1960 No. 717

The Probation (Conditions of Service) Rules, 1960

Made - - - - 11*th April,* 1960

In pursuance of the powers conferred on me by the Fifth Schedule to the Criminal Justice Act, 1948(a), 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 in accordance with the scale set out in column 2 of the Table in the First Schedule to these Rules:

Provided that until the end of the calendar year nineteen hundred and sixty a senior probation officer who is a woman shall be paid a salary in accordance with the scale set out in column 3 of the said Table.

(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 in accordance with the scale set out in column 2 of the Table in the Second Schedule to these Rules :

Provided that until the end of the calendar year nineteen hundred and sixty a senior probation officer who is a woman shall be paid a salary in accordance with the scale set out in column 3 of the said Table.

(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.

(*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.

(a) 11 & 12 Geo. 6. c. 58.

(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, a senior probation officer who is, or has been, 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 in accordance with the scale set out in column 2 of the Table in the Third Schedule to these Rules:

Provided that until the end of the calendar year nineteen hundred and sixty a probation officer who is a woman shall be paid a salary in accordance with the scale set out in column 3 of the said Table.

(2) A probation officer who has attained the age of twenty-nine years shall be paid a salary in accordance with the scale set out in column 2 of the Table in the Fourth Schedule to these Rules:

Provided that until the end of the calendar year nineteen hundred and sixty a probation officer who is a woman shall be paid a salary in accordance with the scale set out in column 3 of the said Table.

(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 since attaining the age of twenty-nine years:

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 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.

Travelling and subsistence expenses

7.—(1) A probation committee shall pay to a probation officer the actual expenses of travelling reasonably incurred by him in the course of duty.

(2) A probation committee shall pay to a probation officer a reasonable allowance in respect of the use in the course of duty of a motor vehicle, or of a bicycle not being a motor vehicle, provided by the probation officer if the committee has approved such use.

(3) (*a*) A probation committee shall pay to a probation officer who in the course of duty is necessarily absent from his home and centre, or is detained exceptionally at his centre at unusual hours, a reasonable subsistence allowance.

(*b*) For the purpose of this paragraph the expression "centre" means that office or court which for the time being the probation committee directs is to be his centre.

(4) (*a*) Before incurring expenditure under this Rule the probation committee shall consult the local authority or local authorities by whom under paragraph 5 of the Fifth Schedule to the Criminal Justice Act, 1948, the expenditure of the committee is defrayed.

(*b*) If the local authority or any of the local authorities when consulted in accordance with the provisions of this paragraph objects to the proposed

expenditure, that local authority or the probation committee may refer the question whether the expenditure ought to be incurred to the Secretary of State, whose determination after considering the observations of the committee and the local authority or local authorities shall be final.

Annual leave

8.—(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

9. 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 5 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.

Other leave

10. A probation committee may, at the request of a probation officer, grant him leave without pay or, except in respect of any period during which he is medically unfit for duty and has not ceased to be a probation officer, leave with pay.

Interpretation

11.—(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.

(a) 52 & 53 Vict. c. 63.

Revocations and transitionals

12.—(1) The following Rules and parts of Rules are hereby revoked, namely:—

In paragraph (1) of Rule 80 of the Probation Rules, 1949(**a**), the words "under paragraph (1) of Rule 67";

Rule 5 of the Probation Rules, 1952(**b**);

Rule 7 of the Probation (No. 2) Rules, 1952(**c**);

The Probation (Conditions of Service) Rules, 1959(**d**).

(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) (*a*) Where immediately before these Rules came into operation a senior probation officer appointed to a probation area for which a principal probation officer had been appointed was treated, for the purpose of his scale of pay, as though the principal probation officer had not been appointed, he shall, for the purpose of Rule 2 of these Rules, be treated as though the principal probation officer had not been appointed.

(*b*) 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

13. These Rules may be cited as the Probation (Conditions of Service) Rules, 1960.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
11th April, 1960.

(**a**) S.I. 1949/1328 (1949 I, p. 3508).
(**b**) S.I. 1952/389 (1952 III, p. 2680).
(**c**) S.I. 1952/1664 (1952 III, p. 2685).
(**d**) S.I. 1959/1901 (1959 II, p. 2214).

Rule 2

FIRST SCHEDULE

TABLE

LOWER SCALES OF ANNUAL SALARY FOR SENIOR PROBATION OFFICERS

Length of Service Col. 1	Rate of Annual Salary	
	Col. 2 Women after 31st December, 1960, and men	Col. 3 Women until 31st December, 1960
	£	£
Up to 1 year's service	955	943
Over 1 and up to 2 years' service...	980	966
Over 2 and up to 3 years' service...	1,005	989
Over 3 and up to 4 years' service...	1,030	1,012
Over 4 years' service	1,060	1,041

Rule 2 (2)

SECOND SCHEDULE

TABLE

HIGHER SCALES OF ANNUAL SALARY FOR SENIOR PROBATION OFFICERS

Length of Service Col. 1	Rate of Annual Salary	
	Col. 2 Women after 31st December, 1960, and men	Col. 3 Women until 31st December, 1960
	£	£
Up to 1 year's service	1,005	993
Over 1 and up to 2 years' service...	1,030	1,016
Over 2 and up to 3 years' service...	1,055	1,039
Over 3 and up to 4 years' service...	1,085	1,067
Over 4 years' service	1,115	1,096

Rule 3 (1)

THIRD SCHEDULE

TABLE

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

Age of Probation Officer Col. 1	Rate of Salary	
	Col. 2 Women after 31st December, 1960, and men	Col. 3 Women until 31st December, 1960
	£	£
Under 25 years of age	610	606
25 years of age	635	631
26 years of age	660	656
27 years of age	690	686
28 years of age	715	711

FOURTH SCHEDULE Rule 3 (2)

TABLE

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

Length of Service Col. 1	Rate of Salary	
	Col. 2 Women after 31st December, 1960, and men	Col. 3 Women until 31st December, 1960
	£	£
Up to 1 year's service	745	741
Over 1 and up to 2 years' service...	770	766
Over 2 and up to 3 years' service...	795	790
Over 3 and up to 4 years' service...	820	815
Over 4 and up to 5 years' service...	850	844
Over 5 and up to 6 years' service...	880	869
Over 6 years' service	910	895

EXPLANATORY NOTE

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

These Rules, other than Rule 7, replace the Probation (Conditions of Service) Rules, 1959. Express provision is made in Rule 10 for the granting of leave with pay. Rule 7, which relates to the travelling and subsistence expenses of probation officers, has been transferred to these Rules from the Probation Rules, 1949.