



# Criminal Justice and Court Services Act 2000

## 2000 CHAPTER 43

### PART I

#### THE NEW SERVICES

#### CHAPTER I

#### NATIONAL PROBATION SERVICE FOR ENGLAND AND WALES

#### *Introduction*

#### **1 Purposes of the Chapter.**

[<sup>F1</sup>(1) This Chapter has effect for the purposes of providing for—

- (a) courts to be given assistance in determining the appropriate sentences to pass, and making other decisions, in respect of persons charged with or convicted of offences, and
- (b) the supervision and rehabilitation of such persons.

[<sup>F2</sup>(1A) This Chapter also has effect for the purposes of providing for—

- (a) authorised persons to be given assistance in determining whether conditional cautions should be given and which conditions to attach to conditional cautions, and
- (b) the supervision and rehabilitation of persons to whom conditional cautions are given.]

(2) Subsection (1)(b) extends (in particular) to—

- (a) giving effect to community orders [<sup>F3</sup>(as defined by section 177 of the Criminal Justice Act 2003)] [<sup>F4</sup>and service community orders and overseas community orders under the Armed Forces Act 2006],

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- (b) supervising persons released from prison on licence,
  - (c) providing accommodation in approved premises.
  - [<sup>F5</sup>(d) giving effect to suspended sentence orders (as defined by section 189 of the Criminal Justice Act 2003).]
- (3) Regulations may extend the purposes mentioned in subsection (1) to include other prescribed purposes relating to persons charged with or convicted of offences.
- [<sup>F6</sup>(4) In this section “authorised person” and “conditional caution” have the same meaning as in Part 3 of the Criminal Justice Act 2003.]]

#### Textual Amendments

- F1** Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)
- F2** S. 1(1A) inserted (3.7.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 26(2)**, 336(3)(4); [S.I. 2004/1629](#), art. 2(1)(2)(a)
- F3** Words in s. 1(2)(a) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 134(a)**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 42(36)** (with Sch. 2) (as explained (29.7.2005) by [S.I. 2005/2122](#), **art. 2**; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, **Sch. 28 Pt. 2**; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), **50(2)(d)**; (30.11.2009) by [S.I. 2009/3111](#), **art. 2**; (3.12.2012) by [S.I. 2012/2905](#), **art. 4**; (3.12.2012) by 2012 c. 10, **Sch. 14 para. 17**; [S.I. 2012/2906](#), **art. 2(l)**)
- F4** Words in s. 1(2)(a) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 177**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#); [S.I. 2009/1167](#), art. 4
- F5** S. 1(2)(d) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 134(b)**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 42(36)** (with Sch. 2) (as explained (29.7.2005) by [S.I. 2005/2122](#), **art. 2**; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, **Sch. 28 Pt. 2**; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), **50(2)(d)**; (30.11.2009) by [S.I. 2009/3111](#), **art. 2**; (3.12.2012) by [S.I. 2012/2905](#), **art. 4**; (3.12.2012) by 2012 c. 10, **Sch. 14 para. 17**; [S.I. 2012/2906](#), **art. 2(l)**)
- F6** S. 1(4) inserted (3.7.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 26(3)**, 336(3)(4); [S.I. 2004/1629](#), art. 2(1)(2)(a)

#### Modifications etc. (not altering text)

- C1** S. 1(1) extended (1.4.2001) by [S.I. 2001/786](#), **art. 2**

## 2 Aims of the Service.

- [<sup>F1</sup>(1) This section applies to—
- (a) the functions of the Secretary of State under this Chapter,
  - (b) the functions of local probation boards, and officers of local probation boards, under this Act or any other enactment,
- so far as they may be exercised for the purposes mentioned in section 1.
- (2) In exercising those functions the person concerned must have regard to the following aims—
- (a) the protection of the public,
  - (b) the reduction of re-offending,
  - (c) the proper punishment of offenders,

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- (d) ensuring offenders' awareness of the effects of crime on the victims of crime and the public,
- (e) the rehabilitation of offenders.]

#### Textual Amendments

**F1** Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)

### Functions

#### 3 Functions of the Secretary of State.

- [<sup>F1</sup>(1) The Secretary of State has the function of ensuring that provision is made throughout England and Wales for the purposes mentioned in section 1.
- (2) The Secretary of State may make any payment he considers appropriate towards expenditure incurred by any person for any of those purposes.
  - (3) If he considers it appropriate, he may make any payment on conditions.
  - (4) The conditions may (among other things)—
    - (a) regulate the purposes for which the payment or any part of it may be used,
    - (b) require repayment to the Secretary of State in specified circumstances.]

