

SCHEDULES

SCHEDULE 3

THE PROBATION AND AFTER-CARE SERVICE AND ITS FUNCTIONS

PART I

THE PROBATION AND AFTER-CARE SERVICE

Probation and after-care areas

- 1 (1) Subject to the following provisions of this paragraph, if the Secretary of State is of opinion, either upon consideration of proposals submitted to him by a magistrates' courts committee for a county or without any such proposals, that it is expedient that any two or more petty sessions areas should form one probation and after-care area, he may make an order to that effect; and the order may contain such incidental and consequential provisions as appear to the Secretary of State to be expedient for the purposes of the order.
- (2) Before making an order under sub-paragraph (1) above the Secretary of State shall give to the justices acting for any petty sessions area affected by the order an opportunity of making to him any representations which they may desire to make with respect to the order, and shall consider any representations made by them.
- (3) The Secretary of State shall make provision by order under sub-paragraph (1) above for combining in one probation and aftercare area all of the petty sessional divisions of the inner London area.
- (4) The City of London shall not be included in a probation and after-care area constituted by an order made under sub-paragraph (1) above.
- (5) Every petty sessions area which is not included in a probation and after-care area by virtue of an order made under sub-paragraph (1) above shall itself constitute a probation and after-care area.

Probation and after-care committees

- 2 (1) For every probation and after-care area there shall be a probation and after-care committee, which shall be a body corporate.
- (2) Subject to the following provisions of this paragraph and to the provisions of paragraphs 6 and 7 below, a probation and aftercare committee for any area shall consist—
- (a) if that area comprises more than one petty sessions area, of such number of justices as may be specified by the order under paragraph 1(1) above, appointed in the manner so specified by the justices acting for the several petty sessions areas comprised in that area ;

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- (b) if that area is one petty sessions area, of a prescribed number of justices appointed in the prescribed manner by the justices acting for that petty sessions area.
- (3) Sub-paragraph (2) above shall not apply to the probation and after-care committee for the inner London area, but that committee shall, subject to the provisions of sub-paragraph (4) below and of paragraphs 6 and 7 below, consist—
- (a) of such number of metropolitan stipendiary magistrates, nominated by the chief metropolitan stipendiary magistrate, as may be specified by the order under paragraph 1(1) above ;
 - (b) of such number as may be so specified of lay justices for the petty sessional divisions of the area, chosen, in such manner as may be so specified, by the lay justices for those divisions ;
 - (c) of such number as may be so specified of the members of the juvenile courts panel for the inner London area and the City of London, chosen in such manner as may be so specified.
- (4) 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.
- (5) Any contract made or other thing done by or on behalf of a probation and after-care committee before it became, by virtue of section 37 of the Justices of the Peace Act 1949, a body corporate, shall have effect as if made or done by or on behalf of the body corporate constituted by sub-paragraph (1) above.
- 3 (1) It shall be the duty of every probation and after-care committee—
- (a) to appoint sufficient probation officers for their probation and after-care area, subject, in the case of such classes or descriptions of probation officers as may be prescribed, to the approval of the appointment by the Secretary of State, and to ensure that at least one probation officer who is a man and one probation officer who is a woman shall be appointed for or assigned by the committee to each petty sessions area ;
 - (b) to pay to the probation officers appointed for their area such remuneration, allowances and expenses as may be prescribed;
 - (c) to provide for the efficient carrying out of the work of probation officers ;
 - (d) to make such payments and to such persons as may be prescribed in respect of persons under the supervision of probation officers, being persons required by a probation order to reside in any place otherwise than for the purpose of their submitting to treatment for their mental condition as resident patients ; and
 - (e) to perform such other duties in connection with the work of probation officers as may be prescribed.
- (2) A probation and after-care committee may, in such cases and in such manner as may be prescribed, give financial and other assistance to persons under the supervision of probation officers appointed for their area.

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- (3) A probation and after-care 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 committee and such other persons (if any) as may be co-opted to be members of the sub-committee ; 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 committee.
- (4) Notwithstanding that, by virtue of paragraph 2(1) above, a probation and after-care committee is a body corporate, any provision applying to employees of justices shall, unless the contrary intention appears, apply to employees of a probation and after-care committee.

Case committees

- 4 (1) For every petty sessions area outside the inner London area there shall be one or more committees, to be called " case committees ", and every such committee shall, subject to paragraphs 6 and 7 below, consist—
 - (a) if the petty sessions area is a separate probation and after-care area, of the probation and after-care committee ;
 - (b) in any other case, of a prescribed number of justices appointed by the justices acting for that petty sessions area.
- (2) It shall be the duty of case committees for areas outside the inner London area to review the work of probation officers, and to perform such other duties in connection with the work of probation officers as may be prescribed.
- (3) Rules made under this Schedule relating to the procedure of case committees may provide, as respects case committees for areas outside the inner London area, that some only of the members of a case committee shall be summoned to deal with any particular case or class of cases.
- (4) A probation and after-care committee for any area outside the inner London area shall pay any expenses incurred in accordance with rules made by the Secretary of State under this Schedule by a case committee for a petty sessions area in their probation and aftercare area, and any allowances under paragraph 13 below to members of any such committee.
- 5 (1) The probation and after-care committee for the inner London area may appoint such case committees, constituted in such manner and for such areas within that area, as the probation and after-care committee may determine, and shall pay the expenses of any case committee appointed under this sub-paragraph.
- (2) Any case committee appointed for an area within the inner London area shall exercise functions conferred on case committees for areas outside the inner London area by paragraph 4(2) above to such extent and in such cases as may be determined by the probation and after-care committee for the inner London area.

