PROBATION OF OFFENDERS, ENGLAND

1. *Probation Rules.*
2. *Approved Probation Hostel and Home Rules*, p. 3530.

1. PROBATION RULES

The Probation Rules, 1949

1949 No. 1328 (L. 11)

Made - - - - 14*th July*, 1949
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SCHEDULE

Salaries payable to whole time probation officers aged less than 30.

In pursuance of the power conferred on me by the Fifth Schedule to the Criminal Justice Act, 1948(a), I hereby make the following Rules:—

PART I

PRELIMINARY

Arrangement of Rules

1. These Rules are divided into Parts as follows:—

Part I.	Preliminary.
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Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

(*a*) "combined probation area" means a probation area constituted by an order of the Secretary of State made under subsection (1) of section two of the Criminal Justice Act, 1925(b), or paragraph 1 of the Fifth Schedule to the Criminal Justice Act, 1948;

"principal probation officer" includes a deputy principal probation officer or an assistant principal probation officer;

(a) 11 & 12 Geo. 6. c. 58. (b) 15 & 16 Geo. 5. c. 86.

"requirements of the probation order" includes conditions of a recognizance, and the expression "required by the probation order" shall be construed accordingly;

"single probation area" means a probation area comprising only one petty sessional division; and

"whole time probation officer" means a probation officer who is not a temporary probation officer and devotes substantially the whole of his time to duties as a probation officer;

(*b*) words and expressions which occur both in these Rules and in the Criminal Justice Act, 1948, have otherwise the same meaning as in that Act.

(2) The Interpretation Act, 1889(**a**), applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Citation and commencement

3. These Rules may be cited as the Probation Rules, 1949, and shall come into operation on the first day of August, 1949.

Revocation

4. The Probation Rules, 1926(**b**), the Probation Rules, 1944(**c**), the Probation Rules, 1946(**d**), and the Probation Rules, 1948(**e**), are hereby revoked.

PART II

PROBATION COMMITTEES: CONSTITUTION, PROCEDURE, &C.

Number of members

5. The probation committee for a single probation area shall consist of three, six, nine, or twelve justices or such larger number being a multiple of three as upon the application of the justices who act for the division the Secretary of State approves, and shall wherever practicable include persons of both sexes.

Continuance of existing committees

6. In a probation area existing at the date of the commencement of these Rules—

(*a*) if it is a single probation area the probation committee then existing shall continue to be the probation committee, and

(*b*) if it is a combined probation area the probation committee then existing for the whole area shall continue to be the probation committee.

New probation areas

7. As soon as practicable after a new probation area comes into existence the justices who act for that area shall appoint a sufficient number of justices to form the probation committee for that area.

Qualification for co-option

8. The qualification for co-option to membership of a probation committee in accordance with sub-paragraph (3) of paragraph 2 of the Fifth Schedule to the Criminal Justice Act, 1948(**f**), shall be such experience as will enable the person co-opted to assist the committee in its work.

(**a**) 52 & 53 Vict. c. 63.
(**b**) S.R. & O. 1926 (No. 577) p. 1148.
(**c**) S.R. & O. 1944 (No. 700) I, p. 871.
(**d**) S.R. & O. 1946 (No. 1967) I, p. 1407.
(**e**) S.I. 1948 (No. 1387) I, p. 3595.
(**f**) 11 & 12 Geo. 6. c. 58.

Term of office of ordinary members

9.—(1) In a probation area coming into existence after the date of the commencement of these Rules members of the probation committee other than ex officio members or co-opted members shall, unless the area is brought into existence by an order of the Secretary of State which otherwise provides, hold office for three years, reckoned from the first day of the month in which the committee was constituted:

Provided that—

(i) one-third of such members originally appointed to the committee shall hold office for one year and one-third for two years reckoned as aforesaid, the said thirds being chosen by lot; and

(ii) the probation committee may by resolution determine that a term of three years current at the date of their resolution shall be reckoned from a day earlier than this paragraph provides.

(2) In a probation area existing at the date of the commencement of these Rules—

(*a*) if it is a single probation area the term of office of members of the probation committee other than co-opted members shall be three years, reckoned from the same dates as before the commencement of these Rules, but proviso (ii) to the foregoing paragraph shall apply to the committee, and

(*b*) if it is a combined probation area the term of office of members of the probation committee other than co-opted members shall be as provided by the order of the Secretary of State constituting the probation area.

Term of office of added or co-opted members

10. Where the justices make an additional appointment to a probation committee, and where a probation committee co-opts a member, the justices or committee as the case may be shall determine the date of retirement of the person so appointed, so that that person's term of office be not longer than the term of office of other members of the committee.

Resignation

11. A member of a probation committee may at any time resign his office by letter to the secretary of the committee.

Cesser of membership

12.—(1) A justice who ceases to be a justice shall cease to be a member of any probation committee to which he has been appointed.

(2) If a member of a probation committee other than an ex officio member or a co-opted member is absent from its meetings and from meetings of any sub-committee thereof of which he is a member for twelve consecutive months reckoned from the date of the first meeting from which he is absent, the secretary of the committee shall inform the justices by whom the member was appointed and the said justices shall as soon as possible consider whether the member's absence was due to a cause approved by them, and if they determine that it was not so due they shall declare the member's office to be vacant.

