

SCHEDULES

SCHEDULE 3

THE PROBATION AND AFTER-CARE SERVICE AND ITS FUNCTIONS

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 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.

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- (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.

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

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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
 - (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

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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).