



# Probation Service Act 1993

## 1993 CHAPTER 47

An Act to consolidate certain enactments relating to the probation service and its functions and to arrangements for persons on bail and the rehabilitation of offenders, with amendments to give effect to recommendations of the Law Commission. [5th November 1993]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **Modifications etc. (not altering text)**

- C1** Act: power to amend or repeal conferred (3.7.2000) by [1999 c. 29, s. 306\(6\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801, art. 2\(c\)](#), [Sch. Pt. 3](#)

### **Commencement Information**

- II** Act not in force at Royal Assent; Act wholly in force at 05.02.1994 see [s. 33\(2\)](#).

### *Probation areas*

#### **1 Probation areas.**

The following areas are probation areas, that is to say—

- (a) the inner London probation area constituted under section 2;
- (b) any other combined probation area constituted under that section; and
- (c) any petty sessions area which is not included in a probation area so constituted.

#### **2 Probation areas comprising two or more petty sessions areas.**

- (1) The Secretary of State may by order make provision for combining any two or more petty sessions areas in one probation area.

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*Status: Point in time view as at 05/02/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Probation Service Act 1993 (repealed). (See end of Document for details)*

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- (2) Before making an order the Secretary of State shall give the justices acting for any petty sessions area affected by the order an opportunity of making representations about it, and shall consider any such representations.
- (3) The Secretary of State—
  - (a) shall make provision in an order for combining in one probation area (in this Act referred to as “the inner London probation area”) all of the petty sessional divisions of the inner London area; and
  - (b) may make provision in an order for including in the inner London probation area one or more petty sessions areas outside the inner London area.
- (4) An order may contain such incidental and consequential provision as appears to the Secretary of State to be expedient.
- (5) Any magistrates’ courts committee may submit proposals for an order to the Secretary of State, who shall consider any such proposals.
- (6) In this section “an order” means an order under subsection (1).

#### *Probation committees*

### **3 Constitution of probation committees.**

- (1) There shall be a probation committee for every probation area.
- (2) A probation committee shall be a body corporate.
- (3) Schedule 1 has effect with respect to the membership of probation committees and the travelling and other allowances payable to members.

### **4 General functions in relation to probation officers.**

- (1) It is the duty of a probation committee—
  - (a) to appoint probation officers for their probation area and to pay to the officers so appointed such remuneration, allowances and expenses as may be determined under section 15;
  - (b) to provide for the efficient carrying out of the work of probation officers;
  - (c) to make arrangements for the selection, from the probation officers appointed for or assigned to a petty sessions area within their probation area, of an officer to supervise any person subject to a probation order naming that petty sessions area;
  - (d) to make arrangements for the selection, from the probation officers appointed for or assigned to such a petty sessions area, of an officer to supervise any person subject to a supervision order (within the meaning of the <sup>M1</sup>Children and Young Persons Act 1969) naming that petty sessions area;
  - (e) to make such payments and to such persons as may be prescribed in respect of persons under the supervision of probation officers who are qualifying persons; and
  - (f) to perform such other duties in connection with the work of probation officers as may be prescribed.

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*Changes to legislation: There are currently no known outstanding effects for the Probation Service Act 1993 (repealed). (See end of Document for details)*

- (2) The appointment of probation officers under subsection (1)(a) is 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.
- (3) The number of probation officers appointed under subsection (1)(a) shall be such as may be determined by the probation committee or, where objection is made by a responsible authority for the probation area—
  - (a) as may be agreed between the committee and the responsible authority or authorities for that area, or
  - (b) as may in default of agreement be determined by the Secretary of State, to be sufficient for the probation area.
- (4) The arrangements required by paragraph (c) or (d) of subsection (1) include, for cases in which it is necessary or desirable to replace the selected probation officer, arrangements for the selection of another officer from among those appointed or assigned to the petty sessions area in question.
- (5) A person under the supervision of a probation officer is a “qualifying person” for the purposes of subsection (1)(e) if he is required by a probation order to reside in any place other than for the purpose of submitting to treatment for his mental condition as a resident patient.

#### Marginal Citations

**M1** 1969 c. 54.

### 5 Functions in relation to children and young persons.

A probation committee may provide facilities for enabling—

- (a) directions given by a supervisor by virtue of section 12(2) of the <sup>M2</sup>Children and Young Persons Act 1969,
- (b) requirements included in a supervision order by virtue of section 12A(3) of that Act, and
- (c) directions under paragraph 2 or 3 of Schedule 3 to the <sup>M3</sup>Children Act 1989, to be carried out effectively.

