

## SCHEDULES

### SCHEDULE 1

#### DISCHARGE AND AMENDMENT OF PROBATION ORDERS

##### *Discharge*

- 1 (1) A probation order may be discharged, in accordance with the following provisions of this paragraph, on an application made by the probation officer or by the probationer.
- (2) Where the probation order was made by the court by or before which the probationer was convicted, or on appeal, the power to discharge the order shall, subject to sub-paragraph (3) below, be exercised by the supervising court.
- (3) Where the court before which the probationer was convicted or the court from which the appeal is brought is the Crown Court and there is included in the order a direction that the power be reserved to that court, the power to discharge the order shall be exercised by the Crown Court.
- (4) In any other case the power to discharge the order shall be exercised by the court by which the order was made.

##### *Amendment*

- 2 (1) Subject to sub-paragraph (2) below, if the supervising court is satisfied that a probationer proposes to change, or has changed his residence from the petty sessions area named in the probation order to another petty sessions area, the court may, and on the application of the probation officer shall, by order amend the probation order by substituting for the petty sessions area named in the order the petty sessions area where the probationer proposes to reside or is residing.
  - (2) If the probation order contains requirements which, in the opinion of the court, cannot be complied with unless the probationer continues to reside in the area named in the order, the court shall not amend the order under this paragraph unless, in accordance with the following provisions of this Schedule, it cancels those requirements or substitutes for those requirements other requirements which can be complied with if the probationer ceases to reside in that area.
  - (3) Where a probation order is amended under this paragraph, the old supervising court shall send to the clerk to the justices for the new area named in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to the new supervising court.
- 3 (1) Without prejudice to the provisions of paragraph 2 above, but subject to sub-paragraph (2) below, the supervising court may, on an application made by the probation officer or by the probationer, by order amend a probation order by cancelling any of the requirements of the order or by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include under section 2, 3 or 4 of this Act if it were then making the order.

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- (2) The power of the supervising court under this paragraph to amend a probation order shall be subject to the following restrictions—
- (a) the court shall not amend a probation order by reducing the probation period, or by extending that period beyond the end of three years from the date of the original order ;
  - (b) the court shall not so amend a probation order that the probationer is thereby required to reside in an approved probation hostel or home or in any other institution for any period exceeding twelve months in all;
  - (c) the court shall not amend a probation order by inserting therein a requirement that the probationer shall submit to treatment for his mental condition unless the amending order is made within three months after the date of the original order.
- 4 Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of any requirement of the probation order is of opinion—
- (a) that the treatment of the probationer should be continued beyond the period specified in that behalf in the order, or
  - (b) that the probationer needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of a probation order, or
  - (c) that the probationer is not susceptible to treatment, or
  - (d) that the probationer does not require further treatment,
- or where the practitioner is for any reason unwilling to continue to treat or direct the treatment of the probationer, he shall make a report in writing to that effect to the probation officer and the probation officer shall apply to the supervising court for the variation or cancellation of the requirement.

#### *General*

- 5 (1) Subject to sub-paragraph (2) below, where the supervising court proposes to amend a probation order under this Schedule, otherwise than on the application of the probationer, it shall summon him to appear before the court; and the court shall not amend a probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended.
- (2) This paragraph shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement, or substituting a new petty sessions area for the area named in the probation order.
- 6 (1) On the making of an order discharging or amending a probation order, the clerk to the court shall forthwith—
- (a) if the order discharges the probation order or amends it otherwise than by substituting a new petty sessions area for the area named in the probation order, give copies of the discharging or amending order to the probation officer ;
  - (b) if the order amends the probation order in the manner excepted by head (a) above, send copies of the amending order to the clerk to the justices for the new petty sessions area ;
- and in a case falling within head (b) above the clerk to the justices for the new petty sessions area shall give copies of the amending order to the probation officer.

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- (2) A probation officer to whom in accordance with sub-paragraph (1) above copies of an order are given shall give a copy to the probationer and to the person in charge of any institution in which the probationer is or was required by the order to reside.
- 7 Section 2(8) of this Act shall apply to any order made under this Schedule by virtue of which a probationer is required to reside in an institution as it applies to a probation order made under that section.

## SCHEDULE 2

### CRIMINAL BANKRUPTCY ORDERS

#### PART I

##### GENERAL

###### *Act of bankruptcy*

- 1 Subject to the provisions of this Schedule, where a criminal bankruptcy order is made against any person he shall be treated as a debtor who has committed an act of bankruptcy on the date on which the order is made.

###### *Creditors and criminal bankruptcy debts*

- 2 A person specified in a criminal bankruptcy order as having suffered loss or damage of any amount shall be treated, for the purpose of any ensuing proceedings pursuant to—
- (a) a bankruptcy petition presented by virtue of paragraph 1 above ; or
  - (b) a petition under section 130 of the Bankruptcy Act 1914 (administration in bankruptcy of estate of deceased debtor) presented by virtue of this Schedule ;
- as a creditor for a debt of that amount provable in the bankruptcy of the person against whom the order was made.

###### *Rules*

- 3 For the purposes of section 132 of the Bankruptcy Act 1914 (general rules for carrying the objects of that Act into effect) this Schedule, except paragraphs 8 and 10, shall be deemed to be part of that Act.

###### *Interpretation*

- 4 In Parts II and III of this Schedule—
- " the Act of 1914 " means the Bankruptcy Act 1914 ;
  - " criminal bankruptcy petition " means any such petition as is mentioned in paragraph 2(a) above and "criminal bankruptcy administration petition " means any such petition as is mentioned in paragraph 2(b) above ; and
  - " criminal bankruptcy debt " means a debt deemed to be due to any person by virtue of paragraph 2 above.

