

*Status: Point in time view as at 11/02/2008.*

*Changes to legislation: Criminal Justice and Court Services Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 4.

#### LOCAL PROBATION BOARDS

##### *Constitution*

- 1 A local probation board shall be a body corporate.
- 2 (1) A local probation board is to consist of a chairman, a chief officer and not less than five other members.
  - (2) One of the other members is to be appointed by the [<sup>F1</sup>Lord Chief Justice, after consulting the Lord Chancellor] from among the judges of the Crown Court (being a judge of the High Court, a Circuit judge [<sup>F2</sup>, a Recorder or a District Judge (Magistrates' Courts)] ).
  - (3) The chairman, the chief officer and the other members are to be appointed by the Secretary of State.
  - (4) Regulations may make provision as to their appointment (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment as a member).
  - (5) Regulations made by virtue of sub-paragraph (4) and coming into force on or after the coming into force of section 4 must make provision—
    - (a) for the selection procedure for the chairman, the chief officer and the other members of the board who are to be appointed by the Secretary of State to include selection panels,
    - (b) in the case of the chief officer, for the board to be represented on any selection panel making a final recommendation to the Secretary of State.
  - (6) Regulations must provide, so far as it is practicable to do so, for the persons appointed to be representative of the local community in the board's area and to live or work (or to have lived or worked) in that area.
  - (7) Below in this Schedule, "member" includes the chairman and chief officer (where the context allows).
- [<sup>F3</sup>(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (2).]

#### Textual Amendments

- F1** Words in Sch. 1 para. 2(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 298\(2\)\(a\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(x)
- F2** Words in Sch. 1 para. 2(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 393](#); S.I. 2005/910, art. 3(y)

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**F3** Sch. 1 para. 2(8) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 298\(2\)\(b\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(x)

#### *Tenure of members*

- 3 (1) A person is to hold and vacate office as a member in accordance with the terms of the instrument appointing him.
- (2) A person may at any time resign office as a member by giving written notice to the Secretary of State or, as the case may be, the Lord Chancellor.
- (3) The Secretary of State or, as the case may be, the Lord Chancellor may remove a member from office by giving written notice to him.
- [<sup>F4</sup>(3A) The power conferred by sub-paragraph (3) may be exercised by the Lord Chancellor to remove a person appointed by him by virtue of paragraph 2(2) only with the concurrence of the Lord Chief Justice.]
- (4) Regulations may make provision as to the tenure of office of the members (including the circumstances in which they cease to hold office or may be removed or suspended from office).
- (5) The chief officer is to be treated for the purposes of the <sup>M1</sup>Employment Rights Act 1996 as if he were in Crown employment (within the meaning of that Act).
- (6) Sub-paragraphs (1) to (3) have effect subject to sub-paragraph (5) and any regulations made by virtue of sub-paragraph (4).

#### **Textual Amendments**

**F4** Sch. 1 para. 3(3A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 298\(3\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(x)

#### **Marginal Citations**

**M1** 1996 c. 18.

#### *Chairman's report*

- 4 Regulations may require the chairman to make a report to the Secretary of State about the performance of the other members, or any of them, and may confer other functions on the chairman.

#### *Remuneration etc.*

- 5 (1) It is for the Secretary of State to pay, or make provision for paying, to or in respect of any person who is or has been a member—
- (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity,
- determined by him.
- (2) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as a member otherwise than on the expiration

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of his term of office to receive compensation, the Secretary of State may pay an amount of compensation determined by him to that person.

#### *Procedure*

- 6 Regulations may provide for—
- (a) the establishment and functions of committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members),
  - (b) the procedure of the boards and of any committees or sub-committees of the boards (including quorum and the validation of proceedings in the event of vacancies or defects in appointment).

#### *Secretary and Treasurer*

- 7 Regulations shall provide—
- (a) for each local probation board to appoint a secretary or treasurer (including the conditions to be fulfilled for appointment),
  - (b) for the tenure of office of a secretary or treasurer so appointed (including the circumstances in which he ceases to hold office or may be removed or suspended from office).

