STATUTORY INSTRUMENTS

1965 No. 723

PROBATION OF OFFENDERS

The Probation Rules 1965

Made - - - - 31*st March* 1965
Coming into Operation 1*st April* 1965

ARRANGEMENT OF RULES

PART I

CONSTITUTION OF PROBATION AND CASE COMMITTEES

1. Appointment of elected members.
2. Number and rotation of elected members.
3. Vacancies.
4. Co-option of members.
5. Retirement of members.
6. Chairman and deputy chairman.
7. Secretary.
8. Treasurer.
9. Quorum.
10. Reduced attendance at case committees.
11. Business of justices.
12. Business of probation and case committees.
13. Meetings and procedure.
14. Validity of proceedings.
15. Application of Part I to probation committee and case committees for inner London area.

PART II

DUTIES OF PROBATION AND CASE COMMITTEES

16. General duty of probation committee.
17. General duty of case committee.
18. Allocation of probation officers to courts.
19. Returns by probation committee.
20. Preservation of records.

PART III

APPOINTMENT AND TENURE OF OFFICE OF PROBATION OFFICERS

21. Disqualifications.
22. Age limits.
23. Certificate of appointment.
24. Notice of appointment, address and assignment.
25. Confirmation of appointment of probation officer.
26. Resignation.
27. Termination of employment.
28. Principal and senior probation officers.

PART IV

DUTIES OF PROBATION OFFICERS

29. Records.
30. Supervision etc. of persons released from custody.
31. Duties in connection with adoption, custody, conciliation and consent to marriage.
32. Supervision of children in divorce proceedings.
33. Explaining probation or supervision order.
34. Visiting school children.
35. Keeping in touch.
36. Welfare and employment.
37. Reports.
38. Contents of certain reports.
39. Applications to court.

PART V

EXPENDITURE ON PERSONS FOR WHOM PROBATION OFFICER RESPONSIBLE

40. Maintenance.
41. Fares incurred in reporting.
42. Financial assistance.

PART VI

ADMINISTRATIVE EXPENSES

43. Accommodation and facilities.
44. Payment of administrative staff.
45. Legal costs.
46. Audit fees.
47. Other expenses.

PART VII

FINANCIAL PROVISIONS

48. Estimates.
49. Advances to probation committee.
50. Care of moneys.
51. Accounts.

PART VIII

MISCELLANEOUS

52. Interpretation.
53. Revocations.
54. Citation and commencement.

SCHEDULES

Schedule 1: Payments in respect of persons under supervision.
Schedule 2: Revocations.

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

PART I

CONSTITUTION OF PROBATION AND CASE COMMITTEES

Appointment of elected members

1.—(1) An elected member of a probation or case committee shall be appointed from among the justices having power to fill the vacancy.

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

(2) The secretary of a probation committee for a combined probation area to which an elected member is appointed shall be notified by the clerk to the said justices of the name and address of the member so appointed.

Number and rotation of elected members

2.—(1) The number of elected members of a probation committee for a single probation area or of a case committee shall be three or such multiple of three as the justices acting for the petty sessional division concerned may from time to time determine.

(2) An elected member of a probation committee for a single probation area shall, without prejudice to any reappointment, be appointed to hold office for three years and one-third of such members, being those who have been members for the longest time without re-election, shall retire in every year.

(3) An elected member of a case committee for an area other than a single probation area shall, without prejudice to any re-appointment, be appointed to hold office for such term, not exceeding three years, as the justices acting for the petty sessional division concerned may from time to time determine.

(4) Terms of office of elected members of a probation committee for a single probation area or of a case committee shall be reckoned from such day in the year as the justices acting for the petty sessional division concerned shall from time to time determine.

Vacancies

3.—(1) A vacancy among the elected members of a probation or case committee shall be filled as soon as possible by the justices having power to fill the vacancy except that a vacancy which occurs less than three months before the vacancy would occur in the ordinary course need not be filled until it would so occur.

(2) A member of a probation or case committee appointed to fill such a vacancy shall hold office until the day when the member in whose place he is appointed would have vacated office in the ordinary course.

Co-option of members

4. When a probation or case committee co-opts a member, the committee shall fix his term of office but not so as to exceed the usual term of office of elected members of the committee.

