

## SCHEDULES

### SCHEDULE 3

#### THE PROBATION AND AFTER-CARE SERVICE AND ITS FUNCTIONS

##### PART I

##### THE PROBATION AND AFTER-CARE SERVICE

###### *Probation and after-care areas*

- 1 (1) Subject to the following provisions of this paragraph, if the Secretary of State is of opinion, either upon consideration of proposals submitted to him by a magistrates' courts committee for a county or without any such proposals, that it is expedient that any two or more petty sessions areas should form one probation and after-care area, he may make an order to that effect; and the order may contain such incidental and consequential provisions as appear to the Secretary of State to be expedient for the purposes of the order.
- (2) Before making an order under sub-paragraph (1) above the Secretary of State shall give to the justices acting for any petty sessions area affected by the order an opportunity of making to him any representations which they may desire to make with respect to the order, and shall consider any representations made by them.
- (3) The Secretary of State shall make provision by order under sub-paragraph (1) above for combining in one probation and aftercare area all of the petty sessional divisions of the inner London area.
- (4) The City of London shall not be included in a probation and after-care area constituted by an order made under sub-paragraph (1) above.
- (5) Every petty sessions area which is not included in a probation and after-care area by virtue of an order made under sub-paragraph (1) above shall itself constitute a probation and after-care area.

###### *Probation and after-care committees*

- 2 (1) For every probation and after-care area there shall be a probation and after-care committee, which shall be a body corporate.
- (2) Subject to the following provisions of this paragraph and to the provisions of paragraphs 6 and 7 below, a probation and aftercare committee for any area shall consist—
- (a) if that area comprises more than one petty sessions area, of such number of justices as may be specified by the order under paragraph 1(1) above, appointed in the manner so specified by the justices acting for the several petty sessions areas comprised in that area ;

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- (b) if that area is one petty sessions area, of a prescribed number of justices appointed in the prescribed manner by the justices acting for that petty sessions area.
- (3) Sub-paragraph (2) above shall not apply to the probation and after-care committee for the inner London area, but that committee shall, subject to the provisions of sub-paragraph (4) below and of paragraphs 6 and 7 below, consist—
- (a) of such number of metropolitan stipendiary magistrates, nominated by the chief metropolitan stipendiary magistrate, as may be specified by the order under paragraph 1(1) above ;
  - (b) of such number as may be so specified of lay justices for the petty sessional divisions of the area, chosen, in such manner as may be so specified, by the lay justices for those divisions ;
  - (c) of such number as may be so specified of the members of the juvenile courts panel for the inner London area and the City of London, chosen in such manner as may be so specified.
- (4) The Lord Chancellor may, if he thinks fit, appoint—
- (a) one or more judges of the Crown Court (being judges of the High Court, Circuit judges or Recorders) ; and
  - (b) one or more justices with experience of sitting as members of the Crown Court;
- to be members of the probation and after-care committee for any area, and any person so appointed shall hold office in accordance with the terms of his appointment.
- (5) Any contract made or other thing done by or on behalf of a probation and after-care committee before it became, by virtue of section 37 of the Justices of the Peace Act 1949, a body corporate, shall have effect as if made or done by or on behalf of the body corporate constituted by sub-paragraph (1) above.
- 3 (1) It shall be the duty of every probation and after-care committee—
- (a) to appoint sufficient probation officers for their probation and after-care 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, and to ensure that at least one probation officer who is a man and one probation officer who is a woman shall be appointed for or assigned by the committee to each petty sessions area ;
  - (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 ;
  - (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 to reside in any place otherwise than for the purpose of their submitting to treatment for their mental condition as resident patients ; and
  - (e) to perform such other duties in connection with the work of probation officers as may be prescribed.
- (2) A probation and after-care 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.

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- (3) A probation and after-care committee may, with the approval of the Secretary of State, 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 ; but so that the number of co-opted members of the sub-committee shall not exceed the number of its members who are members of the committee.
- (4) Notwithstanding that, by virtue of paragraph 2(1) above, a probation and after-care committee is a body corporate, any provision applying to employees of justices shall, unless the contrary intention appears, apply to employees of a probation and after-care committee.

#### *Case committees*

- 4 (1) For every petty sessions area outside the inner London area there shall be one or more committees, to be called " case committees ", and every such committee shall, subject to paragraphs 6 and 7 below, consist—
  - (a) if the petty sessions area is a separate probation and after-care area, of the probation and after-care committee ;
  - (b) in any other case, of a prescribed number of justices appointed by the justices acting for that petty sessions area.
- (2) It shall be the duty of case committees for areas outside the inner London 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.
- (3) Rules made under this Schedule relating to the procedure of case committees may provide, as respects case committees for areas outside the inner London area, that some only of the members of a case committee shall be summoned to deal with any particular case or class of cases.
- (4) A probation and after-care committee for any area outside the inner London area shall pay any expenses incurred in accordance with rules made by the Secretary of State under this Schedule by a case committee for a petty sessions area in their probation and aftercare area, and any allowances under paragraph 13 below to members of any such committee.
- 5 (1) The probation and after-care committee for the inner London area may appoint such case committees, constituted in such manner and for such areas within that area, as the probation and after-care committee may determine, and shall pay the expenses of any case committee appointed under this sub-paragraph.
- (2) Any case committee appointed for an area within the inner London area shall exercise functions conferred on case committees for areas outside the inner London area by paragraph 4(2) above to such extent and in such cases as may be determined by the probation and after-care committee for the inner London area.

#### *Co-option of members of probation and after-care committees and case committees*

- 6 (1) Subject to the provisions of this paragraph, any probation and after-care committee, and any case committee which is not a probation and after-care committee, may co-opt such number of persons as they think fit.

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- (2) The number of members co-opted under sub-paragraph (1) above shall not exceed one-third of the number of members of the committee, and no person shall be so co-opted if he is a justice of the peace for any county in which the probation and after-care area or any part of it is situated, or which is wholly or partly comprised in that area.
- (3) The reference in sub-paragraph (2) above to a county includes a reference to any London commission area within the meaning of the Administration of Justice Act 1964 and to the City of London ; but nothing in this paragraph applies to any case committee for an area within the inner London area.
- 7 (1) Subject to the provisions of this paragraph, each probation and after-care committee and each case committee which is not a probation and after-care committee shall co-opt a suitable number of persons having knowledge or experience of the after-care of discharged offenders, and if it appears to the Secretary of State that any such committee has failed to carry out the preceding requirement, he may appoint to the committee such number of persons having the knowledge or experience required as he thinks fit.
- (2) Without prejudice to sub-paragraph (2) of paragraph 6 above the number of persons who may be co-opted or appointed to any such committee under that sub-paragraph and sub-paragraph (1) above shall not exceed one-third of the number of members of the committee, and no person shall be co-opted or appointed under sub-paragraph (1) above if he is a justice of the peace.
- (3) Nothing in this paragraph applies to any case committee for an area within the inner London area.

#### *Probation officers*

- 8 (1) 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 or instrument.
- (2) In sub-paragraph (1) above " enactment " includes an enactment contained in a local Act and " instrument " means an instrument having effect by virtue of an Act.
- 9 The probation officer who is to be responsible for the supervision of any probationer shall be selected under arrangements made by the probation and after-care committee for the probation and after-care area which includes the petty sessions area for the time being named in the order from among the probation officers appointed for or assigned to that petty sessions area ; and, if the probation officer so selected dies or is unable for any reason to carry out his duties, or if the case committee dealing with the case think it desirable that another officer should take his place, another probation officer shall be selected in like manner from among the probation officers appointed for or assigned to that petty sessions area.