1964 No. 436

PROBATION OF OFFENDERS

The Probation Rules 1964

Made - - - - 19*th March* 1964
Coming into Operation 26*th March* 1964

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

1. In Rule 29 of the principal Rules, for the words " in altering, adapting, decorating, or redecorating accommodation " there shall be substituted the words " in erecting or making structural alterations to any building ".

2. For Rule 48 of the principal Rules, as amended by the Probation (No. 2) Rules 1952(b), there shall be substituted the following Rule :—

" *Supervision etc. of persons released*

48.—(1) It shall be part of the duties of a probation officer, if so requested, to undertake directly or on behalf of the Central After-Care Association or the managers of an approved school the supervision (for any period not exceeding three years) of any person who has been released from an institution and is subject to supervision in England and Wales by virtue of any enactment or of a condition or requirement of a licence under which he was so released.

A reference in this paragraph to a person having been released from an institution shall include a reference to a person having been discharged from hospital if he might have been remitted to an institution instead of being so discharged.

In this paragraph " an institution " means an institution to which the Prison Act 1952(c), the Prisons (Scotland) Act 1952(d) or the Prison Act (Northern Ireland) 1953(e) applies, or an approved school.

(2) Where a probation officer undertakes the supervision of a person released from an approved school, he shall, if so requested by the managers of the school, discharge on their behalf their obligations under paragraph 12(2) of Schedule 4 to the Children and Young Persons Act 1933(f) (which relates to the assistance to be given to such persons).

(3) It shall be part of the duties of a probation officer, if so requested by the managers of an approved school, to visit, advise and befriend any such person as is mentioned in paragraph 7 of Schedule 2 to the Criminal Justice Act 1961(g) (which relates to certain persons ceasing to be under the supervision of such managers) and, if so requested by the managers, to give him on their behalf such assistance as is there mentioned.

(a) 11 & 12 Geo. 6. c. 58. (b) S.I. 1952/1664 (1952 III, p. 2685).
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. (d) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.
(e) 1953, c. 18 (N.I.). (f) 23 & 24 Geo. 5. c. 12. (g) 9 & 10 Eliz. 2. c. 39.

(4) It shall be part of the duties of a probation officer to advise, assist and befriend any person, not subject to supervision as aforesaid, who has been released after serving a period of imprisonment and is willing to be so assisted:

Provided that a probation officer shall not be required to act under this paragraph in relation to any person except—

(*a*) at the request of the Central After-Care Association or the National Association of Discharged Prisoners' Aid Societies; and

(*b*) during the twelve months following that person's release.

(5) A person subject to supervision within the meaning of this Rule shall not on that account be treated as being under the supervision of a probation officer within the meaning of any other of these Rules.".

3. For Rule 76 of the principal Rules there shall be substituted the following Rule:—

"*Direct assistance*

76.—(1) Where a probation officer has responsibilities in relation to any person, the probation committee may grant that person financial assistance if the committee is satisfied that this is necessary.

(2) The aggregate expenditure of a probation committee under this Rule in any year shall not exceed an amount approved by the Secretary of State.".

4. In Rule 79 of the principal Rules, as set out in Rule 1 of the Probation Rules 1961(a), the words from "and the Secretary of State" to the end of the Rule shall be omitted.

5. In these Rules "the principal Rules" means the Probation Rules 1949(b).

6. These Rules may be cited as the Probation Rules 1964 and shall come into operation on 26th March 1964.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
19th March 1964.

EXPLANATORY NOTE

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

These Rules amend the Probation Rules 1949. They extend the classes of persons whom a probation officer may supervise or advise, assist and befriend (Rule 2), and also the class of persons to whom a probation committee may grant financial assistance (Rule 3). Rules 29 and 79 of the Rules of 1949 are modified so as no longer to require the approval of the Secretary of State for expenditure in decorating office accommodation or providing cars for probation officers (Rules 1 and 4).

(a) S.I. 1961/532 (1961 I, p. 1207). (b) S.I. 1949/1328 (1949 I, p. 3508).