#### Marginal Citations

**M2** 1969 c. 54.

**M3** 1989 c. 41.

### 6 Arrangements for performing work under community service orders.

- (1) It is the duty of a probation committee to secure that arrangements for persons to perform work under community service orders are made for each petty sessions area comprised in their probation area.
- (2) For the purposes of any such arrangements made for the whole or part of their area, the probation committee may—
  - (a) appoint staff or provide accommodation, equipment, materials and transport;

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- (b) make payments to any society or body in respect of services rendered by them;
- (c) defray travelling and other expenses in connection with the performance of work by persons subject to community service orders.

**7 Provision of certain establishments.**

A probation committee may, with the approval of the Secretary of State, provide and carry on bail hostels, probation hostels and other establishments for use in connection with the rehabilitation of offenders.

**8 Provision of financial assistance.**

- (1) It is the duty of a probation committee to make such payments and to such persons as may be prescribed in respect of persons accommodated in bail hostels and probation hostels.
- (2) A probation committee may, in such cases and in such manner as may be prescribed, give financial and other assistance—
  - (a) to persons remanded on bail; and
  - (b) to persons in relation to whom probation officers appointed for their area have responsibilities.

**9 General power to make grants in prescribed cases.**

Without prejudice to their powers apart from this section, a probation committee may, in prescribed cases, make such payments and to such persons as may be prescribed.

**10 Provision of accommodation by responsible authorities.**

- (1) This section applies in any case where the expenses of a probation committee in providing any accommodation would fall under this Act to be defrayed by the responsible authority or authorities for the probation area in question.
- (2) A responsible authority for that area may, with the agreement of the probation committee and (if the expenses would have fallen to be defrayed in part by one or more other responsible authorities) of the other responsible authority or authorities, itself provide the accommodation in question for the use of the committee.
- (3) Where a local authority provides accommodation with the agreement of one or more other responsible authorities, the expenses of providing it shall be apportioned between them—
  - (a) where all or any of the authorities concerned are councils of metropolitan districts or outer London boroughs, in proportion to the populations of their respective areas; or
  - (b) in any other case, in such manner as may be agreed between the authorities concerned or (in default of agreement) determined by the Secretary of State.

**11 Default power where probation committee fails to discharge duty.**

- (1) If the Secretary of State is of the opinion that, without reasonable excuse, a probation committee—

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- (a) is failing properly to discharge any duty imposed on it by or under any enactment; or
  - (b) has so failed and is likely to do so again;
- he may by order make such provision as he considers requisite for the purpose of securing that the duty is properly discharged by the committee.
- (2) The order shall state that the Secretary of State is of the opinion mentioned in subsection (1).
  - (3) It shall be the duty of the committee to comply with the provision made by the order.

#### *Probation liaison committees*

### **12 Constitution of probation liaison committees.**

- (1) There shall be one or more probation liaison committees for every petty sessions area outside the inner London probation area.
- (2) The probation committee for any area outside the inner London probation area shall pay—
  - (a) the expenses of a probation liaison committee for a petty sessions area in their probation area; and
  - (b) any allowances due under paragraph 10 of Schedule 1 to members of any such committee.
- (3) Where two or more petty sessions areas outside the inner London probation area form the whole or part of a probation area, the probation committee may if they think fit determine that there shall be one or more joint probation liaison committees for those petty sessions areas.
- (4) The probation committee for the inner London probation area may appoint such probation liaison committees, for such areas within that area, as the probation committee may determine; and the probation committee shall pay the expenses of any committee so appointed.
- (5) Schedule 1 has effect with respect to the membership of probation liaison committees and the travelling and other allowances payable to members.

### **13 General functions of probation liaison committees.**

- (1) It is the duty of a probation liaison committee for an area outside the inner London probation 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.
- (2) It is the duty of any probation liaison committee appointed for an area within the inner London probation area to exercise functions conferred on probation liaison committees for areas outside that probation area, to such extent and in such cases as may be determined by the probation committee for that probation area.

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### *Probation officers*

#### **14 General functions of probation officers.**

It is the duty of probation officers—

- (a) to supervise the probationers and other persons placed under their supervision and to advise, assist and befriend them;
- (b) with a view to assisting the court in determining the most suitable method of dealing with a person's case, to inquire (in accordance with any directions of the court) into, and make reports on, his circumstances or home surroundings;
- (c) to advise, assist and befriend, in such cases and in such manner as may be prescribed, persons who have been released from custody; and
- (d) to perform such other duties as may be prescribed.

#### **15 Conditions of service.**

The conditions of service of probation officers shall be such as the Secretary of State may from time to time determine.

