



Probation Service Act 1993 (repealed)

1993 CHAPTER 47

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—
 - (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 ^{M1}Powers of Criminal Courts Act 1973.

Status: Point in time view as at 05/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Probation Service Act 1993 (repealed), Cross Heading: Miscellaneous and supplemental. (See end of Document for details)

- (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

M1 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.
- (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.

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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 ^{M2}Powers of Criminal Courts Act 1973;
 - “inner London area” has the same meaning as in the ^{M3}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 ^{M4}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 ^{M5}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

- M2** 1973 c. 62.
- M3** 1979 c. 55.
- M4** 1973 c. 62.
- M5** 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.
- (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.

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- (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.

Status:

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Changes to legislation:

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