Retirement of members

5.—(1) A member of a probation or case committee may resign at any time by giving notice in writing to the secretary of the committee and the secretary shall, in the case of an elected member, forthwith notify the clerk to the justices having power to fill the vacancy.

(2) A member of a probation or case committee, other than a co-opted member, shall vacate office on ceasing to be a justice.

Chairman and deputy chairman

6. A probation or case committee shall appoint annually from among its members, other than co-opted members, a chairman and may so appoint a deputy chairman and shall fill a vacancy in the office of chairman whenever it occurs.

Secretary

7.—(1) In the case of a probation committee for a single probation area the clerk to the justices acting for the petty sessional division concerned shall be the secretary of the committee.

(2) In the case of a case committee for a petty sessional division or any part thereof the clerk to the justices acting for that petty sessional division or an assistant of his, as the case committee shall appoint, shall be the secretary of the committee.

(3) The secretary of a case committee may, with the consent of the chairman of the committee, arrange for a probation officer to act for him as secretary of the committee at any meeting of the committee to deal with any particular case or class of case.

Treasurer

8.—(1) Where not more than one local authority is liable under paragraph 5(1) of Schedule 5 to the Criminal Justice Act 1948 to defray the expenses of a probation committee, its chief financial officer shall be the treasurer of the probation committee.

(2) Where two or more local authorities are liable under sub-paragraph (2) of the said paragraph 5 to defray the expenses of a probation committee, the chief financial officer of such one of them as they and the probation committee may agree, or as the Secretary of State shall in default of agreement determine, shall be the treasurer of the probation committee.

Quorum

9. The quorum of a probation or case committee shall be one-third of the total membership of the committee:

Provided that—

(i) the quorum shall not be less than two;

(ii) the provisions of this Rule shall not apply to a probation committee for a combined probation area if the order constituting the area specifies the quorum;

(iii) the provisions of this Rule shall not apply in relation to any meeting of a case committee to which some only of its members are summoned in pursuance of Rule 10 of these Rules.

Reduced attendance at case committees

10. A case committee may arrange that some only of its members shall be summoned to deal with any particular case or class of cases.

Business of justices

11. Appointments and other matters to be determined under Rule 1, 2 or 3 of these Rules shall be dealt with at a meeting of which at least seven days' notice shall have been given and each matter shall be determined by a majority of the justices present and voting and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

Business of probation and case committees

12. At a meeting of a probation or case committee each matter shall be determined by a majority of the members present and voting and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

Meetings and procedure

13.—(1) A case committee shall, so far as practicable, meet at least once in every three months.

(2) Subject to the provisions of these Rules a probation or case committee may meet at such times and places as the committee thinks fit and may regulate its own proceedings.

Validity of proceedings

14. The proceedings of a probation or case committee shall not be invalidated by any defect in the appointment or qualification of a member or by any vacancy among the members or by any defect of form or procedure at, or in respect of, any meeting.

Application of Part I to probation committee and case committees for inner London area

15.—(1) The foregoing provisions of this Part of these Rules, so far as they relate to probation committees, other than Rules 4, 5, 6, 12, 13 and 14, shall not apply to the probation committee for the inner London area.

(2) The foregoing provisions of this Part of these Rules, so far as they relate to case committees, shall not apply to a case committee for an area comprised in the inner London area.

PART II

DUTIES OF PROBATION AND CASE COMMITTEES

General duty of probation committee

16. A probation committee shall satisfy itself that the duties of probation officers in its area are efficiently carried out.

General duty of case committee

17. A case committee, other than a case committee for an area comprised in the inner London area, shall, in addition to reviewing the work of probation officers in individual cases in pursuance of paragraph 3(6) of Schedule 5 to the Criminal Justice Act 1948—

(*a*) exercise a general oversight over the work of each probation officer appointed for, or assigned to, its petty sessional division; and

(*b*) afford each probation officer appointed for, or assigned to, its petty sessional division such help and advice as it can in performing his duties.

Allocation of probation officers to courts

18.—(1) A probation committee shall ensure, whether or not by arrangement with another probation committee, that a probation officer is assigned to each court of assize and court of quarter sessions, to which persons are usually committed for trial or sentence from any petty sessional division in the probation area.

