



Criminal Justice Act 1925

1925 CHAPTER 86

PART I

PROBATION OF OFFENDERS

1 Probation officers

- (1) For the purposes of the principal Act, one or more probation officers shall be appointed for every probation area, and it shall be the duty of probation officers to undertake the supervision of persons in respect of whom supervision is required by a probation order, whether made by a court of summary jurisdiction or by a court of assize or a court of quarter sessions.
- (2) The probation committee of a probation area may pay such sums by way of salary or remuneration to the probation officers appointed for the area and to any persons, not being probation officers, named in probation orders made by any court of summary jurisdiction sitting within the area or by any court of assize or quarter sessions in respect of persons who have been committed for trial by examining justices sitting within the area, and such sums on account of expenses incurred by those officers and persons in the performance of their duties, as, subject to the provisions of this Part of this Act with respect to scales of salaries, remuneration and expenses, may be agreed upon between the committee and the local authority liable to make the payment, or, failing agreement, may be determined by the Secretary of State.
- (3) The Secretary of State shall have power by scheme to make such arrangements as he thinks fit with a view to the provision of superannuation allowances or gratuities for probation officers or their legal personal representatives:

Provided that the Secretary of State, before making any such scheme, shall cause notice thereof to be given in such manner as he thinks fit to any local authorities who may be affected thereby, and shall take into consideration any representations with respect thereto which may be submitted to him by any such authority.

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2 Probation areas and committees

- (1) Subject as hereinafter provided, every petty sessional division shall be a probation area for the purposes of the principal Act:

Provided that the Secretary of State may, if he thinks it desirable so to do with a view to securing the more effective operation of the law relating to the probation of offenders, by order direct that two or more petty sessional divisions shall be combined to form a probation area.

- (2) There shall be a probation committee for every petty sessional division, whether a probation area or not, and for every combined
- (3) The probation committee shall consist, in the case of a petty sessional division, of three or more justices appointed in the prescribed manner by the justices acting in and for that division, and, in the case of a combined area, of such number of justices, to be appointed in the prescribed manner and representing respectively the justices for the several petty sessional divisions comprised in the combined area and any court of quarter sessions in whose district any part of the combined area is situate, as may be provided by the order constituting the combined area.
- (4) A court of quarter sessions for a county may submit to the Secretary of State schemes with respect to the constitution of combined areas and of probation committees for such areas, and the Secretary of State shall take into consideration any such schemes which may be submitted to him and shall, before making an order constituting a combined area, give to the justices acting in and for any petty sessional division affected by the order an opportunity of making to him any representations which they may desire to make with respect to the order.
- (5) Subject as hereinafter provided, it shall be the duty of the probation committee of a probation area to—
- (a) appoint probation officers for the probation area;
 - (b) pay the salaries and other sums payable to probation officers and persons named in probation orders and any superannuation allowances or gratuities payable under this Part of this Act;
 - (c) supervise the work and receive the reports of such officers and persons; and
 - (d) perform such other duties in connection with the probation of offenders as may be prescribed or as the Secretary of State may by order direct:

Provided that—

- (i) in the case of a probation area which is not a combined area the appointment of probation officers for the area shall be made by the justices acting in and for the petty sessional division and not by the probation committee, unless the justices by resolution delegate to the committee the power of appointing probation officers; and
 - (ii) in the case of a combined area, the duty of supervising the work and receiving the reports of probation officers and persons named in probation orders shall be performed by the probation committees of the several petty sessional divisions comprised in the area instead of by the probation committee for the area,
- (6) Where a stipendiary magistrate is appointed, or other special court of summary jurisdiction is constituted, for an area not being a petty sessional division, the Secretary of State may by order apply this Part of this Act to that area subject to such

adaptations as he may consider necessary or expedient, and the order may contain such supplemental, incidental and consequential provisions as may appear to him necessary or proper for the purposes of the order.

