of children. Rule 2 requires a probation officer, if so requested by a court, to act as a guardian ad litem in adoption proceedings or to make a report to the court with a view to assisting it in making an order with respect to the custody, maintenance or education of a child: Rule 2 also specifies the arrangements for the selection of a probation officer to supervise a child in respect of whom a court has made an order under section 6 of the Matrimonial Proceedings (Children) Act, 1958.

1959 No. 1901

The Probation (Conditions of Service) Rules, 1959

Made - - - - 10*th November*, 1959
Coming into Operation 18*th November*, 1959

In pursuance of the powers conferred on me by the Fifth Schedule to the Criminal Justice Act, 1948(a), and section one of the Police, Fire and Probation Officers Remuneration Act, 1956(b), I hereby make the following Rules:—

Salaries of principal probation officers

1. The salary of a principal probation officer, deputy principal probation officer and assistant principal probation officer shall be such as is determined in each case by the Secretary of State.

Salaries of senior probation officers

2.—(1) A senior probation officer shall, while appointed to a probation area where there is a principal probation officer or where the population of the area is fewer than 175,000 persons, be paid a salary—

(*a*) in the case of a man, in accordance with the scale set out in Part I of the First Schedule to these Rules; or

(*b*) in the case of a woman, in accordance with the scale set out in Part II of the said First Schedule as respects each period specified therein.

(2) A senior probation officer shall, while appointed to a probation area where there is no principal probation officer and the population of the area is not fewer than 175,000 persons, be paid a salary—

(*a*) in the case of a man, in accordance with the scale set out in Part I of the Second Schedule to these Rules; or

(*b*) in the case of a woman, in accordance with the scale set out in Part II of the said Second Schedule as respects each period specified therein.

(3) (*a*) The service reckonable—

(i) for the purpose of the scales set out in the said First Schedule shall be the current period of continuous service as a senior probation officer;

(ii) for the purpose of the scales set out in the said Second Schedule shall be the current period of continuous service as a senior probation officer while appointed to a probation area where there is no principal probation officer and the population is not fewer than 175,000 persons.

(a) 11 & 12 Geo. 6. c. 58. (b) 5 & 6 Eliz. 2. c. 1.

(*b*) The expression "service" shall not include any period of leave without pay from such service except in so far as the Secretary of State at the request of the probation committee approves the inclusion of any period of such leave other than sick leave.

(4) (*a*) For the purpose only of enabling service prior to an interruption to be reckoned, service shall be deemed to be continuous notwithstanding an interruption thereof if—

(i) that interruption does not exceed three months in duration; or

(ii) the Secretary of State at the request of the probation committee approves the reckoning of a period of service prior to that interruption.

(*b*) Any period of employment between two periods of service as a senior probation officer shall, if the Secretary of State at the request of the probation committee employing the probation officer immediately before or immediately after the said period of employment so decides, be treated as part of his current period of continuous service as a senior probation officer.

(5) Where a probation officer is appointed to be a senior probation officer to whom paragraph (1) of this Rule applies, and immediately before such appointment he was entitled to the maximum rate of pay then payable to an officer of his sex, he shall be entitled for the purpose of the said paragraph (1) to reckon his previous service as one completed year's service as a senior probation officer.

(6) Where a probation officer is, or has been, appointed to be a senior probation officer to whom paragraph (1) of this Rule applies, and immediately before such appointment he was entitled to the rate of salary next below the maximum rate of salary then payable to an officer of his sex, he shall be entitled for the purpose of the said paragraph (1) to receive an increment of salary on the day upon which he would have received his next increment of salary but for such appointment as aforesaid and on the termination of each succeeding year of service calculated from that day.

(7) A senior probation officer who becomes an officer to whom paragraph (2) of this Rule applies upon, or within one month of, ceasing to be an officer to whom paragraph (1) of this Rule applies, shall be entitled, as an officer to whom the said paragraph (2) applies, to a salary at the rate in the appropriate scale mentioned in the said paragraph (2) next greater than the rate of salary to which he was entitled immediately before such cesser and, until he attains the maximum rate in that scale, to receive an increment of salary—

(*a*) if he had already attained the maximum rate for the time being payable to an officer of his sex under the said paragraph (1), on the termination of each succeeding year of service calculated from the date of his becoming an officer to whom the said paragraph (2) applies; or

(*b*) in any other case, on the day upon which he would have received his next increment of salary but for such cesser as aforesaid and on the termination of each succeeding year of service calculated from that day.