(3) If a co-opted member of a probation committee is absent from its meetings and from meetings of any sub-committee thereof of which he is a member for twelve consecutive months reckoned from the date of the first

meeting from which he is absent, the committee shall consider whether his absence was due to a cause approved by it, and if they determine that it was not so due they shall declare the member's office to be vacant.

Filling of vacancies

13.—(1) When a member of a probation committee appointed by justices goes out of office, the justices shall fill the vacancy as soon as possible, except that if the date on which the member whose place becomes vacant would have gone out of office in the ordinary course is less than three months after the date on which the vacancy occurs, the vacancy need not be filled until the date on which it would have been filled in the ordinary course.

(2) A member so appointed shall hold office until the date on which the member in whose place he has been appointed would have gone out of office in the ordinary course.

Notice of certain meetings of justices

14. At least seven days' notice to all justices shall be given of a meeting at which any matter will be considered arising under the foregoing Rules.

Chairman and deputy chairman

15.—(1) At the first meeting of a probation committee after the appointment of new members in the ordinary course, the committee shall appoint a chairman to hold office until the next such meeting, and whenever a vacancy in the chairmanship of the committee occurs the committee shall fill that vacancy.

(2) The committee may at any time appoint a deputy chairman to hold office until the next such meeting.

Secretary of committee

16. In a single probation area the clerk to the justices shall be secretary of the probation committee.

Meetings and procedure

17. A probation committee shall meet at such times and places as it thinks fit, and subject to the provisions of these Rules may regulate its own proceedings.

Chairmanship at meetings

18. The chairman of a probation committee or in his absence the deputy chairman, if any, and if neither is present such member as the committee appoint as chairman of the meeting, shall act as chairman of meetings of the committee.

Quorum

19. The quorum of a probation committee comprising for the time being fewer than seven members shall be two and of a committee comprising more than six members shall be one-third of the whole number:

Provided that this Rule shall not apply to a probation committee for a combined probation area where the order constituting the area otherwise provides.

Determination of questions

20. At a meeting of a probation committee every question shall be determined by a majority of the members voting on that question and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

Proceedings not to be invalidated

21. The proceedings of a probation committee shall not be invalidated by any defect in the appointment or qualification of the committee or of any member or, so long as there is a quorum at any meeting, by any vacancy amongst its members.

Minutes of meetings

22. The secretary of the probation committee shall keep minutes of the proceedings at its meetings, which shall be signed at the meeting to which the minutes relate by the chairman of the meeting or at the next meeting by the chairman of that meeting.

PART III

CASE COMMITTEES: CONSTITUTION, PROCEDURE, &C.

Application of probation committee Rules

23. The foregoing Rules numbered 5, 7 to 14, and 17 to 21 shall apply to and in relation to case committees which are not probation committees and the areas for which those case committees are appointed, as they apply to and in relation to a case committee which consists of the probation committee and the area of that committee:

Provided that—

(i) in a petty sessional division for which, notwithstanding that it then forms part of a combined probation area, there is at the date of the commencement of these Rules a separate probation committee the separate probation committee shall become the case committee and Rule 7 shall not require the appointment of a new case committee ;

(ii) paragraphs (2) and (3) of Rule 12 shall not apply to a member of a case committee who by reason of Rule 24 has not, during the twelve months mentioned in the said paragraph, been summoned to a meeting of that committee ; and

(iii) Rule 19 shall not apply to the transaction by a case committee of business for which arrangements are or could be made under Rule 24.

Rota for certain meetings

24. The case committee may arrange that some only of its members shall be summoned to deal with any particular case or class of cases, not being a case which is the subject of a complaint being considered or investigated in accordance with Rule 36.

Chairman and deputy chairman

25.—(1) At the first meeting of a case committee after the appointment of new members in the ordinary course, the committee shall appoint a chairman to hold office until the next such meeting, and whenever a vacancy in the chairmanship of a case committee occurs the committee shall fill that vacancy.

(2) The committee may at any time appoint a deputy chairman to hold office until the next such meeting.

(3) This Rule shall not preclude a case committee which consists of the probation committee from appointing the chairman or deputy chairman of the probation committee to be chairman or deputy chairman of the case committee.

Secretary and minutes of case committee

26.—(1) The clerk to the justices or a justices' clerk's assistant for the petty sessional division for which or part of which the case committee acts shall be secretary of the case committee.

(2) The secretary of the case committee shall keep minutes of the proceedings at its meetings, which shall be signed by the chairman of the meeting to which the minutes relate at that meeting or as soon as practicable thereafter.

(3) Paragraph (1) of this Rule shall not preclude the secretary of a case committee from arranging with the approval of the chairman that a probation officer shall act for him in relation to a meeting transacting business for which arrangements are or could be made under Rule 24, and where a probation officer so acts paragraph (2) of this Rule shall apply as if he were the secretary.

PART IV

PROBATION COMMITTEES: DUTIES

Supervision of officers

27.—(1) The probation committee shall satisfy itself about the manner in which every probation officer performs his duties; it shall consider every complaint against a probation officer relating to any matter which affects his fitness for his office, and shall investigate every such complaint which in its opinion calls for investigation.

