

Status: Point in time view as at 01/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 47.

THE PROBATION AND AFTER-CARE SERVICE AND ITS FUNCTIONS

PART I

THE PROBATION AND AFTER-CARE SERVICE

Probation and after-care areas

- 1 (1) Subject to the following provisions of this paragraph, if the Secretary of State is of opinion, either upon consideration of proposals submitted to him by a magistrates' courts committee for a county or without any such proposals, that it is expedient that any two or more petty sessions areas should form one probation and after-care area, he may 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 sub-paragraph (1) above the Secretary of State shall give to the justices acting for any petty sessions area 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.
- [^{F1}(3) The Secretary of State—
- (a) shall make provision by an order under sub-paragraph (1) above for combining in one probation area (in this Schedule referred to as “the inner London probation area”) all of the petty sessions divisions of the inner London area; and
 - (b) may make provision by such an order for including in that probation area one or more other petty sessions areas.]
- (5) Every petty sessions area which is not included in a probation and after-care area by virtue of an order made under sub-paragraph (1) above shall itself constitute a probation and after-care area.

Textual Amendments

F1 Sch. 3 para. 1(3) substituted (1.4.1992) for paras. 1(3)(4) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(2); S.I. 1992/333, art. 2(1) Sch.1

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Probation and after-care committees

- 2 (1) For every probation and after-care area there shall be a probation and after-care committee, which shall be a body corporate.
- (2) Subject to the following provisions of this paragraph and to the provisions of paragraphs 6 and 7 below, a probation and after-care committee for any area shall consist—
 - (a) if that area comprises more than one petty sessions area, of such number of justices as may be specified by the order under paragraph 1(1) above, appointed in the manner so specified by the justices acting for the ^{F2} . . . petty sessions areas comprised in that area;
 - (b) if that area is one petty sessions area, of a prescribed number of justices appointed in the prescribed manner by the justices acting for that petty sessions area.
- (3) Sub-paragraph (2) above shall not apply to the probation and after-care committee for the [^{F3}inner London probation area], but that committee shall, subject to the provisions of sub-paragraph (4) below and of paragraphs 6 and 7 below, consist—
 - (a) of such number of metropolitan stipendiary magistrates, nominated by the chief metropolitan stipendiary magistrate, as may be specified by the order under paragraph 1(1) above;
 - [^{F4}(b) of such number as may be so specified of justices of the peace for the petty sessions areas of the inner London probation area who are not metropolitan stipendiary magistrates, chosen in such manner as may be so specified by the justices for those areas who are not such magistrates;]
 - (c) of such number as may be so specified of the members of the [^{F5}youth court panels] for the [^{F3}inner London probation area] and the City of London, chosen in such manner as may be so specified.
- (4) The Lord Chancellor may, if he thinks fit, appoint—
 - (a) one or more judges of the Crown Court (being judges of the High Court, Circuit judges or Recorders); . . . ^{F6}
 - (b) ^{F6}
 to be members of the probation and after-care committee for any area, and any person so appointed shall hold office in accordance with the terms of his appointment.
- (5) Any contract made or other thing done by or on behalf of a probation and after-care committee before it became, by virtue of section 37 of the Justices of the Peace Act 1949, a body corporate, shall have effect as if made or done by or on behalf of the body corporate constituted by sub-paragraph (1) above.

Textual Amendments

F2 Word in Sch. 3 para. 2(2)(a) repealed (31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 100, 101(2), Sch. 11, para. 17(1), Sch. 13; S.I. 1991/2208, art. 2(4), Sch. 3.

F3 Words in Sch. 3 para. 2(3) substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(3); S.I. 1992/333, art. 2(1), Sch. 1

F4 Sch. 3 para. 2(3)(b) substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(4); S.I. 1992/333, art. 2(1), Sch. 1

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- F5** Words in Sch. 3 para. 2(3) expressed to be substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 70(2), 100, Sch. 11, para.41(2)(b); S.I. 1992/333, art. 2(2), Sch.2
- F6** Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, Sch. 16

