



Offender Management Act 2007

2007 CHAPTER 21

PART 1

NEW ARRANGEMENTS FOR THE PROVISION OF PROBATION SERVICES

Functions of the Secretary of State

3 Power to make arrangements for the provision of probation services

- (1) This section applies to any probation provision which the Secretary of State considers ought to be made for any of the purposes mentioned in section 2(1).
- (2) The Secretary of State may make contractual or other arrangements with any other person for the making of the probation provision.
- (3) Arrangements under subsection (2) may in particular authorise or require that other person—
 - (a) to co-operate with other providers of probation services or persons who are concerned with the prevention or reduction of crime or with giving assistance to the victims of crime;
 - (b) to authorise individuals under section 9(2) to act as officers of a provider of probation services;
 - (c) to make contractual or other arrangements with third parties for purposes connected with the probation provision to be made, including in particular contractual or other arrangements—
 - (i) for provision to be made, or for activities to be carried out, by third parties on behalf of that other person; or
 - (ii) for individuals who are not members of that other person's staff to act as officers of a provider of probation services.
- (4) The Secretary of State may make provision for the performance of any function to which section 2(1)(c) applies by making arrangements under subsection (2) above providing for the delegation of that function to the other person.

Changes to legislation: *Offender Management Act 2007, Section 3 is up to date with all changes known to be in force on or before 31 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) If instead of making arrangements under subsection (2) the Secretary of State considers it appropriate to make any probation provision himself, he shall make arrangements for the making of that probation provision (and for the avoidance of doubt the members of staff through whom he may act in making and carrying out those arrangements include prison officers or other persons employed at a prison).

(6) In this Part “provider of probation services” means—

- (a) a person with whom the Secretary of State has made arrangements that are in force under subsection (2); or
- (b) the Secretary of State (in relation to probation provision which is the subject of arrangements that are in force under subsection (5)).

[^{F1}(6A) The Secretary of State must ensure that arrangements under subsection (2) or (5) for the supervision or rehabilitation of persons convicted of offences—

- (a) state that the Secretary of State has, in making the arrangements, complied with the duty under section 149 of the Equality Act 2010 (public sector equality duty) as it relates to female offenders, and
- (b) identify anything in the arrangements that is intended to meet the particular needs of female offenders.]

(7) In carrying out functions under this Part in relation to arrangements under subsection (2) with another person (“the provider”), the Secretary of State shall have regard to the need to take reasonable steps to avoid (so far as practicable) the risk that—

- (a) the provision, in pursuance of the arrangements, of assistance to a court or to the Parole Board for England and Wales, and
- (b) the carrying out, in pursuance of the arrangements, of any other activities, might be adversely affected by any potential conflict between the provider's obligations in relation to those activities and the financial interests of the provider.

Textual Amendments

F1 S. 3(6A) inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 10, 22(1)**; S.I. 2014/1287, art. 2(a)

Commencement Information

I1 S. 3(1)-(5) (7) in force at 1.4.2008 for specified purposes by [S.I. 2008/504](#), **art. 4(1)(c)(2)**
I2 S. 3(1)-(5) (7) in force at 1.4.2009 for specified purposes by [S.I. 2009/547](#), **art. 2(1)(c)(2)**
I3 S. 3(1)-(5) (7) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/191](#), **art. 2(3)**
I4 S. 3(6) in force at 1.4.2008 by [S.I. 2008/504](#), **art. 3(a)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 3(7)(a) words substituted by [2015 c. 2 Sch. 3 para. 14](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)