(2) For the purposes of this Rule a probation committee for a combined probation area shall when it investigates a complaint made to it, otherwise than by the case committee or one of the case committees for the petty sessional division or divisions for or to which the officer is appointed or assigned, obtain and consider the observations of that committee or those committees, as the case may be.

(3) Whenever the probation committee considers or investigates a complaint in accordance with this Rule, the committee unless it is of opinion that the complaint is frivolous shall give the probation officer concerned an opportunity to make observations on the complaint, orally or in writing or both, as he prefers.

Allocation of officers to superior courts

28. The probation committee shall either so arrange the work of the probation officers appointed for its area, or make such arrangements with the probation committee acting for some other area, that there shall be allocated to the court of assize or quarter sessions to which persons are normally committed for trial or sentence from the first named area the services of a male and a female probation officer, either of whom may, if the amount of work allows, be a probation officer who is appointed for or assigned to a petty sessional division in accordance with paragraph 3 of the Fifth Schedule to the Criminal Justice Act, 1948(a).

Office accommodation

29. The probation committee shall provide adequate office accommodation for every probation officer appointed for its area, but shall not, without the approval of the Secretary of State, for the purposes of this Rule, purchase premises or take premises on lease, or incur expenditure in altering, adapting, decorating, or redecorating accommodation.

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

Equipment and maintenance

30.—(1) The probation committee by which accommodation has been provided in accordance with the foregoing Rule shall make necessary provision for the equipment and maintenance of that accommodation as offices to be used by probation officers appointed for that committee's probation area.

(2) Without prejudice to the generality of the foregoing paragraph, the provision made thereunder shall include stationery, postal and telephone charges, and any publications which the probation committee considers it desirable to supply for probation officers.

Clerical assistance

31. The probation committee shall provide the probation officers appointed for its area with any clerical assistance which is necessary for the efficient carrying out of their work.

Records and reports

32.—(1) The probation committee shall ensure that proper records are kept by its secretary of the service of every probation officer, and by the secretary of every case committee of the volume and classification of the work of probation officers.

(2) The probation committee shall ensure that the record kept by the probation officer, concerning every person who is under his supervision or towards whom or in relation to whom he has otherwise a duty to perform, is retained in proper custody for not less than ten years from the expiry of the probation officer's responsibility as regards that person.

(3) The probation committee shall make such periodical returns or reports to the Secretary of State as he from time to time requires.

PART V

CASE COMMITTEES: DUTIES

Probation records, etc.

33. The case committee shall exercise a general supervision over the work and records of probation officers.

Reports from officers and communications to courts

34. The case committee shall from time to time receive and consider written or oral reports from each probation officer concerning persons under his supervision, shall discuss with the probation officer the progress of those persons, and may direct the making of any communication to the court which the committee thinks necessary.

Review of cases

35. The case committee shall afford each probation officer such help and advice as it can in carrying out his duties, and without prejudice to this general provision shall if possible review his work or part of it not less often than once in three months.

Investigation of complaints

36.—(1) A case committee in a combined probation area shall consider every complaint against a probation officer, relating to any matter which affects his fitness for his office, which is made to it, shall investigate

every such complaint which is referred to it by the probation committee or which in the opinion of the case committee calls for investigation, and shall report the result of every such investigation to the probation committee.

(2) Whenever a case committee considers or investigates a complaint in accordance with this Rule, the committee unless it is of opinion that the complaint is frivolous shall give the probation officer concerned an opportunity to make observations on the complaint, orally or in writing or both, as he prefers.

PART VI

PROBATION OFFICERS: APPOINTMENT AND TENURE

Preliminary appointment

37. A probation officer on his first appointment as a whole time probation officer shall, subject as hereafter provided, hold office for a preliminary period of twelve months from the date of entry on his duties, and before the expiry of that period the Secretary of State in the metropolitan police court area and the probation committee elsewhere shall take into consideration the question of continuing the officer's appointment:

Provided that—

(i) in the metropolitan police court area the Secretary of State and elsewhere the Secretary of State at the request of the probation committee may prolong the said period for not more than a further twelve months;

(ii) the preliminary period whether or not it is prolonged shall be reckoned for the purpose of the provisions of these Rules which relate to increment;

(iii) an officer whose appointment is not continued shall be entitled to the period of notice of determination of appointment for which these Rules provide, and the preliminary period may be further prolonged by the period of that notice.

Notice to Secretary of State, etc.

38.—(1) The probation committee shall forthwith send notice of every appointment by it of a probation officer to the Secretary of State, and to the Clerk of the Peace and to the chief officer of police of every county or borough within whose area the probation area to which the officer is assigned or any part of it is situate.

(2) The notice sent to the Secretary of State shall include a statement of the salary to which the probation officer will be entitled and upon an officer's first appointment shall include also a statement of his date of birth, qualifications, and experience, and of any previous employments.

(3) Where on expiry of the preliminary period it is proposed by a probation committee to continue a whole time probation officer's appointment, the appointment shall require confirmation by the Secretary of State, but before declining to confirm an appointment the Secretary of State shall take into consideration any representations made by the probation committee or by the probation officer.

