



# Criminal Justice Act 1948

## 1948 CHAPTER 58

### PART II

#### ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

##### *Arrangements for probation.*

#### **45 Probation areas, probation committees and case committees, and probation officers.**

- (1) The provisions of the Fifth Schedule to this Act shall have effect with respect to—
  - (a) the constitution of probation areas, of probation committees for those areas and of case committees for petty sessional divisions;
  - (b) the functions of probation committees and case committees ; and
  - (c) the appointment, functions, remuneration and conditions of service of probation officers.
- (2) For the purposes of this section, and of the provisions of Part I of this Act relating to probation, each of the following places shall be deemed to be a petty sessional division, that is to say—
  - (a) the City of London ;
  - (b) a division of the metropolitan police court area; and
  - (c) any area, not being a petty sessional division, for which a stipendiary magistrate is appointed or other special court of summary jurisdiction' is constituted, and which, by order of the Secretary of State, is declared to be a petty sessional division for the purposes aforesaid.
- (3) An order made by the Secretary of State under paragraph (c) of the last foregoing subsection may provide that in its application to the area to which the order relates the Fifth Schedule to this Act shall have effect subject to such adaptations and modifications as may be specified in the order, and may contain such consequential and supplemental provisions as appear to the Secretary of State to be expedient.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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**46 Approved probation hostels and homes.**

- (1) The Secretary of State may approve premises for the reception of persons who may be required to reside therein by a probation order or a supervision order, and such premises shall be known—
  - (a) if the persons so residing are employed outside the premises, or are awaiting such employment, as ' approved probation hostels ";
  - (b) in any other " approved probation homes ".
- (2) The Secretary of State may make rules for the regulation, management and inspection of approved probation hostels and of approved probation homes; and such rules may in particular provide that no person shall be appointed to be in charge of an approved probation hostel or home unless the Secretary of State has consented to his appointment:

Provided that the rules shall not prohibit the making of such an appointment in case of emergency without the previous consent of the Secretary of State, but may in that case require notice of the appointment to be given immediately to the Secretary of State and enable him, if he thinks fit, to require the appointment to be terminated.

**47 Inspection of institutions for residence of probationers.**

- (1) Any institution, not being an approved probation hostel or an approved probation home, in which a person is required by a probation order or a supervision order to reside otherwise than for the purpose of his submitting to treatment for his mental condition as a resident or voluntary patient shall, so long as he resides there, be subject to inspection by the Secretary of State unless it is, as a whole, otherwise subject to inspection by a Government department.
- (2) A person appointed by the Secretary of State to inspect any such institution as aforesaid shall have power to enter the institution and to make such investigation of the treatment of any persons residing there as he thinks fit; and any person who obstructs him in the exercise of the power aforesaid shall be liable on summary conviction to a fine not exceeding five pounds.