(2)(*a*) A probation committee, in whose area there is a divorce town as defined in the Matrimonial Causes Rules 1957(**a**), shall ensure, whether or not by arrangement with another probation committee, that a probation officer is assigned as welfare officer to the High Court hearing cases in that area with a view to assisting the Court in making an order or provision with respect to the custody, maintenance or education of a child under section 26(1) or (2) of the Matrimonial Causes Act 1950(**b**) or under Part I of the Matrimonial Proceedings (Children) Act 1958(**c**) or under the Guardianship of Infants Acts 1886 and 1925(**d**).

(*b*) The probation committee shall keep the senior registrar of the Divorce Registry informed of the probation officer so assigned.

Returns by probation committee

19. A probation committee shall make such returns or reports to the Secretary of State as he from time to time requires.

(a) S. I. 1957/619 (1957 II, p. 2406). (b) 14 Geo. 6. c. 25. (c) 6 & 7 Eliz. 2. c. 40. (d) 49 & 50 Vict. c. 27 and 15 & 16 Geo. 5. c. 45.

Preservation of records

20.—(1) A probation committee shall arrange for the preservation of records of their probation officers concerning persons who have ceased to be under supervision or in respect of whom they had, but no longer have, other duties.

(2) Any such record shall be preserved for not less than ten years from the date on which one of their probation officers last ceased to have duties in respect of the person concerned.

(3) Access to such records shall be allowed to persons authorised by the probation committee or a probation inspector appointed by the Secretary of State but to no other persons.

PART III

APPOINTMENT AND TENURE OF OFFICE OF PROBATION OFFICERS

Disqualifications

21. A justice of the peace, other than a person who is a justice by virtue of any other office held by him, a clerk or other officer or member of the staff of a criminal court, or a constable is disqualified for being a probation officer.

Age limits

22.—(1) A person who is under the age of twenty-two years or has attained the age of sixty-five years shall not be appointed to be a probation officer.

(2) The appointment of a probation officer shall terminate upon his attaining the age of sixty-five years:

Provided that the probation committee may, with the probation officer's consent, extend his service for one year, or any less period, and so from time to time as the committee deems expedient.

(3) This Rule shall not apply to a part-time or temporary probation officer.

Certificate of appointment

23. A probation officer shall be furnished by the probation committee with a certificate of his appointment which certificate shall be delivered up to the committee upon the termination of his appointment.

Notice of appointment, address and assignment

24.—(1) A probation committee shall forthwith give notice in writing to the Secretary of State—

(*a*) of every appointment by it of a person to be a probation officer;

(*b*) if this is his first appointment as a probation officer and he has not completed a course of training approved by the Secretary of State for the training of persons for appointment as probation officers, of his date of birth, particulars of his education, of his qualifications and of any previous employment and voluntary social work undertaken by him; and

(*c*) of every termination of such appointment.

(2) A probation committee shall keep the Secretary of State informed—

(*a*) of the address of each probation officer's office;

(*b*) in the case of a probation committee for a combined probation area, of the probation officers assigned to each petty sessions area; and

(*c*) of any probation officers assigned to a court under Rule 18 of these Rules.

Confirmation of appointment of probation officer

25.—(1) A probation officer shall not hold office for more than an aggregate of twelve months, or such further period not exceeding twelve months as may be allowed by the Secretary of State or to enable due notice of the termination of his appointment to be given, unless his continuance in office has been confirmed by the Secretary of State at the request of the probation committee or the appointment of that officer as a whole-time probation officer in Scotland has been confirmed by the Secretary of State.

(2) The Secretary of State, in considering whether to give or withhold his confirmation under this Rule, shall take into consideration any representation made by the probation committee or by the probation officer.

(3) This Rule shall not apply to a part-time or temporary probation officer.

Resignation

26. A probation officer may resign his appointment by giving, except as otherwise agreed, not less than one month's notice in writing to the probation committee.

Termination of employment

27. A probation committee may dismiss a probation officer without notice on the ground of misconduct, and may, for sufficient reason other than misconduct, terminate a probation officer's appointment by giving him, except as otherwise agreed, not less than one month's notice in writing.

Principal and senior probation officers

28.—(1) A probation committee may appoint a probation officer approved for the purpose by the Secretary of State to such of the following ranks as he may have approved, namely:—

Principal Probation Officer
Deputy Principal Probation Officer
Assistant Principal Probation Officer
Senior Probation Officer.

