

Status: Point in time view as at 01/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), Part I. (See end of Document for details)

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.
- [^{F1}(3) The Secretary of State—
- (a) shall make provision by an order under sub-paragraph (1) above for combining in one probation area (in this Schedule referred to as “the inner London probation area”) all of the petty sessions divisions of the inner London area; and
 - (b) may make provision by such an order for including in that probation area one or more other petty sessions areas.]
- (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.

Textual Amendments

- F1** Sch. 3 para. 1(3) substituted (1.4.1992) for paras. 1(3)(4) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 75\(2\)](#); [S.I. 1992/333, art. 2\(1\) Sch.1](#)

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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 after-care 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 ^{F2} . . . petty sessions areas comprised in that area;
 - (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 [^{F3}inner London probation 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;
 - [^{F4}(b) of such number as may be so specified of justices of the peace for the petty sessions areas of the inner London probation area who are not metropolitan stipendiary magistrates, chosen in such manner as may be so specified by the justices for those areas who are not such magistrates;]
 - (c) of such number as may be so specified of the members of the [^{F5}youth court panels] for the [^{F3}inner London probation 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); . . . ^{F6}
 - (b) ^{F6}
 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.

Textual Amendments

F2 Word in Sch. 3 para. 2(2)(a) repealed (31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 100, 101(2), Sch. 11, para. 17(1), Sch. 13; S.I. 1991/2208, art. 2(4), Sch. 3.

F3 Words in Sch. 3 para. 2(3) substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(3); S.I. 1992/333, art. 2(1), Sch. 1

F4 Sch. 3 para. 2(3)(b) substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(4); S.I. 1992/333, art. 2(1), Sch. 1

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- F5** Words in Sch. 3 para. 2(3) expressed to be substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 70(2), 100, Sch. 11, para.41(2)(b); S.I. 1992/333, art. 2(2), Sch.2
- F6** Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, Sch. 16

- 3 (1) It shall be the duty of every probation and after-care committee—
- [^{F7}(a) to appoint such number of probation officers—
- (i) as may be determined by them without objection by the responsible authority; or
- (ii) where objection is made, as may be agreed between them and that authority,
- to be a sufficient number of such officers for their probation area, subject, in the case of such classes or descriptions of officers as may be prescribed, to the approval of the appointment by the Secretary of State;]
- (b) to pay to the probation officers appointed for their area such remuneration, allowances and expenses as may be [^{F8}determined by the Secretary of State under paragraph 18A below];
- (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.
- [^{F9} and any question as to number arising under paragraph (a) above shall, in default of agreement, be determined by the Secretary of State]
- (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 [^{F10}in relation to whom probation officers appointed for their area have responsibilities].
- [^{F11}(2A) A probation committee may provide facilities for enabling—
- (a) directions given by a supervisor by virtue of subsection (2) of section 12 of the Children and Young Persons Act 1969; ^{F12} . . .
- (b) requirements included in a supervision order by virtue of [^{F13}section 12A(3) of that Act,] to be carried out effectively [^{F14}and
- (c) directions given under paragraphs 2 or 3 of Schedule 3 to the Children Act 1989]]
- (3) A probation and after-care committee may, . . . ^{F15}, 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.

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[^{F16}(5) In this paragraph “the responsible authority”—

- (a) in relation to a probation area other than the inner London probation area, means the local authority in whose area that probation area is situated; and
- (b) in relation to the inner London probation area, means—
 - (i) the Receiver for the metropolitan police district; and
 - (ii) where that area includes one or more petty sessions areas outside the inner London area, the local authority or authorities in whose area or areas that petty sessions area or those petty sessions areas is or are situated;

and “supervision order” and “supervisor” have the meanings assigned to them by section 11 of the Children and Young Persons Act 1969.]

Textual Amendments

- F7** Sch. 3 para. 3(1)(a) substituted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 94(2)(a); S.I. 1991/2208, art. 2(4), [Sch. 3](#)
- F8** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 12](#)
- F9** Words in Sch. 3 para. 3(1)(a) inserted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 94(2)(b); S.I. 1991/2208, art.2(4), [Sch. 3](#)
- F10** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(a\)\(ii\)](#)
- F11** Sch. 3 para. 3(2A) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 56, [Sch. 11 para. 6\(a\)\(iii\)](#)
- F12** Word in Sch. 3 para. 3(2A)(a) repealed (*14. 10. 1991*) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch. 15](#); S.I. 1991/828, [art. 3\(2\)](#).
- F13** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, [Sch. 8 para. 16](#), [Sch. 15 para. 42](#)
- F14** Sch. 3 para. 3(2A)(c) and the word in Sch. 3 para. 3(2A)(b) added (*14. 10. 1991*) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13 para. 34](#); S.I. 1991/828, [art. 3\(2\)](#)
- F15** Words repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(a\)\(iv\)](#), Sch. 16
- F16** Sch. 3 para. 3(5) substituted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 94(2)(c); S.I. 1991/2208, art. 2(4), [Sch.3](#)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 3(5) amended (temp.) (E.W.) (02.10.1991) by [S.I.1991/2208](#), [art. 2\(5\)](#)

[^{F17} Probation liaison committees]

Textual Amendments

- F17** Sch. 3 paras. 4, 5 substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 65, [Sch. 11 para. 6\(b\)](#)

- ^{F18}4 (1) [^{F19}Subject to sub-paragraph (1A) below, for] every petty sessions area outside the [^{F20}inner London probation area] there shall be one or more committees, to be called “probation liaison committees”, and every such committee shall, subject to paragraphs 6 and 7 below, consist—
- (a) if the petty sessions area is a separate probation area, of the probation committee;
 - (b) in any other case, of not less than three justices appointed by the justices acting for that petty sessions area.