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## **PART II**

### **PROCEEDINGS BASED ON A CRIMINAL BANKRUPTCY ORDER: APPLICATION OF THE ACT OF 1914, ETC.**

#### *Criminal bankruptcy petition*

- 5 (1) A criminal bankruptcy petition shall be presented to the High Court, but without prejudice to any power of transferring bankruptcy proceedings to any other court.
- (2) No criminal bankruptcy petition shall be presented by the person who under paragraph 1 above is the debtor ; and, in relation to such a petition presented by a creditor, section 4 of the Act of 1914 shall have effect with the following modifications—
- (a) subsections (1)(a) and (b) and (2) (conditions as to nature of debt) shall not apply to a criminal bankruptcy debt; and
  - (b) subsection (1)(d) (domicile of debtor) shall be omitted.

#### *Receiving order*

- 6 For the purposes of section 5(2) and (3) of the Act of 1914 (matters to be proved before receiving order is made) the act of bankruptcy which a person is treated by this Schedule as having committed and any criminal bankruptcy debt shall be treated as conclusively proved by the production of a copy of the criminal bankruptcy order in question, and subsections (5) and (6) of that section shall not apply in relation to any such debt.
- 7 Section 12 of the Act of 1914 (power to rescind receiving order to enable bankruptcy proceedings to proceed in Scotland or Northern Ireland) shall not apply to a receiving order made on a criminal bankruptcy petition.

#### *Trustee of criminal bankrupt's property*

- 8 Where a person is adjudged bankrupt in proceedings pursuant to a criminal bankruptcy petition the official receiver (and not a person appointed under section 19 of the Act of 1914) shall in the bankruptcy be trustee of the property of the bankrupt.

#### *Proof of criminal bankruptcy debt in bankruptcy proceedings*

- 9 (1) For the purpose of proving a criminal bankruptcy debt in proceedings pursuant to a criminal bankruptcy petition, a copy of the criminal bankruptcy order specifying the amount deemed by virtue of paragraph 2 above to be due as a debt shall, subject to paragraph 6 above, be treated as sufficient evidence of the debt unless it is shown by any party to the proceedings that the amount of the relevant loss or damage is greater or less than the amount specified in the order or that the loss or damage did not in fact result from any offence specified in the order; and if it is shown by any party to the proceedings that the amount of the relevant loss or damage is greater than that specified in the order, paragraph 2 above shall have effect as if the greater amount had been specified in the order.
- (2) Nothing in this paragraph or paragraph 2 above shall be taken as prejudicing the proof in proceedings pursuant to a criminal bankruptcy petition of debts other than criminal bankruptcy debts.

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- (3) Nothing in sub-paragraph (1) above shall be construed as entitling any person to contend that the offence or offences specified in a criminal bankruptcy order were not committed by the person against whom the order was made.

*Recovery of assets for benefit of criminal bankrupt's creditors*

- 10 (1) Without prejudice to any provision of the Act of 1914, the following provisions of this paragraph shall apply, where a person is adjudged bankrupt in proceedings pursuant to a criminal bankruptcy petition, with respect to dispositions of property or any interest in property made by the bankrupt on or after the relevant date, either by way of gift or for an under-value.

In this sub-paragraph, "the relevant date" means the date specified in the order (in accordance with section 39(3)(d) of this Act) as the earliest date on which the offence or, as the case may be, the earliest of the offences, was committed.

- (2) On the application of the official receiver (in his capacity as trustee) the High Court may make orders requiring—
- (a) the person taking under any such disposition ; or
  - (b) subject to the following sub-paragraph, any other person who by virtue of any subsequent disposition acquired (whether or not from the person taking under the bankrupt's disposition) the whole or any part of the property or any interest therein;

to transfer the whole or any part of the property, or such interest as the order may specify, to the trustee, or to make such payments to the trustee as the court thinks just with a view to making available to the creditors the full value of the property or interest disposed of by the bankrupt (including any increase in its value since the disposition was made).

- (3) No order shall be made by virtue of sub-paragraph (2)(b) above against a person appearing to the court to have given full value for anything taken by him under a relevant disposition or to claim (directly or indirectly) through a person who gave full value.
- (4) An order of the High Court under this paragraph requiring a person to transfer any property or interest may include such consequential directions for giving effect to the order, and be made on such terms (including in particular terms allowing the person to retain or recover consideration given by him for any relevant disposition) as the court thinks just in all the circumstances.
- (5) In this paragraph "disposition" includes any conveyance or assurance of property of any description.

*Administration in bankruptcy of deceased offender's estate*

- 11 (1) Paragraph 5(1) above shall apply to a criminal bankruptcy administration petition as it applies to a criminal bankruptcy petition.
- (2) Where an order for administration is made under section 130 of the Act of 1914 on a criminal bankruptcy administration petition, so much of subsection (4) of that section as enables the creditors to appoint a trustee of the property of the debtor in place of the official receiver shall not apply.

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- (3) Paragraph 9 above shall apply in relation to proof of criminal bankruptcy debts in proceedings pursuant to a criminal bankruptcy administration petition as it applies in relation to proof of such debts in proceedings pursuant to a criminal bankruptcy petition.