#### **16 Adjustment of expenses between probation committees.**

- (1) Where a probation officer is appointed for more than one probation area—
  - (a) his salary and any expenses incurred by him or by a probation committee in respect of the performance of his duties; and
  - (b) any expenses incurred in respect of a superannuation allowance, gratuity or compensation payable under any regulations under section 7 of the <sup>M4</sup>Superannuation Act 1972 to or in respect of that officer or any clerk appointed to assist him,

shall be apportioned between the probation committees for the areas for which he is appointed in such manner as may be agreed between those committees or (in default of agreement) determined by the Secretary of State.
- (2) Before any agreement is made under this section, the committees concerned shall consult the responsible authorities for the probation areas concerned.

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#### **Marginal Citations**

**M4** 1972 c. 11.

### *Probation committee expenditure*

#### **17 Probation committee expenditure: general.**

- (1) The qualifying expenses of probation committees shall, subject to subsections (4) and (5), be paid out of the metropolitan police fund or defrayed by local authorities in accordance with sections 18 and 19.
- (2) In this Act any reference to the qualifying expenses of a probation committee is a reference to any expenses incurred by them in the performance of their functions other

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than any expenses incurred by them in providing and carrying on bail hostels and probation hostels.

- (3) Without prejudice to the generality of subsection (2), the expenses falling within that subsection include—
- (a) the payment of allowances due under paragraph 10 of Schedule 1; and
  - (b) any expenses incurred by the committee in respect of superannuation allowances, gratuities or compensation payable by virtue of regulations under section 7 of the <sup>M5</sup>Superannuation Act 1972 to or in respect of probation officers and clerks appointed to assist them.
- (4) Nothing in section 18 or 19 requires—
- (a) there to be paid out of the metropolitan police fund any sums which would cause the expenditure under this Act out of that fund in any year to exceed the amount which, in relation to that expenditure and that year, is the relevant amount for that fund; or
  - (b) any local authority to defray any sums which would cause its expenditure under this Act in any year to exceed the amount which, in relation to that expenditure and that year, is the relevant amount for that authority.
- (5) In subsection (4) the “relevant amount”, for any year, is the amount which, in relation to expenditure out of the metropolitan police fund or expenditure of any local authority, is for the time being determined for that year by the Secretary of State under section 21(1)(b).
- (6) References in this section to a local authority do not include a reference to the Receiver.

#### **Marginal Citations**

**M5** 1972 c. 11.

### **18 Expenditure of the inner London probation committee.**

- (1) Such sums as the Secretary of State may direct to meet the qualifying expenses of the probation committee for the inner London probation area—
- (a) shall be partly paid out of the metropolitan police fund and partly defrayed by any responsible authority for the inner London probation area (other than the Receiver); and
  - (b) shall be paid or defrayed in such proportions as may be agreed between the Receiver and the other responsible authority or authorities or (in default of agreement) determined by the Secretary of State.
- (2) If the inner London probation area does not include any petty sessions area outside the inner London area, the sums mentioned in subsection (1) shall be paid out of the metropolitan police fund.

### **19 Expenditure of probation committees outside inner London.**

- (1) The sums required to meet the qualifying expenses of a probation committee (other than the committee for the inner London probation area) shall be defrayed, in accordance with rules made under this Act, by the responsible authority or authorities for that area.

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- (2) Where there are two or more responsible authorities for a probation area, the sums to be defrayed shall be apportioned between those authorities—
- (a) where all or any of them are councils of metropolitan districts or outer London boroughs, in proportion to the populations of their respective areas; and
  - (b) in any other case, in such manner as may be agreed between them or (in default of agreement) determined by the Secretary of State.

*Grants by the Secretary of State*

**20 Grants by the Secretary of State: general.**

- (1) The Secretary of State may pay such sums as he may, with the approval of the Treasury, determine, for any purpose mentioned in subsection (2).
- (2) Payments under this section may be made—
  - (a) towards the expenditure of local authorities, and the expenditure out of the metropolitan police fund, under this Act;
  - (b) towards the expenditure of probation committees in providing and carrying on bail hostels and probation hostels under section 7;
  - (c) towards the expenditure of any society or person in enlarging, improving or carrying on any premises which are or will be a bail hostel or an approved probation hostel;
  - (d) towards the expenditure of any society or individual engaged in supervising or assisting—
    - (i) persons convicted of offences with a view to their rehabilitation; or
    - (ii) persons on bail;
  - (e) towards the expenditure of any body approved by the Secretary of State in the training of probation officers (or of persons for appointment as probation officers);
  - (f) towards the expenditure of any body approved by the Secretary of State in the training of persons serving in approved bail hostels, in approved probation hostels or in any other place in which offenders or persons awaiting trial may be detained (or in the training of persons for appointment to serve in any such hostel or place);
  - (g) towards the expenditure of any body or person approved by the Secretary of State in the conduct of research into the causes of delinquency and the treatment of offenders, and matters connected therewith.
- (3) Payments under this section may be made subject to such conditions as the Secretary of State may, with the approval of the Treasury, determine.
- (4) This section has effect subject to section 21 (limits on payments) and section 22 (supplementary provisions).

