

## SCHEDULES

### THIRD SCHEDULE

Section 11.

#### ADMINISTRATIVE PROVISIONS AS TO PROBATION

##### *Probation Areas*

- 1 (1) Subject as hereinafter provided each large burgh and each county inclusive of every small burgh situate therein shall be a probation area:
- Provided that the Secretary of State, if the circumstances seem to him to render such a course expedient, may by order direct that any two or more of the areas aforesaid be combined in whole or in part to form one probation area or that any county (inclusive as aforesaid) be divided into two or more probation areas.
- (2) Before making an order under the preceding sub-paragraph, the Secretary of State shall give to each sheriff having jurisdiction in any part of the area to which the proposed order will apply and to the council of any county or burgh to which the proposed order will apply, an opportunity of making any representations which they may desire to make with respect to the proposed order.
- (3) An order made under sub-paragraph (1) of this paragraph may be amended or revoked by a subsequent order and the provisions of sub-paragraph (2) of this paragraph shall apply in relation to any such subsequent order.

##### *Probation and Case Committees*

- 2 (1) There shall be a probation committee for each probation area.
- (2) The probation committee shall consist (in addition to the ex officio members under the next succeeding sub-paragraph) of such number of persons as may be prescribed (not being less than five nor, except where in the opinion of the Secretary of State the circumstances of the area otherwise require, more than fifteen), and such persons (of whom at least one shall be a woman) shall be appointed, in accordance with rules made by the Secretary of State, by the local authority for the probation area, or where the probation area comprises in whole or in part the areas of two or more local authorities, by those local authorities.
- (3) The sheriff of each county wholly or partly comprised in a probation area, and any one or more sheriffs-substitute having jurisdiction in any such county whom the sheriff may nominate for the purpose, and the stipendiary magistrate for any burgh wholly or partly comprised in a probation area shall be members ex officio of the probation committee for that area.
- 3 (1) It shall be the duty of every probation committee—
- (a) to appoint sufficient salaried probation officers for their probation area, 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;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) to pay to the probation officers appointed for their area such remuneration, allowances and expenses as may be prescribed;
  - (c) to provide for the efficient carrying out of the work of probation officers and to supervise such work and to receive reports by such officers;
  - (d) to make such payments and to such persons as may be prescribed in respect of persons under the supervision of probation officers, being persons required by a probation order or supervision order to reside in any place otherwise than for the purpose of their submitting to treatment for their mental condition as voluntary or resident patients; and
  - (e) to perform such other duties in connection with the work of probation officers as may be prescribed.
- (2) Nothing in the last foregoing sub-paragraph shall require the probation committee for any area to appoint a whole-time probation officer for any area if it is shown to the satisfaction of the Secretary of State that such appointment is unnecessary.
- (3) The same person may be appointed to be a salaried probation officer for two or more probation areas.
- (4) It shall be competent for a probation committee to appoint in accordance with rules made by the Secretary of State one or more case committees and to delegate thereto any of their functions relating to the supervision of the work of probation officers.
- (5) A probation committee may, in such cases and in such manner as may be prescribed, give financial and other assistance to persons under the supervision of probation officers appointed for their area.

#### *Duties of Probation Officers*

- 4 It shall be the duty of probation officers to supervise the probationers and other persons placed under their supervision and to advise, assist and befriend them; to inquire, in accordance with any directions of the court, into the circumstances or home surroundings of any person with a view to assisting the court in determining the most suitable method of dealing with his case; to advise, assist and befriend, in such cases and in such manner as may be prescribed, persons who have been released from custody; and to perform such other duties as may be prescribed or may be imposed by any enactment.

#### *Selection of Probation Officers*

- 5 (1) Where the circumstances permit, the court shall nominate a probation officer who is a woman to supervise a female offender.
- (2) The court by which a probation order has been made, shall where the probation officer named in the order dies or is unable for any reason to carry out his duties, or where the court for any reason considers it desirable that another probation officer should be nominated in place of the officer named in the order, nominate another probation officer to act under the order.
- (3) The foregoing provisions of this paragraph shall with any necessary modifications apply to the appropriate court in like manner as they apply to the court by which a probation order was made.

### *Expenses*

- 6 (1) The sums required to meet any expenses incurred by a probation committee under the Local Government Act, 1948, or under the provisions of this Schedule, or in accordance with rules made thereunder or in respect of (a) the remuneration or expenses of any probation officer or any clerk appointed to assist a probation officer in the performance of his duty or (b) the inclusion of any salaried whole-time probation officer or any such clerk as aforesaid in a superannuation fund maintained under the Local Government Superannuation (Scotland) Act, 1937, or under a local Act scheme within the meaning of that Act, shall be defrayed in accordance with rules made under this Schedule by the local authority in whose area the probation area is situated.
- (2) Where a probation officer is appointed for more than one probation area, any expenses incurred under this Schedule in respect of the remuneration, expenses or superannuation of such officer or of any clerk appointed to assist him in the performance of his duty shall be apportioned between the probation committees for the several probation areas for which he is appointed, in such manner as may be agreed upon by the probation committees after consultation with the local authorities affected, or, in default of agreement, according to the rateable valuation in the valuation rolls of the respective probation areas.
- (3) Where a probation area is situated in the area of two or more local authorities, the sums to be defrayed as aforesaid shall be apportioned between the several authorities in such manner as may be agreed upon between them, or, in default of agreement according to the rateable valuation in the valuation rolls of the respective areas of the local authorities so far as within the probation area.

### *General*

- 7 The Secretary of State may make rules—
- (a) regulating the constitution, procedure, powers and duties of probation committees and case committees and the appointment and tenure of office of the members thereof;
  - (b) regulating the qualifications, manner of appointment, conditions of service and duties of probation officers;
  - (c) fixing scales of salaries and remuneration of salaried probation officers, and of expenses to be allowed to salaried and voluntary probation officers;
  - (d) regulating the expenditure which may be incurred by probation and case committees and the manner in which such expenditure is to be defrayed;
  - (e) requiring probation committees to furnish reports with respect to the work or duties of their probation officers;
  - (f) empowering local authorities to appoint the clerk and other officers (other than probation officers) of probation committees;
  - (g) for the auditing of the accounts of probation committees; and
  - (h) for prescribing anything else which under the provisions of this Schedule may be prescribed.
- 8 In this Schedule—
- the expressions " county " and " county council " mean, in the case of counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Local Government (Scotland) Act, 1947, the combined county and the joint county council;

---

**Status:** *This is the original version (as it was originally enacted).*

---

the expression " local authority " means in the case of a large burgh, the town council and in the case of a county inclusive of any small burgh situate therein, the county council;

the expression " prescribed " means prescribed by rules made by the Secretary of State;

the expression " sheriff " does not include sheriff substitute.