- 3 (1) It shall be the duty of every probation and after-care committee—
- [^{F7}(a) to appoint such number of probation officers—
- (i) as may be determined by them without objection by the responsible authority; or
- (ii) where objection is made, as may be agreed between them and that authority,
- to be a sufficient number of such officers for their probation area, subject, in the case of such classes or descriptions of officers as may be prescribed, to the approval of the appointment by the Secretary of State;]
- (b) to pay to the probation officers appointed for their area such remuneration, allowances and expenses as may be [^{F8}determined by the Secretary of State under paragraph 18A below];
- (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 to reside in any place otherwise than for the purpose of their submitting to treatment for their mental condition as resident patients; and
- (e) to perform such other duties in connection with the work of probation officers as may be prescribed.
- [^{F9} and any question as to number arising under paragraph (a) above shall, in default of agreement, be determined by the Secretary of State]
- (2) A probation and after-care committee may, in such cases and in such manner as may be prescribed, give financial and other assistance to persons [^{F10}in relation to whom probation officers appointed for their area have responsibilities].
- [^{F11}(2A) A probation committee may provide facilities for enabling—
- (a) directions given by a supervisor by virtue of subsection (2) of section 12 of the Children and Young Persons Act 1969; ^{F12} . . .
- (b) requirements included in a supervision order by virtue of [^{F13}section 12A(3) of that Act,] to be carried out effectively [^{F14}and
- (c) directions given under paragraphs 2 or 3 of Schedule 3 to the Children Act 1989]]
- (3) A probation and after-care committee may, . . . ^{F15}, delegate all or any of their functions to a sub-committee consisting of members of the committee and such other persons (if any) as may be co-opted to be members of the sub-committee; but so that the number of co-opted members of the sub-committee shall not exceed the number of its members who are members of the committee.
- (4) Notwithstanding that, by virtue of paragraph 2(1) above, a probation and after-care committee is a body corporate, any provision applying to employees of justices shall, unless the contrary intention appears, apply to employees of a probation and after-care committee.

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[^{F16}(5) In this paragraph “the responsible authority”—

- (a) in relation to a probation area other than the inner London probation area, means the local authority in whose area that probation area is situated; and
- (b) in relation to the inner London probation area, means—
 - (i) the Receiver for the metropolitan police district; and
 - (ii) where that area includes one or more petty sessions areas outside the inner London area, the local authority or authorities in whose area or areas that petty sessions area or those petty sessions areas is or are situated;

and “supervision order” and “supervisor” have the meanings assigned to them by section 11 of the Children and Young Persons Act 1969.]

Textual Amendments

- F7** Sch. 3 para. 3(1)(a) substituted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 94(2)(a); S.I. 1991/2208, art. 2(4), [Sch. 3](#)
- F8** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 12](#)
- F9** Words in Sch. 3 para. 3(1)(a) inserted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 94(2)(b); S.I. 1991/2208, art.2(4), [Sch. 3](#)
- F10** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(a\)\(ii\)](#)
- F11** Sch. 3 para. 3(2A) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 56, [Sch. 11 para. 6\(a\)\(iii\)](#)
- F12** Word in Sch. 3 para. 3(2A)(a) repealed (*14. 10. 1991*) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch. 15](#); S.I. 1991/828, [art. 3\(2\)](#).
- F13** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, [Sch. 8 para. 16](#), [Sch. 15 para. 42](#)
- F14** Sch. 3 para. 3(2A)(c) and the word in Sch. 3 para. 3(2A)(b) added (*14. 10. 1991*) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13 para. 34](#); S.I. 1991/828, [art. 3\(2\)](#)
- F15** Words repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(a\)\(iv\)](#), Sch. 16
- F16** Sch. 3 para. 3(5) substituted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 94(2)(c); S.I. 1991/2208, art. 2(4), [Sch.3](#)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 3(5) amended (temp.) (E.W.) (02.10.1991) by [S.I.1991/2208](#), [art. 2\(5\)](#)

[^{F17} Probation liaison committees]

Textual Amendments

- F17** Sch. 3 paras. 4, 5 substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 65, [Sch. 11 para. 6\(b\)](#)

- ^{F18}4 (1) [^{F19}Subject to sub-paragraph (1A) below, for] every petty sessions area outside the [^{F20}inner London probation area] there shall be one or more committees, to be called “probation liaison committees”, and every such committee shall, subject to paragraphs 6 and 7 below, consist—
- (a) if the petty sessions area is a separate probation area, of the probation committee;
 - (b) in any other case, of not less than three justices appointed by the justices acting for that petty sessions area.