**21 Limits on payments under section 20.**

- (1) The amount of any payments under section 20 towards any person's expenditure, or towards any expenditure out of the metropolitan police fund, in any year shall not exceed the appropriate percentage of—
  - (a) that expenditure, or



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(b) the amount which, in relation to that expenditure and that year, is for the time being determined by the Secretary of State, whichever is the less.

(2) In subsection (1) “the appropriate percentage”, in relation to expenditure of any description, means the percentage which, in relation to expenditure of that description, is for the time being determined by the Secretary of State.

## **22 Grants under section 20: supplementary.**

(1) The conditions subject to which any sums are paid to a probation committee under section 20(2)(b) may include conditions for securing the repayment in whole or part of the sums received by the committee if the hostel in question ceases to be used as such.

(2) The conditions subject to which any sums are paid to any society or person under section 20(2)(c) may include conditions for securing the repayment in whole or part of the sums received by the society or person—

- (a) where the sums are paid in respect of a bail hostel, if it ceases to be used as such;
- (b) where the sums are paid in respect of an approved probation hostel, if it ceases to be approved;

and the managers and any persons who are trustees of any property of the hostel may, notwithstanding anything in the constitution of the hostel or of the managers thereof or in the trusts (if any) to which any such property is subject, accept such sums on those conditions and exercise all powers necessary to fulfil them.

(3) The Secretary of State may, with the consent of the Treasury, make regulations providing for the deduction from any sums which would otherwise be paid to local authorities under section 20 of this Act or under the <sup>M6</sup>Children and Young Persons Act 1933, of such amounts as may be prescribed by the regulations in respect of expenditure incurred by the Secretary of State—

- (a) in the training of probation officers or persons serving in approved bail hostels or approved probation hostels (or the training of persons for appointment as probation officers or to serve in such hostels);
- (b) in making any payments under section 20(2)(c) or (e);
- (c) in making payments under section 20(2)(f) in respect of expenditure incurred in the training of persons serving in approved bail hostels or approved probation hostels (or the training of persons for appointment to serve in such hostels);

but the sums to be deducted in respect of any such expenditure shall not exceed half that expenditure.

### **Marginal Citations**

**M6** 1933 c.12.

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### *Inspectors of probation*

#### **23 Appointment of inspectors of probation.**

- (1) The Secretary of State may appoint such number of inspectors of probation (to be known collectively as “Her Majesty’s Inspectorate of Probation”) as he may with the approval of the Treasury determine.
- (2) The Secretary of State shall appoint one of the persons so appointed to be Her Majesty’s Chief Inspector of Probation.
- (3) The Secretary of State shall make to or in respect of inspectors of probation such payments by way of remuneration, allowances or otherwise as he may with the approval of the Treasury determine.

#### **24 Functions of inspectors of probation.**

It is the duty of the inspectors appointed under section 23—

- (a) to inspect and report to the Secretary of State on the probation service for each probation area and the activities carried out by or on behalf of that service; and
- (b) to discharge such other functions in connection with the provision of probation or related services (whether or not provided by or on behalf of the probation service for any area) as the Secretary of State may from time to time direct.

### *Miscellaneous and supplemental*

#### **25 Probation rules.**

- (1) The Secretary of State may make rules—
  - (a) regulating the constitution, procedure, powers and duties of probation committees and probation liaison committees and the expenses which may be incurred by them and the manner in which those expenses are to be defrayed;
  - (b) limiting the number of staff of probation committees (other than probation officers) who may be appointed;
  - (c) regulating the qualifications, manner of appointment and duties of probation officers;
  - (d) prescribing anything else which under this Act may be prescribed.
- (2) Nothing in any rules made under this section with respect to the constitution, procedure, powers and duties of probation liaison committees shall apply to a committee for an area within the inner London probation area, except in so far as may be determined under section 13(2) by the probation committee for that area.

#### **26 Regulation of community orders.**

- (1) The Secretary of State may make rules for regulating—
  - (a) the supervision of persons subject to probation orders;
  - (b) the arrangements to be made under this Act for persons subject to community service orders to perform work and the performance of such work.
- (2) Rules under subsection (1) may, without prejudice to the generality of that subsection, regulate the functions of—

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- (a) probation officers who are responsible for the supervision of offenders subject to probation orders; and
  - (b) probation officers or other persons who are, in relation to persons subject to community service orders, relevant officers within the meaning of section 14(4) of the <sup>M7</sup>Powers of Criminal Courts Act 1973.
- (3) Rules under subsection (1)(b) above may in particular make provision—
- (a) limiting the number of hours of work to be done by a person on any one day;
  - (b) as to the reckoning of hours worked and the keeping of work records; and
  - (c) for the payment of travelling and other expenses in connection with the performance of work.