(2) A probation officer so appointed may, for sufficient reason, be reduced in rank by the probation committee, but before being so reduced shall be given not less than one month's notice thereof in writing.

(3) A probation officer who is required to perform the duties of a higher rank may, with the consent of the Secretary of State, be appointed temporarily to that rank.

PART IV
DUTIES OF PROBATION OFFICERS

Records

29.—(1) A probation officer shall keep an up-to-date record in accordance with any directions issued by the Secretary of State concerning each person who is under his supervision or in respect of whom he otherwise has duties.

(2) Any such record shall, unless required elsewhere, be retained in the probation office in such manner that it is not readily accessible except to persons authorised by the probation committee or a probation inspector appointed by the Secretary of State.

Supervision etc. of persons released from custody

30.—(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(a), the Prisons (Scotland) Act 1952(b) or the Prison Act (Northern Ireland) 1953(c) 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(d), or, paragraph 12(2) of Schedule 2 to the Children and Young Persons (Scotland) Act 1937(e), or paragraph 12(2) of Schedule 4 to the Children and Young Persons Act (Northern Ireland) 1950(f), as the case may be, (which relate 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), or paragraph 7 of Schedule 2 to the Criminal Justice (Scotland) Act 1963(h), as the case may be, (which relate 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.

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

(5) In this Rule "an approved school" means a school approved under section 79 of the Children and Young Persons Act 1933, or under section 83 of the Children and Young Persons (Scotland) Act 1937 or under section 106 of the Children and Young Persons Act (Northern Ireland) 1950.

Duties in connection with adoption, custody, conciliation and consent to marriage

31. A probation officer shall, if so requested by or on behalf of a court—

(*a*) act as a guardian ad litem in proceedings under the Adoption Act 1958(i),

(*b*) make a report to the court with a view to assisting it in making an order or provision with respect to the custody, maintenance or education of a child under subsection (1) or (2) of section 26 of the Matrimonial

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.
(c) 1953 c. 18 (N. I.). (d) 23 & 24 Geo. 5. c. 12. (e) 1 Edw. 8 & 1 Geo. 6. c. 37.
(f) 1950 c. 5 (N. I.). (g) 9 & 10 Eliz. 2. c. 39. (h) 1963 c. 39.
(i) 7 & 8 Eliz. 2. c. 5.

Causes Act 1950, or under Part I of the Matrimonial Proceedings (Children) Act 1958, or under the Guardianship of Infants Acts 1886 and 1925,

(*c*) make a report to the court with respect to the matters specified by the court under section 4(2) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(**a**),

(*d*) attempt to effect a conciliation between the parties to any matrimonial cause or matter or any proceedings under the Matrimonial Proceedings (Magistrates' Courts) Act 1960,

(*e*) make enquiries with respect to an application under section 3 of the Marriage Act 1949(**b**) for consent to marriage.

Supervision of children in divorce proceedings

32. Where a court has made an order under section 6 of the Matrimonial Proceedings (Children) Act 1958, for the supervision of a child by a probation officer, the probation officer responsible for carrying out the order shall be a probation officer appointed for, or assigned to, the petty sessions area in which the child for the time being resides, selected in the same manner as the probation officer who is to be responsible for the supervision of a probationer.

Explaining probation or supervision order

33. A probation officer shall endeavour to ensure that a person under his supervision understands—

(*a*) the effect of the order placing him under his supervision; and

(*b*) a court's power to amend or discharge the order.

Visiting school children

34. If a person under the supervision of a probation officer or in respect of whom he otherwise has duties attends a school, the probation officer shall from time to time discuss with the head teacher of the school his behaviour and progress at the school, but shall not visit him there.

Keeping in touch

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

(2) The intervals at which in accordance with paragraph (1) of this Rule the probation officer meets the probationer, visits his residence and requires him to report, shall be determined amongst other circumstances by his behaviour and progress and regard shall be had to the importance of frequent meetings during the early part of the probation period.

(3) Where a probationer normally resides with his family, but has temporarily ceased so to reside, a probation officer appointed for, or assigned to, the petty sessions area in which his family reside shall, unless there is good reason for not doing so, keep in touch with his family.

