STATUTORY INSTRUMENTS

1985 No. 1506

PROBATION
LOCAL GOVERNMENT, ENGLAND AND WALES

The Probation (Amendment) Rules 1985

Made - - - - -	30*th September* 1985
Laid before Parliament	4*th October* 1985
Coming into Operation	28*th October* 1985

In exercise of the powers conferred upon me by paragraph 18 of Schedule 3 to the Powers of Criminal Courts Act 1973**(a)** and section 101 of the Local Government Act 1985**(b)**, I hereby make the following Rules:—

1. These Rules may be cited as the Probation (Amendment) Rules 1985 and shall come into operation on 28th October 1985.

2. The Probation Rules 1984**(c)** shall have effect subject to the amendments specified in the Schedule to these Rules.

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

Home Office,
30th September 1985.

(a) 1973 c. 62; paragraph 18 of Schedule 3 was amended by the Administration of Justice Act 1977 (c. 38), Schedule 5, Part II, the Criminal Law Act 1977 (c. 45), Schedule 12 and the Criminal Justice Act 1982 (c. 48), section 65, Schedule 11, paragraph 6(*e*) and (*f*) and Schedule 16, and was extended by the Local Government Act 1985 (c. 51), section 15(6).
(b) 1985 c. 51.
(c) S.I. 1984/647.

SCHEDULE Rule 2

AMENDMENTS TO THE PROBATION RULES 1984

1. In Rule 7—

(*a*) before the word "When", there shall be inserted "(1)";

(*b*) after the word "member", there shall be inserted the words ", other than a member co-opted under section 15(3) of the Local Government Act 1985**(a)**";

(*c*) at the end, there shall be inserted the following paragraphs:—

"(2) When a probation committee co-opts a member under section 15(3) of the Local Government Act 1985 he shall, subject to paragraph (3) below, hold office until the expiration of his term as a member of the local authority or for such shorter period as the committee may specify; but this paragraph shall be without prejudice to such a member being again co-opted as a member of that committee for a further term.

(3) A probation committee may terminate the membership of a member co-opted under the said section 15(3) upon the request, or with the consent, of the local authority of which he is a member if it is considered by the probation committee that it is no longer fitting, by reason of ill-health, failure to attend meetings or for any other reason, that he should remain a member of that committee. If a probation committee and a local authority are unable to agree to the termination of the membership of a co-opted member under this paragraph, the local authority or probation committee may refer the matter to the Secretary of State for determination after considering any observations by the local authority or probation committee.

(4) A vacancy among the members of a probation committee co-opted under the said section 15(3) shall be filled as soon as possible in the manner specified in that subsection and any order made thereunder.".

2.—(1) In paragraph (2) of Rule 11, after the word "authorities" there shall be inserted the words "none of which is a council of a metropolitan district or outer London borough".

(2) In Rule 11, there shall be inserted after paragraph (2) the following paragraph:—

"(3) Where two or more local authorities at least one of which is a council of a metropolitan district or outer London borough are liable under the said sub-paragraph (3) to defray the expenses of a probation committee, the probation committee shall appoint as its treasurer such person as it thinks fit.".

3.—(1) In paragraph (1) of Rule 50, after the word "area" there shall be inserted the words "or a probation committee to which Rule 50A applies".

(2) After Rule 50, there shall be inserted the following Rule:—

"50A.—(1) This Rule applies to the probation committee for any probation area which is situated in the areas of two or more local authorities all of which are councils of metropolitan districts or outer London boroughs or any of which is the council of such a district or borough.

(2) A probation committee to which this Rule applies shall send to each local authority which will be liable under paragraph 15(1) of Schedule 3 to the Powers of Criminal Courts Act 1973 to contribute to the expenses of the committee an estimate of the expenses which the committee expects to incur during the twelve

(a) 1985 c. 51.

months commencing with the ensuing first day of April; such estimate shall be sent on or before 1st December 1985 where it relates to the period of twelve months commencing on 1st April 1986 and thereafter on or before the first day of November in each year.

(3) If a probation committee to which this Rule applies proposes to incur, on or after 1st April 1986, expenditure under Rule 44(2) or (3) of these Rules which has not been included in such an estimate, it shall, before incurring such expenditure, send to each local authority liable under paragraph 15(1) of the said Schedule to contribute to the expenses of the committee a supplementary estimate relating to that proposed expenditure.

(4) If a local authority objects to any proposed expenditure under Rule 44(2) or (3) of these Rules, the local authority or probation committee may, in the case of expenditure included in an estimate sent under paragraph (2) of this Rule, on or before the first day of January next following the sending of that estimate, and in the case of expenditure included in a supplementary estimate sent under the preceding paragraph, not later than one month after the date on which that supplementary estimate is sent, refer the matter to the Secretary of State for determination after considering any observations by the local authority or probation committee.

(5) Where a probation committee to which this Rule applies proposes to incur before 1st April 1986 expenditure under Rule 44(2) or (3) of these Rules (whether or not such expenditure is for the purpose of securing the satisfactory operation from that date in accordance with the provisions of the Local Government Act 1985 of the probation service in the probation area in question) which has not been included in an estimate sent under Rule 50(1) of the Probation Rules 1984, it shall, before incurring such expenditure, consult each local authority liable until that date to defray or contribute to its expenses; and if a local authority objects to any such proposed expenditure, the local authority or probation committee may, before the date on which the committee proposes to incur that expenditure, refer the matter to the Secretary of State for determination after considering any observations by the local authority or probation committee.".

4. In paragraph (1) of Rule 52, after the word "officer" there shall be inserted the words "or other employee of the probation committee".

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Probation Rules 1984, principally to take account of the Local Government Act 1985. Rule 7 of the 1984 Rules is amended to make provision for the term of office of local authority members co-opted to probation committees under section 15(3) of that Act. An amendment to Rule 11 makes new provision for the appointment of treasurers of probation committees for areas which include an outer London borough or metropolitan district. New Rule 50A modifies the requirement to consult the local authorities responsible for defraying a probation committee's expenditure in relation to such areas (but includes transitional provision preserving that requirement for expenditure to be incurred before 1st April 1986). In addition, Rule 52 of the 1984 Rules is amended to enable all employees of a probation committee in any probation area where appropriate to hold an imprest.

SI 1985/1506
ISBN 0-11-057506-7