#### Marginal Citations

M7 1973 c. 62.

### 27 Power of Secretary of State to approve and regulate bail hostels and probation hostels.

- (1) The Secretary of State may approve bail hostels and probation hostels (to be known as “approved bail hostels” or, as the case may be, “approved probation hostels”).
- (2) The Secretary of State may make rules for the regulation, management and inspection of approved bail hostels and approved probation hostels.
- (3) Rules under this section may not require the Secretary of State’s consent to a person’s appointment to be in charge of an approved bail hostel or an approved probation hostel.

### 28 Delegation of functions.

- (1) A probation committee may 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.
- (2) The number of co-opted members of such a sub-committee shall not exceed the number of its members who are members of the probation committee.
- (3) A probation liaison committee may delegate all or any of their functions to a sub-committee consisting of members of the committee.

### 29 Meaning of “responsible authority” etc.

- (1) The following are responsible authorities for the purposes of this Act—
  - (a) for the inner London probation area, the Receiver and any other local authority in whose area is situated any petty sessions area outside the inner London area which is included in that probation area; and
  - (b) for any other probation area, any local authority in whose area is situated the probation area or any petty sessions area included in that area.
- (2) In this Act “local authority” means the council of a non-metropolitan county, the council of a metropolitan district, the council of an outer London borough and the Common Council of the City of London.

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- (3) This Act applies to the Receiver as if he were a local authority and any sums required to be paid out of the metropolitan police fund were required to be defrayed by him; and any payment received by him under this Act shall be paid into that fund.

### 30 Interpretation.

- (1) In this Act, except so far as the context otherwise requires—
- “bail hostel” means premises for the accommodation of persons remanded on bail and “approved bail hostel” means a bail hostel approved under section 27;
  - “community service order” means an order under section 14(1) of the <sup>M8</sup>Powers of Criminal Courts Act 1973;
  - “inner London area” has the same meaning as in the <sup>M9</sup>Justices of the Peace Act 1979;
  - “inner London probation area” has the meaning given by section 2(3);
  - “local authority” has the meaning given by section 29;
  - “prescribed” means prescribed by rules made under section 25;
  - “probation hostel” means premises for the accommodation of persons who may be required to reside there by a probation order” and “approved probation hostel” means a probation hostel approved under section 27;
  - “probation order” means an order made under section 2 of the <sup>M10</sup>Powers of Criminal Courts Act 1973;
  - “qualifying expenses”, in relation to a probation committee, has the meaning given by section 17(2);
  - “the Receiver” means the Receiver for the metropolitan police district; and
  - “responsible authority” has the meaning given by section 29(1).
- (2) A combination order under section 11 of the <sup>M11</sup>Criminal Justice Act 1991 shall be treated for the purposes of this Act as if it were a probation order (so far as it imposes requirements to be under the supervision of a probation officer) and as if it were a community service order (so far as it imposes requirements to perform unpaid work).
- (3) For the purposes of sections 10 and 19 the population of an area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to such date as the Secretary of State may from time to time direct.

#### Marginal Citations

- M8** 1973 c. 62.  
**M9** 1979 c. 55.  
**M10** 1973 c. 62.  
**M11** 1991 c. 53.

### 31 Rules and orders.

- (1) Any power of the Secretary of State under this Act to make rules or an order (except an order under section 11) is exercisable by statutory instrument.

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- (2) Any statutory instrument containing such rules or such an order (except rules under section 27 or an order under section 2) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**32 Transitional provisions, consequential amendments and repeals.**

- (1) Schedule 2 to this Act (transitional provisions) has effect.
- (2) The enactments specified in Schedule 3 to this Act (consequential amendments) have effect subject to the amendments set out in that Schedule.
- (3) The enactments specified in Schedule 4 to this Act are repealed to the extent specified.

**33 Short title, commencement and extent.**

- (1) This Act may be cited as the Probation Service Act 1993.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act does not extend to Scotland or Northern Ireland.

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## SCHEDULES

### SCHEDULE 1

Sections 3 and 12.