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- [^{F21}(1A) Where two or more petty sessions areas outside the [^{F20}inner London probation area] form a probation area or part of a probation area, the probation committee, if they think fit, may determine that there shall be one or more joint probation liaison committees for those petty sessions areas; and a joint committee shall consist of not less than three justices appointed by the justices acting for each of the petty sessions areas.]
- (2) It shall be the duty of probation liaison committees for areas outside [^{F20}the inner London probation 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) A probation committee for any area outside the [^{F20} inner London probation area] shall pay any expenses incurred in accordance with rules made by the Secretary of State under this Schedule by a probation liaison committee for a petty sessions area in their probation area, and any allowances under paragraph 13 below to members of any such committee.
- [^{F22}(4) A probation liaison committee may delegate all or any of their functions to a sub-committee consisting of members of the committee.]

Textual Amendments

- F18** Sch. 3 paras. 4, 5 substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 65, **Sch. 11 para. 6(b)**
- F19** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 132, Sch. 8 para. 16, **Sch. 11 para. 2(a)**
- F20** Words in Sch. 3 para. 4 substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(3); S.I. 1992/333, art. 2(1), **Sch.1**
- F21** Sch. 3 para. 4(1A) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 132, Sch. 8 para. 16, **Sch. 11 para. 2(b)**
- F22** Sch. 3 para. 4(4) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 132, Sch. 8 para. 16, **Sch. 11 para. 2(c)**

- ^{F23}5 (1) The probation committee for the [^{F24}inner London probation area] may appoint such probation liaison committees, constituted in such manner and for such areas within that area, as the probation committee may determine, and shall pay the expenses of any probation liaison committee appointed under this sub-paragraph.
- (2) Any probation liaison committee appointed for an area within the [^{F24}inner London probation area] shall exercise functions conferred on probation liaison committees for areas outside the [^{F24} inner London probation area] by paragraph 4(2) above to such extent and in such cases as may be determined by the probation committee for the [^{F24}inner London probation area].

Textual Amendments

- F23** Sch. 3 paras. 4, 5 substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 65, **Sch. 11 para. 6(b)**
- F24** Words in Sch. 3 para. 5 substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(3); S.I. 1992/333, art. 2(1), **Sch.1**

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Co-option of members of probation and after-care committees and [^{F25}probation liaison committee]

Textual Amendments

F25 By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(c\)](#) it is provided that for every reference to a case committee there is substituted a reference to a probation liaison committee

- 6 (1) Subject to the provisions of this paragraph, any probation and after-care committee, and any [^{F26}probation liaison committee] which is not a probation and after-care committee, may co-opt such number of persons as they think fit.
- (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 ^{M1}Administration of Justice Act 1964 and to the City of London; but nothing in this paragraph applies to any [^{F26}probation liaison committee] for an area within the [^{F27} inner London probation area].

Textual Amendments

F26 By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(c\)](#) it is provided that for every reference to a case committee there is substituted a reference to a probation liaison committee

F27 Words in [Sch. 3 para. 6\(3\)](#) substituted (1.4.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 75\(3\)](#); [S.I. 1992/333](#), art. 2(1), [Sch.1](#)

Modifications etc. (not altering text)

C2 [Sch. 3 para. 6](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 15\(3\)](#)

C3 By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(c\)](#) it is provided that for every reference to a case committee there is substituted a reference to a probation liaison committee

Marginal Citations

M1 [1964 c. 42](#).

- ^{F28}6A Any probation committee may also co-opt one or more justices with experience of sitting as members of the Crown Court, and one or more stipendiary magistrates appointed in a commission area which is the same as or is situated within the probation area.

Textual Amendments

F28 [Sch. 3 paras. 6A, 6B](#) inserted by [Criminal Justice Act 1982 \(c. 33, SIF 39:1\)](#), [s. 132](#), [Sch. 8 para. 16](#), [Sch. 11 para. 3](#)

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- ^{F29}6B (1) The Secretary of State may by order provide that the probation committee for any probation areas shall co-opt members of the local authority, or any of the local authorities, liable under paragraph 15 below to defray the expenses of the committee.
- (2) An order under this paragraph may make such consequential, supplementary or transitional provision as appears to the Secretary of State to be necessary or expedient in consequence of the order, including provision for such repeals in or modifications of this Schedule as appear to him to be necessary or expedient in consequence of it.
- (3) Without prejudice to the generality of sub-paragraph (2) above, an order under this paragraph—
- (a) may specify, either as a number or as a proportion of the members of the committee, how many persons may be co-opted to a committee and, where two or more authorities are liable to pay the expenses of a committee, how many persons may be co-opted from each of them;
 - (b) may provide for the procedure for co-opting persons to be followed by a committee;
 - (c) may require that such consultations as may be specified in the order shall be carried out before persons are so co-opted; and
 - (d) may disqualify persons of specified descriptions from being co-opted.
- (4) An order under this paragraph may make different provision for different committees.

Textual Amendments

F29 Sch. 3 paras. 6A, 6B inserted by Criminal Justice Act 1982 (c. 33, SIF 39:1), s. 132, Sch. 8 para. 16, Sch. 11 para. 3

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Textual Amendments

F30 Sch. 3 para. 7 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 132, 170, Sch. 8 para. 16, Sch. 11 para. 4, Sch. 16

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 [^{F31}and to make reports on such matters] 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.

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- (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.

Textual Amendments

F31 Words in Sch.3 para 8(1) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11, para. 17\(2\)](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)

- 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, . . . ^{F32}, another probation officer shall be selected in like manner from among the probation officers appointed for or assigned to that petty sessions area.

Textual Amendments

F32 Words repealed by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 13](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), Part I.