

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
 - (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.

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- 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 Justices of the Peace Act 1979) or the City of London.
- 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 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

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- (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.
- 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.