Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

Probation services

73 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) It shall be the duty of inspectors of probation—

(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.

(4) 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.

74 Default power where probation committee fails to discharge statutory duty

(1) The Secretary of State may make an order under this section if he is of the opinion that, without reasonable excuse, a probation committee—

(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.

(2) An order under this section shall—

(a) state that the Secretary of State is of the said opinion; and

(b) make such provision as he considers requisite for the purpose of securing that the duty is properly discharged by the committee.

(3) Where an order is made under this section, it shall be the duty of the committee to comply with the provision made by the order.

75 The inner London probation area

(1) Schedule 3 to the 1973 Act (the probation service and its functions) shall be amended as follows.

(2) In paragraph 1 (probation areas), for sub-paragraphs (3) and (4) there shall be substituted the following sub-paragraph—

"(3) The Secretary of State—

(a) shall make provision by an order under sub-paragraph (1) above for combining in one probation area (in this Schedule referred to as "the inner London probation area") all of the petty sessions divisions of the inner London area; and

(b) may make provision by such an order for including in that probation area one or more other petty sessions areas."

(3) In paragraphs 2(3), 4, 5, 6(3), 13(3) and 18(3), for the words "inner London area", in each place where they occur, there shall be substituted the words "inner London probation area".

(4) In paragraph 2(3), for paragraph (b) there shall be substituted the following paragraph—

"(b) of such number as may be so specified of justices of the peace for the petty sessions areas of the inner London probation area who are not metropolitan stipendiary magistrates, chosen in such manner as may be so specified by the justices for those areas who are not such magistrates;".

(5) For paragraph 16 there shall be substituted the following paragraph—

"16 (1) Paragraph 15 above shall not apply in relation to expenses incurred by the probation committee for the inner London probation area, but such sums as the Secretary of State may direct to meet the expenses and contributions which, in the case of any other probation area, would be payable by virtue of that paragraph by the local authority—

(a) shall be paid out of the metropolitan police fund; or

(b) where the inner London probation area includes one or more petty sessions areas outside the inner London area, shall be partly paid out of that fund and partly defrayed by the local authority or authorities concerned.

(2) Where paragraph (b) of sub-paragraph (1) above applies, the proportions to be paid or defrayed under that paragraph shall be such as may be agreed between the Receiver for the metropolitan police district and the local authority or authorities concerned or, in default of agreement, as may be determined by the Secretary of State.

(3) In this paragraph "the local authority or authorities concerned" means the local authority or authorities in whose area or areas the petty sessions area or areas outside the inner London area is or are situated."

(6) In paragraph 17 (provision of accommodation by local authorities for the probation service)—

(a) in sub-paragraph (1), after the words "paragraph 15(1) or (3)" there shall be inserted the words "or 16(1) or (2)"; and

(b) after sub-paragraph (3) there shall be inserted the following sub-paragraph—

"(4) The foregoing provisions of this paragraph shall apply as if the Receiver for the metropolitan police district 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 contribution received by him under sub-paragraph (3) above shall be paid into that fund."

(7) At the end of paragraph 19(1), there shall be added the words "and "inner London probation area" has the meaning given by paragraph 1(3) above".