

SCHEDULE 1

Amendments of Acts

PART 1

New arrangements for the provision of probation services

Criminal Justice Act 2003

- 19.**—(1) The Criminal Justice Act 2003(1) is amended as follows.
- (2) In section 158 (meaning of “pre-sentence” report), in subsection (2)—
- (a) in paragraph (a), after “board” insert “or an officer of a provider of probation services”; and
 - (b) in paragraph (b)(2), after “board” insert “, an officer of a provider of probation services”.
- (3) In section 160 (other reports of local probation boards and members of youth offending teams)
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- (a) in the heading, after “boards” insert “, providers of probation services”; and
 - (b) in subsection (1)(a), after “board” insert “, an officer of a provider of probation services”.
- (4) In section 184(3) (restrictions on power to make intermittent custody order), in subsection (2) (a), at the end insert “or an officer of a provider of probation services”.
- (5) In section 197 (meaning of “the responsible officer”), in subsection (2)(4)—
- (a) for paragraph (a) substitute—
 - “(a) in a case where the offender is aged under 18 at the time when the relevant order is made—
 - (i) an officer of a local probation board appointed for or assigned to the local justice area for the time being specified in the order or, (as the case may be) an officer of a provider of probation services acting in the local justice area for the time being specified in the order
 - (ii) a member of a youth offending team established by a local authority for the time being specified in the order.”; and
 - (b) in paragraph (b) at the end insert “, or (as the case may be) an officer of a provider of probation services acting in the local justice area for the time being specified in the order”.
- (6) In section 199 (unpaid work requirement), in subsection (4)—
- (a) in paragraph (a), after “board” insert “or an officer of a provider of probation services”; and
 - (b) in paragraph (b)(5), after “board” insert “, an officer of a provider of probation services”.
- (7) In section 201 (activity requirement)—
- (a) in subsection (3)(a)—
 - (i) in sub-paragraph (i), at the end insert “or an officer of a provider of probation services”; and

(1) [2003 c.44](#)

(2) Section 158(2)(b) was amended by the Children Act 2004 (c.31), Schedule 5, Part 4.

(3) Section 184 is in force for certain purposes. The date in force for the remaining purposes is to be appointed.

(4) Section 197(2) was amended by [S.I. 2005/886](#).

(5) Section 199(4)(b) was amended by the Children Act 2004 (c.31), Schedule 5, Part 4.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) in sub-paragraph (ii), omit “either” and after “board” insert “, an officer of a provider of probation services”; and
- (b) in subsection (7), for paragraph (b), substitute—
 - “(b) a place that has been approved as providing facilities suitable for persons subject to activity requirements—
 - (i) where the premises are situated in the area of a local probation board, by that board, or
 - (ii) in any other case, by a provider of probation services authorised to do so by arrangements under section 3 of the Offender Management Act 2007.”
- (8) In section 202 (programme requirement)—
 - (a) in subsection (4)(a)—
 - (i) in sub-paragraph (i), after “board” insert “or an officer of a provider of probation services”; and
 - (ii) in sub-paragraph (ii), omit “either” and after “board” insert “, an officer of a provider of probation services”; and
 - (b) for subsection (7), substitute—
 - “(7) A place specified in an order must be a place that has been approved as providing facilities suitable for persons subject to programme requirements—
 - (a) where the premises are situated in the area of a local probation board, by that board, or
 - (b) in any other case, by a provider of probation services authorised to do so by arrangements under section 3 of the Offender Management Act 2007.”
- (9) In section 203 (prohibited activity requirement), in subsection (2)—
 - (a) in paragraph (a), at the end insert “or an officer of a provider of probation services”; and
 - (b) in paragraph (b), omit “either” and after “board” insert “, an officer of a provider of probation services”.
- (10) In section 206 (residence requirement), in subsection (4), at the end insert “or an officer of a provider of probation services”.
- (11) In section 209 (drug rehabilitation requirement), in subsection (2)(c)—
 - (a) in sub-paragraph (i), after “board” insert “or an officer of a provider of probation services”; and
 - (b) in sub-paragraph (ii), omit “either” and after “board” insert “, an officer of a provider of probation services”.
- (12) In section 219 (provision of copies of relevant orders), in subsection (1)—
 - (a) in paragraph (b), at the end insert “or an officer of a provider of probation services acting at the court”;
 - (b) in subsection (c), after “board assigned to the court” insert “, an officer of a provider of probation services acting at the court”; and
 - (c) in subsection (d)(6), at the end insert “, or (as the case may be) a provider of probation services acting in that area”.
- (13) In section 222 (rules), in subsection (1)(c), after “boards” insert “or providers of probation services”.

(6) Section 219(1)(d) was amended by [S.I. 2005/886](#).

(14) In section 253 (curfew condition to be included in licence under section 246), in subsection (1)(a), for “section 9 of the Criminal Justice and Court Services Act 2000 (c.43)” substitute “section 13 of the Offender Management Act 2007 (c.21)”.

(15) In section 266 (release on licence etc: drug testing requirements), in subsection (5), in the definition of “responsible officer” in subsection (6) to be inserted in section 64 of the Criminal Justice Court Services Act 2000(7)—

- (a) in paragraph (a), after “board” insert “, an officer of a provider of probation services”; and
- (b) in paragraph (b), at the end insert “or an officer of a provider of probation services”.

(16) In section 325 (arrangements for assessing etc risk posed by certain offenders)—

- (a) in subsection (1), after “for that area” insert “ or (if there is no local probation board for that area) a relevant provider of probation services”; and
- (b) in subsection (9)(8) insert, at the appropriate place—

““a relevant provider of probation services” in relation to an area means a provider of probation services identified as such for the purposes of this section by arrangements under section 3 of the Offender Management Act 2007.”

(17) In Schedule 8 (breach, revocation or amendment of community order), in paragraph 27(1)(b)(i)(9), after “area” insert “, or (as the case may be) a provider of probation services operating in that area”.

(18) In Schedule 10 (revocation or amendment of custody plus orders and amendment of intermittent custody orders), in paragraph 9(1)(b)(10), after “area” insert “, or (as the case may be) a provider of probation services operating in that area”.

(19) In Schedule 11 (transfer of custody plus orders and intermittent custody orders to Scotland or Northern Ireland)—

- (a) in paragraph 17(4), for “local probation board” substitute “provider of probation services”; and
- (b) in paragraph 22(7)(a) (11), after “area” insert “, or (as the case may be) a provider of probation services operating in the new local justice area”.

(20) In Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction), in paragraph 22(1)(b)(12), after “area” insert “, or (as the case may be) a provider of probation services operating in that area,”.

(21) In Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland),

- (a) in paragraph 15(5), for “local probation board” substitute “provider of probation services”; and
- (b) in paragraph 20(6)(a)(13), after “area” insert “, or (as the case may be) a provider of probation services operating in the new local justice area”.

(7) In section 266(5), subsection (6) is to be inserted in section 64 of the Criminal Justice and Court Services Act 2000 (c.43), from a date to be appointed.

(8) Section 325(9) was amended by the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraphs 253 and 254.

(9) Schedule 8, paragraph 27(1)(b) was amended by S.I. 2005/886.

(10) Schedule 10, paragraph 9(1)(b) was amended by S.I. 2005/886.

(11) Schedule 11, paragraph 22(7)(a) was amended by S.I. 2005/886.

(12) Schedule 12, paragraph 22(1)(b) was amended by S.I. 2005/886.

(13) Schedule 13, paragraph 20(6)(a) was amended by S.I. 2005/886.