#### *Staff*

- 8 (1) A local probation board may appoint staff on terms and conditions determined by the local probation board as to—
- (a) any remuneration, fees or expenses,
  - (b) any pension, allowance or gratuity.
- (2) But—
- (a) a determination under this paragraph requires the approval of the Secretary of State,
  - (b) the Secretary of State may give directions as to the appointment of staff of a description specified in the directions,
  - (c) the Secretary of State may give directions as to the qualifications, experience or training of staff.

#### *Delegation of functions*

- 9 A local probation board may arrange for a committee, sub-committee or member to discharge functions of the board.
- 10 Regulations may provide for prescribed functions or other powers of a local probation board to be exercised by the chief officer on behalf of the board.

#### *Payments to boards*

- 11 (1) The Secretary of State may pay to a local probation board any amount he considers appropriate.
- (2) If he considers it appropriate, he may make any payment on conditions.
- (3) The conditions may (among other things)—

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- (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.

#### *Supervision*

- 12 (1) Functions and other powers of local probation boards must be performed in accordance with any directions given to them by the Secretary of State.
- (2) A local probation board must provide the Secretary of State with any information relating to the performance of its functions or other powers which he may from time to time require.

#### *Ancillary powers*

- 13 (1) Subject to any directions given by the Secretary of State, a local probation board may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) holding property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of performing its functions,
  - (d) accepting gifts.
- (3) But a local probation board—
- (a) may not hold land (though it may manage it),
  - (b) may not borrow money, whether by way of overdraft or otherwise, without the approval of the Secretary of State.
- (4) Approval under this paragraph may be either general or special.

#### *Directions*

- 14 (1) Different directions may be given under this Chapter for different purposes.
- (2) Directions under this Chapter may be either general or special.
- (3) Directions under this Chapter may apply in relation to local probation boards generally or in relation to one or more local probation boards identified in the directions.

#### *Annual plan*

- 15 (1) A local probation board must, before the beginning of each financial year—
- (a) prepare a plan setting out how it intends to exercise its functions in that year, having regard to the circumstances prevailing in its area, and dealing with any other matter which the Secretary of State by directions requires it to deal with in respect of that year,
  - (b) send a copy of the plan to the Secretary of State.
- (2) If the plan does not appear to the Secretary of State to be satisfactory, he may direct the local probation board to modify it.

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### *Reports*

- 16 (1) A local probation board must—
- (a) make a report to the Secretary of State on the performance of its functions during each financial year, and
  - (b) arrange for the report to be published.
- (2) 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 made,
  - (c) the form and manner in which the report is to be published.

### *Accounts*

- 17 (1) A local probation board must—
- (a) keep proper accounts and proper records in relation to the accounts,
  - (b) prepare in respect of each financial year of the board a statement of accounts.
- (2) The Comptroller and Auditor General may examine any accounts of a local probation board, any records relating to the accounts and any auditor’s report on them.
- (3) In the <sup>M2</sup>Audit Commission Act 1998—
- (a) in section 11(2) (consideration of reports and recommendations), for paragraph (f) there is substituted—
    - “(f) local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000”,
  - (b) in Schedule 2 (accounts subject to audit), for paragraph 1(p) there is substituted—
    - “(p) a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000”.
- (4) The Secretary of State must prepare in respect of each financial year consolidated accounts of the local probation boards and send them, not later than the time specified in directions given by the Treasury, to the Comptroller and Auditor General.
- (5) The Comptroller and Auditor General must examine and certify the consolidated accounts and lay copies of them, together with his report on them, before the House of Commons.

#### **Marginal Citations**

**M2** 1998 c. 18.

### *Complaints*

- 18 Regulations may require each local probation board to make and publicise arrangements for dealing with complaints made by or on behalf of prescribed persons in relation to things done under the arrangements made by the board under section 5.

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### *Status*

- 19 A local probation board is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property is not to be regarded as property of, or property held on behalf of, the Crown.

### *Interpretation*

- 20 “Financial year”, in this Schedule, means—
- (a) the period beginning with the date on which the local probation board is established and ending with the next following 31st March, and
  - (b) each successive period of twelve months.

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