

SCHEDULE 1

Amendments of Acts

PART 1

New arrangements for the provision of probation services

Domestic Violence, Crime and Victims Act 2004

20.—(1) The Domestic Violence, Crime and Victims Act 2004⁽¹⁾ is amended as follows.

(2) In section 9⁽²⁾ (establishment and conduct of reviews), in subsection (4)(a) insert, at the appropriate place—

“providers of probation services;”.

(3) In section 35 (victims’ rights to make representations and receive information)—

(a) in subsection (3), after “imposed” insert “, or the provider of probation services operating in the local justice area in which the sentence is imposed, ”;

(b) after subsection (3), insert—

“(3A) The provider of probation services mentioned in subsection (3) is the provider of probation services identified as such by arrangements under section 3 of the Offender Management Act 2007.”;

(c) in subsection (6)—

(i) after “the local probation board” insert “or provider of probation services”; and

(ii) for “relevant local probation board” in both places it occurs, substitute “relevant probation body”;

(d) in subsection (7)—

(i) after “a local probation board” insert “or a provider of probation services”; and

(ii) for “relevant local probation board” in both places it occurs, substitute “relevant probation body”; and

(e) for subsection (8), substitute—

“(8) In this section “the relevant probation body” is—

(a) in a case where the offender is to be supervised on release by an officer of a local probation board or an officer of a provider of probation services, that local probation board or that provider of probation services (as the case may be);

(b) in any other case—

(i) if the prison or other place in which the offender is detained is situated in the area of a local probation board, that local probation board; and

(ii) if that prison or other place is not in such an area, the provider of probation services operating in the local justice area in which the prison or other place in which the offender is detained is situated, that is identified as the relevant probation body by arrangements under section 3 of the Offender Management Act 2007.”

(1) 2004 c. 28

(2) Section 9(4)(a) is to be commenced from a date to be appointed. It was amended by National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraphs 262 and 263.

Status: This is the original version (as it was originally made).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

- (4) In section 36 (victims' rights: preliminary), insert—
- (a) in subsection (4), after “is made” insert “or the provider of probation services operating in the local justice area in which the determination mentioned in subsection (2)(a), (b) or (c) is made”; and
 - (b) after subsection (4), insert—

“(4A) The provider of probation services mentioned in subsection (4) is the provider of probation services identified as such by arrangements under section 3 of the Offender Management Act 2007.”
- (5) In section 37 (representations)(3)—
- (a) in subsection (2)—
 - (i) in paragraph (a), after “the local probation board” insert “or provider of probation services”; and
 - (ii) for the “relevant local probation board” in each place it occurs, substitute “relevant probation body”;
 - (b) in subsection (4), for “relevant local probation board” substitute “relevant probation body”;
 - (c) in subsection (5), for “relevant local probation board” substitute “relevant probation body”;
 - (d) in subsection (6)—
 - (i) for “relevant local probation board” in each place it occurs, substitute “relevant probation body”; and
 - (ii) in paragraph (b)(ii), after “the local probation board” insert “or provider of probation services”;
 - (e) in subsection (7), for “relevant local probation board” substitute “relevant probation body”; and
 - (f) for subsection (8), substitute—

“(8) In this section, “the relevant probation body” is—

 - (a) in a case where the patient is to be discharged subject to a condition that he reside in a particular area, which is or is part of the area of a local probation board, that local probation board;
 - (b) in a case where the patient is to be discharged subject to a condition that he reside in a particular area other than one mentioned in paragraph (a), the provider of probation services operating in that area that is identified as the relevant probation body by arrangements under section 3 of the Offender Management Act 2007;
 - (c) in any other case—
 - (i) if the hospital in which the patient is detained is situated in the area of a local probation board, that area; and
 - (ii) if that hospital is not so situated, the provider of probation services operating in the local justice area in which the hospital in which the patient is detained is situated that is identified as the relevant probation body by arrangements under section 3 of the Offender Management Act 2007.”

(3) Section 37, the section heading is to be substituted with “representations where restriction order made” by the Mental Health Act 2007 (c.12), Schedule 6, paragraphs 1 and 4, from a date to be appointed.

- (6) In section 38 (information)(4)—
- (a) in subsection (2), for “relevant local probation board” in both places it occurs substitute “relevant probation body”;
 - (b) in subsection (3)—
 - (i) for “relevant local probation board” substitute “relevant probation body”; and
 - (ii) in paragraph (d), for “the board” substitute “the body”;
 - (c) in subsection (4), for “relevant local probation board” substitute “relevant probation body”;
 - (d) in subsection (6), for “relevant local probation board” substitute “relevant probation body”;
 - (e) in subsection (7), for “relevant local probation board” substitute “relevant probation body”; and
 - (f) in subsection (9), for “relevant local probation board” substitute “relevant probation body”.
- (7) In section 39 (victims’ rights: preliminary)—
- (a) in subsection (2), after “is given” insert “, or the provider of probation services operating in the local justice area in which the hospital direction is given,”; and
 - (b) after subsection (2), insert—

“(2A) The provider of probation services mentioned in subsection (2) is the provider of probation services identified as such by arrangements under section 3 of the Offender Management Act 2007.”
- (8) In section 40 (representations)—
- (a) in subsection (2)—
 - (i) in paragraph (a), after “the local probation board” insert “or provider of probation services”; and
 - (ii) for “relevant local probation board” in each place it occurs, substitute “relevant probation body”;
 - (b) in subsection (4), for “relevant local probation board” substitute “relevant probation body”;
 - (c) in subsection (5), for “relevant local probation board” substitute “relevant probation body.”
 - (d) in subsection (6)—
 - (i) for “relevant local probation board” in each place it occurs, substitute “relevant probation body”; and
 - (ii) in paragraph (b)(ii), after “the local probation board” insert “or provider of probation services”;
 - (e) in subsection (7), for “relevant local probation board” substitute “relevant probation body”; and
 - (f) for subsection (8), substitute—

“(8) For the purposes of this section, “the relevant probation body” is—

(4) Section 38, the section heading is to be substituted with “information where restriction order made” by the Mental Health Act 2007 (c.12), Schedule 6, paragraphs 1 and 6, from a date to be appointed.