(8) Notwithstanding anything in the foregoing provisions of this Rule or in any Rule revoked by these Rules, a senior probation officer appointed to a probation area where there is no principal probation officer and the population of which is not fewer than 175,000 persons shall, notwithstanding

that a principal probation officer is subsequently appointed, continue to be treated for the purposes of this Rule as though the principal probation officer had not been appointed.

(9) The population of an area shall be taken to be its population as estimated in the latest estimate published by the Registrar General for England and Wales.

Salaries of probation officers

3.—(1) A probation officer who has not attained the age of twenty-nine years shall be paid a salary—

(*a*) in the case of a man, in accordance with the scale set out in Part I of the Third Schedule to these Rules;

(*b*) in the case of a woman, in accordance with the scale set out in Part II of the said Third Schedule as respects each period specified therein.

(2) A probation officer who has attained the age of twenty-nine years shall be paid a salary—

(*a*) in the case of a man, in accordance with the scale set out in Part I of the Fourth Schedule to these Rules;

(*b*) in the case of a woman, in accordance with the scale set out in Part II of the said Fourth Schedule as respects each period specified therein.

(3) (*a*) The service reckonable for the purpose of the scales set out in the said Fourth Schedule shall be the current period of continuous service as a probation officer:

Provided that, for the purpose only of enabling the service prior to an interruption to be reckoned, service shall be deemed to be continuous, notwithstanding an interruption thereof, if—

(i) that interruption does not exceed three months in duration; or

(ii) the Secretary of State at the request of the probation committee approves the reckoning of a period of service prior to that interruption.

(*b*) The expression "service"—

(i) shall include any period of service as a whole time salaried probation officer in Scotland;

(ii) shall not include any period of leave without pay from such service except in so far as the Secretary of State at the request of the probation committee approves the inclusion of any period of such leave other than sick leave.

(*c*) Any period of employment between two periods of service as a probation officer shall, if the Secretary of State at the request of the probation committee employing the probation officer concerned either immediately before or immediately after the said period of employment so decides, be treated as part of his current period of continuous service as a probation officer.

(4) For the purposes of this Rule the expression "probation officer" means a probation officer, other than a principal probation officer, deputy

principal probation officer, assistant principal probation officer, senior probation officer or temporary probation officer, who devotes substantially the whole of his time to duties as a probation officer.

London addition

4.—(1) The salary which is for the time being payable under Rule 2 or 3 of these Rules to a probation officer whose services are permanently assigned wholly or mainly to courts in the metropolitan police district, the City of London or the Dartford petty sessional division of the county of Kent shall, while his services are so assigned, be increased by thirty pounds a year.

(2) A probation officer as aforesaid who is, otherwise than at his request, transferred so that his services are permanently assigned wholly or mainly to courts in the probation area to which he is appointed which are outside the metropolitan police district or the said Dartford petty sessional division, as the case may be, shall be entitled to an addition to the salary to which he is entitled under Rule 2 or 3 of these Rules at a rate of such an annual sum as, together with the amount of any annual increments to which he becomes entitled after the said transfer, will equal the rate of salary to which he was entitled immediately before such transfer as increased under paragraph (1) of this Rule:

Provided that in the case of an officer to whom Rule 2 or paragraph (2) of Rule 3 of these Rules applies, the rate of salary payable to him under this paragraph shall not exceed the maximum rate of salary for the time being payable to him under the said Rule 2 or the said paragraph (2) as the case may be.

Salaries of part time probation officers

5. A part time probation officer shall be paid such fixed salary as the probation committee consider appropriate having regard to the duties which he is required to perform and the scales of salary for probation officers under Rule 3 of these Rules:

Provided that no salary which is in excess of two hundred pounds or which, if aggregated with any other salary paid to him as a part time probation officer for another probation area, would make his aggregate salary in excess of two hundred pounds, shall be paid without the approval of the Secretary of State.

Salaries of temporary probation officers

6. A temporary probation officer who devotes substantially the whole of his time to duties as such an officer shall be paid such weekly salary as appears to the probation committee to be reasonable:

Provided that such salary shall not, except with the approval of the Secretary of State, exceed nine pounds ten shillings or, if he is assigned wholly or mainly to courts within the metropolitan police district, the City of London or the Dartford petty sessional division of the county of Kent, ten pounds.