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- [^{F21}(1A) Where two or more petty sessions areas outside the [^{F20}inner London probation area] form a probation area or part of a probation area, the probation committee, if they think fit, may determine that there shall be one or more joint probation liaison committees for those petty sessions areas; and a joint committee shall consist of not less than three justices appointed by the justices acting for each of the petty sessions areas.]
- (2) It shall be the duty of probation liaison committees for areas outside [^{F20}the inner London probation area] to review the work of probation officers, and to perform such other duties in connection with the work of probation officers as may be prescribed.
- (3) A probation committee for any area outside the [^{F20} inner London probation area] shall pay any expenses incurred in accordance with rules made by the Secretary of State under this Schedule by a probation liaison committee for a petty sessions area in their probation area, and any allowances under paragraph 13 below to members of any such committee.
- [^{F22}(4) A probation liaison committee may delegate all or any of their functions to a sub-committee consisting of members of the committee.]

Textual Amendments

- F18** Sch. 3 paras. 4, 5 substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 65, **Sch. 11 para. 6(b)**
- F19** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 132, Sch. 8 para. 16, **Sch. 11 para. 2(a)**
- F20** Words in Sch. 3 para. 4 substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(3); S.I. 1992/333, art. 2(1), **Sch.1**
- F21** Sch. 3 para. 4(1A) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 132, Sch. 8 para. 16, **Sch. 11 para. 2(b)**
- F22** Sch. 3 para. 4(4) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 132, Sch. 8 para. 16, **Sch. 11 para. 2(c)**

- ^{F23}5 (1) The probation committee for the [^{F24}inner London probation area] may appoint such probation liaison committees, constituted in such manner and for such areas within that area, as the probation committee may determine, and shall pay the expenses of any probation liaison committee appointed under this sub-paragraph.
- (2) Any probation liaison committee appointed for an area within the [^{F24}inner London probation area] shall exercise functions conferred on probation liaison committees for areas outside the [^{F24} inner London probation area] by paragraph 4(2) above to such extent and in such cases as may be determined by the probation committee for the [^{F24}inner London probation area].

Textual Amendments

- F23** Sch. 3 paras. 4, 5 substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 65, **Sch. 11 para. 6(b)**
- F24** Words in Sch. 3 para. 5 substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(3); S.I. 1992/333, art. 2(1), **Sch.1**

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Co-option of members of probation and after-care committees and [^{F25}probation liaison committee]

Textual Amendments

F25 By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(c\)](#) it is provided that for every reference to a case committee there is substituted a reference to a probation liaison committee

- 6 (1) Subject to the provisions of this paragraph, any probation and after-care committee, and any [^{F26}probation liaison committee] which is not a probation and after-care committee, may co-opt such number of persons as they think fit.
- (2) The number of members co-opted under sub-paragraph (1) above 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 in which the probation and after-care area or any part of it is situated, or which is wholly or partly comprised in that area.
- (3) The reference in sub-paragraph (2) above to a county includes a reference to any London commission area within the meaning of the ^{M1}Administration of Justice Act 1964 and to the City of London; but nothing in this paragraph applies to any [^{F26}probation liaison committee] for an area within the [^{F27} inner London probation area].

Textual Amendments

F26 By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(c\)](#) it is provided that for every reference to a case committee there is substituted a reference to a probation liaison committee

F27 Words in [Sch. 3 para. 6\(3\)](#) substituted (1.4.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 75\(3\)](#); [S.I. 1992/333](#), art. 2(1), [Sch.1](#)

Modifications etc. (not altering text)

C2 [Sch. 3 para. 6](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 15\(3\)](#)

C3 By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(c\)](#) it is provided that for every reference to a case committee there is substituted a reference to a probation liaison committee

Marginal Citations

M1 [1964 c. 42](#).

- ^{F28}6A Any probation committee may also co-opt one or more justices with experience of sitting as members of the Crown Court, and one or more stipendiary magistrates appointed in a commission area which is the same as or is situated within the probation area.

