
STATUTORY INSTRUMENTS

1995 No. 302

PROBATION

The Approved Probation and Bail Hostel Rules 1995

Made - - - - *9th February 1995*

Coming into force - - *6th March 1995*

In exercise of the powers conferred upon me by section 27(2) and (3) of the Probation Service Act 1993⁽¹⁾, I hereby make the following Rules:

Citation, commencement etc.

1. These Rules may be cited as the Approved Probation and Bail Hostel Rules 1995 and shall come into force on 6th March 1995.

2.—(1) In these Rules, unless the context otherwise requires—

“approved probation hostel” and “approved bail hostel” have the meanings assigned to them in section 30(1) of the Probation Service Act 1993;

“hostel” means an approved probation hostel or an approved bail hostel;

“person under supervision” means a person under supervision in pursuance of a requirement of a probation order;

“resident” means a person residing in a hostel in pursuance of a requirement of a probation order or as a condition of bail; and

“manager” means the person in charge of a hostel.

(2) In rules 5 to 7 of these Rules “committee”, unless the context otherwise requires, means the management committee referred to in rule 5; and elsewhere in these Rules “committee” means the management committee or the probation committee responsible for the hostel.

3. The Approved Probation Hostel and Home and Bail Hostel Rules 1976⁽²⁾ are hereby revoked.

Management of hostels by other persons

4. Rules 5 to 7 of these Rules shall apply to hostels which are not provided and carried on by a probation committee.

(1) 1993 c. 47.

(2) S.I. 1976/626.

5.—(1) Every hostel shall be managed by a committee which shall be known as the management committee.

(2) The committee shall prepare a written constitution which shall be subject to approval by the probation committee in whose area the hostel is situated.

(3) The constitution shall deal with membership of the committee, duration of appointments, regularity of meetings, the quorum of the committee and such other matters as are considered relevant by the committee or by the probation committee whose approval for the constitution is required.

(4) The committee shall notify the probation committee in whose area the hostel is situated of the date and time of any meeting and shall make arrangements so that—

- (a) a member of the probation committee may attend the meeting; and
- (b) an officer of the probation service of the rank of Assistant Chief Probation Officer and above may attend the meeting as an observer.

6. The committee shall keep minutes of their proceedings which shall be open to inspection by or on behalf of the Secretary of State and by the auditor appointed to audit the accounts of the hostel.

7. The committee shall publish an annual report containing the names of the members of the committee and such other information as is requested by the Secretary of State.

General duties of management committees and probation committees

8.—(1) It shall be the duty of the committee to ensure that the condition of the hostel is satisfactory and that it is run in a manner which will promote the development of the residents; and in this connection the committee shall take into account any communication which may be made to it by or on behalf of the Secretary of State.

(2) The committee shall exercise an effective control over all expenditure and shall prepare such statements of accounts as may be required by the Secretary of State.

(3) The committee shall be responsible for the appointment, training, discipline and dismissal of the staff of the hostel.

Admissions and discharges

9.—(1) Except with the prior consent of the Secretary of State the number of residents in a hostel at any time shall not exceed such number as may be approved in respect of that hostel by the Secretary of State.

(2) Except with the prior consent of the Secretary of State the committee shall not receive in the hostel any person who is outside the limits of age approved by the Secretary of State for that hostel.

10.—(1) Subject to the foregoing provisions of these Rules, no hostel shall, except with the consent of the Secretary of State, refuse to accept a person who is under the supervision of a probation officer and is required by a probation order to reside therein or who has been released on bail on condition that he resides therein, and who falls within the category of persons for which the hostel is approved.

(2) The committee shall adopt an admissions policy in relation to each hostel managed by it and shall notify the courts for the area in which the hostel is situated of that policy.

(3) The admissions policy in relation to a hostel which is not provided and carried on by a probation committee shall be subject to approval by the probation committee in whose area the hostel is situated.

(4) “Admissions policy”, in relation to a hostel, means the policy as to the category or categories of persons whom the committee considers suitable for admission to that hostel.

11. Except with the consent of the Chief Probation Officer for the area in which the hostel is situated—

(a) no person under the supervision of a probation officer shall reside in a hostel for any longer than the period, if any, for which he is required so to reside by the probation order; and

(b) no person remanded on bail on condition that he resides in a hostel shall reside therein for any longer than the period of remand.

12.—(1) The committee shall not, except in case of emergency, require a resident to cease to reside in the hostel before the expiry of the term of residence specified in the probation order or the expiry of the period of remand, as the case may be.

(2) The committee shall, in any such case of emergency, give reasonable notice of its intention to act under the foregoing paragraph of this rule to the probation officer, or to the court which granted bail, as the case may require.

(3) In this rule, “remand” includes committal for trial or sentence.

13. A resident on probation may, with the consent of the supervising probation officer and the manager, leave the hostel for a period of not more than five consecutive days.

14. Where a resident absconds from the hostel the manager shall immediately notify—

(a) the supervising probation officer, if the resident was on probation; or

(b) the relevant court, the police and any probation officer assigned to the resident’s case, if the resident was on bail.

Residents

15. The committee shall make arrangements for the payment of an allowance to residents in cases of financial hardship.

16. The committee shall charge residents, in respect of the expenses of their maintenance, such sums as the Secretary of State may determine.

Medical care and advice

17.—(1) The committee shall ensure that—

(a) facilities are available for the provision of any necessary medical and dental treatment; and

(b) advice is given to the manager as to general health and hygiene in the hostel.

(2) The committee may appoint a medical officer to assist it in discharging its functions under paragraph (1) above.

General

18. The committee shall arrange for the keeping of all registers and records required by the Secretary of State and shall cause to be sent to the Secretary of State such returns, statements, and other information as may be required by him from time to time.

19. The committee shall cause a copy of these Rules to be made available to each member of the committee, each member of the staff of the hostel and any other person concerned in the management of the hostel.

20. The committee shall arrange for the hostel to be open at all times to inspection by or on behalf of the Secretary of State and shall, in connection with any such inspection, give all facilities for the examination of the books and records of the hostel.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Home Office
9th February 1995

Michael Howard
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision for the regulation and management of approved probation and bail hostels. The Rules replace with modifications the Approved Probation Hostel and Home and Bail Hostel Rules 1976 (S.I.1976/626).

Management committees of hostels run by persons other than the probation service (“management committees”) are, subject to the approval of the local probation committee, given more flexibility as to the terms of their constitutions and are required to publish annual reports. Representatives of the probation service are entitled to attend management committee meetings.

General duties in relation to the manner in which hostels are to be run, the control of expenditure and staff matters, which previously applied only to management committees, are applied with modifications to both management committees and probation committees.

Other changes are that committees are required to adopt an admissions policy in relation to each hostel managed by them, and to notify the local courts of that policy; that the Secretary of State’s approval is no longer required to the appointment of a person as a hostel manager (referred to in the 1976 Rules as a “warden”); and that the provisions in the 1976 Rules as to the specific facilities to be afforded to residents (other than medical facilities) are not reproduced.