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- (a) in a case where the offender is to be discharged from hospital subject to a condition that he reside in a particular area, which is or is part of the area of a local probation board, that local probation board;
 - (b) in a case where the offender is to be discharged from hospital subject to a condition that he reside in a particular area other than one mentioned in paragraph (a), the provider of probation services operating in that area that is identified as the relevant probation body by arrangements under section 3 of the Offender Management Act 2007;
 - (c) in a case where the offender is to be supervised on release by an officer of a local probation board or an officer of a provider of probation services, that local probation board or that provider of probation services (as the case may be);
 - (d) in any other case—
 - (i) if the hospital, prison or other place in which the offender is detained is situated in the area of a local probation board, that area; and
 - (ii) if that hospital, prison or other place is not so situated, the provider of probation services operating in the local justice area in which the hospital, prison or other place in which the offender is detained is situated, that is identified as the relevant probation body by arrangements under section 3 of the Offender Management Act 2007.”
- (9) In section 41 (information)—
- (a) In subsection (2), for “relevant local probation board” in both places it occurs, substitute “relevant probation body”;
 - (b) in subsection (3), for “relevant local probation board” substitute “relevant probation body”;
 - (c) in subsection (4), for “relevant local probation board” substitute “relevant probation body”;
 - (d) in subsection (6), for “relevant local probation board” substitute “relevant probation body”;
 - (e) in subsection (7), for “relevant local probation board” substitute “relevant probation body”; and
 - (f) in subsection (9), for “relevant local probation board” substitute “relevant probation body”.
- (10) In section 42 (victims’ rights: preliminary)—
- (a) in subsection (2)—
 - (i) after “specified in the transfer direction is situated” insert “or the provider of probation services operating in the local justice area in which the hospital specified in the transfer direction is situated”; and
 - (ii) after “the board” insert “or the provider”;
 - (b) after subsection (2), insert—

“(2A) The provider of probation services mentioned in subsection (2) is the provider of probation services identified as such by arrangements under section 3 of the Offender Management Act 2007.”
- (11) In section 43 (representations)(5)—

(5) Section 43, the section heading is to be substituted with “representations where restriction direction made” by the Mental Health Act 2007 (c.12), Schedule 6, paragraphs 1 and 12, from a date to be appointed.

- (a) in subsection (2)—
 - (i) in paragraph (a), after “the local probation board” insert “or provider of probation services”; and
 - (ii) for “relevant local probation board” in each place it occurs, substitute “relevant probation body”;
 - (b) in subsection (4), for “relevant local probation board” substitute “relevant probation body”;
 - (c) in subsection (5), for “relevant local probation board” substitute “relevant probation body”;
 - (d) in subsection (6)—
 - (i) for “relevant local probation board” in each place it occurs, substitute “relevant probation body”; and
 - (ii) in paragraph (b)(ii) after “local probation board” insert “or provider of probation services”;
 - (e) in subsection (7), for “relevant local probation board” substitute “relevant probation body”; and
 - (f) for subsection (8), substitute—

“(8) In this section, “the relevant probation body” is—

 - (a) in a case where the offender is to be discharged subject to a condition that he reside in a particular area, which is or is part of the area of a local probation board, that local probation board;
 - (b) in a case where the offender is to be discharged subject to a condition that he reside in a particular area other than one mentioned in paragraph (a), the provider of probation services operating in that area that is identified as the relevant probation body by arrangements under section 3 of the Offender Management Act 2007;
 - (c) in any other case—
 - (i) if the hospital in which the offender is detained is situated in the area of a local probation board, that area; and
 - (ii) if that hospital is not so situated, the provider of probation services operating in the local justice area in which the hospital in which the offender is detained is situated, that is identified as the relevant probation body by arrangements under section 3 of the Offender Management Act 2007.”
- (12) In section 44 (information)(6)—
- (a) in subsection (2), for “relevant local probation board” in both places it occurs, substitute “relevant probation body”;
 - (b) in subsection (3)—
 - (i) for “relevant local probation board” substitute “relevant probation body”; and
 - (ii) in paragraph (d), after “the board” insert “or the body”;
 - (c) in subsection (4), for “relevant local probation board” substitute “relevant probation body”;

(6) Section 44, the section heading is to be substituted with “information where restriction direction made” by the Mental Health Act 2007 (c.12), Schedule 6, paragraphs 1 and 14, from a date to be appointed.

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- (d) in subsection (6), for “relevant local probation board” substitute “relevant probation body”;
 - (e) in subsection (7), for “relevant local probation board” substitute “relevant probation body”; and
 - (f) in subsection (9), for “relevant local probation board” substitute “relevant probation body”.
- (13) In section 54 (disclosure of information), after subsection (3)(b), insert—
“(ba) a provider of probation services.”
- (14) In Schedule 9 (authorities within commissioner’s remit), after paragraph 25 insert—
“**25A.** A provider of probation services.”