

SCHEDULES.

FIRST SCHEDULE

Section 5.

DISCHARGE AND AMENDMENT OF PROBATION ORDERS.

Discharge.

- 1 The court by which a probation order was made may, upon application made by the probation officer or by the probationer, discharge the order.

Amendment.

- 2 (1) If the supervising court is satisfied that a probationer proposes to change, or has changed his residence from the petty sessional division named in the probation order to another petty sessional division, the court may, and if application in that behalf is made by the probation officer, shall, by order amend the probation order by substituting for the petty sessional division named therein the petty sessional division where the probationer proposes to reside or is residing:

Provided that if the probation order contains requirements which, in the opinion of the court, cannot be complied with unless the probationer continues to reside in the division named in the order, the court shall not amend the order as aforesaid unless, in accordance with the following provisions of this Schedule, they cancel those requirements or substitute therefor other requirements which can be so complied with.

- (2) Where a probation order is amended under this paragraph, the supervising court shall send to the clerk to the justices for the new 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 that court.

- 3 Without prejudice to the provisions of the last foregoing paragraph, the supervising court may, upon application made by the probation officer or by the probationer, by order amend a probation order by cancelling any of the requirements thereof or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by that court in accordance with the provisions of sections three and four of this Act:

Provided that—

- (a) the court shall not amend a probation order by reducing the probation period, or by extending that period beyond the end of three years from the date of the original order;
- (b) the court shall not so amend a probation order that the probationer is thereby required to reside in an approved probation hostel or home, or in any other institution, or to submit to treatment for his mental condition, for any period exceeding twelve months in all;
- (c) the court shall not amend a probation order by inserting , therein a requirement that the probationer shall submit to treatment for his mental

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condition unless the amending order is made within three months after the date of the original order.

- 4 Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of any requirement of the probation order is of opinion—
- (a) that the treatment of the probationer should be continued beyond the period specified in that behalf in the order, or
 - (b) that the probationer needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of a probation order, or
 - (c) that the probationer is not susceptible to treatment, or
 - (d) that the probationer does not require further treatment,
- or where the practitioner is for any reason unwilling to continue to treat or direct the treatment of the probationer, he shall make a report in writing to that effect to the probation officer and the probation officer shall apply to the supervising court for the variation or cancellation of the requirement.

General.

- 5 Where the supervising court proposes to amend a probation order under this Schedule, otherwise than on the application of the probationer, it shall summon him to appear before the court; and if the probationer is not less than fourteen years of age, the court shall not amend a probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended :

Provided that this paragraph shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement, or substituting a new petty sessional division for the division named in the probation order.

- 6 On the making of an order discharging or amending a probation order, the clerk to the court shall forthwith give copies of the discharging or amending order to the probation officer; and the probation officer shall give a copy to the probationer and to the person in charge of any institution in which the probationer is or was required by the order to reside:

Provided that if the order amends the probation order by substituting a new petty sessional division for the division named in the probation order the copies of the order shall be sent to the clerk to the justices for the new petty sessional division and he shall be responsible for giving copies of the order to the probation officer.

- 7 Subsection (7) of section three of this Act shall apply to any order made under this Schedule by virtue of which a probationer is required to reside in an institution as it applies to a probation order made under that section.