Co-option of members of probation and after-care committees and case committees

- 6 (1) Subject to the provisions of this paragraph, any probation and after-care committee, and any case committee which is not a probation and after-care committee, may co-opt such number of persons as they think fit.

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- (2) The number of members co-opted under sub-paragraph (1) above shall not exceed one-third of the number of members of the committee, and no person shall be so co-opted if he is a justice of the peace for any county in which the probation and after-care area or any part of it is situated, or which is wholly or partly comprised in that area.
- (3) The reference in sub-paragraph (2) above to a county includes a reference to any London commission area within the meaning of the Administration of Justice Act 1964 and to the City of London ; but nothing in this paragraph applies to any case committee for an area within the inner London area.
- 7 (1) Subject to the provisions of this paragraph, each probation and after-care committee and each case committee which is not a probation and after-care committee shall co-opt a suitable number of persons having knowledge or experience of the after-care of discharged offenders, and if it appears to the Secretary of State that any such committee has failed to carry out the preceding requirement, he may appoint to the committee such number of persons having the knowledge or experience required as he thinks fit.
- (2) Without prejudice to sub-paragraph (2) of paragraph 6 above the number of persons who may be co-opted or appointed to any such committee under that sub-paragraph and sub-paragraph (1) above shall not exceed one-third of the number of members of the committee, and no person shall be co-opted or appointed under sub-paragraph (1) above if he is a justice of the peace.
- (3) Nothing in this paragraph applies to any case committee for an area within the inner London area.

Probation officers

- 8 (1) It shall be the duty of probation officers to supervise the probationers and other persons placed under their supervision and to advise, assist and befriend them, to inquire, in accordance with any directions of the court, into the circumstances or home surroundings of any person with a view to assisting the court in determining the most suitable method of dealing with his case, to advise, assist and befriend, in such cases and in such manner as may be prescribed, persons who have been released from custody and to perform such other duties as may be prescribed or may be imposed by any enactment or instrument.
- (2) In sub-paragraph (1) above " enactment " includes an enactment contained in a local Act and " instrument " means an instrument having effect by virtue of an Act.
- 9 The probation officer who is to be responsible for the supervision of any probationer shall be selected under arrangements made by the probation and after-care committee for the probation and after-care area which includes the petty sessions area for the time being named in the order from among the probation officers appointed for or assigned to that petty sessions area ; and, if the probation officer so selected dies or is unable for any reason to carry out his duties, or if the case committee dealing with the case think it desirable that another officer should take his place, another probation officer shall be selected in like manner from among the probation officers appointed for or assigned to that petty sessions area.

PART II

FUNCTIONS IN RELATION TO THE REHABILITATION OF OFFENDERS

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

- 10 (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 sessions area, for any of the petty sessions areas it comprises.
- (2) Where in pursuance of this paragraph a probation and aftercare committee secure the making of such arrangements, 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 head (b) above shall not exceed the number of those appointed under head (a).
- (3) For the purposes of any arrangements made in pursuance of this paragraph 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.

Provision of establishments for use in connection with the rehabilitation of offenders, etc.

- 11 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.
- 12 (1) A probation and after-care committee shall make such payments and to such persons as may be prescribed in respect of persons accommodated in probation hostels, probation homes and bail hostels.
- (2) A probation and after-care committee may, in such cases and in such manner as may be prescribed, give financial and other assistance to persons remanded on bail.

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PART III

GENERAL PROVISIONS

Travelling and subsistence allowances

- 13 (1) Subject to the provisions of this paragraph, a member of a probation and after-care committee or case committee shall be entitled—
- (a) to receive payments at the prescribed rates by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a member of the committee ; and
 - (b) to receive payments at the prescribed rate by way of financial loss allowance where for that purpose he incurs any other expenditure to which he would not otherwise be subject or suffers any loss of earnings or of benefit under the National Insurance Acts 1965 to 1967 which he would otherwise have made or received.
- (2) For the purposes of sub-paragraph (1) above, a person appointed to a community service committee under paragraph 10(2)(b) above shall be deemed to be a member of the probation and aftercare committee by which he is appointed, and duties performed by a person as a member of a community service committee shall be deemed to be performed by him as a member of the probation and after-care committee by which the community service committee is appointed.
- (3) Sub-paragraph (1) above shall not apply in relation to a member of a case committee for an area within the inner London area.

