

SCHEDULE 1

Amendments of Acts

PART 1

New arrangements for the provision of probation services

Powers of Criminal Courts (Sentencing) Act 2000

14.—(1) The Powers of Criminal Courts (Sentencing) Act 2000(1) is amended as follows.

(2) In section 1(2) (deferment of sentence), after subsection (5)(b) (but before the “and” following it) insert—

“(ba) where an officer of a provider of probation services has been appointed to act as a supervisor in relation to him, to that provider.”.

(3) In section 1A(3) (further provision about undertakings), in subsection (2)(a), at the end insert “or an officer of a provider of probation services”.

(4) In section 41(4) (community rehabilitation orders)—

(a) in subsection (4)(5), at the end insert “, or (as the case may be) an officer of a provider of probation services acting in the local justice area specified in the order.”;

(b) in subsection (5)(a)(6), after “order” insert “, or (as the case may be) an officer of a provider of probation services acting in the local justice area specified in the order”;

(c) in subsection (6)(7), after “the officer of a local probation board” insert “, officer of a provider of probation services”; and

(d) in subsection (9)(8)—

(i) in paragraph (a), after “to the court” insert “or an officer of a provider of probation services acting at the court (as the case may be)”; and

(ii) for paragraph (b), substitute—

“(b) if the offender is aged under 18—

(i) an officer of a local probation board assigned to the court or an officer of a provider of probation services acting at the court (as the case may be); or

(ii) a member of a youth offending team assigned to the court.”.

(5) In section 46(9) (community punishment orders)—

(1) 2000 c.6

(2) Section 1 was amended by the Criminal Justice Act 2003 (c.44), Schedule 23, paragraph 1.

(3) Section 1A was inserted by the Criminal Justice Act 2003 (c.44), Schedule 23, paragraph 1.

(4) Section 41 was repealed by the Criminal Justice Act 2003 (c.44), Schedule 37, Part 7, with savings in S.I. 2005/950. The repeal is in force for certain purposes. The date in force for the remaining purposes is 4 April 2009.

(5) Section 41(4) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 1(1)(a), (2), 4(1)(a) and (2), and S.I. 2005/886.

(6) Section 41(5) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2), and S.I. 2005/886.

(7) Section 41(6) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 1(1)(a), (2), 4(1)(b) and (2).

(8) Section 41(9) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 1(1)(a), (2), 4(1)(a) and (2).

(9) Section 46 was repealed by the Criminal Justice Act 2003 (c.44), Schedule 37, Part 7, with savings in S.I. 2005/950. The repeal is in force for certain purposes. The date in force for the remaining purposes is 4 April 2009.

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- (a) in subsection (5)(10)—
 - (i) in paragraph (a), after “board” insert “, an officer of a provider of probation services”; and
 - (ii) in paragraph (b), after “board” insert “, an officer of a provider of probation services”; and
- (b) in subsection (11)(11)—
 - (i) in paragraph (a), after “to the court” insert “or an officer of a provider of probation services acting at the court (as the case may be)”; and
 - (ii) for paragraph (b), substitute—
 - “if the offender is aged under 18—
 - (i) an officer of a local probation board assigned to the court or an officer of a provider of probation services acting at the court; or
 - (ii) a member of a youth offending team assigned to the court,”.
- (6) In section 47(12) (obligations of person subject to community punishment order), in subsection (4), at the end insert “or (as the case may be) an officer of a provider of probation services acting in the local justice area specified in the order”.
- (7) In section 54(13) (provisions of order as to supervision and periodic review)—
 - (a) in subsection (2)(14), at the end insert “or (as the case may be) an officer of a provider of probation services acting in the local justice area specified in the order”; and
 - (b) in subsection (3)(15), after “board” insert “or officer of a provider of probation services”.
- (8) In section 57(16) (copies of orders)—
 - (a) in subsection (1)(17), at the end insert “, or (as the case may be) an officer of a provider of probation services acting at the court”;
 - (b) in subsection (2)(18), for “so assigned” substitute “assigned to the court, or (as the case may be) an officer of a provider of probation services operating at the court”;
 - (c) in subsection (3)(b)(19), at the end insert “, or (as the case may be) an officer of a provider of probation services acting at that court”;
 - (d) in subsection (3A)(20), at the end insert “, or (as the case may be) an officer of a provider of probation services acting at that court”; and

(10) Section 46(5) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2), and the Children Act 2004 (c.31), Schedule 5, Part 4.

(11) Section 46(11) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 2(1)(a), (2), 4(1)(a) and (2).

(12) Section 47 was repealed by the Criminal Justice Act 2003 (c.44), Schedule 37, Part 7, with savings in S.I. 2005/950. The repeal is in force for certain purposes. The date in force for the remaining purposes is 4 April 2009. Section 47(4) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 160 and 169(a) and S.I. 2005/886.