Annual leave

7.—(1) A probation committee shall grant to a probation officer, other than a temporary or part time probation officer annual paid leave for not less than twenty-four, nor more than thirty-six, working days to be taken at times agreed, with due regard to the needs of the probation service, between the committee and the probation officer.

(2) A probation committee may grant to a temporary or part time probation officer annual paid leave for such number of working days as appears to

the probation committee to be reasonable, having regard to the needs of the probation service and to the amount of annual paid leave granted to probation officers under paragraph (1) of this Rule, to be taken at times agreed between the committee and the probation officer.

Sick leave

8. A probation committee shall grant to a probation officer paid sick leave in respect of any period during which he is medically unfit for duty and has not ceased to be a probation officer, but not so as to exceed the amount of sick pay or the extent of sick leave appropriate to that probation officer as agreed between the probation committee and the local authority or authorities by whom under paragraph 3 of the Fifth Schedule to the Criminal Justice Act, 1948, the expenditure of the committee is defrayed or in default of such agreement as determined by the Secretary of State:

Provided that such amount or such extent may be exceeded in any particular case with the agreement of the local authority or authorities aforesaid or in default of such agreement with the consent of the Secretary of State.

Unpaid leave

9. A probation committee may, at the request of a probation officer, grant him leave without pay.

Interpretation

10.—(1) In the application of these Rules to the metropolitan stipendiary court area any reference to a probation committee shall be construed as a reference to the Secretary of State.

(2) The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament, and as if these Rules and the Rules hereby revoked were Acts of Parliament.

Revocations and transitionals

11.—(1) The following Rules are hereby revoked, namely:—

Rules 58 to 66 of the Probation Rules, 1949(**b**);

The Probation Rules, 1950(**c**);

Rule 4 of the Probation Rules, 1952(**d**);

Rules 5 and 6 of the Probation (No. 2) Rules, 1952(**e**);

The Probation Rules, 1954(**f**);

The Probation (No. 2) Rules, 1954(**g**);

The Probation (No. 3) Rules, 1954(**h**);

The Probation Rules, 1955(**i**);

The Probation (No. 2) Rules, 1955(**j**);

The Probation Rules, 1956(**k**);

The Probation (No. 2) Rules, 1956(**l**);

The Probation Rules, 1957(**m**);

The Probation Rules, 1958(**n**);

The Probation Rules, 1959(**o**).

(**a**) 52 & 53 Vict. c. 63.
(**b**) S.I. 1949/1328 (1949 I, p. 3508).
(**c**) S.I. 1950/2136 (1950 II, p. 435).
(**d**) S.I. 1952/389 (1952 III, p. 2680).
(**e**) S.I. 1952/1664 (1952 III, p. 2685).
(**f**) S.I. 1954/333 (1954 II, p. 1830).
(**g**) S.I. 1954/1429 (1954 II, p. 1834).
(**h**) S.I. 1954/1719 (1954 II, p. 1835).
(**i**) S.I. 1955/639 (1955 II, p. 2055).
(**j**) S.I. 1955/1800 (1955 II, p. 2058).
(**k**) S.I. 1956/350 (1956 II, p. 1902).
(**l**) S.I. 1956/1520 (1956 II, p. 1904).
(**m**) S.I. 1957/1310 (1957 II, p. 1929).
(**n**) S.I. 1958/197 (1958 II, p. 2000).
(**o**) S.I. 1959/444.

(2) Any determination, consent, approval, agreement, request or other thing given, made or done under any Rules revoked by these Rules shall not be invalidated by the revocation effected by paragraph (1) of this Rule, but shall, in so far as it could have been given, made or done under a provision of these Rules, have effect as if it had been given, made or done under that provision.

(3) Where immediately before these Rules came into operation a senior probation officer was entitled to a rate of annual salary appropriate to a length of service longer than he had in fact served as reckoned for the purpose of his salary, he shall have the rate of salary in the appropriate scale set out in the First or Second Schedule to these Rules, as the case may be, attributable to that length of service to which his rate of annual salary immediately before these Rules came into operation was attributable; and he shall receive annual increments on the dates on which he would have received them had these Rules not been made.

Citation

12.—(1) These Rules may be cited as the Probation (Conditions of Service) Rules, 1959.

(2) These Rules, other than paragraphs (1), (2) and (8) of Rule 2, shall come into operation on the eighteenth day of November, 1959.

(3) Paragraphs (1) and (2) of Rule 2 of these Rules shall come into operation on the eighteenth day of November, 1959, and shall take effect as from the first day of November, 1959.

