

SCHEDULE

AMENDMENTS TO THE PROBATION RULES 1984

PART II

3.—(1) For paragraphs (1) and (2) of rule 50 there shall be substituted the following paragraphs—

“(1) A probation committee, other than the probation committee for the inner London area or the City of London, shall send to each local authority which will be liable under paragraph 15 of Schedule 3 to the Powers of Criminal Courts Act 1973 to defray or contribute to the expenses of the committee, on or before a day in each year specified by the Secretary of State, an estimate of the expenses which the committee expects to incur during the ensuing financial year.

(2) The probation committee, other than a probation committee for any probation area which is situated in the areas of two or more local authorities all of which are councils of metropolitan districts or outer London boroughs or any of which is the council of such a district or borough, shall consult each local authority to whom an estimate is sent under paragraph (1) above, as to any such expenses which involve specified expenditure.

(2A) If a probation committee proposes to incur specified expenditure in excess of the estimate of expenses in relation to that expenditure sent under paragraph (1) above, it shall send a supplementary estimate relating to that proposed expenditure to each local authority which will be liable under the said paragraph 15, and in the case of a probation committee to which paragraph (2) above applies, consult each such local authority.

(2B) If a probation committee proposes to incur expenditure under paragraph 1(1) of Schedule 2 to these Rules in excess of the estimate of expenses in relation to that expenditure sent under paragraph (1) above, it shall send a supplementary estimate relating to that proposed expenditure to each local authority which will be so liable under the said paragraph 15.

(2C) If a local authority objects to any proposed specified expenditure, the local authority or probation committee may, in the case of expenditure included in an estimate sent under paragraph (1) above, on or before a day in each year specified by the Secretary of State, and in the case of expenditure included in a supplementary estimate sent under paragraph (2A) above, not later than one month after the date on which the supplementary estimate is sent, refer the matter to the Secretary of State for determination after considering any observations by the local authority or probation committee.

(2D) In this rule—

“financial year” means a twelve month period commencing with the first day of April;

“specified expenditure” means the expenses of a probation committee which one or more local authority is liable to defray under paragraph 15(1) of Schedule 3 to the Powers of Criminal Courts Act 1973, other than—

- (a) by way of payments under paragraph 1(1) of Schedule 2 to these Rules;
- (b) for capital purposes (construed in accordance with section 40 of the Local Government and Housing Act 1989⁽¹⁾);
- (c) arising from the discharge of any liability of a local authority in respect of money borrowed to finance expenditure for capital purposes (as so construed) or a credit

(1) 1989 c. 42.

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arrangement (within the meaning of section 48 of the Local Government and Housing Act 1989) entered into by a local authority;

- (d) arising from the assignment of probation officers to institutions to which the Prison Act 1952⁽²⁾ applies, under rule 20(4) of these Rules.”.

(2) In paragraph (3) of rule 50, for the words “such an estimate” there shall be substituted the words, “an estimate sent by the committee under paragraph (1) of this rule as in force on 30th October 1991”, and for the words “each such local authority” there shall be substituted the words “each such local authority to whom such an estimate was sent”.

(3) In paragraph (4) of rule 50, after the word “expenditure” there shall be inserted the words “in the financial year ending 31st March 1992”.

(4) Paragraph (5) of rule 50 shall be omitted.

4.—(1) Rule 50A(2) shall be omitted.

(2) In paragraph (3) of rule 50A for the words “such an estimate” there shall be substituted the words “an estimate sent by the committee under paragraph (2) of this rule as in force on 30th October 1991” and for the words “the said Schedule” there shall be substituted “Schedule 3 to the Powers of Criminal Courts Act 1973”.

(3) In paragraph (4) of rule 50A after the word “expenditure” in the first place in which it occurs, there shall be inserted the words “in the financial year ending 31st March 1992” and there shall be omitted the words from “, in the case of expenditure included in an estimate” to “of that estimate, and”.

(4) Paragraph (5) of rule 50A shall be omitted.

(2) 1952 c. 52.