(4) So far as is suitable having regard to the circumstances of the case, this Rule shall apply to a person under the supervision of a probation officer, other than a probationer, as it applies to a probationer.

(**a**) 8 & 9 Eliz. 2. c. 48. (**b**) 12, 13 & 14 Geo. 6. c. 76.

Welfare and employment

36.—(1) A probation officer shall, where appropriate, encourage a person under his supervision or in respect of whom he otherwise has duties to make use of any statutory or voluntary agency which might contribute to his welfare, and to take advantage of any available social, recreational or educational facilities suited to his age, ability and temperament.

(2) A probation officer shall, where appropriate, endeavour to ensure that such a person is in suitable and regular employment.

Reports

37.—(1) A probation officer shall from time to time make a confidential report to the case committee concerning the mode of life and progress of persons under his supervision.

(2) A probation officer shall make a confidential report concerning the mode of life and progress of any person under his supervision to the court which made the order placing the person under his supervision not being the supervising court, if so requested by the first-mentioned court.

(3) A probation officer shall make a confidential report to the supervising court or to a justice acting for the petty sessions area for which the supervising court acts concerning any failure by a probationer to comply with the requirements of the probation order of which the probation officer is aware.

Contents of certain reports

38. A report made by a probation officer in pursuance of section 5(2) of the Criminal Justice Act 1948 shall include—

(*a*) any report made at the request of the probation officer by the person in charge of the institution in which the probationer is required to reside; and

(*b*) a report about the suitability of his home or any other place where he proposes to reside, should the requirement of residence be cancelled, by a probation officer appointed for, or assigned to, the petty sessions area in which that home or place is situated.

Applications to court

39.—(1) If a probation officer becomes aware that a person under his supervision has changed his residence from the petty sessions area named in the order placing him under his supervision to another petty sessions area, he shall apply in the case of a probationer to the supervising court to amend the order in accordance with paragraph 2(1) of Schedule 1 to the Criminal Justice Act 1948, and in the case of a person placed under his supervision by a supervision order to a juvenile court to amend the order in pursuance of paragraph 4 of Schedule 1 to the Children and Young Persons Act 1963(**a**) unless—

(*a*) the probation officer has reason to believe that the person under supervision is unlikely to reside there for a reasonable time; or

(*b*) the probation officer has ascertained from, in the case of a probationer, the supervising court, or, in the case of a person placed under his supervision by a supervision order, a juvenile court acting for the petty sessions area named in the order, that that court and the court having jurisdiction in the petty sessions area where the person under supervision is residing are satisfied that, having regard to the special circumstances of the case, it is desirable that the person should remain under his supervision.

(**a**) 1963 c. 37.

(2) Where it appears to a probation officer that an application can properly be made for the discharge or amendment (otherwise than as provided by the foregoing paragraph of this Rule) of a probation or supervision order relating to a person under his supervision, the probation officer shall make such application unless the person under supervision or any other person makes the application.

PART V

EXPENDITURE ON PERSONS FOR WHOM PROBATION OFFICER RESPONSIBLE

Maintenance

40. Where a probation or supervision order requires a person to reside in any place, otherwise than for the purpose of his submitting to treatment for his mental condition as a voluntary or resident patient, the probation committee responsible for making the payments described in Schedule 1 to these Rules shall be—

(*a*) in the case of a probation or supervision order made by a magistrates' court (whether or not the requirement as to residence was imposed in the order as made or subsequently), the committee for the probation area in which the petty sessions area for which that court acted is comprised;

(*b*) in the case of a probation order made by a court in Scotland which is amended by a magistrates' court, in pursuance of the powers conferred by section 7(4) of the Criminal Justice (Scotland) Act 1949(a), by the imposition of a requirement as to residence in England, the committee for the probation area in which the petty sessions area for which the magistrates' court acted is comprised;

(*c*) in any other case, the committee for the probation area from which the person placed under supervision was committed for trial or sentence.

Fares incurred in reporting

41. A probation committee may, in case of hardship, pay fares necessarily incurred by a person under the supervision of a probation officer in reporting to the probation officer.

