



Criminal Justice Act 1982

1982 CHAPTER 48

PART V

MISCELLANEOUS

Probation and after-care

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- (1) The designations " probation and after-care area ", " probation and after-care committee" and " probation and after-care service " are hereby changed to " probation area ", " probation committee " and " probation service " respectively and the new designations shall be substituted for the former designations in every enactment relating to any such area or committee or that service.
- (2) The amendments specified in Schedule 11 to this Act, being amendments relating to probation and after-care and the duties and powers of probation committees, shall have effect.

66 Right of appeal of probationer etc.

- (1) The following subsection shall be inserted after subsection (1) of section 50 of the Criminal Appeal Act 1968 (meaning of " sentence ")—

“(1A) Section 13 of the Powers of Criminal Courts Act 1973 (under which a conviction of an offence for which a probation order or an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this Act, whether against conviction or otherwise.”.
- (2) The following subsection shall be inserted after subsection (1) of section 108 of the Magistrates' Courts Act 1980 (right of appeal to the Crown Court)—

“(1A) Section 13 of the Powers of Criminal Courts Act 1973 (under which a conviction of an offence for which a probation order or an order for

Status: This is the original version (as it was originally enacted).

conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this section, whether against conviction or otherwise.”.

(3) In the Powers of Criminal Courts Act 1973—

- (a) the following subsection shall be inserted after subsection (1) of section 11 (substitution of conditional discharge for probation)—

“(1A) No application may be made under subsection (1) above while an appeal against the probation order is pending.”; and

- (b) in Schedule 1 (discharge and amendment of probation orders)—

- (i) the following sub-paragraph shall be inserted after paragraphs 1(1) and 3(1)—

“(1A) No application may be made under sub-paragraph (1) above while an appeal against the probation order is pending.”;

- (ii) the following sub-paragraph shall be inserted after paragraph 2(1)—

“(1A) No order may be made under sub-paragraph (1) above while an appeal against the probation order is pending.”;

- (iii) in paragraph 4, for the word " Where " there shall be substituted the words " Subject to paragraph 4A below, where ";

- (iv) the following paragraph shall be inserted after that paragraph—

“4A No application may be made under paragraph 4 above while an appeal against the probation order is pending.”.