*Bankruptcy proceedings otherwise than by virtue of this Schedule*

- 12 Where a criminal bankruptcy order has been made against any person and a bankruptcy petition has been presented in respect of him before the order was made, or is presented in respect of him thereafter otherwise than by virtue of paragraph 1 above, the court having jurisdiction in relation to the bankruptcy may, on the application of the Official Petitioner, dismiss the petition, rescind any receiving order made in pursuance thereof or, if that person has been adjudged bankrupt, annul the adjudication on such terms, if any, as the court thinks fit.

*Effect of appeal against conviction*

- 13 (1) Subject to the provisions of this paragraph, the fact that an appeal is pending against any conviction by virtue of which a criminal bankruptcy order was made shall not preclude the taking of any proceedings by virtue of this Schedule in consequence of the making of the order.
- (2) Where a person is adjudged bankrupt in proceedings pursuant to a criminal bankruptcy petition, no property shall be distributed by his trustee in bankruptcy and no order shall be made by the High Court under paragraph 10 above so long as an appeal is pending against his conviction of any offence by virtue of which the criminal bankruptcy order was made.
- (3) For the purposes of this paragraph an appeal against a conviction is pending—
- (a) in any case until the expiration of the period of 28 days beginning with the date of conviction ;
  - (b) if notice of appeal to the Court of Appeal is given during that period and during that period the appellant notifies the official receiver thereof, until the determination of the appeal and thereafter for so long as an appeal to the House of Lords is pending within the meaning of section 40(5) of this Act.
- (4) Where in consequence of an appeal a criminal bankruptcy order is rescinded—
- (a) any bankruptcy petition based on the order shall lapse and any receiving order or adjudication of bankruptcy made in consequence thereof shall cease to have effect, but without prejudice to anything previously done thereunder ;
  - (b) where any such adjudication ceases to have effect, the property of the person who was adjudicated bankrupt shall revert to him for all his estate or interest therein ; and
  - (c) the court which had jurisdiction in relation to the bankruptcy may, on his application or on the application of the official receiver, by order give such directions, if any, as appear to the court to be necessary or desirable in consequence of the preceding provisions of this paragraph.
- (5) Where in consequence of an appeal a criminal bankruptcy order is amended by the deletion of any amount specified therein as the loss or damage suffered by any person, paragraph 2 above shall not thereafter apply to that loss or damage but without prejudice to anything done before the amendment takes effect.

### PART III

#### FUNCTIONS OF OFFICIAL PETITIONER

##### *General*

- 14 The functions of the Official Petitioner are as follows—
- (a) to consider whether, in a case in which a criminal bankruptcy order is made, it is in the public interest that he should himself present a criminal bankruptcy petition;
  - (b) to present a criminal bankruptcy petition in any such case where he determines it is in the public interest for him to do so ;
  - (c) to make payments, in such cases as he may determine, towards expenses incurred by other persons in connection with proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition ;
  - (d) to exercise, so far as he considers it to be in the public interest to do so, any of the powers conferred on him by this Schedule.

##### *Presentation of criminal bankruptcy petition by Official Petitioner*

- 15 (1) The Official Petitioner may present a criminal bankruptcy petition, and a receiving order may be made on that petition.
- (2) Section 4 of the Act of 1914, as modified by paragraph 5(2) above, shall apply to a criminal bankruptcy petition presented by the Official Petitioner as it applies to a petition presented by a creditor, but the High Court may allow the petition to be presented later than required by subsection (1)(c) of that section.
- (3) A criminal bankruptcy petition presented by the Official Petitioner shall be served in the manner prescribed by rules made under the Act of 1914.
- (4) Section 5(2), (3) and (7) of the Act of 1914 (making of receiving order on, and withdrawal of, creditor's petition) shall apply also in relation to a criminal bankruptcy petition presented by the Official Petitioner but as if any reference to the debt of the petitioning creditor were a reference to any criminal bankruptcy debt within the meaning of this Schedule ; and paragraph 6 above shall have effect in relation to section 5(2) and (3) as they apply by virtue of this paragraph.

##### *Presentation of criminal bankruptcy administration petition by Official Petitioner*

- 16 (1) The Official Petitioner may present a petition under section 130 of the Act of 1914 in any case in which a creditor could do so by virtue of this Schedule, and an order may be made under that section on that petition.
- (2) Section 130(2) shall have effect in relation to a petition presented by the Official Petitioner as if the reference to the petitioner's debt were a reference to any criminal bankruptcy debt within the meaning of this Schedule.

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*Participation of Official Petitioner in proceedings brought by virtue  
of this Schedule (whether by the Official Petitioner or by a creditor)*

- 17 (1) In the case of proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition, the Official Petitioner shall be entitled—
- (a) to attend any meeting of creditors and, before the meeting, to receive any notice or other document required to be sent before such a meeting to any creditor ;
  - (b) to be a member of any committee of inspection appointed under section 20 of the Act of 1914, but not so as to count towards the number of members mentioned in subsection (2) or (9), or to be subject to removal under subsection (7), of that section ;
  - (c) to be a party to any such proceedings before any court.
- (2) In the case of proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition, the provisions mentioned in sub-paragraph (3) below shall have effect as if any reference to a creditor, or to a creditor who has proved or tendered a proof, included a reference to the Official Petitioner.
- (3) The provisions of the Act of 1914 referred to in sub-paragraph (2) above are sections 10 (appointment of special manager), 14(2) and (4) (debtor's statement of affairs), 15(4) and (8) (public examination of debtor), 16(5), (6) and (8) (compositions and schemes of arrangement), 26(7) (discharge of bankrupt), 37 (relation back of trustee's title), 74(1)(e) (report to creditors of debtor's proposal), 80 (appeal to court against act or decision of trustee), and 130(8) (effect of notice of creditor's petition under that section).
- (4) Any functions of the Official Petitioner under or by virtue of this Act may be discharged on his behalf by any person acting with his authority.

