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STATUTORY INSTRUMENTS

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**2008 No. 1263**

**The Offender Management Act 2007  
(Approved Premises) Regulations 2008**

**PART 3**

Regulations applying to local probation boards and other bodies

**General duties**

7.—(1) Each local probation board and other body must—

- (a) ensure that—
  - (i) the approved premises under its management are maintained in a condition which is satisfactory having regard to their purpose;
  - (ii) the premises are run in a manner which promotes protection of the public and the reduction of re-offending; and
  - (iii) at least two members of staff are present on the premises at all times;
- (b) exercise effective control over all expenditure incurred in connection with the approved premises under its management and must prepare such statements of accounts as the Secretary of State may require;
- (c) prepare house rules for the approved premises, governing the conduct of residents, which must comply with any requirements of the Secretary of State as to the content of such rules; and
- (d) bring the house rules to the attention of every resident of the approved premises and take all appropriate measures to ensure that they are complied with by all such residents.

(2) The local probation board or other body is responsible for the appointment, training, discipline and dismissal of the staff of the approved premises under its management.

**Admissions**

8.—(1) Each local probation board and other body must adopt an admissions policy for approved premises under its management.

(2) The admissions policy must comply with—

- (a) regulation 5(1); and
- (b) any requirements of the Secretary of State as to the admissions policies of approved premises.

(3) The local probation board and other body must notify the courts for the area in which the approved premises are situated of the terms of its admissions policy.

(4) Subject to regulation 5, the local probation board or other body must not admit as a resident of approved premises under its management any person who does not fall within one of the categories of person specified as suitable in the admissions policy.

### **Residents subject to a residence requirement**

9.—(1) Where a person is subject to a requirement (in this regulation referred to as a “residence requirement”) to reside at approved premises provided by a local probation board or other body by virtue of—

- (a) a term of any court order;
- (b) any condition of a licence; or
- (c) any requirement imposed under section 65 of the Criminal Justice Act 1991,

the local probation board or other body, as applicable, must not, except in the circumstances described in paragraph (2) below, require that person to end their residence before the expiry of the residence requirement.

(2) The circumstances referred to in paragraph (1) above are—

- (a) that an emergency has arisen; or
- (b) that the resident has broken the house rules and that breach has been reported—
  - (i) in a case to which paragraph (1)(a) applies, to the court which made the order; or
  - (ii) in a case to which paragraph (1)(b) applies, to the Secretary of State.

(3) Where a local probation board or other body intends to require a resident who is subject to a residence requirement to end their residence at the approved premises under its management, it must give reasonable notice of that intention to—

- (a) any officer of a local probation board, or where appropriate any officer of a probation trust, who is responsible for the resident; and
- (b) in the case of a resident who is on bail, the court which granted bail.

### **Absconding**

10. Where a resident absconds from approved premises provided by a local probation board or other body, the person in charge of the premises must immediately notify—

- (a) in the case of a resident required by or under any provision of a community sentence to reside at the approved premises, the person responsible for supervising that sentence;
- (b) in the case of a resident required by virtue of any condition of a licence or any requirement imposed under section 65 of the Criminal Justice Act 1991 to reside at the approved premises, the person responsible for supervising that licence or notice of supervision; or
- (c) in the case of a resident who is on bail and is required as a condition of that bail to reside at the approved premises, the court which granted bail and the police.

### **Expenses**

11. —Each local probation board and other body must charge residents, in respect of the expenses of the resident’s maintenance, such sums as the Secretary of State may determine.

### **Medical care and advice**

12.—(1) Each local probation board and other body must ensure that facilities are available for the provision to residents of any necessary medical and dental treatment.

(2) The local probation board or other body, as applicable, may appoint a medical officer to assist it in discharging its functions under paragraph (1) above.

### **Records and returns**

13. Each local probation board and other body must arrange for the keeping of all registers and records required by the Secretary of State and must cause to be sent to the Secretary of State such returns, statements and other information as may be required by the Secretary of State from time to time.

### **Inspection**

14. Each local probation board and other body must arrange for the approved premises under its management to be open at all times to inspection by or on behalf of the Secretary of State and must, in connection with any such inspection, make available for examination the books and records of the approved premises.