

SCHEDULE 2

Article 3

Amendments of subordinate legislation: new arrangements for the provision of probation services

Redundancy Payments (Continuity of Employment of Local Government, etc) (Modification) Order 1999

1.—(1) The Redundancy Payments (Continuity of Employment of Local Government, etc) (Modification) Order 1999⁽¹⁾ is amended as follows.

(2) In Schedule 1 (employment to which this Order applies: employers immediately before the relevant event), in section 10 (miscellaneous bodies), after paragraph 4A, insert—

“**4B.** a probation trust.”

Curfew Order and Curfew Requirement (Responsible Officer) Order 2001

2.—(1) The Curfew Order and Curfew Requirement (Responsible Officer) Order 2001⁽²⁾ is amended as follows.

(2) In article 2, at the appropriate place, insert the following entry—

““officer of a provider of probation services” means an officer of a provider of probation services acting in the local justice area specified in the order;”.

(3) In article 4—

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

(ii) in paragraph (b), after “board” insert “, an officer of a provider of probation services”.

Welsh Language Scheme (Public Bodies) Order 2001

3.—(1) The Welsh Language Scheme (Public Bodies) Order 2001⁽³⁾ is amended as follows.

(2) In the Schedule insert, at the appropriate place—

“Ymddiriedolaethau Prawf yng Nghymru

Probation trusts in Wales.”

Race Relations Act 1976 (Statutory Duties) Order 2001

4.—(1) The Race Relations Act 1976 (Statutory Duties) Order 2001⁽⁴⁾ is amended as follows.

(2) In Schedule 1 (bodies and other persons required to publish race equality schemes) insert, at the appropriate places—

“A probation trust.”;

“A provider of probation services (other than the Secretary of State or a probation trust), in respect of its statutory functions and the carrying out by it of activities of a public nature in pursuance of arrangements made with it under section 3(2) of the Offender Management Act 2007.”.

(3) In its application to a probation trust, that Order shall have effect as if—

(1) [S.I. 1999/2277](#); amended by [S.I. 2004/1682](#); there are other amending instruments but none is relevant.

(2) [S.I. 2001/2234](#); amended by [S.I. 2005/617](#); there are other amending instruments but none is relevant.

(3) [S.I. 2001/2550](#), to which there are amendments not relevant to this Order.

(4) [S.I. 2001/3458](#), to which there are amendments not relevant to this Order.

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- (a) in articles 2(1) and 5(1)(a), for “before 31st May 2002” there were substituted “within a period of one year from the date of the establishment of a probation trust under section 5(1) of the Offender Management Act 2007”; and
 - (b) in article 2(3), for “three years from 31st May 2002” there were substituted “three years from the date of publication of its Race Equality Scheme”.
- (4) In its application to a provider of probation services (other than the Secretary of State or a probation trust) that Order shall have effect, in relation to the performance of its statutory functions and the carrying out by it of activities of a public nature in pursuance of arrangements made with it under section 3(2) of the Offender Management Act 2007, as if—
- (a) in articles 2(1) and 5(1)(a), for “before 31st May 2002” there were substituted “within a period of one year from the date on which it first entered into arrangements under section 3(2) of the Offender Management Act 2007”; and
 - (b) in article 2(3), for “a period of three years from 31st May 2002” there were substituted “a period of three years from the date of publication of its Race Equality Scheme”.

Accounts and Audit Regulations 2003

- 5.—(1) The Accounts and Audit Regulations 2003(5) are amended as follows.
- (2) In regulation 2 (interpretation and application), in paragraph (1), in the definition of a “relevant body”, for “or a” substitute “, a” and at the end insert “or a probation trust”.

Accounts and Audit (Wales) Regulations 2005

- 6.—(1) The Accounts and Audit (Wales) Regulations 2005(6) are amended as follows.
- (2) In regulation 2 (interpretation and application), in paragraph (1), in the definition of a “local government body”, at the end insert “or a probation trust”.

Criminal Procedure Rules 2005

- 7.—(1) The Criminal Procedure Rules 2005(7) are amended as follows.
- (2) In rule 48.1 (curfew order or requirement with electronic monitoring requirement), in paragraph (4), after “board” insert “, provider of probation services”.

The Unfitness to Stand Trial and Insanity (Royal Air Force) Regulations 2005

- 8.—(1) The Unfitness to Stand Trial and Insanity (Royal Air Force) Regulations 2005(8) are amended as follows.
- (2) In regulation 4 (supervision orders), at the end of paragraph (1)(b) insert “, or (as the case may be) an officer of a provider of probation services acting in that area”.

The Unfitness to Stand Trial and Insanity (Royal Navy) Regulations 2005

- 9.—(1) The Unfitness to Stand Trial and Insanity (Royal Navy) Regulations 2005(9) are amended as follows.
- (2) In regulation 4 (supervision orders), at the end of paragraph (1)(b) insert “, or (as the case may be) an officer of a provider of probation services acting in that area”.