### 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



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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 ;
  - (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

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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.
- (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

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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.
- (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.

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### *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 ;

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- (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.

### 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

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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.

*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.

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*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
  - (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

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- (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).

### SCHEDULE 4

#### TRANSITIONAL PROVISIONS

##### *General*

- 1 Without prejudice to the provisions of section 38 of the Interpretation Act 1889 (effect of repeals)—
- (a) nothing in any repeal made by this Act shall affect any order or rule made, certificate issued, requirement or condition imposed or thing done under any enactment repealed by this Act, and every such order, rule, certificate, requirement, condition or thing shall, if in force at the commencement of this Act, continue in force (subject to the provisions of this Act) and be deemed to have been made, issued, imposed or done under the corresponding provisions of this Act; and
  - (b) any reference in any document (including an enactment) to any enactment repealed by this Act, whether a specific reference or a reference to provisions of a description which includes, or apart from any repeal made by this Act includes, the enactment so repealed, shall be construed as a reference to the corresponding enactment in this Act.

##### *Transitional provisions with respect to repeals made by the Children and Young Persons Act 1969*

- 2 (1) The modifications of sections 51 and 57 of this Act contained in sub-paragraphs (2) and (3) below shall have effect for the purpose of preserving certain words omitted from sections 77 and 80 of the Criminal Justice Act 1948 by repeals made by the Children and Young Persons Act 1969, in so far as the relevant repeals are not yet in force at the commencement of this Act ; and an order may be made by the Secretary of State under section 73(2) and (3) of the Children and Young Persons Act 1969 with respect to any such modification as if providing that any such modification shall



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cease to have effect constituted bringing the repeal of the words preserved by the modification into force, and as if that repeal and any of the following provisions of this paragraph were a provision of that Act.

- (2) In section 51 of this Act—
- (a) in subsection (1)(a), after the word " homes " where it first occurs there shall be inserted the words " or in remand homes or approved schools " and for the words " officers or servants in such hostels or homes " there shall be substituted the words " such officers or servants as aforesaid "; and
  - (b) in subsection (4)(c), after the word " serving " there shall be inserted the words " in remand homes or " and after the word " homes " there shall be inserted the words " or in approved schools ".
- (3) In section 57 of this Act the following definitions shall be inserted at the appropriate points in alphabetical order:—
- “ approved school ' means a school approved under section 79 of the Children and Young Persons Act 1933 ;
  - ' remand home ' means premises established or used by the council of a county or county borough under the provisions of section 77 of the Children and Young Persons Act 1933”.

## SCHEDULE 5

### CONSEQUENTIAL AMENDMENTS

#### *The Children and Young Persons Act 1933*

- 1 In section 55 of the Children and Young Persons Act 1933 (power to order parent to pay fine etc. instead of child or young person), in subsection (1), for the words " section 1 of the Criminal Justice Act 1972 " there shall be substituted the words " section 35 of the Powers of Criminal Courts Act 1973 ".

#### *The Criminal Justice Act 1948*

- 2 In section 19 of the Criminal Justice Act 1948 (orders requiring attendance at an attendance centre), in subsection (1), for the words " section six of this Act" there shall be substituted the words " section six of the Powers of Criminal Courts Act 1973 ".

#### *The Criminal Justice (Scotland) Act 1949*

- 3 In section 7 of the Criminal Justice (Scotland) Act 1949 (probation orders relating to persons residing in England)—
- (a) in subsection (1), for the words " petty sessional division " and " that division " there shall be substituted respectively the words " petty sessions area " and " that area " ;
  - (b) in subsection (4), for the words from " the Criminal Justice Act 1948" to the end of the subsection there shall be substituted the words " the Powers of Criminal Courts Act 1973 (except section 8 of that Act) shall apply to the order as if it were a probation order made under section 2 of that Act:

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Provided that section 6(2)(a), (3)(d) and (6) of that Act shall not apply to any such order and section 6(4) and (5) of that Act shall have effect respectively in relation to any such order as if for the first reference in section 6(4) to the Crown Court there were substituted a reference to a court in Scotland and as if for the second such reference therein and for both such references in section 6(5) there were substituted references to the court in Scotland by which the probation order was made or amended under this section " ;

- (c) in subsection (5), for the words from "petty sessional division " to " 1948)" there shall be substituted the words " petty sessions area for which the supervising court within the meaning of the Powers of Criminal Courts Act 1973 ";
- (d) in subsection (6), for the words " court of summary jurisdiction" in both places where they occur there shall be substituted the words " magistrates' court ";
- (e) in subsection (7), for the words "petty sessional division" in both places where they occur there shall be substituted the words " petty sessions area ";
- (f) in subsection (8), for the words " section nine of the Criminal Justice Act 1948" there shall be substituted the words " section 10 of the Powers of Criminal Courts Act 1973 " and for the words " section three" there shall be substituted the words " section 2 " .