(4) The probation committee shall keep the Secretary of State informed of the office from which every probation officer appointed for its area will work, and in the case of a combined probation area of the petty sessional division or divisions to which every probation officer is assigned.

Certificate of appointment

39. Every probation officer shall be furnished with a certificate of appointment signed in the case of officers appointed for the metropolitan police court area by or on behalf of the Secretary of State and elsewhere by two members or by the secretary of the probation committee.

Resignation

40. A probation officer may resign his appointment on giving not less than one month's notice in writing which in the metropolitan police court area shall be given to the Secretary of State and elsewhere shall be given to the secretary of the probation committee.

Dismissal

41. In the metropolitan police court area the Secretary of State and elsewhere the probation committee may dismiss a probation officer without notice on the ground of misconduct, and may for sufficient reason other than misconduct determine a probation officer's appointment by not less than one month's notice in writing.

Principal and senior appointments

42. In the metropolitan police court area the Secretary of State and elsewhere the probation committee with the approval of the Secretary of State may appoint a person to be a principal probation officer or a senior probation officer, and may for sufficient reason by not less than one month's notice in writing reduce a principal probation officer or a senior probation officer to the rank of probation officer or to a rank intermediate between his rank and that of probation officer.

Disqualifications for appointment

43. A justice shall not be qualified to be a probation officer in the area for which he is on the commission of the peace, and an officer of police, a clerk to justices, or a member of the staff of a clerk to justices, shall not be qualified to be a probation officer.

Age limits for appointment

44.—(1) Subject to the provisions of paragraph (2) of this Rule, no person who is under the age of twenty-three years or has attained the age of forty years shall be appointed a whole time probation officer unless he is serving as a whole time probation officer at the date of appointment.

(2) Notwithstanding anything in paragraph (1) of this Rule a person who has attained the age of forty years may be appointed a whole time probation officer if—

(*a*) the Secretary of State is satisfied that he has satisfactorily completed a course of training under the direction of a body approved by the Secretary of State for the training of persons for appointment as probation officers, or

(*b*) he is serving as a full time salaried probation officer in Scotland.

Retiring age

45. A probation officer shall retire not later than on his attaining the age of sixty-five :

Provided that this Rule shall not apply to the appointment or extension of the service of a temporary probation officer or a part time probation officer by the Secretary of State in the metropolitan police court area or by a probation committee with the approval of the Secretary of State.

Appointment of temporary officers

46. Where a probation officer is absent on leave or sick leave or where for any other reason a probation committee considers that the services of a probation officer are temporarily required, the committee may appoint a temporary probation officer, but a temporary officer shall not be employed for a continuous period of more than six months without the approval of the Secretary of State.

PART VII

PROBATION OFFICERS: DUTIES

Records

47.—(1) The probation officer shall ensure that a proper record in a form approved by the Secretary of State is promptly made concerning every person who is under his supervision or towards whom or in relation to whom he has otherwise a duty to perform by virtue of any Act of Parliament or of these Rules.

(2) He shall ensure that the said records are kept in a place in his office where unauthorized persons cannot readily have access to them, and are not removed except for the purposes of sub-paragraph (2) of paragraph 2 of the First Schedule to the Criminal Justice Act, 1948(**a**), or for other sufficient reason.

(3) He shall at any time when required to do so make the said records available for inspection by or on behalf of the Secretary of State.

Persons released from custody

48.—(1) The persons released from custody whom in accordance with sub-paragraph (5) of paragraph 3 of the Fifth Schedule to the Criminal Justice Act, 1948, it shall be the duty of a probation officer to advise, assist, and befriend shall be—

(*a*) persons released from a Borstal institution in accordance with the Second Schedule or from prison in accordance with the Third or Sixth Schedule to the said Act, if the Central After-Care Association in the particular case so request;

(*b*) where the Secretary of State so determines, and for such time as he directs, persons who are released from prison or from a detention centre otherwise than in accordance with the provisions mentioned in the foregoing paragraph, if in the particular case the released person is willing that the probation officer shall advise, assist, and befriend him;

(*c*) persons licensed from an approved school under paragraph 6 of the Fourth Schedule to the Children and Young Persons Act, 1933(**b**), or persons under the supervision of the managers of an approved school by virtue of section seventy-four of that Act, where in a particular case the managers of the school so request, in which event the probation officer shall perform the said duty as agent for the managers, and shall also if so requested by them carry out on their behalf the further obligations placed upon them by sub-paragraph (2) of paragraph 12 of the Fourth Schedule to that Act.

(2) The probation officer shall bring to the notice of the Central After-Care Association or the managers of the approved school as the case may be any facts about a person in regard to whom a duty is imposed upon him

(a) 11 & 12 Geo. 6. c. 58. (b) 23 & 24 Geo. 5. c. 12.

by sub-paragraph (*a*) or sub-paragraph (*c*) of the foregoing paragraph, which in his opinion make it desirable for the Prison Commissioners or managers to consider that person's recall to prison or to a Borstal institution or his recall or return to the school.

(3) A person in regard to whom a duty is imposed on the probation officer by this Rule shall not within the meaning of any other provision of these Rules be deemed to be under the supervision of the probation officer.

