

SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

NEW ARRANGEMENTS FOR THE PROVISION OF PROBATION SERVICES

Race Relations Act 1976 (c. 74)

- 1 In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty under section 71), under the heading “*Other Bodies, Etc*” there are inserted, at the appropriate places, the following entries—

“A probation trust.”

“A provider of probation services (other than the Secretary of State or a probation trust), in respect of its statutory functions and the carrying out by it of activities of a public nature in pursuance of arrangements made with it under section 3(2) of the Offender Management Act 2007.”

Interpretation Act 1978 (c. 30)

- 2 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined) there is inserted, at the appropriate places—

“Officer of a provider of probation services” in relation to England and Wales, has the meaning given by section 9(1) of the Offender Management Act 2007;” and

“Provider of probation services”, in relation to England and Wales, has the meaning given by section 3(6) of the Offender Management Act 2007;”.

Crime and Disorder Act 1998 (c. 37)

- 3 (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 38(2) (provision of youth justice services), after paragraph (a) (but before the “and” following it) there is inserted—
- “(aa) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007;
- (ab) every provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to carry out the duty under this subsection in relation to the local authority;”.
- (3) In section 39 (youth offending teams)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (3), after paragraph (a) (but before the “and” following it) there is inserted—
 - “(aa) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007;
 - (ab) every provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to carry out the duty under this subsection in relation to the local authority;”; and
 - (b) in subsection (5)(a), after “board” there is inserted “or an officer of a provider of probation services”.
- (4) In section 41(10) (the Youth Justice Board) and 42(3) (supplementary provisions), after “probation board” there is inserted “a provider of probation services”.

Children Act 2004 (c. 31)

- 4 (1) The Children Act 2004 is amended as follows.
- (2) In section 10(4) (co-operation to improve wellbeing: relevant partners), after paragraph (c) there is inserted—
 - “(ca) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;
 - (cb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;”.
 - (3) In section 11(1) (persons required to make arrangements to safeguard and promote welfare), after paragraph (j) there is inserted—
 - “(ja) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;”.
 - (4) In section 13(3) (establishment of LSCBs: Board Partners), after paragraph (c) there is inserted—
 - “(ca) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;
 - (cb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Board partner of the authority;”.
 - (5) In section 25(4) (co-operation to improve wellbeing in Wales: relevant partners), after paragraph (b) there is inserted—
 - “(ba) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to Wales;
 - (bb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;”.
 - (6) In section 28(1) (persons required to make arrangements to safeguard and promote welfare in Wales), after paragraph (f) there is inserted—

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

“(fa) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to Wales;”.

(7) In section 31(3) (establishment of LSCBs in Wales), after paragraph (b) there is inserted—

“(ba) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to Wales;

(bb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Board partner of the authority;”.

Local Government and Public Involvement in Health Act 2007

5 (1) Section 80 of the Local Government and Public Involvement in Health Act 2007 (application of Chapter 1 of Part 5: partner authorities) is amended as follows.

(2) In subsection (3)(g)—

(a) the “and” after sub-paragraph (ii) is omitted;

(b) after sub-paragraph (iii) there is inserted “;

(iv) his functions under sections 2 and 3 of the Offender Management Act 2007 (responsibility for ensuring the provision of probation services throughout England and Wales).”

(3) After subsection (5) there is inserted—

“(5A) The Secretary of State’s functions under this Chapter as a partner authority of a local authority in relation to the functions referred to in subsection (3) (g)(iv) are functions to which section 2(1)(c) of the Offender Management Act 2007 (functions to be performed through arrangements under section 3 of that Act) applies.”