*The Magistrates' Courts Act 1952*

- 4 In section 29 of the Magistrates' Courts Act 1952 (committal for sentence for indictable offence tried summarily), for the words " section twenty-nine of the Criminal Justice Act 1948 " there shall be substituted the words " section 42 of the Powers of Criminal Courts Act 1973 " .
- 5 In section 64 of that Act (enforcement of sums adjudged to be paid) in subsection (1), after the words " seven of this Act" there shall be inserted the words " and section nineteen of the Powers of Criminal Courts Act 1973 " .
- 6 In section 72B of that Act (transfer of fine orders from Scotland), in subsection (3), for the words " section 44(3) of the Criminal Justice Act 1967 " there shall be substituted the words " section 32(1) of the Powers of Criminal Courts Act 1973 " .
- 7 In section 110(1) of that Act (detention of offenders for one day in court-house or police station) the words " thirty-nine or" (inserted by the Criminal Justice Act 1967) shall cease to have effect.

*The Summary Jurisdiction (Scotland) Act 1954*

- 8 In section 44 of the Summary Jurisdiction (Scotland) Act 1954 (transfer of fine orders within and from Scotland), in subsection (5), for the words " section 47 of the Criminal Justice Act 1967 " there shall be substituted the words " section 31 of the Powers of Criminal Courts Act 1973 " .

*The Solicitors Act 1957*

- 9 In section 38 of the Solicitors Act 1957 (control of employment of certain clerks), in subsection (5)(a), for the words "Criminal Justice Act 1948 " and " section twelve

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of that Act" there shall be substituted respectively the words " Powers of Criminal Courts Act 1973 " and " section 13 of that Act ".

*The Metropolitan Magistrates' Courts Act 1959*

- 10 In section 3 of the Metropolitan Magistrates' Courts Act 1959 (power of Receiver for the Metropolitan Police District to provide premises for probation purposes), in subsection (2), for the words " section seventy-seven of the Criminal Justice Act 1948 " there shall be substituted the words " section 51 of the Powers of Criminal Courts Act 1973 ",  
and for the words " Fifth Schedule " in both places where they occur there shall be substituted the words " Third Schedule ".

*The First Offenders (Scotland) Act 1960*

- 11 In section 1 of the First Offenders (Scotland) Act 1960 (restriction on imprisonment of first offenders), in subsection (3A), for the words in paragraph (b) " section 12 of the Criminal Justice Act 1948 " there shall be substituted the words " section 13 of the Powers of Criminal Courts Act 1973 ".

*The Criminal Justice Act 1961*

- 12 In section 5(5) of the Criminal Justice Act 1961 (construction of references to terms of imprisonment), for the words " sections fourteen and fifteen of the Criminal Justice Act 1948 " there shall be substituted the words " sections 31 and 32 of the Powers of Criminal Courts Act 1973 ".
- 13 In section 39(1) of that Act (interpretation), in the definition of "the statutory restrictions upon the imprisonment of young offenders ", for the words from " subsection (1)" to " 1952 " there shall be substituted the words " section 19(1) of the Powers of Criminal Courts Act 1973 ".

*The Administration of Justice Act 1964*

- 14 In section 37 of the Administration of Justice Act 1964 (financial provisions), in subsection (4), for the words " section 77(3)(a) of the Criminal Justice Act 1948" there shall be substituted the words " section 51(3)(a) of the Powers of Criminal Courts Act 1973 " , and the following shall be substituted for paragraph (b)—  
“(b) in relation to payments under section 51(3)(a) of the said Act of 1973, expenses under Schedule 3 to that Act;”.

*The Fugitive Offenders Act 1967*

- 15 In section 15 of the Fugitive Offenders Act 1967 (restoration of persons not tried or acquitted or discharged), in subsection (2)(b), for the words " the Criminal Justice Act 1948 " there shall be substituted the words " the Powers of Criminal Courts Act 1973 ".

*The Criminal Justice Act 1967*

- 16 In section 26 of the Criminal Justice Act 1967 (restrictions on passing sentence in the absence of the defendant), in subsection (1), for the words " section 40 of this

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- Act" there shall be substituted the words " section 23 of the Powers of criminal Courts Act 1973 ".
- 17 In section 32 of that Act (amendments of Costs in Criminal Cases Act 1952), in subsection (3)(a), for the words " section 4 of the Criminal Justice Act 1948 " there shall be substituted the words " section 3 of the Powers of Criminal Courts Act 1973 ".
- 18 In section 48 of that Act (enforcement in Scotland of fines imposed by the Crown Court), in subsection (1), for the words "the last foregoing section " there shall be substituted the words " section 31 of the Powers of Criminal Courts Act 1973 ".
- 19 In section 54 of that Act (miscellaneous provisions as to probation orders), in subsection (8)—
- (a) in paragraph (a), for the words " section 4(2) of the Criminal Justice Act 1948" there shall be substituted the words " section 3(2) of the Powers of Criminal Courts Act 1973 ", and for the words " the said sections 3 and 4 " there shall be substituted the words " section 3 of the said Act of 1949 and section 3 of the said Act of 1973 ";
  - (b) in paragraph (b), for the words " the said section 4 " in the first place where they occur there shall be substituted the words " section 3 of the said Act of 1973 " and for those words in the second place where they occur there shall be substituted the words " that section ".
- 20 In section 56 of that Act (committal for sentence for offences tried summarily)—
- (a) in subsection (1)(a), for the words " section 41(1) of this Act" there shall be substituted the words " section 24(1) of the Powers of Criminal Courts Act 1973 "; and
  - (b) in subsection (2), for the words from " section 8(4)" to the end there shall be substituted the words " sections 28 and 29 of the Magistrates' Courts Act 1952 (committal for sentence), section 62(6) of this Act and sections 8(6) (probationer convicted of subsequent offence) and 24(2) (committal to be dealt with in respect of a suspended sentence) of the Powers of Criminal Courts Act 1973 ".
- 21 In section 62 of that Act (revocation of licences and conviction of prisoners on licence), in subsection (6), for the words " section 29 of the Criminal Justice Act 1948" there shall be substituted the words " section 42 of the Powers of Criminal Courts Act 1973 ".
- 22 In section 67 of that Act (computation of sentences of imprisonment passed in England and Wales), in subsection (2), for the words "section 40 of this Act" there shall be substituted the words " section 23 of the Powers of Criminal Courts Act 1973 ".
- 23 In section 73 of that Act (power to order legal aid to be given), there shall be inserted after subsection (8) (in place of the subsection inserted by Schedule 5 to the Criminal Justice Act 1972) the following subsection—
- “(8A) Where a person makes an application to a magistrates' court under section 37 of the Powers of Criminal Courts Act 1973 (review of compensation orders) the court may order that he shall be given legal aid for the purpose of the proceedings before the court”.