(13) Section 54 was repealed by the Criminal Justice Act 2003 (c.44), schedule 37, Part 7, with savings in S.I. 2005/950. The repeal is in force for certain purposes. The date in force for the remaining purposes is 4 April 2009.

(14) Section 54(2) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2), and S.I. 2005/886.

(15) Section 54(3) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(b) and (2).

(16) Section 57 was repealed by the Criminal Justice Act 2003 (c.44), Schedule 37, Part 7, with savings in S.I. 2005/950. The repeal is in force for certain purposes. The date in force for the remaining purposes is 4 April 2009.

(17) Section 57(1) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2).

(18) Section 57(2) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 4(1)(a), (2), 160 and 171(a).

(19) Section 57(3)(b) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2).

(20) Section 57(3A) was inserted by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 160 and 171(b).

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- (e) in subsection (4)(21), after “board” insert “or officer of a provider of probation services”.
- (9) In section 63 (supervision orders), in subsection (1)(b)(22), after “board” insert “or an officer of a provider of probation services (as the case may be)”.
- (10) In section 64 (selection and duty of supervisor and certain expenditure of his), after subsection (2)(23) insert—
- “(2A) Where a provision of a supervision order places the offender under the supervision of an officer of a provider of probation services, the supervisor shall be an officer of a provider of probation services acting in the local justice area named in the order in pursuance of section 63(6) above.”
- (11) In section 66 (facilities for implementing supervision orders)—
- (a) in subsection (2)(24), after “board” insert “and each relevant provider of probation services”;
- (b) in subsection (9)(25), at the end, insert “and each relevant provider of probation services”; and
- (c) after subsection (12)(26), insert—
- “(13) In this section “relevant provider of probation services” means a provider operating in the area to which a scheme under this section relates that is identified as such for the purposes of this section by arrangements under section 3 of the Offender Management Act 2007.”
- (12) In section 69 (action plan orders)—
- (a) in subsection (4)(a)(27), at the end insert “or an officer of a provider of probation services (as the case may be)”;
- (b) in subsection (6)(a)(28), after “board” insert “, an officer of a provider of probation services”; and
- (c) after subsection (9)(29), insert—
- “(9A) Where an action plan order specifies an officer of a provider of probation services under subsection (4) above, the officer specified must be an officer acting in the local justice area named in the order.”
- (13) In section 70 (requirements which may be included in action plan orders and directions), in subsection (4D)(a)(ii)(30), after “board” insert “, by an officer of a provider of probation services”.
- (14) In section 73 (reparation orders), in subsection (5)(31), after “board” insert “, an officer of a provider of probation services”.

(21) Section 57(4) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2).

(22) Section 63(1)(b) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2).

(23) Section 64(2) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 4(1)(a), (2), 160 and 174, Schedule 8, and S.I. 2005/886.

(24) Section 66(2) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 160 and 175.

(25) Section 66(9) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 160 and 175.

(26) Section 66(12) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 160 and 175.

(27) Section 69(4)(a) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2).

(28) Section 69(6)(a) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2) and the Children Act 2004 (c.31), Schedule 5, Part 4.

(29) Section 69(9) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2) and S.I. 2005/886.

(30) Section 70 (4D) was inserted by the Criminal Justice Act 2003 (c. 44), Schedule 24, paragraph 1. Section 70(4D) is in force for certain purposes. The date in force for the remaining purposes is to be appointed.

(31) Section 73(5) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2), and the Children Act 2004 (c.31), Schedule 5, Part 4.

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- (15) In section 74 (requirements and provisions of reparation order, and obligations of person subject to it)—
- (a) in subsection (5)(**32**), at the end of paragraph (a) insert “or an officer of a provider of probation services (as the case may be)”; and
 - (b) after subsection (6)(**33**), insert—
 - “(6A) Where a reparation order specifies an officer of a provider of probation services under subsection (5) above, the officer specified must be an officer acting in the local justice area named in the order.”
- (16) In section 103 (the period of supervision)—
- (a) in subsection (3)(a)(**34**), at the end insert “or an officer of a provider of probation services”; and
 - (b) after subsection (4)(**35**), insert—
 - “(4A) Where the supervision is to be provided by an officer of a provider of probation services, the officer of a provider of probation services shall be an officer acting in the local justice area within which the offender resides for the time being.”
- (17) In Schedule 6 (requirements which may be included in supervision orders), in paragraph 6A(4)(a)(ii)(**36**), after “board” insert “, by an officer of a provider of probation services”.

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- (32) Section 74(5)(a) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2).
 - (33) Section 74(6) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2), and S.I. 2005/886.
 - (34) Section 103(3)(a) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2).
 - (35) Section 103(4) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a), (1)(b) and (2), and S.I. 2005/886.
 - (36) In Schedule 6, paragraph 6A was inserted by the Criminal Justice Act 2003 (c.44), Schedule 24, paragraph 2(1) and (3). Paragraph 6A is in force for certain purposes. The date in force for the remaining purposes is to be appointed.