#### Textual Amendments

**F1** Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)

#### 4 Local probation boards.

- [<sup>F1</sup>(1) For the purpose of implementing this Chapter, England and Wales shall be divided into areas.
- (2) For each area there shall be a board (referred to in this Act as a local probation board) which is to exercise the functions conferred on it by virtue of this Act and any other enactment.
  - (3) Schedule 1 (which makes provision about the constitution of local probation boards, their powers and other matters relating to them) is to have effect.
  - (4) References in this Act or any other enactment to an officer of a local probation board are references to—
    - (a) any member of the staff of a local probation board appointed to exercise the functions of an officer of the board, and
    - (b) any other individual exercising functions of an officer of a local probation board by virtue of section 5(2).
  - (5) The initial areas for the purpose of implementing this Chapter are—

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- (a) the police areas listed in Schedule 1 to the <sup>M1</sup>Police Act 1996 (areas into which England and Wales, apart from London, is divided), and
  - (b) the area comprising the Metropolitan Police District and the City of London Police Area.
- (6) The division of England and Wales into areas for that purpose may be altered from time to time by order made by the Secretary of State.]

#### Textual Amendments

**F1** Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)

#### Marginal Citations

**M1** 1996 c. 16.

## 5 Functions of local probation boards.

- [<sup>F1</sup>(1) It is a function of a local probation board—
- (a) to make arrangements for ensuring that sufficient provision is made in respect of its area for the purposes mentioned in section 1 and for ensuring the performance of any other functions conferred by virtue of this Act or any other enactment on the board,
  - (b) to make arrangements for ensuring the performance of any functions conferred by virtue of this Act or any other enactment on officers of the board,
- and to implement, or ensure the implementation of, any arrangements it makes under this section.
- (2) In addition to making arrangements for provision to be made by its staff, a local probation board may (for example)—
- (a) make arrangements with organisations for provision to be made on the board’s behalf by the organisations,
  - (b) make arrangements with individuals who are not members of the board’s staff under which they may perform functions of officers of the board,
- and arrangements under paragraph (a) may provide for the organisations to designate individuals who may perform functions of officers of the board.
- (3) The provision that may be made in pursuance of such arrangements includes providing services to any person and, in particular—
- (a) giving assistance to persons remanded on bail or for whom officers of the board have responsibilities,
  - (b) providing accommodation in approved premises for persons who have at any time been charged with or convicted of an offence.
- (4) A local probation board may provide for its staff to co-operate with persons in its area who are concerned with the prevention or reduction of crime or with giving assistance to the victims of crime.
- (5) Regulations may confer further functions on local probation boards or officers of local probation boards.

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- (6) A local probation board may give grants or other financial assistance to any person only in pursuance of regulations.
- (7) A local probation board—
  - (a) may make an arrangement with another local probation board under which it provides on behalf of the other board, in respect of the other board's area, any services which it could provide under this section in respect of its own area, and
  - (b) may charge the other local probation board for any services it provides in pursuance of the arrangement.
- (8) It is for the Secretary of State to determine whether or not any provision made by a local probation board under this section is sufficient.]

**Textual Amendments**

**F1** Ss. 1-5 repealed (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), Sch. 5 Pt. 1; [S.I. 2008/504](#), art. 4(1)(m)(i)(2); [S.I. 2009/547](#), art. 2(1)(m)(i)(2)

**[<sup>F7</sup>5A Local probation boards and service justice**

- [ A local probation board may, in pursuance of arrangements made with the Secretary of
- <sup>F8</sup>(1) State, carry out activities anywhere in the world in relation to persons who are or have been subject to proceedings before the Court Martial, the Summary Appeal Court or the Service Civilian Court.
  - (2) Any activities carried out in relation to such persons must correspond to activities which the board is required or authorised to carry out in relation to persons who have been charged with or convicted of criminal offences.]]

**Textual Amendments**

**F7** S. 5A inserted (1.1.2008) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 178](#); [S.I. 2007/2913](#), art. 3

**F8** S. 5A substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 327](#), 383(2); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**6 The inspectorate.**

- (1) The inspectorate, and the office of chief inspector, established under section 23 of the <sup>M2</sup>Probation Service Act 1993 (inspectorate of probation) shall continue in being, <sup>F9</sup> ...
  - <sup>F9</sup> .....
  - <sup>F9</sup> .....
- (2) The power to appoint a person to be chief inspector or one of the other members of the inspectorate is exercisable by the Secretary of State.
- (3) The Secretary of State may determine—
  - (a) the number of members of the inspectorate,

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- (b) the remuneration, allowances or other amounts to be paid by him to or in respect of the members of the inspectorate.
- (4) Below in this Chapter—
- (a) references to the chief inspector are to Her Majesty’s Chief Inspector of [F10Probation] for England and Wales,
  - (b) references to the members of the inspectorate are to the chief inspector and the other members of Her Majesty’s Inspectorate of [F10Probation] for England and Wales.

#### Textual Amendments

- F9** Words in s. 6(1) repealed (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 12(2)(a), 41(1), [Sch. 5 Pt. 1](#); S.I. 2008/504, art. 3(d)(n)
- F10** Word in s. 6(4) substituted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 12(2)(b), 41(1); S.I. 2008/504, art. 3(d)

#### Marginal Citations

- M2** 1993 c. 47.