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- 24 In section 74 of that Act (supplementary provisions as to legal aid orders), in subsection (12), for the words from " or 8 " to " this Act" there shall be substituted the words " 8, 16, 17(1) or (2), 23 or 27 of the Powers of Criminal Courts Act 1973 ".
- 25 In section 84(1) of that Act (interpretation of Part IV of that Act), in the definition of " committed for sentence " for the words from " section 6 " to " this Act" there shall be substituted the words " section 28 or 29 of the Magistrates' Courts Act 1952, section 67 of the Mental Health Act 1959, section 62(6) of the Criminal Justice Act 1967, or section 6, 8, 16, 17(2)(b) or 24 of the Powers of Criminal Courts Act 1973 ".
- 26 In section 104 of that Act (general provisions as to interpretation), in subsection (1)  
—
- (a) for the definition of " extended sentence certificate " there shall be substituted the following—  
“ extended sentence certificate ' means a certificate issued under section 28 of the Powers of Criminal Courts Act 1973 stating that an extended term of imprisonment was imposed on an offender under that section”; and
- (b) for the definition of " suspended sentence " there shall be substituted the following—  
“ suspended sentence ' means a sentence to which an order under section 22(1) of the Powers of Criminal Courts Act 1973 relates”.
- 27 In section 106(2)(b) of that Act (provisions extending to Scotland), for the words from " 38(7)" to " 54(6) to " there shall be substituted the words " 48, 54(6) and ".

#### *Criminal Appeal Act 1968*

- 28 In section 10 of the Criminal Appeal Act 1968 (appeal against sentence in cases dealt with by the Crown Court otherwise than on conviction on indictment), in subsection (3)(c)(iii), for the words " section 40 of the Criminal Justice Act 1967 " there shall be substituted the words " section 23 of the Powers of Criminal Courts Act 1973 ".
- 29 In section 11 of that Act (supplementary provisions as to appeal against sentence), in subsection (4)—
- (a) for the words " section 40(1) of the Criminal Justice Act 1967" there shall be substituted the words " section 23(1) of the Powers of Criminal Courts Act 1973 "; and
- (b) for the words in paragraph (b) " the said section 40(1)" there shall be substituted the words " the said section 23(1) ".

#### *The Social Work (Scotland) Act 1968*

- 30 In section 94 of the Social Work (Scotland) Act 1968 (interpretation), in subsection (1), in the definition of " probation order " for the words " section 3 of the Criminal Justice Act 1948 " there shall be substituted the words " section 2 of the Powers of Criminal Courts Act 1973 ".

#### *The Civil Evidence Act 1968*

- 31 In section 11 of the Civil Evidence Act 1968 (convictions as evidence in civil proceedings), in subsection (5), for the words in paragraph (a) " section 12 of the

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Criminal Justice Act 1948 " there shall be substituted the words " section 13 of the Powers of Criminal Courts Act 1973 ".

*The Law Reform (Miscellaneous Provisions) (Scotland) Act 1968*

32 In section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (convictions as evidence in civil proceedings), in subsection (5), for the words in paragraph (a) "section 12 of the Criminal Justice Act 1948 " there shall be substituted the words " section 13 of the Powers of Criminal Courts Act 1973 ".

*The Children and Young Persons Act 1969*

33 In section 3(6) of the Children and Young Persons Act 1969 (powers of court where it finds offence condition satisfied in care proceedings), in paragraph (a), for the words " section 1 of the Criminal Justice Act 1972" there shall be substituted the words " section 35 of the Powers of Criminal Courts Act 1973 ".

34 In section 6 of that Act (summary trial of young persons), in subsection (3), for the words "section 107(2) of the said Act of 1952" there shall be substituted the words " section 19(1) of the Powers of Criminal Courts Act 1973 ".

35 In section 13 of that Act (selection of supervisor for person subject to a supervision order), in subsection (2), for the words from " by paragraph" to " paragraph 6(b)" there shall be substituted the words " on probation officers by paragraph 8 of Schedule 3 to the Powers of Criminal Courts Act 1973 or by rules under paragraph 18(1)(b) ".

36 In section 46 of that Act (discontinuance of approved schools, etc., on establishment of community homes), in subsection (1), for the words from " remand home " to " 1948 " there shall be substituted the words " or remand home within the meaning of the Criminal Justice Act 1948 or approved probation hostel or approved probation home within the meaning of the Powers of Criminal Courts Act 1973 ".