Financial assistance

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

PART VI

ADMINISTRATIVE EXPENSES

Accommodation and facilities

43.—(1) A probation committee shall provide, or arrange for the provision of, any clerical assistance, office accommodation, equipment and other things reasonably required for the purpose of enabling the committee, or a case committee in its area, to perform its functions.

(a) 12, 13 & 14 Geo. 6. c. 94.

(2) A probation committee shall provide, or arrange for the provision of, any clerical assistance, office accommodation, cars and other equipment and other things reasonably required by probation officers.

(3) Notwithstanding the foregoing provisions of this Rule, a probation committee shall not acquire premises, or any estate or interest therein, or incur expense in erecting or making structural alterations to any building, except as authorised by the Secretary of State.

Payment of administrative staff

44.—(1) A probation committee shall, in respect of services rendered to the committee or to a case committee in its area by a person who is employed by a local authority, other than a chief officer or deputy chief officer thereof, or is employed to assist a justices' clerk or a clerk of the peace, other than a deputy clerk of the peace, in the performance of duties of that office, defray the whole or such part of—

(*a*) that person's emoluments ;

(*b*) any employer's contributions payable in respect of him under any Act relating to National Insurance ; and

(*c*) any superannuation benefits payable in respect of him under any enactment,

as is, in the opinion of the probation committee, attributable to such service.

(2) A probation committee shall pay, in respect of expenditure on travelling or subsistence by a person who is employed in the office of clerk of the peace or justices' clerk, or employed in assisting the holder of such office in the performance of the duties of that office, or employed by a local authority, where such expenditure is necessarily incurred by him in connection with the work of the committee or of a case committee in its area, such sums as would have been paid had the expenditure been incurred in the performance of his duties as clerk of the peace or justices' clerk or in the course of his employment in assisting such person or employment by a local authority, as the case may be.

Legal costs

45. A probation committee may defray any legal charges incurred by a probation officer in pursuance of his duties.

Audit fees

46. A probation committee shall pay any audit fees, stamp duties or similar expenditure incurred in connection with the accounts of the committee or of a case committee in its area.

Other expenses

47. A probation committee may incur, in connection with the probation service, such expenses, not otherwise authorised by these Rules or by any other Rules made under Schedule 5 to the Criminal Justice Act 1948, as the Secretary of State may authorise.

PART VII

FINANCIAL PROVISIONS

Estimates

48.—(1) A probation committee, other than the probation committee for the inner London area, shall send to each local authority liable under paragraph 5 of Schedule 5 to the Criminal Justice Act 1948, to defray or

contribute to the expenses of the committee, on or before a day in each year to be specified by the local authority, an estimate of the expenses which the committee expects to incur during the twelve months commencing with the ensuing first day of April.

(2) The probation committee shall consult the local authorities as to any such expenses which involve expenditure under Rule 43(2) of these Rules.

(3) If a probation committee proposes to incur expenditure under Rule 43(2) of these Rules which has not been included in such an estimate, it shall, before incurring such expenditure, consult each such local authority.

(4) If a local authority objects to any proposed expenditure under Rule 43(2) of these Rules, the local authority or probation committee may refer the matter to the Secretary of State for determination after considering any observations by the local authority or probation committee.

(5) The probation committee for the inner London area shall send to the Secretary of State, on or before a day in each year to be specified by him, an estimate of the expenses which the committee expects to incur during the twelve months commencing with the ensuing first day of April.

Advances to probation committee

49. A local authority liable under paragraph 5 of Schedule 5 to the Criminal Justice Act 1948 to defray or contribute to the expenses of a probation committee shall advance to the committee such moneys as may be required to enable it to discharge its liabilities punctually.

Care of moneys

50.—(1) A probation committee may authorise the holding by the secretary of the committee or of a case committee in its area or by a probation officer of an imprest and may authorise such a person to make such payments out of the imprest as it may from time to time determine.

(2) Subject to the provisions of paragraph (1) of this Rule, all payments to or by a probation committee, other than the probation committee for the inner London area, shall be made to or by the treasurer of the committee on its behalf.

Accounts

51.—(1) The accounts of a probation committee, other than the probation committee for the inner London area, shall be subject to such examination and audit as the Secretary of State may from time to time require.

(2) The person making such examination and audit may by writing under his hand require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents which he may deem necessary for the purpose of the audit.