Senior officers

49.—(1) The duties to be performed by a senior probation officer shall include supervision of and advice upon the work of probation officers, and in particular a senior probation officer shall organize the office work and the distribution of work between probation officers, and examine and advise upon the manner in which they keep their records and the manner in which their working time is used.

(2) It shall be the duty of a senior probation officer to examine and certify for payment the expenses claims of probation officers and the disbursement of and accounting for moneys entrusted to them in connexion with their duties.

Principal officers

50. A principal probation officer shall have the duties of a senior probation officer, and without prejudice to the generality of this provision shall undertake the general organization and supervision of the probation service in the area for which he is responsible, and shall advise the probation committee upon technical matters relating to the probation service.

Maintaining touch generally

51.—(1) The probation officer shall, subject to any provision of the probation order, keep in close touch with the probationer, meet him frequently, and unless there is good reason for not doing so shall visit his home from time to time and require the probationer to report to him at stated intervals.

(2) The intervals at which in accordance with this Rule the probation officer meets the probationer, visits his home, and requires the probationer to report shall be determined amongst other circumstances by the probationer's behaviour and progress and regard shall be had to the importance of frequent meetings during the early part of the probation period.

School children

52. In the case of school children in relation to whom the probation officer has a duty to perform by virtue of these Rules the probation officer shall from time to time make inquiries of the head teacher about the child's attendance and progress, but the child shall not be visited on the school premises.

Explaining requirements of order

53. The probation officer shall endeavour to ensure compliance with the requirements of the probation order or supervision order and also that the person to whom such order relates understands his obligations and his rights under that order.

Welfare and employment

54.—(1) The probation officer shall encourage every person who is under his supervision or towards whom or in relation to whom he has otherwise a duty to perform by virtue of any Act of Parliament or of these Rules to

use the appropriate statutory and voluntary agencies which might contribute to his welfare, and to take advantage of the social, recreational, and educational facilities which are suited to his age, ability, and temperament.

(2) He shall where appropriate endeavour to ensure that every such person is in suitable and regular employment.

Reports to case committees, and reports and applications to courts

55.—(1) The probation officer shall from time to time report to the case committee upon the mode of life and generally upon the progress of every person who is under his supervision by virtue of the Probation of Offenders Act, 1907(**a**), the Criminal Justice Act, 1948(**b**), or the Children and Young Persons Act, 1933(**c**).

(2) In the metropolitan police court area a report such as is required by paragraph (1) of this Rule shall, subject to any special direction given by the Secretary of State, be made—

(*a*) to the supervising court until under paragraph 7 of the Fifth Schedule to the Criminal Justice Act, 1948, a committee has been constituted for the purpose of considering such cases as are mentioned in the said paragraph (1);

(*b*) to that committee when it has been constituted.

(3) Where a person has by virtue of any of the aforesaid Acts been placed under the supervision of a probation officer, the probation officer under whose supervision the said person is for the time being shall if so requested by the court which made the probation or supervision order from time to time report to that court upon the mode of life and generally upon the progress of that person:

Provided that this paragraph shall not apply when the said court is the supervising court under the Criminal Justice Act, 1948.

(4) Where a probationer fails to comply with any of the requirements of the probation order, the probation officer shall report the fact to the supervising court or to a justice who is a member of that court.

(5) If the probation officer becomes aware that a probationer has changed his residence as is mentioned in sub-paragraph (1) of paragraph 2 of the First Schedule to the Criminal Justice Act, 1948, the probation officer shall apply to the court under that sub-paragraph unless—

(*a*) the probationer himself has so applied, or

(*b*) the probation officer has reason to believe that the probationer is unlikely to remain for a reasonable time in the petty sessional division to which he has changed his residence.

(6) When it appears to the probation officer that application can properly be made for discharge of a probation order, or amendment of a probation order otherwise than as provided by paragraph (5) of this Rule, the probation officer shall so apply unless the probationer himself makes the application.

Certain reports to be private

56. A report made in pursuance of paragraph (2), (3) or (4) of the foregoing Rule or of subsection (2) of section five of the Criminal Justice Act, 1948, shall not be made in open court or published.

(**a**) 7 Edw. 7. c. 17. (**b**) 11 & 12 Geo. 6. c. 58. (**c**) 23 & 24 Geo. 5. c. 12.

Reports from institutions and other officers

57.—(1) A report made in pursuance of subsection (2) of section five of the Criminal Justice Act, 1948, or in pursuance of that subsection as applied by subsection (3) of section seventy-four of the said Act, shall amongst other things comprise—

(*a*) a report from the person in charge of the institution in which the person about whom the report is made has been required to reside, and

(*b*) a report from the appropriate probation officer about the suitability of that person's home or any other place where if the requirement of residence in an institution is cancelled that person proposes to reside.

(2) It shall be the duty of the probation officer appointed or assigned to any area to furnish on request by another probation officer such a report as is mentioned in sub-paragraph (*b*) of paragraph (1) of this Rule.

PART VIII

PROBATION OFFICERS: SALARY, &C.

Salaries generally

58.—(1) Subject to the provisions of paragraphs (4) to (8) of this Rule, whole time probation officers who have not attained the age of thirty years shall be paid a salary depending upon their age in accordance with the scales for men and women respectively set out in the Schedule to these Rules.