(4) Paragraph (8) of Rule 2 of these Rules shall come into operation on the eighteenth day of November, 1959, and shall take effect as from the first day of October, 1958.

R. A. Butler,

One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

10th November, 1959.

FIRST SCHEDULE

Rule 2 (1)

Lower Scales of Annual Salary for Senior Probation Officers

Part I

Men

Length of Service	Rate of Annual Salary
	£
Up to 1 year's service	955
Over 1 and up to 2 years' service	980
Over 2 and up to 3 years' service	1,005
Over 3 and up to 4 years' service	1,030
Over 4 years' service	1,060

Part II

Women

Length of Service	Rate of Annual Salary		
	1st January, 1959 to 31st December, 1959	1st January, 1960 to 31st December, 1960	On and after 1st January, 1961
	£	£	£
Up to 1 year's service	932	943	955
Over 1 and up to 2 years' service	953	966	980
Over 2 and up to 3 years' service	974	989	1,005
Over 3 and up to 4 years' service	995	1,012	1,030
Over 4 years' service	1,022	1,041	1,060

SECOND SCHEDULE

Rule 2 (2)

Higher Scales of Annual Salary for Senior Probation Officers

Part I

Men

Length of Service	Rate of Annual Salary
	£
Up to 1 year's service	1,005
Over 1 and up to 2 years' service	1,030
Over 2 and up to 3 years' service	1,055
Over 3 and up to 4 years' service	1,085
Over 4 years' service	1,115

PART II

Women

Length of Service	Rate of Annual Salary		
	1st January, 1959 to 31st December, 1959	1st January, 1960 to 31st December, 1960	On and after 1st January, 1961
	£	£	£
Up to 1 year's service	982	993	1,005
Over 1 and up to 2 years' service	1,003	1,016	1,030
Over 2 and up to 3 years' service	1,024	1,039	1,055
Over 3 and up to 4 years' service	1,050	1,067	1,085
Over 4 years' service	1,077	1,096	1,115

THIRD SCHEDULE

Rule 3 (1)

SCALE OF ANNUAL SALARY FOR PROBATION OFFICERS WHO HAVE NOT ATTAINED THE AGE OF 29 YEARS

PART I

Men

Age of Probation Officer	Rate of Salary
	£
Under 25 years of age	610
25 years of age	635
26 years of age	660
27 years of age	690
28 years of age	715

PART II

Women

Age of Probation Officer	Rate of Salary		
	1st January, 1959 to 31st December, 1959	1st January, 1960 to 31st December, 1960	On and after 1st January, 1961
	£	£	£
Under 25 years of age	603	606	610
25 years of age	628	631	635
26 years of age	653	656	660
27 years of age	683	686	690
28 years of age	708	711	715

FOURTH SCHEDULE

Rule 3 (2)

SCALE OF ANNUAL SALARY FOR PROBATION OFFICERS WHO HAVE ATTAINED THE AGE OF 29 YEARS

PART I

Men

Length of Service	Rate of Salary
	£
Up to 1 year's service	745
Over 1 and up to 2 years' service	770
Over 2 and up to 3 years' service	795
Over 3 and up to 4 years' service	820
Over 4 and up to 5 years' service	850
Over 5 and up to 6 years' service	880
Over 6 years' service	910

PART II

Women

Length of Service	Rate of Salary		
	1st January, 1959 to 31st December, 1959	1st January, 1960 to 31st December, 1960	On and after 1st January, 1961
	£	£	£
Up to 1 year's service	738	741	745
Over 1 and up to 2 years' service	763	766	770
Over 2 and up to 3 years' service	786	790	795
Over 3 and up to 4 years' service	810	815	820
Over 4 and up to 5 years' service	838	844	850
Over 5 and up to 6 years' service	859	869	880
Over 6 years' service	880	895	910

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules revoke and replace with amendments Rules 58–66 of the Probation Rules, 1949, as subsequently amended (which relate to the pay and leave of probation officers). The principal amendments are as follows:—Paragraphs (1) and (2) of Rule 2 and the First and Second Schedules, which take effect from 1st November, 1959, increase the salaries of senior probation officers. Paragraph (8) of Rule 2, which takes effect from 1st October, 1958, provides that the scale of salary of a senior probation officer who is appointed to an area where there is no principal probation officer is not to be affected by the subsequent appointment of a principal probation officer. By Rules 5 and 6 the maximum salaries for part time and temporary probation officers which may be paid without the approval of the Secretary of State have been increased.