



Criminal Justice Act 1948

1948 CHAPTER 58

PART I

POWERS AND PROCEEDINGS OF COURTS.

Probation and discharge.

3 Probation.

- (1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer for a period to be specified in the order of not less than one year nor more than three years.
- (2) A probation order shall name the petty sessional division in which the offender resides or will reside; and the offender shall (subject to the provisions of the First Schedule to this Act relating to probationers who change their residence) be required to be under the supervision of a probation officer appointed for or assigned to that division.
- (3) Subject to the provisions of the next following section, a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences:

Provided that (without prejudice to the power of the court to make an order under subsection (2) of section eleven of this Act) the payment of sums by way of damages for injury or compensation for loss shall not be included among the requirements of a probation order.
- (4) Without prejudice to the generality of the last foregoing subsection, a probation order may include requirements relating to the residence of the offender:

Status: This is the original version (as it was originally enacted).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

Provided that—

- (a) before making an order containing any such requirements, the court shall consider the home surroundings of the offender; and
 - (b) where the order requires the offender to reside in an approved probation hostel, an approved probation home or any other institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond twelve months from the date of the order.
- (5) Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order (including any additional requirements proposed to be inserted therein under subsection (3) or subsection (4) of this section or under the next following section) and that if he fails to comply therewith or commits another offence he will be liable to be sentenced for the original offence; and if the offender is not less than fourteen years of age the court shall not make the order unless he expresses his willingness to comply with the requirements thereof.
- (6) The court by which a probation order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender, to the probation officer responsible for the supervision of the offender and to the person in charge of any institution in which the probationer is required by the order to reside; and the court shall, except where it is itself the supervising court, send to the clerk to the justices for the petty sessional division named in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to the supervising court.
- (7) Where a probation order requires the offender to reside in any institution, not being—
- (a) an approved probation hostel or approved probation home; or
 - (b) an institution in which he is required to reside for the purposes of any such treatment as is mentioned in paragraph (a) or paragraph (b) of subsection (2) of the next following section,
- the court shall forthwith give notice of the terms of the order to the Secretary of State.