(2) Subject to the provisions of paragraphs (4) to (8) of this Rule, whole time probation officers who have attained the age of thirty years shall—

(*a*) in the case of officers who on appointment had not attained that age, as from attaining that age, and

(*b*) in the case of other officers, as from the date of first appointment as a whole time probation officer,

be paid a salary in accordance with the following scale, that is to say, the starting salary of the scale shall be for men £400 a year, and for women £385 a year, and subject to the provisions of paragraph (3) of this Rule the salary shall rise by increments accruing at the times provided for in the said paragraph (3) of £15 until a salary of £460 a year is reached, and the salary shall then, in the case of men, rise by increments accruing at the times aforesaid of £20 until a salary of £570 a year is reached:

Provided that the last increment shall not exceed such sum as will bring the salary to £570 a year.

(3) Subject to the provisions of paragraphs (4) to (8) of this Rule, the first of the increments provided for in paragraph (2) of this Rule shall accrue on the first day of the month next following the day on which the period of salaried service performed by the officer—

(*a*) in the case of an officer who on appointment had not attained the age of thirty years, since he attained that age, and

(*b*) in the case of an officer who on first appointment as a whole time probation officer had attained the age of thirty years, since the time of his appointment,

amounts in the aggregate to a year, and each successive subsequent increment shall accrue on the first day of the month next following the day on which the period of salaried service performed by the officer since the last preceding increment accrued amounts in the aggregate to a year.

*(4) This Rule shall not operate to reduce the salary to which if these Rules had not been made a probation officer appointed before the date of the commencement of these Rules would have been entitled.

(5) The rates of salary which may be paid to a probation officer in accordance with this Rule apply whether he is employed by one or by more than one probation committee.

(6) For the purposes of this Rule, length of service shall subject as hereinafter provided be reckoned from the date of first appointment as a whole time probation officer:

Provided that—

(i) there shall be excluded from such reckoning any period during which the officer—

(*a*) has been on sick leave without pay, or (unless it has been approved for the purpose of being included in the reckoning by the Secretary of State) on other leave without pay; or

(*b*) having ceased to be a probation officer has not again been appointed a probation officer;

(ii) service after either of the periods mentioned in proviso (i) shall be reckoned from the end of the said period instead of as first mentioned in this paragraph, unless as the case may be—

(*a*) the officer's leave or sick leave was approved by the Secretary of State; or

(*b*) the officer's cesser of service was for not more than three months; or

(*c*) upon the officer's reappointment as a probation officer the reckoning of service from the date of first appointment as a probation officer has been approved by the Secretary of State.

(7) For the purposes of this Rule—

(*a*) a relevant age shall be deemed to be attained by an officer born on the first day of a month on the anniversary of his birth, and by an officer born on any other day on the first day of the month next after the anniversary of his birth, and

(*b*) an officer who at the time of his appointment is serving as a full time salaried probation officer in Scotland shall be entitled to reckon the period for which he has so served as if it had been served as a whole time probation officer in England.

(8) In this Rule, reference to approval by the Secretary of State of leave or of a reappointment means, in the case of a probation officer in the metropolitan police court area, the granting of leave or reappointment by the Secretary of State.

Metropolitan addition

59.—(1) To the salary which is at any time payable under the last foregoing Rule to a whole time probation officer whose services are permanently assigned wholly or mainly to courts in the metropolitan police district or the City of London, there shall while his services are so assigned be added £30 a year:

Provided that any additional salary paid to an officer under this paragraph shall be disregarded in determining the amount of any increment payable to him under that Rule.

* New para. (4A) added by S.I. 1949 No. 1539, p. 3529 below.

(2) (*a*) When a whole time probation officer whose services are permanently assigned wholly or mainly to courts in the metropolitan police district, being courts in a combined probation area, part of which area lies outside the said district, is otherwise than at his request transferred so that his services are permanently assigned wholly or mainly to courts in the said probation area which are outside the said district, he shall for the period specified in sub-paragraph (*c*) of this paragraph continue to be paid the salary which, under paragraph (1) of this Rule, he was receiving immediately before he was so transferred:

Provided that the salary so paid shall not exceed in the case of a man £570 a year, or in the case of a woman £460 a year.

(*b*) During the period specified in sub-paragraph (*c*) of this paragraph an officer to whom sub-paragraph (*a*) of this paragraph applies shall not be entitled to increases of salary or increments which he would otherwise be given under these Rules, and where immediately upon the end of the said period an increment is given to an officer it shall not be greater than will raise his salary to that which, but for this paragraph, he would from that date receive.

(*c*) The period referred to in sub-paragraphs (*a*) and (*b*) of this paragraph is the period during which the salary which an officer is at any time receiving under this paragraph exceeds or is equal to the salary which he would, but for this paragraph, be receiving at that time under Rule 58.

Salary of part time officers

60. A part time probation officer shall be paid a fixed salary having regard to the duties he is required to perform, the character and extent of the district served, and the scales of salaries for whole time officers, but without having regard to any income or emolument he may receive or enjoy from other sources:

Provided that a part time probation officer shall not without the authority of the Secretary of State be paid a salary of more than £100 a year, whether in respect of one or more probation areas.

