



Powers of Criminal Courts Act 1973 (repealed)

1973 CHAPTER 62

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

[^{F1} Probation]

Textual Amendments

- F1** S. 2 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 8(1), 101(1), [Sch. 12 para. 1](#) (with s. 28); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)

^{F2} **Probation orders.**

- (1) Where a court by or before which a person of or over the age of sixteen years is convicted of an offence (not being an offence for which the sentence is fixed by law [^{F3} or falls to be imposed under section 2(2), 3(2) or 4(2) of the Crime (Sentences) Act 1997]) is of the opinion that the supervision of the offender by a probation officer is desirable in the interests of—
- (a) securing the rehabilitation of the offender; or
 - (b) protecting the public from harm from him or preventing the commission by him of further offences,

the court may make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer for a period specified in the order of not less than six months nor more than three years.

For the purposes of this subsection the age of a person shall be deemed to be that which it appears to the court to be after considering any available evidence.

Status: Point in time view as at 01/10/1997.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), Cross Heading: Probation. (See end of Document for details)

- (2) A probation order shall specify the petty sessions area in which the offender resides or will reside; and the offender shall, subject to paragraph 12 of Schedule 2 to the Criminal Justice Act 1991 (offenders who change their residence), be required to be under the supervision of a probation officer appointed for or assigned to that area.
- (3) Before making a probation order, the court shall explain to the offender in ordinary language—
- (a) the effect of the order (including any additional requirements proposed to be included in the order in accordance with section 3 below);
 - (b) the consequences which may follow under Schedule 2 to the Criminal Justice Act 1991 if he fails to comply with any of the requirements of the order; and
 - (c) that the court has under that Schedule power to review the order on the application either of the offender or of the supervising officer,
- F4 . . .
- (4) The court by which a probation order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy—
- (a) to the offender;
 - (b) to the probation officer responsible for the offender’s supervision; and
 - (c) to the person in charge of any institution in which the offender is required by the order to reside.
- (5) The court by which such an order is made shall also, except where it itself acts for the petty sessions area specified in the order, send to the clerk to the justices for that area—
- (a) a copy of the order; and
 - (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of its functions in relation to the order.
- (6) An offender in respect of whom a probation order is made shall keep in touch with the probation officer responsible for his supervision in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.
- (7) The Secretary of State may by order direct that subsection (1) above shall be amended by substituting, for the minimum or maximum period specified in that subsection as originally enacted or as previously amended under this subsection, such period as may be specified in the order.
- (8) An order under subsection (7) above may make in paragraph 13(2)(a)(i) of Schedule 2 to the Criminal Justice Act 1991 any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.

Textual Amendments

- F2** S. 2 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 8(1), 101(1), [Sch. 12 para. 1](#) (with s. 28); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)
- F3** Words in s. 2(1) inserted (1.10.1997 so far as relating to offences the sentences for which fall to be imposed under section 2(2) or 3(2)) by [1997 c. 43, s. 55\(2\)](#), [Sch. 4 para. 8\(2\)](#); [S.I. 1997/2200, art. 2\(2\)\(d\)](#).
- F4** Words in s. 2(3) repealed (1.10.1997) by [1997 c. 43, s. 38\(2\)\(a\), 56\(2\)](#), [Sch.6](#); [S.I. 1997/2200, art. 2\(1\)\(f\)\(o\)](#).

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Modifications etc. (not altering text)

- C1** S. 2 modified (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 16, **Sch. 3**, Pt. I, para. 1(1) (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**
- C2** S. 2 modified (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 16, **Sch. 3**, Pt. I, para. 2(1) (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**
- C3** S. 2 applied (1.10.1992) by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 188(4), 389(4)** (as substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 16, **Sch. 3**, Pt. II, para. 7(3) (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**)
- C4** S. 2(3) modified (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 16, **Sch. 3**, Pt. I, para. 6(3) (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

[^{F5}3 **Additional requirements which may be included in such orders.**

- (1) Subject to subsection (2) below, a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers desirable in the interests of—
 - (a) securing the rehabilitation of the offender; or
 - (b) protecting the public from harm from him or preventing the commission by him of further offences.
- (2) Without prejudice to the power of the court under section 35 of this Act to make a compensation order, the payment of sums by way of damages for injury or compensation for loss shall not be included among the additional requirements of a probation order.
- (3) Without prejudice to the generality of subsection (1) above, the additional requirements which may be included in a probation order shall include the requirements which are authorised by Schedule 1A to this Act.]

Textual Amendments

- F5** S. 3 substituted (1.10.1992) for ss. 3-4B by Criminal Justice Act 1991 (c. 53, SIF 39:1), **ss. 9(1), 101(1), Sch. 12 para. 1** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

4 ^{F6}

Textual Amendments

- F6** S. 4 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16, Sch. 17 para. 16**

^{F9}5

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Textual Amendments

F9 S. 5 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch. 13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

F10 6

Textual Amendments

F10 S. 6 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 14(2), 101(2), **Sch. 13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch.2**

F11 7

Textual Amendments

F11 S. 7 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 8(3)(b), 101(1)(2), Sch. 12 para. 1, **Sch. 13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

F12 8

Textual Amendments

F12 S. 8 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 8(3)(c), 101(1)(2), Sch. 12 para. 1, **Sch.13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch.2**

F13 9

Textual Amendments

F13 S. 9 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 8(3)(b), 101(1)(2), Sch. 12, para. 1, **Sch. 13** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

F14 10

Textual Amendments

F14 S. 10 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

Status:

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Changes to legislation:

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