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STATUTORY INSTRUMENTS

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**2001 No. 786**

**PROBATION**

**The Local Probation Boards (Miscellaneous Provisions) Regulations 2001**

<i>Made</i>	- - - -	<i>2nd March 2001</i>
<i>Laid before Parliament</i>		<i>8th March 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

In exercise of the powers conferred on him by sections 1(3), and 5(5) and (6) of the Criminal Justice and Court Services Act 2000<sup>(1)</sup> and paragraphs 6, 7, 10 and 18 of Schedule 1 to that Act, the Secretary of State hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Local Probation Boards (Miscellaneous Provisions) Regulations 2001 and shall come into force on 1st April 2001.

(2) In these Regulations, “the 2000 Act” means the Criminal Justice and Court Services Act 2000.

**Purposes of the National Probation Service for England and Wales**

2. The purposes of the National Probation Service for England and Wales mentioned in section 1(1) of the 2000 Act are hereby extended under section 1(3) of that Act to include the giving of information relating to the judicial and custodial process to:

- (a) the victim of a person convicted of an offence; and
- (b) a person claiming to be the victim of a person charged with an offence.

**Fares incurred in reporting**

3. A local probation board may, in a case of hardship, pay the cost of fares necessarily incurred by a person under the supervision of an officer of the board in reporting to the officer or presenting himself elsewhere in accordance with instructions given by the officer.

### **Financial assistance**

4. Where a person is subject to the supervision of a local probation board, the board may grant that person any financial assistance which it considers necessary and which is not available from any other source.

### **Delegation to chief officers**

5.—(1) Subject to paragraph (2), the power of a local probation board to appoint and dismiss staff below the level of assistant chief officer and to conduct disciplinary and grievance hearings in relation to such staff is hereby prescribed under paragraph 10 of Schedule 1 to the 2000 Act for the purpose of being exercised by the chief officer on behalf of the board.

(2) Paragraph (1) shall not prevent the board from arranging for the carrying out of the said power by a person other than the chief officer where the chief officer is for any reason unavailable to do so.

(3) Nothing in this regulation shall prevent a local probation board from hearing an appeal from a person employed or formerly employed by the board in relation to any disciplinary or grievance matter concerning that person.

### **Complaints**

6.—(1) A local probation board shall make and publicise arrangements for dealing with complaints.

(2) The following persons are prescribed under paragraph 18 of Schedule 1 to the 2000 Act for the purpose of complaints being made by or on behalf of such persons in relation to things done under arrangements made by the board under section 5 of that Act:

- (a) persons in respect of whom the local probation board has had responsibility for writing a pre-sentence report;
- (b) persons convicted of offences who are, or have been, under the supervision of a local probation board or who are or have been provided with accommodation in premises approved by the Secretary of State in accordance with section 9 of the 2000 Act;
- (c) victims of persons convicted of offences;
- (d) persons who have suffered physical injury or distress or theft of or damage to their property as a result of the conduct of a person subject to a community order or released from prison on licence whilst undertaking activities under the supervision of an officer of a local probation board; and
- (e) the immediate family of a person falling within sub-paragraph (a), (b), (c) or (d) above where that person has died; and for this purpose, “immediate family” means the parents, spouse, cohabitee, siblings or children of a person falling within (a), (b), (c) or (d) above.

### **Audit committees**

7.—(1) Each local probation board shall establish an audit committee.

(2) The audit committee shall be responsible for reviewing the financial management and probity of the local probation board.

(3) An audit committee shall have a maximum of 6 members, of whom at least 4 shall also be members of the local probation board.

(4) The quorum of an audit committee shall not be less than 4.

(5) Where the number of members attending a meeting of an audit committee who are not also members of the local probation board exceeds the number of committee members attending the

meeting who are also members of the board, any decision made by the committee must be ratified by the board in order to take effect.

(6) The chairman of an audit committee must be appointed by the chairman of the local probation board.

(7) Neither the chairman of a local probation board nor the chief officer of the board may be appointed as the chairman of the audit committee.

### **Meetings of local probation boards**

**8.**—(1) Subject to the provision of these Regulations, a local probation board may establish its own procedures and the procedures of its committees and sub-committees.

(2) The quorum of a local probation board shall not be less than 7.

(3) A local probation board shall meet at least four times a year and, so far as practicable, shall meet at least ten times a year.

(4) A local probation board shall meet in public, except where the board resolves to meet in private in accordance with a scheme that has been approved by the Secretary of State.

### **Secretary or treasurer**

**9.**—(1) Each local probation board shall appoint a secretary and a treasurer who shall, subject to paragraph (3) below, each hold office in accordance with the terms of his appointment.

(2) A member of a local probation board shall not be appointed as the secretary or treasurer to the board.

(3) A secretary or treasurer to a local probation board may be suspended or removed from office by resolution of the board.

(4) A person appointed as treasurer on or after 1st April 2001 shall be a member of one or more of the bodies mentioned in section 113(3) of the Local Government Finance Act 1988(2).

### **Amendment to the Local Probation Boards (Appointment) Regulations 2000**

**10.** In regulation 8(1)(a) of the Local Probation Boards (Appointment) Regulations 2000(3), for “two months” there is substituted “six months”.

Home Office  
2nd March 2001

*Paul Boateng*  
Minister of State

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(2) 1988 c. 41.  
(3) S.I.2000/3342.

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make miscellaneous provision in connection with local probation boards. They extend the purposes of the National Probation Service to include the giving of information to victims of offenders and alleged offenders. The Regulations also prescribe the functions of boards which are to be exercised by chief officers on behalf of local probation boards. They also prescribe the persons eligible to make complaints in relation to things done under arrangements made by local boards under section 5 of the Criminal Justice and Court Services Act 2000. In addition, the Regulations provide for the establishment and functions of audit committees and for the procedure of local and audit committees. They also provide for the appointment of secretaries and treasurers to local probation boards and for their tenure of office.

The Regulations also amend the Local Probation Boards (Appointment) Regulations 2000 so as to substitute a period of six months instead of two months as the period after which the Secretary of State can suspend or remove from office a member of the board who has failed to attend board meetings without consent during that period.