Salary of principal and senior officers

61. A senior probation officer may be paid with the approval of the Secretary of State an allowance in addition to his salary, and a principal probation officer may notwithstanding the provisions of these Rules which fix a maximum salary be paid with the approval of the Secretary of State a salary higher than the salary which these Rules provide for a probation officer.

Salary of temporary officers

62. A temporary probation officer may be paid such weekly salary as is reasonable, but except with the approval of the Secretary of State not more than £6 10s., or if the officer's services are assigned wholly or mainly to courts within the metropolitan police district or the City of London £7.

Deduction of sickness and injury benefit

63. There shall be deducted from the salary payable to a probation officer under these Rules the amount of any sickness benefit under the National Insurance Act, 1946(**a**), or injury benefit under the National Insurance (Industrial Injuries) Act, 1946(**b**), to which he is entitled during a period of sick leave with full pay.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 9 & 10 Geo. 6. c. 62.

PART IX

PROBATION OFFICERS: CONDITIONS OF EMPLOYMENT

Annual leave

64.—(1) The annual paid leave to which a whole time probation officer is entitled shall be not less than twenty-four or more than thirty-six working days, to be taken at times agreed, with due regard to the needs of the probation service, between the probation committee and the probation officer.

(2) The probation committee may grant to a temporary or part time probation officer a reasonable period of paid leave, having regard to the the needs of the probation service and the amount of annual leave to which a whole time officer is entitled.

Sick leave

65.—(1) The probation committee may grant to a whole time probation officer sick leave not exceeding four days at a time or seven days in the aggregate in any period of twelve months without the production of a certificate signed by a duly qualified medical practitioner, and longer sick leave upon the production of such a certificate.

(2) Sick leave with pay shall not, except with the approval of the Secretary of State, exceed three months in the aggregate in any period of twelve months.

Sick leave of temporary or part time officers

66. The probation committee may grant to a temporary or part time probation officer a reasonable period of paid sick leave having regard to the amount of sick leave to which a whole time officer is entitled.

Travelling and subsistence of officers

67.—(1) The probation committee shall pay to probation officers—

(*a*) the actual expenses of travelling in the course of duty which would be payable to a civil servant entitled to the same salary maximum as the probation officer;

(*b*) reasonable allowances in respect of use by a probation officer in the course of duty of his own car or cycle, if the committee has authorized its use; and

(*c*) for any period when the officer is in the course of duty necessarily absent from home and centre, such subsistence allowance as would be payable to a civil servant entitled to the same salary maximum.

(2) For the purposes of this Rule the expression "salary maximum" means the maximum salary to which a probation officer, senior probation officer, or principal probation officer as the case may be is entitled or would be entitled if Rule 59 applied to him, and the expression "centre" means the office or court at which the probation committee directs that the probation officer's work shall be centred for the purpose of sub-paragraph (*c*) of the foregoing paragraph.

PART X

EXPENDITURE: PERSONS UNDER SUPERVISION

Residence in approved probation hostels, etc.

68. Where a probationer is required by the probation order to reside in an approved probation hostel or home, the probation committee shall pay to the body by whom the hostel or home is managed such contribution towards

his maintenance as has for the time being been notified to probation committees by the Secretary of State, as the payment to be made in respect of maintenance in a hostel or in a home as the case may be.

Residence in other institutions

69. Where a probationer is required by the probation order to reside in an institution other than an approved probation hostel or home, the probation committee may with the approval of the Secretary of State pay towards his maintenance such a contribution for such period as the Secretary of State approves.

Residence in private houses

70. Where a probationer is required by the probation order to reside in a private house other than his home, the probation committee may make such payments to the person in whose house the probation order requires the probationer to reside as are from time to time notified to probation committees by the Secretary of State.

Clothing

71. In a case to which either of the two last foregoing Rules applies, the probation committee may if it sees fit pay the cost of necessary clothing for the person under supervision, up to such amount as is from time to time notified to probation committees by the Secretary of State.

Travelling expenses of probationers

72.—(1) The probation committee shall in a case to which Rule 68 applies pay—

(*a*) the probationer's fare to any place in which he is required by the probation order to reside, together with reasonable expenses necessarily incurred by him on the way to that place, and

(*b*) his fare and the like expenses on his return to his home at the expiry of the period for which he has been required by the probation order to reside in any place, or on his then going to reside in some other place with the consent of the probation officer.

(2) The probation committee may pay the like fare and the like expenses in a case to which Rule 69 or 70 applies.

Committee responsible

73.—(1) For the purposes of this Part of these Rules the committee by which payments are made shall, where the requirement of residence which is in force for the time being was imposed by a petty sessional court, be the committee for the area for which that court acts, whether the said requirement was imposed by the order as originally made or by amendment of that order.

(2) Where the said requirement was imposed by a court of assize or a court of quarter sessions, the committee by which the aforesaid payments are made shall be the probation committee for the probation area from which the probationer was committed for trial or sentence.

