STATUTORY INSTRUMENTS

1974 No. 1064

PROBATION AND AFTER-CARE

The Probation (Amendment) Rules 1974

Made - - -	20*th June* 1974
Coming into Operation	28*th June* 1974

In exercise of the powers conferred on me by Schedule 5 to the Criminal Justice Act 1948(**a**), I hereby make the following Rules:—

1. These Rules may be cited as the Probation (Amendment) Rules 1974 and shall come into operation on 28th June 1974.

2. References in these Rules to the principal Rules are references to the Probation Rules 1965(**b**), as amended (**c**).

3. In Rule 22(3) of the principal Rules for the words "part time or temporary" there shall be substituted the words "part time, trainee or temporary".

4. In Rule 24(1)(*b*) of the principal Rules the words "and he has not completed a course of training approved by the Secretary of State for the training of persons for appointment as probation officers" shall be omitted.

5. For Rule 25 of the principal Rules there shall be substituted the following Rule:—

"25.—(1) A probation officer who before his appointment has been awarded the Certificate of Qualification in Social Work by the Central Council for Education and Training in Social Work or a qualification awarded outside the United Kingdom which that Council has approved as equivalent to that Certificate, shall not hold office for more than twelve months or, in a special case, such further period not exceeding twelve months as may be allowed by the probation and after-care committee, unless his continuance in office has been confirmed by that committee.

(2) A probation officer who before his appointment has undertaken a course of study approved by the said Council and is awarded the said Certificate within two years of his appointment, shall not hold office for more than twelve months from the date of that award or two years from the date of his appointment, whichever period ends first or, in a special case, such further period not exceeding twelve months as may be allowed by the probation and after-care committee, unless his continuance in office has been confirmed by that committee.

(a) 1948 c. 58. (b) S I. 1965/723 (1965 I, p. 2236).

(c) The relevant amending instruments are S.I. 1967/1884, 1972/1208 (1967 III, p. 5121; 1972 II, p. 3585).

(3) A probation officer who before his appointment has undertaken such a course of study but is not awarded the said Certificate within two years of his appointment shall not hold office for more than two years or, in a special case, such further period not exceeding twelve months as may be allowed by the Secretary of State, unless his continuance in office has been confirmed by the Secretary of State at the request of the probation and after-care committee.

(4) A probation officer in whose case the earlier paragraphs of this Rule do not apply shall not hold office for more than twelve months or such further period not exceeding twelve months as may be allowed by the Secretary of State, unless his continuance in office has been confirmed by the Secretary of State at the request of the probation and after-care committee.

(5) Any of the periods prescribed by paragraphs (1) to (4) of this Rule as limitations on holding office may be followed by such further period as may be necessary to enable due notice of the termination of the appointment to be given.

(6) Before refusing to confirm an appointment under paragraph (3) or (4) of this Rule the Secretary of State shall take into consideration any representation made by the probation and after-care committee or the probation officer.

(7) In calculating for the purposes of this Rule the period for which a probation officer has held office, any service under an earlier appointment in Great Britain shall be aggregated with service under the current appointment unless the Secretary of State has agreed otherwise.

(8) This Rule shall not apply to a probation officer who has been confirmed in an earlier appointment in Great Britain or to a part time, trainee or temporary probation officer.".

6. After Rule 25 of the principal Rules there shall be inserted the following Rule:—

"Trainee probation officers

25A. Where a person completes his period of service as a trainee probation officer and continues to serve as a probation officer in the area for which he was originally appointed, Rules 24 and 25 of these Rules shall apply as if he had been appointed a probation officer at the end of the said period of service.".

7. In Rule 28 of the principal Rules for references to "principal probation officer", "deputy principal probation officer" and "assistant principal probation officer" there shall be substituted references to "chief probation officer", "deputy chief probation officer" and "assistant chief probation officer" respectively.

8. In Rule 30 of the principal Rules after paragraph (4) there shall be inserted the following paragraph:—

"(4A) It shall be part of the duties of a probation officer to advise, assist and befriend any person who is for the time being remanded on bail and is willing to be so assisted.".

9. In Rule 40 of the principal Rules there shall be inserted at the end the following paragraph:—

"(2) Where a person remanded on bail is accommodated in an approved probation hostel or home, approved bail hostel or other institution, the probation and after-care committee responsible for making the payments described in Schedule 1 to these Rules shall be the committee for the probation area in which is comprised the petty sessions area for which the magistrates' court acted by which he was remanded or committed for trial or sentence, as the case may be.".

10. Schedule 1 to the principal Rules shall be amended as follows:—

(*a*) for sub-paragraphs (1) and (2) of paragraph 1 there shall be substituted the following sub-paragraphs:—

"(1) Where a probation order requires a person to reside in an approved probation hostel or home or where a person remanded on bail is accommodated in such a hostel or home or in an approved bail hostel, the probation and after-care committee responsible shall pay to the body by whom the hostel or home is managed such sum as the Secretary of State has for the time being authorised for that purpose.

(2) Where a probation order requires a person to reside in an institution other than an approved probation hostel or home, or where a person remanded on bail is required by the conditions of his bail to reside in an institution other than an approved probation hostel or home or an approved bail hostel, the probation and after-care committee responsible may pay to the person or body by whom the institution is maintained, such contribution towards his maintenance and for such a period as the committee, with the approval of the Secretary of State, determines.";

(*b*) after paragraph 2 there shall be inserted the following paragraph:—

"3. The probation and after-care committee responsible may pay the fares of a person remanded on bail to whom paragraph 1(1) or (2) of this Schedule applies to and from the approved probation hostel or home, approved bail hostel or other institution in which he resides, together with any incidental expenses reasonably incurred on the journey:

Provided that no sum shall be paid in respect of a journey save to a place approved by a probation officer.".

Roy Jenkins,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
20th June 1974.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Probation Rules 1965. The amendments relate to the status of trainee probation officers; the confirmation of appointment of probation officers; the titles of senior appointments; assistance for persons remanded on bail; and financial provisions in respect of the accommodation of such persons in bail hostels and other institutions.

SI 1974/1064
ISBN 0-11-041064-5