Textual Amendments

F28 [Sch. 3 paras. 6A, 6B](#) inserted by [Criminal Justice Act 1982 \(c. 33, SIF 39:1\)](#), [s. 132](#), [Sch. 8 para. 16](#), [Sch. 11 para. 3](#)

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- ^{F29}6B (1) The Secretary of State may by order provide that the probation committee for any probation areas shall co-opt members of the local authority, or any of the local authorities, liable under paragraph 15 below to defray the expenses of the committee.
- (2) An order under this paragraph may make such consequential, supplementary or transitional provision as appears to the Secretary of State to be necessary or expedient in consequence of the order, including provision for such repeals in or modifications of this Schedule as appear to him to be necessary or expedient in consequence of it.
- (3) Without prejudice to the generality of sub-paragraph (2) above, an order under this paragraph—
- (a) may specify, either as a number or as a proportion of the members of the committee, how many persons may be co-opted to a committee and, where two or more authorities are liable to pay the expenses of a committee, how many persons may be co-opted from each of them;
 - (b) may provide for the procedure for co-opting persons to be followed by a committee;
 - (c) may require that such consultations as may be specified in the order shall be carried out before persons are so co-opted; and
 - (d) may disqualify persons of specified descriptions from being co-opted.
- (4) An order under this paragraph may make different provision for different committees.

Textual Amendments

F29 Sch. 3 paras. 6A, 6B inserted by Criminal Justice Act 1982 (c. 33, SIF 39:1), s. 132, Sch. 8 para. 16, Sch. 11 para. 3

^{F30}

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Textual Amendments

F30 Sch. 3 para. 7 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 132, 170, Sch. 8 para. 16, Sch. 11 para. 4, Sch. 16

Probation Officers

- 8 (1) 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 [^{F31}and to make reports on such matters] 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 or instrument.

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(2) In sub-paragraph (1) above “enactment” includes an enactment contained in a local Act and “instrument” means an instrument having effect by virtue of an Act.

Textual Amendments

F31 Words in Sch.3 para 8(1) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11, para. 17(2); S.I. 1992/333, art. 2(2), Sch. 2

9 The probation officer who is to be responsible for the supervision of any probationer shall be selected under arrangements made by the probation and after-care committee for the probation and after-care area which includes the petty sessions area for the time being named in the order from among the probation officers appointed for or assigned to that petty sessions area; and, if the probation officer so selected dies or is unable for any reason to carry out his duties, . . . ^{F32}, another probation officer shall be selected in like manner from among the probation officers appointed for or assigned to that petty sessions area.

Textual Amendments

F32 Words repealed by Criminal Law Act 1977 (c. 45), Sch. 13

PART II

FUNCTIONS IN RELATION TO THE REHABILITATION OF OFFENDERS

Functions of probation and after-care committees in relation to community service orders

- 10 (1) A probation and after-care committee [^{F33}shall] secure that arrangements for persons to perform work under community service orders are made for their area or, if it comprises more than one petty sessions area, for [^{F33}each] of the petty sessions areas it comprises.
- (2) ^{F34}
- (3) For the purposes of any arrangements made in pursuance of this paragraph for the whole or any part of the area of a probation and after-care committee, that committee shall have power—
 - [^{F35}(a) to appoint staff;]
 - (b) to provide accommodation, equipment, materials and transport;
 - (c) to make payments to any society or body in respect of services rendered by them;
 - (d) to defray travelling and other expenses in connection with the performance of work by persons in respect of whom community service orders are in force.

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Textual Amendments

- F33** Word substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 11 para. 6(d)(i)**
- F34** [Sch. 3 para. 10\(2\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 11 para. 6(d)(ii)**, [Sch. 16](#)
- F35** [Sch. 3 para. 10\(3\)\(a\)](#) substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [s. 132](#), [Sch. 8 para. 16](#), **Sch. 11 para. 5**

Provision of establishments for use in connection with the rehabilitation of offenders, etc.

- 11 A probation and after-care committee may, with the approval of the Secretary of State, provide and carry on . . . ^{F36}, bail hostels, probation hostels, . . . ^{F37} and other establishments for use in connection with the rehabilitation of offenders.

Textual Amendments

- F36** Words repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**
- F37** Words repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**

- 12 (1) A probation and after-care committee shall make such payments and to such persons as may be prescribed in respect of persons accommodated in probation hostels, . . . ^{F38} and bail hostels.
- (2) A probation and after-care committee may, in such cases and in such manner as may be prescribed, give financial and other assistance to persons remanded on bail.