37 In section 48 of that Act (financial provisions applicable on cessation of controlled or assisted community home), in subsection (5)(b), for the words " section 77(3) (b) of the Criminal Justice Act 1948 " there shall be substituted the words " section 51(3)(c) of the Powers of Criminal Courts Act 1973 ".

38 In Schedule 3 to that Act (provisions as to approved schools and other institutions)

- (a) in paragraphs 6(1) and 9(2)(b), for the words "section 77 of the Criminal Justice Act 1948" there shall be substituted the words " section 51 of the Powers of Criminal Courts Act 1973 ";
- (b) in paragraph 9(4)(b), for the words " Schedule 5 to the Criminal Justice Act 1948 " there shall be substituted the words " Schedule 3 to the Powers of Criminal Courts Act 1973 ";
- (c) in paragraph 10(4)(b), after the words " section 77(3)(b) of the Criminal Justice Act 1948 " there shall be inserted the words " or under section 51(3) (c) of the Powers of Criminal Courts Act 1973 ".

39 In Schedule 4 to that Act (transitional provisions and savings) in paragraph 12(3), for the words "Criminal Justice Act 1948" there shall be substituted the words " Powers of Criminal Courts Act 1973 ".

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*The Administration of Justice Act 1970*

40 In Part I of Schedule 9 to the Administration of Justice Act 1970 (orders for costs, compensation, etc., enforceable as on a summary conviction), for paragraphs 10 and 11 as originally enacted there shall be substituted (in place of the paragraph substituted for those paragraphs and the paragraph 9A inserted by section 8 of the Criminal Damage Act 1971 by Schedule 5 to the Criminal Justice Act 1972) the following paragraph—

“10 Where under section 35 of the Powers of Criminal Courts Act 1973 a court orders the payment of compensation.”.

*The Courts Act 1971*

41 In section 53 of the Courts Act 1971 (administrative functions of justices), in subsection (7)(a), for the words " made under paragraph 1 of Schedule 5 to the Criminal Justice Act 1948 " there shall be substituted the words " deemed to be made under paragraph 1 of Schedule 3 to the Powers of Criminal Courts Act 1973 ".

*The Industrial Relations Act 1971*

42 In paragraph 28 of Schedule 3 to the Industrial Relations Act 1971 (provisions as to fines imposed by the Industrial Court), in sub-paragraph (1), for the words from " section 14 " to " 1967 " there shall be substituted the words " the provisions of sections 31 and 32 of the Powers of Criminal Courts Act 1973 " and the words " to a court of assize or " shall be omitted.

*The Road Traffic Act 1972*

43 In section 102 of the Road Traffic Act 1972 (combination of disqualification and endorsement with probation orders and orders for discharge in England and Wales), for the words, in subsection (1), " section 12(2) of the Criminal Justice Act 1948 ", and for the words, in subsection (2), " section 12(1) of the said Act of 1948 ", there shall be substituted respectively the words " section 13(3) of the Powers of Criminal Courts Act 1973 " and " section 13(1) of the said Act of 1973 ".

44 In section 105 of that Act (supplementary provisions as to disqualifications and endorsements), in subsection (2), after the words " criminal Justice Act 1972 " there shall be inserted the words " or section 44(3) of the Powers of Criminal Courts Act 1973 " and for the words " that section " there shall be substituted the words " section 24 or 44, as the case may be ".

*The Criminal Justice Act 1972*

45 In section 23 of the Criminal Justice Act 1972 (power to deprive offender of property used, or intended for use, for purposes of crime), in subsection (5), for the words from " in regard" to " of this section " there shall be substituted the words " that any property which was in his possession or under his control at the time of his apprehension—

- (a) has been used for the purpose of committing, or facilitating the commission of, any offence ; or
- (b) was intended by him to be used for that purpose ".

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- 46 In section 24 of that Act (driving disqualification where vehicle used for purposes of crime)—
- (a) in subsection (2), for the words from "mentioned" to the end of the subsection there shall be substituted the words " of committing, or facilitating the commission of, the offence, the court may order that person to be disqualified, for such period as the court thinks fit, for holding or obtaining a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1972 "; and
  - (b) in subsection (3), for the words " subsection (1)" there shall be substituted the words " subsection (2) ".
- 47 In section 49 of that Act (community service order in lieu of warrant of commitment for failure to pay fine, etc.)—
- (a) in subsection (2), for the words from the beginning to " this Act" in the second place where it occurs there shall be substituted the words " In this section ' community service order' has the same meaning as in the Powers of Criminal Courts Act 1973 and section 14(2) of that Act and, so far as applicable, the other provisions of that Act ", and for the words " subsection (3) of section 17 " and " section 18(1)(b) of this Act" there shall be substituted respectively the words " subsection (3) of section 16 " and " section 17(2)(a) of that Act" ; and
  - (b) in subsection (4), for the words " section 47(3) of the Criminal Justice Act 1967" there shall be substituted the words " section 32(1) of the Powers of Criminal Courts Act 1973 ".
- 48 In Schedule 2 to that Act (eligibility and disqualification for and excusal from jury service), in the entry relating to probation homes and hostels and bail hostels, for the words " (as defined in section 53 of this Act) " there shall be substituted the words " (within the meaning of the Powers of Criminal Courts Act 1973) ".