## 7 Functions of inspectorate.

- (1) The chief inspector must secure that the provision made in pursuance of arrangements made by [F11each local probation board under section 5][F11the Secretary of State under section 3 of the Offender Management Act 2007 (power to make arrangements for the provision of probation services)] is inspected by a member of the inspectorate.
- (2) The Secretary of State may direct the members of the inspectorate to assess the provision made by reference to criteria specified in directions.
- (3) A report of an inspection under subsection (1) must be sent to the Secretary of State.
- (4) The Secretary of State may give directions as to—
  - (a) the information to be given in the report and the form in which it is to be given,
  - (b) the time by which the report is to be given.
- (5) The Secretary of State must lay a copy of the report before each House of Parliament.
- (6) The Secretary of State may give directions, in connection with the purposes mentioned in section 1 [F12of the Offender Management Act 2007] or any related purposes, conferring further functions on the chief inspector and the other members of the inspectorate.

[F13(7) Schedule 1A (which makes further provision about the inspectorate) has effect.]

#### Textual Amendments

- F11** Words in s. 7(1) substituted (1.4.2008 for specified purposes, 1.4.2009 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), ss. 12(3)(a), 41(1); S.I. 2008/504, art. 4(1)(j)(2); S.I. 2009/547, art. 2(1)(j)(2)
- F12** Words in s. 7(6) inserted (1.4.2008 for specified purposes, 1.4.2009 for specified purposes, 1.4.2010 in so far as not already in force) by [Offender Management Act 2007 \(c. 21\)](#), ss. 12(3)(b), 41(1); S.I. 2008/504, art. 4(1)(j)(2); S.I. 2009/547, art. 2(1)(j)(2); S.I. 2010/191, art. 2(10)

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**F13** S. 7(7) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 31(1)**, 53(1); S.I. 2007/709, art. 3(m) (with art. 6)

### Miscellaneous

## 8 Support services.

- [<sup>F14</sup>(1) The Secretary of State may by order provide for any services to which, in his opinion, subsection (3) applies to be provided not by the staff of local probation boards but by others under arrangements made with the boards.
- (2) The order may provide that only the Secretary of State, or an organisation or individual of a description specified in the order, may provide the services.
- (3) This subsection applies to services—
- (a) which are required by local probation boards in connection with the exercise of their functions, but
  - (b) which, with a view to obtaining better value for money or to improving the standard of the services or the efficiency of their provision, are better provided by persons other than the staff of local probation boards.]

#### Textual Amendments

**F14** Ss. 8-10 repealed (1.4.2008 for the repeal of ss. 8, 10 for specified purposes and for the repeal of s. 9, 1.4.2009 for the repeal of ss. 8, 10 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), **Sch. 5 Pt. 1**; S.I. 2008/504, arts. 3(n), 4(m)(ii)(iii); S.I. 2009/547, art. 2(1)(m)(ii)(2)

## <sup>F149</sup> Approved premises.

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#### Textual Amendments

**F14** Ss. 8-10 repealed (1.4.2008 for the repeal of ss. 8, 10 for specified purposes and for the repeal of s. 9, 1.4.2009 for the repeal of ss. 8, 10 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), **Sch. 5 Pt. 1**; S.I. 2008/504, arts. 3(n), 4(m)(ii)(iii); S.I. 2009/547, art. 2(1)(m)(ii)(2)

## 10 Default powers.

- [<sup>F14</sup>(1) The power conferred by this section is exercisable by the Secretary of State in respect of a local probation board if it appears to him that the board is failing to perform the functions conferred on it or that its arrangements for performing those functions do not represent good value for money.
- (2) The Secretary of State may make an order (a “management order”) in respect of the board.
- (3) A management order may modify the application of Schedule 1 in relation to the board by—

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- (a) providing for the board to comprise persons determined in accordance with an arrangement made between the Secretary of State and an organisation (a “management arrangement”), and
  - (b) making any other modifications which appear to the Secretary of State to be necessary or expedient in consequence of that provision or of the management arrangement.
- (4) A management order may provide for the persons determined in accordance with the management arrangement to replace all or any of the chairman, the chief officer and the other existing members of the board; and vacancies occurring among the replacements are to be filled in accordance with the management arrangement.
- (5) The power to revoke a management order is exercisable at any time when the Secretary of State considers it necessary or expedient to revoke it.
- (6) On the revocation of a management order, any person who is a member of the board by virtue of the order and the arrangement ceases to be a member; and, accordingly, any vacancy occurring by virtue of the revocation is to be filled in accordance with Schedule 1 (unless the Secretary of State makes a new management order).]

#### **Textual Amendments**

**F14** Ss. 8-10 repealed (1.4.2008 for the repeal of ss. 8, 10 for specified purposes and for the repeal of s. 9, 1.4.2009 for the repeal of ss. 8, 10 for specified purposes) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), [Sch. 5 Pt. 1](#); S.I. 2008/504, arts. 3(n), 4(m)(ii)(iii); S.I. 2009/547, art. 2(1)(m)(ii)(2)



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