Textual Amendments

- F38** Words repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**

[^{F39} Payment of grants in prescribed cases]

Textual Amendments

- F39** [Sch. 3 para. 12A](#) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), **s.97**; [S.I. 1992/333](#), [art. 2\(2\)](#), **Sch. 2**

- ^{F40}12A A probation committee may, in prescribed cases, make such payments and to such persons as may be prescribed.

Textual Amendments

- F40** [Sch. 3 para. 12A](#) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), **s.97**; [S.I. 1992/333](#), [art. 2\(2\)](#), **Sch. 2**

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PART III

GENERAL PROVISIONS

Travelling and subsistence allowances

- 13 (1) Subject to the provisions of this paragraph, a member of a probation and after-care committee or [^{F41}probation liaison committee] shall be entitled—
- (a) to receive payments at [^{F42}rates determined by the Secretary of State with the consent of the Minister for the Civil Service] by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a member of the committee; and
- (b) to receive payments at [^{F42}a rate determined by the Secretary of State with the consent of the Minister for the Civil Service] by way of financial loss allowance where for that purpose he incurs any other expenditure to which he would not otherwise be subject or suffers any loss of earnings or of benefit under the National Insurance Acts 1965 to 1967 which he would otherwise have made or received.
- (2) ^{F43}
- (3) Sub-paragraph (1) above shall not apply in relation to a member of a [^{F44}probation liaison committee] for an area within the [^{F45}inner London probation area].

Textual Amendments

- F41** By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(e\)](#) it is provided that for the references to a case committee there are substituted references to a probation liaison committee
- F42** Words substituted by [Administration of Justice Act 1977 \(c. 38\)](#), [Sch. 2 para. 6](#)
- F43** [Sch. 3 para. 13\(2\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)
- F44** By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(e\)](#) it is provided that for the reference to a case committee there is substituted a reference to a probation liaison committee
- F45** Words in [Sch.3 para. 13\(3\)](#) substituted (1.4.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 75\(3\)](#); [S.I. 1992/333](#), art. 2(1), [Sch.1](#)

Modifications etc. (not altering text)

- C4** By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(e\)](#) it is provided that for the references to a case committee there are substituted references to a probation liaison committee
- C5** By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 11 para. 6\(e\)](#) it is provided that for the reference to a case committee there is substituted a reference to a probation liaison committee

Adjustment of expenses of probation and after-care committees inter se

- 14 (1) Where a probation officer is appointed for more than one probation and after-care area, his salary and any expenses incurred by him or by a probation and after-care committee in respect of the performance of his duties, and any expenses incurred in respect of a superannuation allowance, gratuity or compensation payable

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to or in respect of him or any clerk appointed to assist him under any regulations under section 7 of the ^{M2}Superannuation Act 1972 shall be apportioned between the probation and after-care committees for the several probation and after-care areas for which he is appointed, in such manner as may be agreed between the committees concerned after consultation with the local authorities which, by virtue of paragraph 15 below, are required to defray the expenses of those committees, or as in default of agreement may be determined by the Secretary of State.

(2) F46

Textual Amendments

F46 Sch. 3 para. 14(2)(3) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

Marginal Citations

M2 1972 c. 11.

Expenses of probation and after-care committees to be borne by local authorities

15 (1) Subject to sub-paragraph (2) below and to paragraph 16 below the sums required to meet—

- (a) any expenses incurred by a probation and after-care committee under the provisions of this Schedule (including allowances under paragraph 13);
- (b) any expenses incurred by a probation and after-care committee in respect of superannuation allowances, gratuities or compensation payable by virtue of regulations under section 7 of the ^{M3}Superannuation Act 1972 to or in respect of probation officers and clerks appointed by probation and after-care committees or probation officers to assist probation officers in the performance of their duties; and
- (c) any other expenses incurred by a probation and after-care 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 and after-care area is situated.

(2) Sub-paragraph (1) above shall not apply to any expenses incurred by a probation and after-care committee in providing and carrying on probation hostels, probation homes and bail hostels.

(3) Where a probation and after-care area is situated in the area of two or more local authorities, the sums to be defrayed under sub-paragraph (1) above shall be apportioned between the several authorities in such manner as may be agreed between them or as in default of agreement may be determined by the Secretary of State.