*The Costs in Criminal Cases Act 1973*

- 49 In section 18 of the Costs in Criminal Cases Act 1973 (miscellaneous applications of that Act)—
- (a) in subsection (1)(b), for the words " section 29 of that Act " there shall be substituted the words " section 42 of the Powers of Criminal Courts Act 1973 "; and
  - (b) in subsection (4), for paragraphs (a), (b) and (c) there shall be substituted the following paragraphs—
    - “(a) proceedings for dealing with an offender under section 6, 8 or 10 of the Powers of Criminal Courts Act 1973 (probation orders and orders for conditional discharge);
    - (b) proceedings under section 16 or 17 of that Act (community service orders); and
    - (c) proceedings under section 23(1) or 27 of that Act for dealing with an offender in respect of a suspended sentence or for breach of a suspended sentence supervision order”.



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*The Social Security Act 1973*

- 50 In Schedule 23 to the Social Security Act 1973 (proceedings for offences, etc.), in paragraph 11(1), for the words "Criminal Justice Act 1948 " there shall be substituted the words " Powers of Criminal Courts Act 1973 ".

SCHEDULE 6

ENACTMENTS REPEALED

| <i>Chapter</i>             | <i>Short Title</i>                        | <i>Extent of Repeal</i>   |
|----------------------------|---|---|
| 11 & 12 Geo. 6. c. 58.     | The Criminal Justice Act 1948.            | Sections 3 to 12 and 14.<br>Section 17(1), (2) and (6).<br>Sections 29, 43 and 45 to 47.<br>Section 77, except subsection (6), and, in subsection (1), the words "Any expenses of the Secretary of State under this Act" and the words from " shall" to the end of the subsection.<br>In section 80, in subsection (1) the definitions of " approved probation hostel", " approved probation home ", " offence the sentence for which is fixed by law", "order for conditional discharge ", " period of conditional discharge", " probationer ", " probation order ", " probation period ", " sum adjudged to be paid by a conviction" and " supervising court", and subsection (5).<br>Section 81, so far as relates to sections 8, 9, 11 and 12.<br>Schedules 1 and 5.<br>In Schedule 8, paragraphs 3 to 9. |
| 12, 13 & 14 Geo. 6. c. 94. | The Criminal Justice (Scotland) Act 1949. | In Schedule 11, the entry relating to section 9 of the Criminal Justice Act 1948.   |

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

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| <i>Chapter</i>                     | <i>Short Title</i>                      | <i>Extent of Repeal</i>   |
|------------------------------------|---|---|
| 12, 13 & 14 Geo. 6. c. 101.        | The Justices of the Peace Act 1949.     | Sections 36 and 37.   |
| 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. | The Magistrates' Courts Act 1952.       | Section 107(2), (3).<br>In section 110(1), the words "thirty-nine or ".   |
| 7 & 8 Eliz. 2. c. 72.              | The Mental Health Act 1959.             | In Part I of Schedule 7, the entry relating to the Criminal Justice Act 1948.   |
| 9 & 10 Eliz. 2. c. 39.             | The Criminal Justice Act 1961.          | Section 2(2).<br>Section 9.   |
| 1964 c. 42.                        | The Administration of Justice Act 1964. | Section 22.<br>In section 31, subsection (1) in so far as it amends s. 36 of the Justices of the Peace Act 1949.<br>In Schedule 3, paragraph 19(2), (3).  |
| 1967 c. 58.                        | The Criminal Law Act 1967.              | Section 7.  |
| 1967 c. 80.                        | The Criminal Justice Act 1967.          | Sections 37 to 42.<br>Section 47.<br>In section 48, in subsection (1) the words " of a magistrates' court or", the words from " section 72A " to " Scotland) or ", and the words " magistrates' court or", and subsection (2).<br>In section 50, the words from " and in " to the end of the section.<br>Sections 52 and 53.<br>In section 54, subsections (1) to (3), (5) and (7).<br>Sections 55 and 57.<br>Section 95 except subsection (1).<br>Section 96.<br>Section 99.<br>Section 106(3)(b), so far as relates to section 38(7). |

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| <i>Chapter</i> | <i>Short Title</i>                       | <i>Extent of Repeal</i>  |
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| 1968 c. 69.    | The Justices of the Peace Act 1968.      | In Schedule 6, paragraph 6.<br>Section 4(5) and (6).   |
| 1969 c. 54.    | The Children and Young Persons Act 1969. | Section 7(2).<br>In Schedule 4, paragraph 5(2).<br>In Schedule 5, paragraph 45.  |
| 1971 c. 23.    | The Courts Act 1971.                     | Section 53(2)(a).<br>In Schedule 8:—<br>in paragraph 24, sub-paragraph (a) and in sub-paragraph (b) the words "14(5)";<br>paragraphs 25 to 27;<br>paragraph 48(a), so far as relates to sections 40, 41, 47, 48 and 54 of the Criminal Justice Act 1967;<br>paragraphs 51, 53 and 54.  |
| 1971 c. 72.    | The Industrial Relations Act 1971.       | In Schedule 3, in paragraph 28(1) the words " to a court of assize or ".   |
| 1972 c. 70.    | The Local Government Act 1972.           | In section 217(5), the words from " but" to the end of the subsection.   |
| 1972 c. 71.    | The Criminal Justice Act 1972.           | Part I except sections 6, 23(5) and (6), and 24(2) to (4).<br>Sections 37, 40, 51(3), 52 to 57, and 66(3) and (4).<br>Schedule 1.<br>In Schedule 5, the entry relating to the Criminal Justice Act 1948, paragraphs (b), (e), (f) and (g) of the entry relating to the Criminal Justice Act 1967, and paragraph (b) of the entry relating to Part I of Schedule 9 to the Administration of Justice Act 1970. |