STATUTORY INSTRUMENTS

1986 No. 464

PROBATION

The Combined Probation Areas (Amendment) Order 1986

Made - - - - 10*th March* 1986

Coming into operation in accordance with Article 1

In exercise of the powers conferred upon me by section 54(4) of, and paragraph 1 of Schedule 3 to, the Powers of Criminal Courts Act 1973 (**a**) and after the consultation required by that paragraph, I hereby make the following Order:—

1. This Order may be cited as the Combined Probation Areas (Amendment) Order 1986 and shall come into operation on 1st April 1986, except that for the purpose of making any appointment under Article 8*(a)* of the Combined Probation Areas Order 1974 (**b**) to take effect from 1st April 1986 this Order shall come into operation forthwith.

2. The Combined Probation Areas Order 1974 shall be amended by—

(a) inserting in Article 5 after the words "the Criminal Justice Act 1967" (**c**) the words "and section 15(3) and (4) of the Local Government Act 1985" (**d**); and

(b) substituting for Article 8 the following Article:—

"8. The secretary of a committee shall be—

(a) in the case of any probation area which is situated in the areas of two or more local authorities of which one or more is the council of a metropolitan district, such person appointed by the committee as it thinks fit,

(b) in the case of each of the Hampshire and North Wales probation areas, such officer of one of the councils for the counties comprised in the committee's area as may be agreed between the committee and that council, and,

(c) in any other case, such officer of the council of the county which is coterminous with the committee's area as may be agreed between the committee and that council,

or, in default of agreement under paragraph *(b)* or *(c)* of this article, such person as may be determined by the Secretary of State.".

(**a**) 1973 c.62; paragraph 1 of Schedule 3 was extended by Article 3 of the Combined Probation Areas Order 1974 (S.I. 1974/529; the designation "Probation and After-Care Areas" was changed by section 65(1) of the Criminal Justice Act 1982 (c.48)).

(**b**) S.I. 1974/529.

(**c**) Paragraph 2(3) of Schedule 5 to the Criminal Justice Act 1948 (c. 58) and section 95(2) and (3) of the Criminal Justice Act 1967 (c. 80) were repealed and re-enacted by the Powers of Criminal Courts Act 1973(c. 62), Schedule 3, paragraphs 6 and 7 and Schedule 6; the reference to the repealed provisions is to be construed as a reference to the re-enacted provisions by virtue of section 17(2)*(a)* of the Interpretation Act 1978 (c.30).

(**d**) 1985 c.51.

3. The secretary of a probation committee for any probation area which is situated in the areas of two or more local authorities of which one or more is the council of a metropolitan district shall cease to hold that office after 31st March 1986 (but shall be eligible for re-appointment).

Douglas Hurd,
One of Her Majesty's Principal Secretaries of State.

Home Office.
10th March 1986.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Combined Probation Areas Order 1974 to take account of the provisions of the Local Government Act 1985. The principal amendment enables the probation committee for a probation area which includes the area of one or more metropolitan district councils to appoint as its secretary such person as it thinks fit, not (as he must be in other areas) necessarily an officer of a local authority (Article 2*(b)*).

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