#### PROBATION COMMITTEES AND PROBATION LIAISON COMMITTEES

##### *Membership of probation committees*

- 1 (1) The probation committee for the inner London probation area shall consist of—
- (a) the specified number of metropolitan stipendiary magistrates, nominated by the chief metropolitan stipendiary magistrate;
  - (b) the specified number of justices (not being metropolitan stipendiary magistrates), chosen in such manner as may be specified by such of the justices acting for the petty sessions areas of the inner London probation area as are not metropolitan stipendiary magistrates;
  - (c) the specified number of members of the youth courts panel for the inner London area and the City of London, chosen in such manner as may be specified.
- (2) The probation committee for any other probation area constituted by an order under section 2 shall consist of the specified number of justices, chosen by the justices acting for the petty sessions areas comprised in that area in such manner as may be specified.
- (3) In this paragraph “specified” means specified in an order under section 2 constituting the probation area in question.
- 2 The probation committee for a probation area which is one petty sessions area shall consist of the prescribed number of justices chosen by the justices acting for that petty sessions area in the prescribed manner.
- 3 (1) The Lord Chancellor may, if he thinks fit, appoint one or more judges of the Crown Court (being judges of the High Court, Circuit judges or Recorders) to be members of the probation committee for any area.
- (2) A person appointed under this paragraph shall hold office in accordance with the terms of his appointment.

##### *Membership of probation liaison committees*

- 4 (1) A probation liaison committee for any petty sessions area outside the inner London probation area shall consist—
- (a) if that area is a probation area, of the probation committee; or

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- (b) in any other case, of not less than three justices chosen by the justices acting for that area.
- (2) A joint probation liaison committee established under section 12(3) shall consist of not less than three justices chosen by the justices acting for each of the petty sessions areas.
- 5 A probation liaison committee appointed for any area in the inner London probation area shall be constituted in such manner as the probation committee for the inner London probation area may determine.

#### *Co-option of members of committees*

- 6 (1) Any probation committee and any probation liaison committee (not being itself a probation committee) may under this paragraph co-opt such number of persons, not exceeding one-third of the number of members of the committee, as they think fit.
- (2) This paragraph does not apply to any probation liaison committee for an area within the inner London probation area.
- (3) No person who is a justice of the peace for any county in which the probation area or any part of it is situated or which is wholly or partly comprised in that area may be co-opted under this paragraph.
- (4) The reference in sub-paragraph (3) to a county includes a reference to any London commission area (within the meaning of the <sup>M12</sup>Justices of the Peace Act 1979) or the City of London.

#### **Marginal Citations**

**M12** 1979 c. 55.

- 7 A probation committee may also co-opt one or more justices with experience of sitting as members of the Crown Court and one or more stipendiary magistrates appointed in a commission area which is the same as or is situated within the probation area.
- 8 (1) The Secretary of State may by order provide that the probation committee for any probation area shall co-opt members of the responsible authority, or any of the responsible authorities, for that area.
- (2) The order may contain such consequential, supplementary or transitional provision as appears to the Secretary of State to be necessary or expedient in consequence of the order, including provision for such repeals in or modifications of this Act as appear to him to be necessary or expedient in consequence of it.
- (3) Without prejudice to the generality of sub-paragraph (2), the order—
- (a) may specify, either as a number or as a proportion of the members of the committee, how many persons may be co-opted to a committee and, where

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- there are two or more responsible authorities for a probation area, how many persons may be co-opted from each of them;
- (b) may provide for the procedure for co-opting persons to be followed by a committee;
- (c) may require specified consultations to be carried out before persons are co-opted; and
- (d) may disqualify persons of specified descriptions from being co-opted.
- (4) An order under this paragraph may make different provision for different committees.
- 9 (1) The probation committee for any probation area which is situated in the areas of two or more local authorities all or any of which are councils of metropolitan districts or outer London boroughs shall co-opt—
- (a) one member from among the members of each responsible authority for that probation area; or
- (b) such greater numbers of members as may be specified for any such authority by an order made by the Secretary of State;
- and the member or members to be co-opted shall be chosen by the committee after consultation with those authorities in such manner as the Secretary of State may by order direct.
- (2) A probation committee shall not co-opt any person under this paragraph who is an employee of that committee.
- (3) The number of members of a committee co-opted under this paragraph together with any members co-opted or appointed under paragraph 6 shall not exceed one-third of the number of members of the committee.

*Allowances payable to members*

- 10 (1) A member of a probation committee or probation liaison committee is entitled to receive—
- (a) payments by way of travelling allowance where expenditure on travelling is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a member,
- (b) payments by way of subsistence allowance where expenditure on subsistence is necessarily incurred by him for that purpose,
- (c) payments 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 enactments relating to social security which he would otherwise have made or received,
- at rates determined by the Secretary of State with the approval of the Treasury.
- (2) This paragraph does not apply in relation to a member of a probation liaison committee for an area within the inner London probation area.