Adjustment of expenses of probation and after-care committees inter se

- 14 (1) Where a probation officer is appointed for more than one probation and after-care area, his salary and any expenses incurred by him or by a probation and after-care committee in respect of the performance of his duties, and any expenses incurred in respect of a superannuation allowance, gratuity or compensation payable to or in respect of him or any clerk appointed to assist him under any regulations under section 7 of the Superannuation Act 1972 shall be apportioned between the probation and after-care committees for the several probation and after-care areas for which he is appointed, in such manner as may be agreed between the committees concerned after consultation with the local authorities which, by virtue of paragraph 15 below, are required to defray the expenses of those committees, or as in default of agreement may be determined by the Secretary of State.
- (2) 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 be agreed between the committees concerned or as in default of agreement may be determined by the Secretary of State.
- (3) A probation and after-care 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.

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Expenses of probation and after-care committees to be borne by local authorities

- 15 (1) Subject to sub-paragraph (2) below and to paragraph 16 below the sums required to meet—
- (a) any expenses incurred by a probation and after-care committee under the provisions of this Schedule (including allowances under paragraph 13);
 - (b) any expenses incurred by a probation and after-care committee in respect of superannuation allowances, gratuities or compensation payable by virtue of regulations under section 7 of the Superannuation Act 1972 to or in respect of probation officers and clerks appointed by probation and after-care committees or probation officers to assist probation officers in the performance of their duties; and
 - (c) any other expenses incurred by a probation and after-care committee in accordance with rules made under this Schedule;
- shall be defrayed, in accordance with rules so made, by the local authority in whose area the probation and after-care area is situated.
- (2) Sub-paragraph (1) above shall not apply to any expenses incurred by a probation and after-care committee in providing and carrying on probation hostels, probation homes and bail hostels.
- (3) Where a probation and after-care area is situated in the area of two or more local authorities, the sums to be defrayed under sub-paragraph (1) above shall be apportioned between the several authorities in such manner as may be agreed between them or as in default of agreement may be determined by the Secretary of State.
- (4) Any expenditure incurred by virtue of this paragraph in relation to a probation and after-care area in any outer London area (within the meaning of the Administration of Justice Act 1964) by the Greater London Council shall be chargeable only on the outer London boroughs.

Special provision for expenses of the probation and after-care committee for the inner London area

- 16 Paragraph 15 above shall not apply in relation to expenses incurred by the probation and after-care committee for the inner London area, but there shall be paid out of the metropolitan police fund such sums as the Secretary of State may direct to meet the expenses and contributions which, in the case of a probation and after-care area outside Greater London, would be payable by virtue of that paragraph by the local authority.

Provision of accommodation by local authorities for the probation and after-care service

- 17 (1) In any case in which a local authority would be liable under paragraph 15(1) or (3) above 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 paragraph, itself provide the accommodation in question for the use of the committee.
- (2) A local authority shall not by virtue of this paragraph provide any accommodation for the use of a probation and after-care committee except with the agreement—
- (a) of the committee ; and

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- (b) if the expenses of the committee in providing the accommodation would have fallen to be defrayed partly by that authority and partly by one or more other local authorities, of the other local authority or authorities.
- (3) Where in accordance with sub-paragraph (2)(b) above 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 between them or as in default of agreement may be determined by the Secretary of State.

Rules

- 18 (1) The Secretary of State may make rules—
- (a) regulating the constitution, procedure, powers and duties of probation and after-care committees, community service committees and case committees, and the expenses which may be incurred by them and the manner in which those expenses are to be defrayed ;
 - (b) regulating the qualifications, manner of appointment, conditions of service and duties of probation officers and staff appointed under paragraph 10 above ;
 - (c) prescribing anything else which under the preceding provisions of this Schedule may be prescribed ;
- and in those provisions the expression "prescribed" means prescribed by rules of the Secretary of State.
- (2) Without prejudice to sub-paragraph (1) above, the Secretary of State may by rules made under this Schedule make provision as to the manner in which paragraph 13 above is to be administered, and in particular may make provision—
- (a) for prescribing the rates of allowances and the forms to be used and the particulars to be provided for the purpose of claiming payment of the allowances under that paragraph; and
 - (b) for avoiding duplication between payments under that paragraph and under other arrangements where expenditure is incurred for more than one purpose, and otherwise for preventing abuses.
- (3) Nothing in any rules made under this paragraph with respect to the constitution, procedure and functions of case committees shall apply to a case committee for an area within the inner London area, except in so far as may be determined under paragraph 5(2) above by the probation and after-care committee for that area.

Interpretation

- 19 (1) In this Schedule, " the inner London area " has the same meaning as in the Administration of Justice Act 1964.
- (2) Where a probation and after-care area constituted by an order under paragraph 1(1) above is co-extensive with, or includes, a metropolitan county, the local authority for the purposes of this Schedule shall, so far as relates to the area of the metropolitan county, be the county council alone (and not the councils of the metropolitan districts within that county).