PART VIII

MISCELLANEOUS

Interpretation

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

" elected member " means a member other than an ex officio or co-opted member ;

" justice " means a justice of the peace whose name is not, for the time being, entered in the supplemental list mentioned in section 4 of the Justices of the Peace Act 1949(a) ;

(a) 12, 13 & 14 Geo. 6. c. 101.

" person under the supervision of a probation officer " means a person placed under the supervision of a probation officer by a probation or supervision order ;

" single probation area " means a probation area comprising only one petty sessions area ;

" supervision order " means an order made under the Children and Young Persons Act 1933 placing a child or young person under the supervision of a probation officer.

(2) References in these Rules to an enactment or statutory instrument shall be construed as references to that enactment or statutory instrument as amended by any other enactment or statutory instrument.

(3) The Interpretation Act 1889(a) shall applv to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Revocations

53.—(1) The Rules specified in Schedule 2 to these Rules are hereby revoked.

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

Citation and commencement

54. These Rules may be cited as the Probation Rules 1965 and shall come into operation on 1st April 1965.

Frank Soskice,
One of Her Majesty's Principal Secretaries of State,

Home Office,
Whitehall.
31st March 1965.

SCHEDULE 1 Rule 40

PAYMENTS IN RESPECT OF PERSONS UNDER SUPERVISION

Maintenance

1.—(1) Where a probation or supervision order requires a person to reside in an approved probation hostel or home, the probation committee responsible shall pay to the body by whom the hostel or home is managed such sum as the Secretary of State has for the time being authorised for that purpose.

(2) Where a probation or supervision order requires a person to reside in an institution other than an approved probation hostel or home, the probation committee may pay to the person or body by whom the institution is managed such contribution towards his maintenance and for such period as the committee, with the approval of the Secretary of State, determines.

(a) 52 & 53 Vict. c. 63

(3) Where a probation or supervision order requires a person to reside in a private house other than his home, the probation committee may pay to the person in whose house the person under supervision resides such contribution towards his maintenance, not exceeding the amount which would be payable by the local authority in whose area the house is situate if the person were being boarded out in that house by that authority under section 13 of the Children Act 1948(a), and for such period as the committee determines.

Travelling expenses

2. The probation committee responsible shall pay the fare of the person under supervision to and from the place where he is required to reside, together with any incidental expenses reasonably incurred on the journey:

Provided that no sum shall be paid in respect of a journey save to a place approved by the probation officer.

Rule 53

SCHEDULE 2

RULES REVOKED

Rules	References
The Probation Rules 1949	S.I. 1949/1328 (1949 I, p. 3508).
The Probation (No. 2) Rules 1949	S.I. 1949/1539 (1949 I, p. 3529).
The Probation Rules 1951	S.I. 1951/536 (1951 II, p. 290).
The Probation Rules 1952	S.I. 1952/389 (1952 III, p. 2680).
The Probation (No. 2) Rules 1952	S.I. 1952/1664 (1952 III, p. 2685).
The Probation (No. 2) Rules 1959	S.I. 1959/1002 (1959 II, p. 2212).
The Probation Rules 1960	S.I. 1960/1443 (1960 II, p. 2774).
The Probation Rules 1961	S.I. 1961/532 (1961 I, p. 1207).
The Probation Rules 1964	S.I. 1964/436 (1964 I, p. 714).
The Probation (No. 2) Rules 1964	S.I. 1964/1852 (1964 III, p. 4044).

EXPLANATORY NOTE

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

These Rules consolidate with amendments the Rules set out in Schedule 2. The Rules no longer contain express provision for dealing with complaints and disciplinary hearings, nor specify the duties of senior and principal probation officers. Rule 18(1) provides for the allocation of a single probation officer to each superior court. Rule 31 extends the duties of probation officers to matrimonial conciliation and enquiries concerning consents to marriage if so requested by a court. Rule 35(4) extends the class of persons with whom a probation officer has a duty to keep in touch to persons under supervision. Rule 40 varies the definition of the probation committee responsible for payment of maintenance in respect of probationers and persons under supervision. Rule 45 authorises the payment of legal costs. Amendments have also been made to take account of the changes made by the Administration of Justice Act 1964 (c. 42) to the administration of the probation service in Greater London.

(a) 11 & 12 Geo. 6. c. 43.