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- 11 Without prejudice to the generality of section 25, rules under that section may make provision as to the manner in which paragraph 10 is to be administered and in particular may make provision for—
- (a) prescribing 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 any other arrangements where expenditure is incurred for more than one purpose, and otherwise for preventing abuses.

## SCHEDULE 2

Section 32.

### TRANSITIONAL PROVISIONS

#### *Continuity of the Law*

- 1 The substitution of this Act for the enactments repealed by this Act does not affect the continuity of the law.
- 2 Anything done (including subordinate legislation made) or having effect as done, under a provision reproduced in this Act shall have effect as if done under the corresponding provision of this Act.
- 3 References (express or implied) in this Act or any other enactment, instrument or document to a provision of this Act shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes before the commencement of this Act, as being, or as the case may require including, a reference to corresponding earlier provisions.
- 4 A reference (express or implied) in any enactment, instrument or other document to a provision reproduced in this Act shall (subject to any express amendment made by this Act) be construed, so far as is required for continuing its effect, as being or as the case may require as including a reference to the corresponding provision of this Act.

#### *General saving for old transitional provisions and savings*

- 5 (1) The repeal by this Act of a transitional provision or saving relating to the coming into force of a provision reproduced in this Act does not affect the operation of the transitional provision or saving, in so far as it is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act.

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*Changes to legislation: There are currently no known outstanding effects for the Probation Service Act 1993 (repealed). (See end of Document for details)*

- (2) The repeal by this Act of a saving on the previous repeal of an enactment does not affect the operation of the saving so far as it is not specifically reproduced in this Act but remains capable of having effect.

*Things done by probation committees before incorporation*

- 6 The repeal of paragraph 2(5) of Schedule 3 to the <sup>M13</sup>Powers of Criminal Courts Act 1973 (contracts made or other things done by a probation committee before incorporation by virtue of the Justices of the Peace Act 1949) does not affect any property, rights or liabilities in relation to which it (or the corresponding provision of that Act of 1949) had effect.

**Marginal Citations**

**M13** 1973 c. 62.

*Employees of probation committees*

- 7 The repeal of paragraph 3(4) of Schedule 3 to the Powers of Criminal Courts Act 1973 (employees of probation committee to be treated for certain purposes as if they were employees of justices) does not affect any provision to which it applied immediately before the commencement of this Act.

SCHEDULE 3

Section 32.

CONSEQUENTIAL AMENDMENTS

*Adaptation of expressions relating to probation service*

- 1 In any enactments amended by section 65(1) of the <sup>M14</sup>Criminal Justice Act 1982 (probation and after-care) which are not repealed by this Act, the designations “probation area”, “probation committee” and “probation service” shall continue to be substituted for the previous designations, notwithstanding the repeal by this Act of that section.

**Marginal Citations**

**M14** 1982 c. 48.

*Metropolitan Magistrates’ Courts Act 1959 (c.45)*

- 2 (1) The Metropolitan Magistrates’ Courts Act 1959 shall be amended as follows.

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*Changes to legislation: There are currently no known outstanding effects for the Probation Service Act 1993 (repealed). (See end of Document for details)*

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- (2) In section 3 (power of Receiver for the Metropolitan Police District to provide premises for probation purposes)—
- (a) in subsection (1), for the words “inner London area”, in the first place they appear, there shall be substituted the words “ inner London probation area ”;
  - (b) in subsection (2), for the words from “subsection (3)” to the end there shall be substituted the words “ section 20(2)(a) of the Probation Service Act 1993 (grants by the Secretary of State towards expenditure out of the metropolitan police fund under that Act) shall have effect as if the reference in subsection (1)(a) to the said Act included a reference to this section. ”
- (3) In section 4(2) (maximum permitted security for borrowing powers of Receiver), for the words “inner London area” in the second place they appear there shall be substituted the words “ inner London probation area ”.

*Children and Young Persons Act 1969 (c.54)*

- 3 (1) The Children and Young Persons Act 1969 shall be amended as follows.
- (2) In section 13 (selection of supervisor)—
- (a) in subsection (2), for the words from “on probation officers” to the end there shall be substituted the words “ on probation officers by section 14, or by rules under section 25(1)(c), of the Probation Service Act 1993 ”;
  - (b) in subsection (3), for the words “made by” to the end there shall be substituted the words “ made under section 4(1)(d) of the Probation Service Act 1993 (arrangements made by probation committee) ”.
- (3) In section 46 (discontinuance of certain institutions), in subsection (1), for the words from “or approved probation home” to “1973” there shall be substituted the words “ within the meaning of the Probation Service Act 1993 ”.
- (4) In Schedule 3 (approved schools etc.)—
- (a) in paragraphs 6(1) and 9(2), for the words “section 51 of the Powers of Criminal Courts Act 1973” there shall be substituted the words “ section 20 of the Probation Service Act 1993 ”;
  - (b) in paragraph 9(4), for the words “Schedule 3 to the Powers of Criminal Courts Act 1973” there shall be substituted the words “ the Probation Service Act 1993 ”;
  - (c) in paragraph 10(4), after the word “1973” there shall be inserted the words “ or under section 20 of the Probation Service Act 1993 ”.