3 Selection of probation officers

- (1) The person to act as probation officer shall, in a case where the probation order is made by a court of summary jurisdiction, be selected from among the probation officers for the probation area for or within which that court exercises jurisdiction, and, where the probation order is made by a court of assize or a court of quarter sessions, be selected from among the probation officers appointed for the probation area for or within which the examining justices by whom the offender was committed for trial act :

Provided that—

- (a) if the court making the order thinks it desirable so to do, having regard to the place of residence of the offender or any other special reason, the court may appoint a probation officer for any other probation area to act under the order; and
 - (b) the court making the order may, in any special case in which it appears desirable so to do, appoint a person not being a probation officer to undertake supervision in respect of that case.
- (2) Where the circumstances permit, the court shall appoint a probation officer who is a woman to supervise an offender who is a woman and an officer experienced in dealing with children or young persons to supervise an offender who is under the age of sixteen years.
 - (3) Where the probation officer or other person named in a probation order has died or is unable for any reason to carry out his duties, or where the court before which the offender is bound by his recognizance to appear for conviction or sentence for any reason considers it desirable that another person should be appointed in the place of that officer or person, the court shall appoint another probation officer or person to undertake supervision in respect of the case.

4 Employment of agents of voluntary societies as probation officers

- (1) It shall be lawful to appoint as a probation officer for any area, or to name in a probation order as the person to undertake supervision in any special case, a person who is the agent of a voluntary society, and any sums payable by way of salary, remuneration, or otherwise under this Act to such an agent may be paid to the society.
- (2) In this section the expression "voluntary society" means a society carrying on mission work in connection with police courts or other work in connection with the supervision and care of offenders.

5 Salaries and expenses

- (1) The sums required to meet any expenses incurred by a probation committee in respect of the salaries, remuneration and expenses of probation officers and of persons, not being probation officers, named in probation orders, and in respect of superannuation allowances or gratuities to probation officers and any other expenses of a probation committee which may be incurred in accordance with rules made by the Secretary of

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State, shall be defrayed, in accordance with rules so made, by the local authority in whose area the probation area is situate :

Provided that, where a probation area is situate in the area of two or more local authorities, the sums to be defrayed as aforesaid by the local authority shall be apportioned between the several authorities in such manner as may be agreed upon between them, or, in default of agreement, as may be determined by the Secretary of State.

- (2) It shall be lawful for a local authority to contribute towards the expense of maintaining persons who have been released on probation under a condition as to residence.
- (3) There shall be paid out of moneys provided by Parliament, towards the expenditure of local authorities under this Part of this Act and towards the expense of maintaining persons who have been released on probation as aforesaid, such sums as the Secretary of State, with the approval of the Treasury, may direct, and subject to such conditions as he may with the like approval determine.
- (4) If in any case the Secretary of State thinks fit to withhold the whole or any part of the grant which would otherwise have been payable under this section to a local authority in respect of any year, he may direct that the local authority shall be relieved of the liability to pay the whole or any part of the sums falling to be defrayed under this Part of this Act by the local authority in respect of that year.

6 Supplemental provisions as to probation orders

The court by which a probation order is made may by the order provide that the powers which, by this Act and by section nine of the Criminal Justice Administration Act, 1914, are conferred on the court before which the offender is bound by his recognizance to appear for conviction or sentence as respects—

- (1) the appointment of a probation officer or other person in lieu of the probation officer or of the other person named in the probation order;
- (2) the variation of the terms and conditions of the recognizance;
may be exercised by any court of summary jurisdiction acting for the area in which the offender may for the time being reside.

7 Minor amendments of Probation of Offenders Acts

- (1) In every case where a person as respects whom a probation order has been made by a court of summary jurisdiction did not plead guilty or admit the truth of the information, he shall have a right to appeal against the order to a court of quarter sessions on the ground that he was not guilty of the offence charged, in the same manner as if he had been convicted of the offence.

On any such appeal the court of quarter sessions shall allow the appeal if it thinks that the appellant was not guilty of the offence charged, and in any other case shall dismiss the appeal.

- (2) The following shall be substituted for subsection (3) of section one of the principal Act:—
 - “(3) The court may by any such order direct that it shall be a condition of the recognizance to be entered into by the offender that he shall pay such damages

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for injury or compensation for loss (not exceeding in the case of a court of summary jurisdiction twenty-five pounds, or, if a higher limit is fixed by any enactment relating to the offence, that higher limit), and such costs of the proceedings, as the court thinks reasonable.”