(5) [S.I. 2003/533](#); amended by [S.I. 2006/564](#); there are other amending instruments but none is relevant.

(6) [S.I. 2005/368](#), to which there are amendments not relevant to this Order/

(7) [S.I. 2005/384](#), to which there are amendments not relevant to this Order.

(8) [S.I. 2005/1388](#)

(9) [S.I. 2005/1389](#)

The Unfitness to Stand Trial and Insanity (Army) Regulations 2005

10.—(1) The Unfitness to Stand Trial and Insanity (Army) Regulations 2005⁽¹⁰⁾ are amended as follows.

(2) In regulation 4 (supervision orders), at the end of paragraph (1)(b) insert “, or (as the case may be) an officer of a provider of probation services acting in that area”.

Children Act 2004 (Children’s Services) Regulations 2005

11.—(1) The Children Act 2004 (Children’s Services) Regulations 2005⁽¹¹⁾ are amended as follows.

(2) In regulation 2 (children’s services), after paragraph (2)(c) insert—

“(ca) by a provider of probation services in pursuance of arrangements made under section 3 of the Offender Management Act 2007.”

Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005

12.—(1) The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005⁽¹²⁾ are amended as follows.

(2) In Schedule 1, Part 1, at the appropriate places, insert—

“A probation trust”;

“A provider of probation services (other than the Secretary of State or a probation trust), in respect of its statutory functions and the carrying out by it of activities of a public nature in pursuance of arrangements made with it under section 3(2) of the Offender Management Act 2007”.

(3) In its application to a probation trust, regulation 2(6) shall have effect as if the “relevant publication date” were one year after its establishment under section 5(1) of the Offender Management Act 2007.

(4) In its application to a provider of probation services (other than the Secretary of State or a probation trust), in relation to the performance of its statutory functions and the carrying out by it of activities of a public nature in pursuance of arrangements made with it under section 3(2) of the Offender Management Act 2007, regulation 2(6) shall have effect as if the “relevant publication date” were one year after the date on which the provider first entered into arrangements under 3(2) of the Offender Management Act 2007.

Local Safeguarding Children Boards (Wales) Regulations 2006

13.—(1) The Local Safeguarding Children Boards (Wales) Regulations 2006⁽¹³⁾ are amended as follows.

(2) In regulation 5 (representatives), after paragraph (2)(b), insert—

“(ba) in respect of a provider of probation services operating within the area of the Board required to act as a representative by arrangements under section 3 of the Offender Management Act 2007, the Chief Executive or equivalent, or some other officer directly accountable to the Chief Executive or equivalent who is of sufficient seniority to represent the provider;”.

⁽¹⁰⁾ [S.I. 2005/1390](#)

⁽¹¹⁾ [S.I. 2005/1972](#), to which there are amendments not relevant to this Order.

⁽¹²⁾ [S.I. 2005/2966](#), to which there are amendments not relevant to this Order.

⁽¹³⁾ [S.I. 2006/1705](#)

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Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006

14.—(1) The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006⁽¹⁴⁾ is amended as follows.

(2) In the Schedule, at the appropriate places, insert—

“A probation trust”;

“A provider of probation services (other than the Secretary of State or a probation trust), in respect of its statutory functions and the carrying out by it of activities of a public nature in pursuance of arrangements made with it under section 3(2) of the Offender Management Act 2007”.

(3) In its application to a probation trust, article 2(1) shall have effect as if for “by 30th April 2007” there were substituted “within one year from the date of the establishment of a probation trust under section 5(1) of the Offender Management Act 2007”.

(4) In its application to a provider of probation services (other than the Secretary of State or a probation trust), in relation to the performance of its statutory functions and the carrying out by it of activities of a public nature in pursuance of arrangements made with it under section 3(2) of the Offender Management Act 2007, article 2(1) shall have effect as if for “by 30th April 2007” there were substituted “within one year from the date on which the provider first entered into arrangements under section 3(2) of the Offender Management Act 2007”.

Children Act 2004 Information Database (England) Regulations 2007

15.—(1) The Children Act 2004 Information Database (England) Regulations 2007⁽¹⁵⁾ are amended as follows.

(2) In Schedule 3 (persons who may be given access to the database by a local authority), in paragraph 5, the existing provisions become sub-paragraph (1), and after that sub-paragraph insert—

“(2) An officer of a provider of probation services acting in England.”

(3) In Schedule 4 (persons and bodies required to disclose information for inclusion in the database), after paragraph 3, insert—

“4. A provider of probation services (other than the Secretary of State).”

⁽¹⁴⁾ [S.I. 2006/2930](#), to which there are amendments not relevant to this Order.

⁽¹⁵⁾ [S.I. 2007/2182](#)