under this section to enter any land shall, if so required, produce evidence of his authority before entering, and shall not—
 - (a) demand admission as of right to any land which is occupied unless fourteen days' notice of the intended entry has been given to the occupier; or
 - (b) carry out any works authorised by subsection (2) of this section unless notice of his intention to do so is included in the notice required by the foregoing paragraph.
- (4) Where any land is damaged in the exercise of powers conferred by this section, compensation in respect of that damage may be recovered by any person interested in the land from the Secretary of State.
- (5) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal; and, in relation to the determination of any such question, the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply subject to any necessary modifications.
- (6) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

61 Grants by Secretary of State for magistrates' courts purposes

- (1) Any sum received by the Secretary of State under subsection (1) of section 27 of the Justices of the Peace Act 1949 (fines etc. imposed by magistrates' courts and other sums received by justices' clerks to be paid to the Secretary of State) shall be paid by him into the Consolidated Fund.

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- (2) For subsections (2) to (4) of the said section 27 (which oblige the Secretary of State to repay to the responsible authorities the net cost to them of their functions in respect of magistrates' courts up to the amount received by him under subsection (1) after deducting Exchequer moneys, and enable him to make up two-thirds of any deficiency) there shall be substituted—
- “(2) The Secretary of State may pay to the responsible authorities grants towards the net cost to them in any year—
- (a) of their functions under Parts III and IV of this Act or Schedule 3 to the Local Government Superannuation Act 1953 or any regulations made thereunder, or made under the Superannuation Act 1972 for the same purposes as those of that Schedule or, in the case of the receiver of the metropolitan police district, his corresponding functions;
- (b) of making payments under section 8 of this Act or section 27 of the Administration of Justice Act 1964.
- (3) The amount of any grant under subsection (2) of this section shall not exceed 80 per cent. of the expenditure in respect of which it is made.”
- (3) Subsections (10)(a) and (11) of the said section 27 (which become unnecessary in consequence of the foregoing provisions of this section) shall cease to have effect.

62 Justices' clerks and their staff

- (1) The Secretary of State may provide courses of instruction for justices' clerks and their staffs.
- (2) Section 28 of the Justices of the Peace Act 1949 (which requires the responsible authorities to make good to the Secretary of State or other person entitled thereto any sums not duly paid to him by a justices' clerk or person employed to assist a justices' clerk) shall cease to have effect.
- (3) The Secretary of State may, if he thinks fit, pay to any person any money due to him which he has not received because of the default of a justices' clerk or person employed to assist a justices' clerk.
- (4) In this section " justices' clerk " has the same meaning as in section 27 of the said Act of 1949.