- (3) In any case where it is intended in pursuance of section six of the principal Act to issue a summons instead of a warrant in the first instance, it shall not be necessary that the information shall be on oath or in writing.
- (4) A court before which an offender is brought or appears under section six of the principal Act for failing to observe the conditions of his recognizance may, instead of sentencing him for the original offence under subsection (5) of that section or remanding him to custody or on bail under subsection (3) of that section, as the case may be, and without prejudice to the continuance in force of the probation order, impose on him in respect of such failure a penalty not exceeding ten pounds.
- (5) Where under subsection (3) of the said section six an offender is remanded to custody or on bail by a court of summary jurisdiction, that court shall transmit to the court before which the offender is bound to appear under his recognizance a certificate signed by a justice stating that the offender has failed to observe the conditions of the recognizance, together with such particulars of the circumstances of the case as the first-mentioned court may consider expedient, and for the purposes of proceedings in the court to which it is transmitted the certificate shall be admissible as evidence that the offender has so failed.
- (6) Where a person as respects whom a probation order has been made is, in pursuance of subsection (5) of section six of the principal Act, convicted for the original offence and his recognizance is adjudged by the court to be forfeited, the court instead of adjudging the persons bound thereby to pay the sums for which they are respectively bound may, as it thinks fit, adjudge those persons or any of them to pay part only of those sums or may as respects all or any of those persons remit payment thereof.

8 Power to make rules

The Secretary of State may make rules for carrying this Part of this Act into effect, and in particular—

- (a) for prescribing, subject to the provisions of this Part of this Act, the constitution, procedure, powers and duties of probation committees:
- (b) for fixing scales of salaries and remuneration to be paid in the case of probation officers and other persons, not being probation officers, named in probation orders, and of the expenses to be allowed to those officers and persons, and for regulating superannuation allowances and gratuities payable in the case of probation officers:
- (c) for prescribing the qualification of probation officers, and for providing that the appointment of a probation officer shall not, in any case where the Secretary of State so directs, be effective unless confirmed by him:
- (d) for authorising any powers or duties of a local authority under the principal Act to be delegated to or to be performed by a committee of the authority:
- (e) for prescribing anything which under this Part of this Act is to be prescribed.

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9 Application of Part I. to London

- (1) The foregoing provisions of this Part of this Act shall in their application to the metropolitan police court district have effect subject to the following modifications—
- (a) The provisions with respect to the appointment of probation committees shall not apply:
 - (b) The power to appoint probation officers and other powers of probation committees shall be exercised by the Secretary of State:
 - (c) There shall be paid out of the metropolitan police fund any sums which the Secretary of State may direct to be paid in respect of any salaries, remuneration or other sums payable to probation officers or other persons and of any superannuation allowances or gratuities payable in the case of probation officers, and any sums which the Secretary of State may direct to be paid towards the expense of maintaining persons who have been released on probation under a condition as to residence.

In this paragraph the expression "probation officers" means probation officers appointed by the Secretary of State, and the expression "other persons" means persons, not being probation officers, named in probation orders made by any court of summary jurisdiction sitting within the district, or made by any court of assize or quarter sessions, in respect of persons who have been committed for trial by examining justices sitting within the district.

For the purpose of the provisions of this Part of this Act relating to the payments to be made out of moneys provided by Parliament, any expenditure under this paragraph out of the metropolitan police fund shall be treated as being expenditure of a local authority: (d) Each division of the district shall be deemed to be a petty sessional division.

- (2) In the application of this Part of this Act to the City of London, the City shall be deemed to be a petty sessional division and the provisions relating to the constitution of combined areas shall not apply.

10 Interpretation of Part I

In this Part of this Act, unless the context otherwise requires:—

The expression "the principal Act" means the Probation of Offenders Act, 1907, and references to that Act shall be construed as references to that Act as amended by any subsequent enactment, including this Part of this Act:

The expression "combined area" means a probation area consisting of two or more petty sessional divisions combined by virtue of an order made by the Secretary of State under this Part of this Act:

The expression "probation order" has the same meaning as in the principal Act:

The expression "local authority" means the authority out of whose funds the salary of the clerk to the justices for the petty sessional division is to be paid :

The expression "prescribed" means prescribed by rules made under this Part of this Act.