*Local Government Act 1972 (c.70)*

- 4 In paragraph 2(b) of Schedule 12A to the Local Government Act 1972 (exempt information), for the words from “appointed” to “1973” there shall be substituted the words “ within the meaning of the Probation Service Act 1993 ”.

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*Juries Act 1974 (c.23)*

- 5 In group B of Part I of Schedule 1 to the Juries Act 1974 (ineligible persons connected with administration of justice), for the words “Powers of Criminal Courts Act 1973” there shall be substituted the words “ Probation Service Act 1993 ”.

*Local Government Finance Act 1982 (c.32)*

- 6 In paragraph (1) of section 12(2) of the Local Government Finance Act 1982 (bodies whose accounts are subject to audit), for the words “inner London area” there shall be substituted the words “ inner London probation area ”.

*Mental Health Act 1983 (c.20)*

- 7 In subsection (3)(e) of section 134 of the Mental Health Act 1983 (correspondence of patients), for the words from “probation” to “1973” there shall be substituted the words “ probation committee (within the meaning of the Probation Service Act 1993); ”.

*Local Government Act 1988 (c.9)*

- 8 In Schedule 2 to the Local Government Act 1988 (bodies which are public authorities for purposes of provisions relating to public supply or works contracts), for the entry relating to probation committees there shall be substituted the following entry— “ A probation committee (within the meaning of the Probation Service Act 1993). ”

*Children Act 1989 (c.41)*

- 9 (1) The Children Act 1989 shall be amended as follows.
- (2) In section 58 (compensation on cessation etc. of community home), in subsection (4) (b), after the words “section 51(3)(c) of the Powers of Criminal Courts Act 1973” there shall be inserted the words “ or section 20(1)(c) of the Probation Service Act 1993 ”.
- (3) In Schedule 3 (supervision orders), in paragraph 9(2)(b) for the words following “probation officers” there shall be substituted the words “ by section 14, or by rules under section 25(2)(c), of the Probation Service Act 1993. ”

*Criminal Justice Act 1991 (c.53)*

- 10 In subsection (1)(d) of section 15 of the Criminal Justice Act 1991 (regulation of community orders), for the words “paragraphs (a) to (c)” there shall be substituted

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the words “ paragraph (c) ” and for the words “those paragraphs” there shall be substituted the words “ that paragraph ”.

#### SCHEDULE 4

Section 32.

##### REPEALS

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1971 c. 23.	Courts Act 1971.	In section 53, in subsection (6), the words “subsection (2)” and “probation and after care committee” and, in subsection (7), paragraph (a).
1973 c. 62.	Powers of Criminal Courts Act 1973.	Section 47. Section 49. In section 51, in subsection (1), paragraph (a) and subsections (2) to (8). In section 54, in subsection (3), the words “to rules under section 49 of this Act nor” and “or paragraph 1 of Schedule 3 to” and, in subsection (4), the words from “and an order” to the end. Schedule 3. In Schedule 4, paragraph 2. In Schedule 5, paragraphs 10, 14, 35, 36, 37, 38 and 41.
1974 c. 23.	Juries Act 1974.	In Schedule 1, in Group B of Part I, the words “probation home”.
1977 c. 45.	Criminal Law Act 1977.	In Schedule 12, in the entry relating to the Powers of Criminal Courts Act 1973, paragraphs 6, 7, 8, 9 and 11.
1982 c. 48.	Criminal Justice Act 1982.	Section 65. Schedule 11. In Schedule 17, paragraphs 16 and 17.
1985 c. 51.	Local Government Act 1985.	Section 15.
1988 c. 33.	Criminal Justice Act 1988.	Section 132. Schedule 11. In Schedule 15, paragraphs 42 and 105.

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1989 c. 41.	Children Act 1989.	In Schedule 13, paragraph 34.
1991 c. 53.	Criminal Justice Act 1991.	In section 15, in subsection (1), paragraphs (a) and (b), subsection (2) and subsection (4). Sections 73 to 75. Section 94. Sections 96 and 97. In section 98(a), the words from “or payments” to the end. In Schedule 11, paragraph 17.

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**Status:**

Point in time view as at 05/02/1994.

**Changes to legislation:**

There are currently no known outstanding effects for the Probation Service Act 1993 (repealed).