(4) F47

Textual Amendments

F47 Sch. 3 para. 15(4) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17

Status: Point in time view as at 01/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), SCHEDULE 3. (See end of Document for details)

Modifications etc. (not altering text)

- C6** Sch. 3 para. 15(1) modified by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s. 15(1)**
C7 Sch. 3 para. 15(3) excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s. 15(1)**
C8 Sch. 3 para. 15(3) modified by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s. 15(1)**

Marginal Citations

- M3** 1972 c. 11.

Special provision for expenses of the probation and after-care committee for the inner London area

[^{F48}16 Paragraph 15 above shall not apply in relation to expenses incurred by the probation committee for the inner London probation area, but such sums as the Secretary of State may direct to meet the expenses and contributions which, in the case of a probation area outside, would be payable by virtue of that paragraph by the local authority.

- (a) shall be paid out of the metropolitan police fund; or
 (b) where the inner London probation area includes one or more petty sessions areas outside the inner London area, shall be partly paid out of that fund and partly defrayed by the local authority or authorities concerned.

(2) Where paragraph (b) of sub-paragraph (1) above applies, the proportions to be paid or defrayed under that paragraph shall be such as may be agreed between the Receiver for the metropolitan police district and the local authority or authorities concerned or, in default of agreement, as may be determined by the Secretary of State.

(3) In this paragraph “the local authority or authorities concerned” means the local authority or authorities in whose area or areas the petty sessions area or areas outside the inner London area is or are situated.]

Textual Amendments

- F48** Sch. 3 para. 16 substituted (1.4.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), **s. 75(5)**; S.I. 1992/333, art. 2(1), **Sch.1**

[^{F49}Limits on sums payable under paragraphs 15 and 16]

Textual Amendments

- F49** Sch. 3 para. 16A inserted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), **s. 94(3)**; S.I. 1991/2208, art. 2(4), **Sch. 3**

^{F50}16A(1) Nothing in paragraph 15 or 16 above shall require a local authority to defray any sums which would cause its expenditure in any year to exceed the amount which, in relation to that expenditure and that year, is for the time being determined by the Secretary of State under section 51(3A)(b) of this Act.

Status: Point in time view as at 01/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), SCHEDULE 3. (See end of Document for details)

- (2) Nothing in paragraph 16 above shall require there to be paid out of the metropolitan police fund any sums which would cause the expenditure out of that fund in any year to exceed the amount which, in relation to that expenditure and that year, is for the time being so determined.
- (3) In this paragraph “expenditure” means expenditure under this Schedule.

Textual Amendments

F50 Sch. 3 para. 16A inserted (31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 94(3); S.I. 1991/2208, art. 2(4), Sch. 3

Provision of accommodation by local authorities for the probation and after-care service

- 17 (1) In any case in which a local authority would be liable under paragraph 15(1) or (3) [^{F51}or 16(1) or (2)] above to defray all or part of the expenses incurred by a probation and after-care committee in providing any accommodation, the local authority may, subject to the provisions of this paragraph, itself provide the accommodation in question for the use of the committee.
- (2) A local authority shall not by virtue of this paragraph provide any accommodation for the use of a probation and after-care committee except with the agreement—
- of the committee; and
 - if the expenses of the committee in providing the accommodation would have fallen to be defrayed partly by that authority and partly by one or more other local authorities, of the other local authority or authorities.
- (3) Where in accordance with sub-paragraph (2)(b) above a local authority provides accommodation with the agreement of one or more other local authorities, that authority shall be entitled to receive from the other authority or authorities such contribution to its expenditure in providing the accommodation as may be agreed between them or as in default of agreement may be determined by the Secretary of State.
- [^{F52}(4) The foregoing provisions of this paragraph shall apply as if the Receiver for the metropolitan police district were a local authority and any sums required to be paid out of the metropolitan police fund were required to be defrayed by him; and any contribution received by him under sub-paragraph (3) above shall be paid into that fund.]

