

SCHEDULES

SCHEDULE 11

Section 65.

PROBATION AND AFTER-CARE

- 1 In the Powers of Criminal Courts Act 1973—
- (a) section 4 (day training centres);
 - (b) so much of section 49 as enables rules made by the Secretary of State to provide that no person shall be appointed to be in charge of an approved bail hostel or an approved probation hostel unless the Secretary of State has consented to his appointment and as permits the appointment of a person to be in charge of any such hostel in case of emergency without such consent; and
 - (c) section 50 (inspection of non-approved institutions for the residence of probationers and persons on bail),
- shall cease to have effect.
- 2 In section 2(3) of that Act (probation orders) for the words " and 4 " there shall be substituted the words " , 4A and 4B ".
- 3 The following sections shall be inserted after section 4 of that Act—

“4A Requirements in probation orders.

- (1) Without prejudice to the generality of section 2(3) above, the power conferred by that subsection includes power, subject to the provisions of this section, to require the probationer—
- (a) to present himself to a person or persons specified in the order at a place or places so specified ;
 - (b) to participate or refrain from participating in activities specified in the order—
 - (i) on a day or days so specified ; or
 - (ii) during the probation period or such portion of it as may be so specified.
- (2) A court shall not include in a probation order a requirement such as is mentioned in subsection (1) above unless it has first consulted a probation officer as to—
- (a) the offender's circumstances ; and
 - (b) the feasibility of securing compliance with the requirements, and is satisfied, having regard to the probation officer's report, that it is feasible to secure compliance with them.
- (3) A court shall not include a requirement such as is mentioned in subsection (1)
- (a) above or a requirement to participate in activities if it would involve the co-operation of a person other than the probationer and the probation

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officer responsible for his supervision, unless that other person consents to its inclusion.

- (4) A requirement such as is mentioned in subsection (1)(a) above shall operate to require the probationer—
- (a) in accordance with instructions given by the probation officer responsible for his supervision, to present himself at a place for not more than 60 days ; and
 - (b) while there, to comply with instructions given by, or under the authority of, the person in charge of the place.
- (5) A place specified in the order shall have been approved by the probation committee for the area in which the premises are situated as providing facilities suitable for persons subject to probation orders.
- (6) A requirement to participate in activities shall operate to require the probationer—
- (a) in accordance with instructions given by the probation officer responsible for his supervision, to participate in the activities for not more than 60 days ; and
 - (b) while participating, to comply with instructions given by, or under the authority of, the person in charge of the activities.
- (7) Instructions given by a probation officer under subsection (4) or (6) above shall, as far as practicable, be such as to avoid any interference with the times, if any, at which the probationer normally works or attends a school or other educational establishment.

4B Probation orders requiring attendance at day centre.

- (1) Without prejudice to the generality of sections 2(3) and 4A above, the power conferred by section 2(3) above includes power, subject to the provisions of this section, to require the probationer during the probation period to attend at a day centre specified in the order.
- (2) A court shall not include such a requirement in a probation order unless—
- (a) it has consulted a probation officer ; and
 - (b) it is satisfied—
 - (i) that arrangements can be made for the probationer's attendance at a centre ; and
 - (ii) that the person in charge of the centre consents to the inclusion of the requirement.
- (3) A requirement under subsection (1) above shall operate to require the probationer—
- (a) in accordance with instructions given by the probation officer responsible for his supervision, to attend on not more than 60 days at the centre specified in the order ; and
 - (b) while attending there to comply with instructions given by, or under the authority of, the person in charge of the centre.
- (4) Instructions given by a probation officer under subsection (3) above shall, so far as is practicable, be such as to avoid any interference with the times,

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if any, at which the probationer normally works or attends a school or other educational establishment.

- (5) References in this section to attendance at a day centre include references to attendance elsewhere than at the centre for the purpose of participating in activities in accordance with instructions given by, or under the authority of, the person in charge of the centre.
- (6) In this section " day centre" means premises at which non-residential facilities are provided for use in connection with the rehabilitation of offenders and which—
- (a) are provided by a probation committee ; or
 - (b) have been approved by the probation committee for the area in which the premises are situated as providing facilities suitable for persons subject to probation orders.”.

4 In section 47(a) of that Act (the probation service and its functions) for the word " case " there shall be substituted the words " probation liaison ".