Maintenance and travelling expenses of persons under supervision

74. Where by virtue of the Children and Young Persons Act, 1933(**a**), a supervision order has been made which requires a person to be under the supervision of a probation officer and also imposes such a condition as in relation to a probation order is mentioned in Rule 68, the like payments as are mentioned therein and in paragraph (1) of Rule 72 shall be made, and where such an order imposes such a condition as in relation to a probation order is mentioned in Rules 69 and 70 the like payments as are mentioned in Rules 69 to 71, and in paragraph (2) of Rule 72, may be made by the probation committee mentioned in Rule 73.

Fare of probationer, etc., reporting

75. The probation committee may in case of hardship pay fares necessarily incurred by a person to whom a probation order or a supervision order relates in going to report to the probation officer.

Direct assistance

76. The probation committee may where it considers it necessary to do so grant financial assistance to a person under the supervision of a probation officer, but the aggregate amount so granted in any year shall not exceed such amount as is from time to time approved by the Secretary of State.

Transitional provisions

77. This Part of these Rules shall as from the date of the commencement of these Rules apply to probation committees and persons under supervision, notwithstanding that probation orders or supervision orders had already been made and that the persons to whom those orders referred were already residing in accordance with those orders at the said date, and notwithstanding that under subsection (2) of section five of the Criminal Justice Act, 1925(**b**), a local authority had before the said date accepted responsibility for payments made under that subsection.

PART XI

EXPENDITURE: MISCELLANEOUS

Secretarial and other expenses

78. The probation committee shall defray the cost of stationery, postal and telephone charges, and similar expenditure necessarily incurred by the secretary of the committee or of a case committee in its area in matters relating to its work, and may with the approval of the Secretary of State incur such other expenditure as is necessary for the proper performance of the work of its probation officers.

Provision of cars

79. The expenses payable by virtue of paragraph 3 of the Fifth Schedule to the Criminal Justice Act, 1948(**c**), shall include the cost of buying and maintaining a car for use by a probation officer, where the probation committee is satisfied that the use of a car by that officer is necessary for the proper performance of his duties, and the Secretary of State approves the buying of the car and the terms on which it is to be used.

(**a**) 23 & 24 Geo. 5. c. 12. (**b**) 15 & 16 Geo. 5. c. 86.
(**c**) 11 & 12 Geo. 6. c. 58.

Consultation with local authority

80.—(1) Before incurring expenditure under any of the foregoing Rules numbered 29 to 31, under heading (*b*) in paragraph (1) of Rule 67, or under Rule 79, 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.

(2) If the local authority or any of the local authorities when consulted in accordance with this Rule object 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 of the question after considering the observations of the committee and of the local authority or local authorities shall be final.

Estimates

81. It shall be the duty of the probation committee in each year not later than such date as is required by the local authority to send an estimate of the expenditure which it expects to incur in the twelve months beginning on the ensuing first day of April to the local authority or local authorities by whom in pursuance of paragraph 5 of the Fifth Schedule to the Criminal Justice Act, 1948, the committee's expenditure will be defrayed.

Advances to committees

82. The local authority or local authorities by whom in pursuance of paragraph 5 of the Fifth Schedule to the Criminal Justice Act, 1948, the expenditure of a probation committee will be defrayed shall from time to time advance to that committee such sums as are necessary to enable it to fulfil punctually its financial obligations.

Treasurer, and mode of payment

83.—(1) The chief financial officer of the local authority mentioned in the last foregoing Rule, or of such one of the local authorities there mentioned as is agreed between those local authorities and the probation committee, or in case of disagreement is determined by the Secretary of State, shall act as treasurer of the probation committee, and of every case committee in the probation area.

(2) The probation committee may authorize the holding by its secretary, by the secretary of a case committee, or by a probation officer, of an imprest account, but otherwise payments made or received on behalf of the probation committee shall be made or received by its treasurer.

Accounts and audit

84. The accounts of the probation committee shall include the accounts of every case committee in the probation area, and shall be subject to such examination and audit as the Secretary of State from time to time requires.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
14th July, 1949.

SCHEDULE

Rule 58 (1)

SALARIES PAYABLE TO WHOLE TIME PROBATION OFFICERS AGED LESS THAN 30

Age	Salary	
	Men	Women
23 years or over but under 24	£305 a year	£290 a year
24 years or over but under 25	£315 a year	£300 a year
25 years or over but under 26	£325 a year	£310 a year
26 years or over but under 27	£340 a year	£325 a year
27 years or over but under 28	£355 a year	£340 a year
28 years or over but under 29	£370 a year	£355 a year
29 years or over but under 30	£385 a year	£370 a year

The Probation (No. 2) Rules, 1949

1949 No. 1539 (L. 15)

Made - - - - 13*th August,* 1949

In pursuance of the power conferred on me by the Fifth Schedule to the Criminal Justice Act, 1948(a), I hereby make the following Rules:—

1. In Rule 58 of the Probation Rules, 1949(b), there shall after paragraph (4) be inserted the following paragraph:—

"(4A) A whole time probation officer appointed before the first day of December, 1946, who had before that day attained the age of thirty years shall, subject to the provisions of paragraphs (5) to (8) of this Rule, be paid the salary which would have been payable to him if these Rules had not been made."

2. These Rules may be cited as the Probation (No. 2) Rules, 1949.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
13th August, 1949.

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

(b) S.I. 1949 No. 1328, p. 3508 above.