

## SCHEDULES.

### FIFTH SCHEDULE

Section 45.

#### ADMINISTRATIVE PROVISIONS AS TO PROBATION.

##### *Probation Areas.*

- 1 (1) If the Secretary of State is of opinion, either upon consideration of proposals submitted to him by a court of quarter sessions for a county or without any such proposals, that it is expedient that any two or more petty sessional divisions should form one probation area, he may by statutory instrument make an order to that effect; and the order may contain such incidental and consequential provisions as appear to the Secretary of State to be expedient for the purposes of the order.
- (2) Before making an order under the last foregoing sub-paragraph, the Secretary of State shall give to the justices acting 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, and shall consider any representations made by them.
- (3) Every petty sessional division which is not included in a probation area by virtue of an order made under the foregoing provisions of this paragraph shall itself constitute a probation area.

##### *Probation Committees, Case Committees and Probation Officers.*

- 2 (1) For every probation area there shall be a probation committee which shall, subject to the provisions of sub-paragraph (3) of this paragraph, consist—
  - (a) if the probation area comprises more than one petty sessional division, of such number of justices as may be specified by the order, appointed in the manner so specified by the justices acting for the several petty sessional divisions comprised in the area and, if the order so provides, of such additional justices holding any of the offices of chairman, deputy chairman, assistant chairman or recorder of a court of quarter sessions having jurisdiction in the area, as may be appointed by the order;
  - (b) if the probation area is one petty sessional division, of a prescribed number of justices appointed in the prescribed manner by the justices acting for that division.
- (2) For every petty sessional division there shall be one or more committees, to be called "case committees," and every such committee shall, subject to the provisions of the next following sub-paragraph, consist—
  - (a) if the division is a separate probation area, of the probation committee ;
  - (b) in any other case, of a prescribed number of justices appointed by the justices acting for that division.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Any case committee for a petty sessional division not being a separate probation area, or any probation committee, may co-opt such number of persons, possessing such qualifications as may be prescribed, as they think fit :

Provided that the number of members so co-opted shall not exceed one-third of the number of members of the committee, and no person shall be so co-opted if he is a justice of the peace for any county or borough in which the probation area or any part thereof is situated, or which is wholly or partly comprised in that area.

- 3 (1) It shall be the duty of every probation committee—
- (a) to appoint sufficient probation officers for their probation area, subject, in the case of such classes or descriptions of probation officers as may be prescribed, to the approval of the appointment by the Secretary of State, and to ensure that at least one probation officer who is a man and one probation officer who is a woman shall be appointed for or assigned by the committee to each petty sessional division ; (5) to pay to the probation officers appointed for their area such remuneration, allowances and expenses as may be prescribed ;
  - (c) to provide for the efficient carrying out of the work of probation officers ;
  - (d) to make such payments and to such persons as may be prescribed in respect of persons under the supervision of probation officers, being persons required by a probation order or supervision order to reside in any place otherwise than for the purpose of their submitting to treatment for their mental condition as voluntary or resident patients ; and
  - (e) to perform such other duties in connection with the work of probation officers as may be prescribed.
- (2) A probation committee may, in such cases and in such manner as may be prescribed, give financial and other assistance to persons under the supervision of probation officers appointed for their area.
- (3) A probation committee shall pay any expenses incurred in accordance with rules made by the Secretary of State under this Schedule by a case committee for a petty sessional division in their probation area.
- (4) A probation committee may delegate such of their functions as may be approved by the Secretary of State to a sub-committee consisting of such number of members of the committee as may be so approved.
- (5) It shall be the duty of probation officers to supervise the probationers and other persons placed under their supervision and to advise, assist and befriend them, to inquire, in accordance with any directions of the court, into the circumstances or home surroundings of any person with a view to assisting the court in determining the most suitable method of dealing with his case, to advise, assist and befriend, in such cases and in such manner as may be prescribed, persons who have been released from custody and to perform such other duties as may be prescribed or may be imposed by any enactment.
- (6) It shall be the duty of case committees to review the work of probation officers in individual cases, and to perform such other duties in connection with the work of probation officers as may be prescribed.

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

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- (7) Rules made under this Schedule relating to the procedure of case committees may provide that some only of the members of a case committee shall be summoned to deal with any particular case or class of cases.

*Selection of Probation Officers.*

- 4 (1) The probation officer who is to be responsible for the supervision of any probationer shall be selected under arrangements made by the probation committee for the probation area which includes the petty sessional division for the time being named in the order from among the probation officers appointed for or assigned to that petty sessional division ; and, if the probation officer so selected dies or is unable for any reason to carry out his duties, or if the case committee dealing with the case think it desirable that another officer should take his place, another probation officer shall be selected in like manner from among the probation officers appointed for or assigned to that division.
- (2) The probation officer under whose supervision a woman or girl is placed shall be a woman.

*Expenses.*

- 5 (1) The sums required to meet any expenses incurred by a probation committee under the provisions of this Schedule, and expenses incurred by a probation committee in respect of superannuation allowances, gratuities or compensation payable by virtue of an order under the Probation Officers (Superannuation) Act, 1947. to or in respect of probation officers and clerks appointed by probation committees or probation officers to assist probation officers in the performance of their duties, and any other expenses incurred by a probation committee in accordance with rules made under this Schedule, shall be defrayed, in accordance with rules so made, by the local authority in whose area the probation area is situated:

Provided that the Secretary of State may, if he is satisfied that a probation committee are not efficiently performing their functions under this Schedule or have unreasonably incurred expenses in the performance of those functions, direct that the local authority shall be relieved, to such extent as may be specified in the direction, of their liability to defray the expenses of the probation committee.

- (2) Where a probation area is situated in the area of two or more local authorities, the sums to be defrayed as aforesaid 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.
- (3) Where a probation officer is appointed for more than one probation area, his salary and any expenses incurred by him or by a probation committee in respect of the performance of his duties, and any expenses incurred in respect of a superannuation allowance, gratuity or compensation payable to or in respect of him or any clerk appointed to assist him under an order under the Probation Officers (Superannuation) Act, 1947, shall be apportioned between the probation committees for the several probation areas for which he is appointed, in such manner as may be agreed upon by the probation committees after consultation with the local authorities affected, or, in default of agreement, as may be determined by the Secretary of State.

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*General.*

- 6 The Secretary of State may make rules—
- (a) regulating the constitution, procedure, powers and duties of probation committees and case committees, and the expenses which may be incurred by them and the manner in which those expenses are to be defrayed ;
  - (b) regulating the qualifications, manner of appointment, conditions of service and duties of probation officers ;
  - (c) prescribing anything else which under the foregoing provisions of this Schedule may be prescribed ;
- and in those provisions the expression " prescribed " means prescribed by rules of the Secretary of State.
- 7 (1) The foregoing provisions of this Schedule shall in their application to the metropolitan police court area have effect subject to the following modifications, that is to say :—
- (a) the metropolitan police court area shall be a probation area;
  - (b) the provisions with respect to the constitution of probation committees and case committees shall not apply; and the Secretary of State may by order constitute committees to ensure that the work of probation officers is efficiently carried out and to review that work and for such other purposes as he may think fit;
  - (c) the power to appoint probation officers and the other powers of probation committees shall be exercisable by the Secretary of State;
  - (d) there shall be paid out of the metropolitan police fund such sums as the Secretary of State may direct to meet the expenses and contributions which would, in the case of probation areas outside the metropolitan police court area, be payable by local authorities.
- (2) Notwithstanding anything in paragraph I of this Schedule, the City of London shall not be included in a probation area constituted by an order made thereunder.