



Probation Service Act 1993

1993 CHAPTER 47

Probation committees

3 Constitution of probation committees

- (1) There shall be a probation committee for every probation area.
- (2) A probation committee shall be a body corporate.
- (3) Schedule 1 has effect with respect to the membership of probation committees and the travelling and other allowances payable to members.

4 General functions in relation to probation officers

- (1) It is the duty of a probation committee—
 - (a) to appoint probation officers for their probation area and to pay to the officers so appointed such remuneration, allowances and expenses as may be determined under section 15;
 - (b) to provide for the efficient carrying out of the work of probation officers;
 - (c) to make arrangements for the selection, from the probation officers appointed for or assigned to a petty sessions area within their probation area, of an officer to supervise any person subject to a probation order naming that petty sessions area;
 - (d) to make arrangements for the selection, from the probation officers appointed for or assigned to such a petty sessions area, of an officer to supervise any person subject to a supervision order (within the meaning of the Children and Young Persons Act 1969) naming that petty sessions area;
 - (e) to make such payments and to such persons as may be prescribed in respect of persons under the supervision of probation officers who are qualifying persons; and
 - (f) to perform such other duties in connection with the work of probation officers as may be prescribed.

- (2) The appointment of probation officers under subsection (1)(a) is subject, in the case of such classes or descriptions of probation officers as may be prescribed, to the approval of the appointment by the Secretary of State.
- (3) The number of probation officers appointed under subsection (1)(a) shall be such as may be determined by the probation committee or, where objection is made by a responsible authority for the probation area—
 - (a) as may be agreed between the committee and the responsible authority or authorities for that area, or
 - (b) as may in default of agreement be determined by the Secretary of State, to be sufficient for the probation area.
- (4) The arrangements required by paragraph (c) or (d) of subsection (1) include, for cases in which it is necessary or desirable to replace the selected probation officer, arrangements for the selection of another officer from among those appointed or assigned to the petty sessions area in question.
- (5) A person under the supervision of a probation officer is a “qualifying person” for the purposes of subsection (1)(e) if he is required by a probation order to reside in any place other than for the purpose of submitting to treatment for his mental condition as a resident patient.

5 Functions in relation to children and young persons

A probation committee may provide facilities for enabling—

- (a) directions given by a supervisor by virtue of section 12(2) of the Children and Young Persons Act 1969,
- (b) requirements included in a supervision order by virtue of section 12A(3) of that Act, and
- (c) directions under paragraph 2 or 3 of Schedule 3 to the Children Act 1989, to be carried out effectively.

6 Arrangements for performing work under community service orders

- (1) It is the duty of a probation committee to secure that arrangements for persons to perform work under community service orders are made for each petty sessions area comprised in their probation area.
- (2) For the purposes of any such arrangements made for the whole or part of their area, the probation committee may—
 - (a) appoint staff or provide accommodation, equipment, materials and transport;
 - (b) make payments to any society or body in respect of services rendered by them;
 - (c) defray travelling and other expenses in connection with the performance of work by persons subject to community service orders.

7 Provision of certain establishments

A probation committee may, with the approval of the Secretary of State, provide and carry on bail hostels, probation hostels and other establishments for use in connection with the rehabilitation of offenders.

8 Provision of financial assistance

- (1) It is the duty of a probation committee to make such payments and to such persons as may be prescribed in respect of persons accommodated in bail hostels and probation hostels.
- (2) A probation committee may, in such cases and in such manner as may be prescribed, give financial and other assistance—
 - (a) to persons remanded on bail; and
 - (b) to persons in relation to whom probation officers appointed for their area have responsibilities.

9 General power to make grants in prescribed cases

Without prejudice to their powers apart from this section, a probation committee may, in prescribed cases, make such payments and to such persons as may be prescribed.

10 Provision of accommodation by responsible authorities

- (1) This section applies in any case where the expenses of a probation committee in providing any accommodation would fall under this Act to be defrayed by the responsible authority or authorities for the probation area in question.
- (2) A responsible authority for that area may, with the agreement of the probation committee and (if the expenses would have fallen to be defrayed in part by one or more other responsible authorities) of the other responsible authority or authorities, itself provide the accommodation in question for the use of the committee.
- (3) Where a local authority provides accommodation with the agreement of one or more other responsible authorities, the expenses of providing it shall be apportioned between them—
 - (a) where all or any of the authorities concerned are councils of metropolitan districts or outer London boroughs, in proportion to the populations of their respective areas; or
 - (b) in any other case, in such manner as may be agreed between the authorities concerned or (in default of agreement) determined by the Secretary of State.

11 Default power where probation committee fails to discharge duty

- (1) If the Secretary of State is of the opinion that, without reasonable excuse, a probation committee—
 - (a) is failing properly to discharge any duty imposed on it by or under any enactment; or
 - (b) has so failed and is likely to do so again;he may by order make such provision as he considers requisite for the purpose of securing that the duty is properly discharged by the committee.
- (2) The order shall state that the Secretary of State is of the opinion mentioned in subsection (1).
- (3) It shall be the duty of the committee to comply with the provision made by the order.