5 In Schedule 1 to that Act (discharge and amendment of probation orders)—

- (a) in sub-paragraph (2) of paragraph 1 (by virtue of which the power to discharge a probation order is to be exercised by the supervising court where the order was made by the court by or before which the probationer was convicted, or on appeal) after the word " appeal" there shall be inserted the words " or by the Crown Court, where a magistrates' court has committed an offender to it for sentence, or by a magistrates' court to which the offender has been remitted for sentence under section 39 of the Magistrates' Courts Act 1980, ";
- (b) in sub-paragraph (3) of that paragraph (which enables the Crown Court to reserve to itself the power to discharge a probation order) after the words " Crown Court", in the first place where they occur, there shall be inserted the words " or where the Crown Court made the order following the offender's committal to it for sentence by a magistrates' court "; and
- (c) in sub-paragraph (1) of paragraph 3 (which relates to the cancellation etc. of requirements) for the words " or 4" there shall be substituted the words " , 4A or 4B ".

6 In Schedule 3 to that Act (duties and powers of probation committees)—

- (a) in paragraph 3—
 - (i) in sub-paragraph (1)(a) (under which it is the duty of every such committee to appoint sufficient probation officers for their probation area and to ensure that at least one probation officer who is a man and one probation officer who is a woman is appointed for or assigned to each petty sessions area) the words from " and to ensure" to " petty sessions area" shall cease to have effect;
 - (ii) in sub-paragraph (2) (powers of probation committee to give financial and other assistance to persons under the supervision of probation officers appointed for their area) for the words " under the supervision of probation officers appointed for their area" there shall be substituted the words " in relation to whom probation officers appointed for their area have responsibilities ";
 - (iii) the following sub-paragraph shall be inserted after that sub-paragraph—

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- “(2A) A probation committee may provide facilities for enabling—
- (a) directions given by a supervisor by virtue of subsection (2) of section 12 of the Children and Young Persons Act 1969 ; and
 - (b) requirements included in a supervision order by virtue of subsection (3C) of that section,
- to be carried out effectively.”;
- (iv) in sub-paragraph (3) (by virtue of which a committee may delegate functions to a sub-committee, but only with the approval of the Secretary of State) the words " with the approval of the Secretary of State " shall cease to have effect; and
- (v) the following sub-paragraph shall be inserted after sub-paragraph (4)—
- “(5) In this paragraph " supervision order" and "supervisor" have the meanings assigned to them by section 11 of the Children and Young Persons Act 1969.”;
- (b) the following paragraphs shall be substituted for paragraphs 4 and 5 (case committees)—

“Probation liaison committees

- 4** (1) For every petty sessions area outside the inner London area there shall be one or more committees, to be called " probation liaison committees ", and every such committee shall, subject to paragraphs 6 and 7 below, consist—
- (a) if the petty sessions area is a separate probation area, of the probation committee ;
 - (b) in any other case, of not less than three justices appointed by the justices acting for that petty sessions area.
- (2) It shall be the duty of probation liaison committees for areas outside the inner London area to review the work of probation officers, and to perform such other duties in connection with the work of probation officers as may be prescribed.
- (3) A probation committee for any area outside the inner London area shall pay any expenses incurred in accordance with rules made by the Secretary of State under this Schedule by a probation liaison committee for a petty sessions area in their probation area, and any allowances under paragraph 13 below to members of any such committee.
- 5** (1) The probation committee for the inner London area may appoint such probation liaison committees, constituted in such manner and for such areas within that area, as the probation committee may determine, and shall pay the expenses of any probation liaison committee appointed under this sub-paragraph.
- (2) Any probation liaison committee appointed for an area within the inner London area shall exercise functions conferred on probation liaison committees for areas outside the inner London area by

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- paragraph 4(2) above to such extent and in such cases as may be determined by the probation committee for the inner London area.”;
- (c) in paragraphs 6 and 7 (which relate to the co-option of members of probation committees and case committees) a reference to a probation liaison committee shall be substituted for every reference to a case committee ;
 - (d) in paragraph 10 (functions of probation committees in relation to community service orders)—
 - (i) in sub-paragraph (1) (under which a probation committee may, with the approval of the Secretary of State, secure that arrangements for persons to perform work under community service orders are made for their area or for any petty sessions area comprised in it) for the words " may, with the approval of the Secretary of State," there shall be substituted the word " shall " and for the word " any " there shall be substituted the word " each "; and
 - (ii) sub-paragraph (2) (appointment of community service committees) shall cease to have effect;
 - (e) in sub-paragraphs (1) and (3) of paragraph 13 (travelling and subsistence allowances) and sub-paragraph (1)(a) of paragraph 18 (rules) references to a probation liaison committee shall be substituted for the references to a case committee ;
 - (f) in paragraphs 18(1)(b) and 18A (both of which relate to the qualifications etc. of probation officers and their ancillary staff) the words " and staff appointed under paragraph 10 above " shall cease to have effect.