Textual Amendments

F51 Words in Sch. 3 para. 17(1) inserted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(6)(a); S.I. 1992/333, art. 2(1), Sch.1

F52 Sch. 3 para. 17(4) inserted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(6)(b); S.I. 1992/333, art. 2(1), Sch.1

Modifications etc. (not altering text)

C9 Sch. 3 para. 17(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 15(1)

C10 Sch. 3 para. 17(3) excluded by Local Government Act 1985 (c. 51, SIF 81:1), s. 15(1)

Status: Point in time view as at 01/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), SCHEDULE 3. (See end of Document for details)

C11 Sch. 3 para. 17(3) modified by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s. 15(1)**

Rules

- 18 (1) The Secretary of State may make rules—
- (a) regulating the constitution, procedure, powers and duties of probation and after-care committees, . . . ^{F53} and [^{F54}probation liaison committee]s, and the expenses which may be incurred by them and the manner in which those expenses are to be defrayed;
 - ^{F55}(aa) limiting the number of staff (other than probation officers) who may be appointed under paragraph 3 or 10 above;]
 - (b) regulating the qualifications, manner of appointment, . . . ^{F56} and duties of probation officers . . . ^{F57};
 - (c) prescribing anything else which under the preceding provisions of this Schedule may be prescribed;
- and in those provisions the expression “prescribed” means prescribed by rules of the Secretary of State.
- (2) Without prejudice to sub-paragraph (1) above, the Secretary of State may by rules made under this Schedule make provision as to the manner in which paragraph 13 above is to be administered, and in particular may make provision—
- (a) for prescribing . . . ^{F58} the forms to be used and the particulars to be provided for the purpose of claiming payment of the allowances under that paragraph; and
 - (b) for avoiding duplication between payments under that paragraph and under other arrangements where expenditure is incurred for more than one purpose, and otherwise for preventing abuses.
- (3) Nothing in any rules made under this paragraph with respect to the constitution, procedure and functions of case committees shall apply to a case committee for an area within the [^{F59}inner London probation area], except in so far as may be determined under paragraph 5(2) above by the probation and after-care committee for that area.

Textual Amendments

- F53** Words repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**
- F54** By virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 11 para. 6(e)** it is provided that for the references to a case committee there are substituted references to a probation liaison committee
- F55** [Sch. 3 para. 18\(1\)\(aa\)](#) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 132, [Sch. 8 para. 16](#), **Sch. 11 para. 6**
- F56** Words “conditions of service” repealed by [Criminal Law Act 1977 \(c. 45\)](#), **Schs. 12, 13** (any provision as to the conditions of service of probation officers or staff appointed under para. 10 which is made by any rules in force under para. 18(1) on 1.12.1977 shall have effect as if made by a determination of the Secretary of State under para. 18A, and shall accordingly be liable to alteration or cancellation by him by subsequent determination under the said para. 18A)
- F57** Words repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 11 para. 6(f)** and [Sch. 16](#)
- F58** Words repealed by [Administration of Justice Act 1977 \(c. 38\)](#), **Sch. 5 Pt. II**

Status: Point in time view as at 01/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), SCHEDULE 3. (See end of Document for details)

F59 Words in Sch. 3 para. 18(3) substituted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(3); S.I. 1992/333, art. 2(1), Sch.1

Modifications etc. (not altering text)

C12 Sch. 3 para. 18 amended by Criminal Law Act 1977 (c. 45), Sch. 12

C13 By virtue of the Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 11 para. 6(e) it is provided that for the references to a case committee there are substituted references to a probation liaison committee

Conditions of service of probation officers

[^{F60}18A The conditions of service of probation officers . . . ^{F61} shall be such as the Secretary of State may from time to time determine.]

Textual Amendments

F60 Sch. 3 para. 18A inserted by Criminal Law Act 1977 (c. 45), Sch. 12

F61 Words repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 11 para. 6(f) and Sch. 16

Interpretation

19 (1) In this Schedule, “the inner London area” has the same meaning as in the ^{M4}Administration of Justice Act 1964 [^{F62}and ‘inner London probation area’ has the meaning given by paragraph 1(3) above].

(2) ^{F63}

Textual Amendments

F62 Words in Sch. 3 para. 19(1) inserted (1.4.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 75(7); S.I. 1992/333, art. 2(1), Sch.1

F63 Sch. 3 para. 19(2) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17

Marginal Citations

M4 1964 c. 42.

Status:

Point in time view as at 01/10/1992.

Changes to legislation:

There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), SCHEDULE 3.