STATUTORY INSTRUMENTS

1984 No. 647

PROBATION

The Probation Rules 1984

Made - - - -	*8th May* 1984
Laid before Parliament	*11th May* 1984
Coming into Operation	*1st June* 1984

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In exercise of the powers conferred upon me by Schedule 3 to the Powers of Criminal Courts Act 1973(a), I hereby make the following Rules:—

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Probation Rules 1984 and shall come into operation on 1st June 1984.

Interpretation

2. 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 for England and Wales kept under section 8 of the Justices of the Peace Act 1979(b);

"supervision order" means an order within the meaning of section 11 of the Children and Young Persons Act 1969(c) placing a child or young person under the supervision of a probation officer.

(a) 1973 c. 62; Schedule 3 was amended by the Administration of Justice Act 1977 (c. 38), Schedule 2, paragraph 6 and Schedule 5, Part II; the Criminal Law Act 1977 (c. 45), Schedules 12 and 13; and the Criminal Justice Act 1982 (c. 48), section 65 and Schedules 11 and 16.
(b) 1979 c. 55.
(c) 1969 c. 54.

Revocations

3. The Rules specified in Schedule 1 to these Rules are hereby revoked.

PART II

CONSTITUTION OF PROBATION COMMITTEES AND PROBATION LIAISON COMMITTEES

Appointment of elected members

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

(2) The secretary of a probation committee for a probation area comprising more than one petty sessions 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 term of office of elected members

5.— (1) The number of elected members of a probation committee for a probation area constituted by one petty sessions area shall be 12.

(2) An elected member of a probation committee for a probation area constituted by one petty sessions area or a probation liaison committee for a probation area which comprises more than one petty sessions 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 sessions area concerned may from time to time determine.

(3) Terms of office of elected members of a probation committee for a probation area constituted by one petty sessions area or a probation liaison committee shall be reckoned from such day in the year as the justices acting for the petty sessions area concerned shall from time to time determine.

Vacancies

6.— (1) A vacancy among the elected members of a probation committee or a probation liaison 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 committee or a probation liaison 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

7. When a probation committee or a probation liaison 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

8.— (1) A member of a probation committee or a probation liaison 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 facancy.

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

Chairman and deputy chairman

9. A probation committee or probation liaison 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

10.— (1) In the case of a probation committee for a probation area constituted by one petty sessions area the clerk to the justices acting for that petty sessions area shall be the secretary of the committee.

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

Treasurer

11.— (1) Where not more than one local authority is liable under paragraph 15(1) of Schedule 3 to the Powers of Criminal Courts Act 1973 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 (3) of the said paragraph 15 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

12.— (1) The quorum of a probation committee for a probation area constituted by one petty sessions area shall be one-third of the total membership of the committee:

Provided that the quorum shall be not less than two.

(2) The quorum of a probation liaison committee shall not be less than three justices.

Business of justices

13. Appointments and other matters to be determined under Rule 4, 5 or 6 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 casting vote.

Business of probation committees and probation liaison committees

14. At a meeting of a probation committee or probation liaison 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

15.— (1) A probation liaison committee shall meet at least twice a year and, so far as practicable, shall meet at least once in every three months.

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

Validity of proceedings

16. The proceedings of a probation committee or probation liaison 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 II to probation committee and probation liaison committees for inner London area

17.— (1) The foregoing provisions of this Part of these Rules, so far as they relate to probation committees, other than Rules 7, 8, 9, 14, 15 and 16, 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 probation liaison committees, shall not apply to a probation liaison committee for an area comprised in the inner London area.

PART III

DUTIES OF PROBATION COMMITTEES AND PROBATION LIAISON COMMITTEES

General duty of probation committee

18. A probation committee shall satisfy itself that the duties of probation

officers in its area and of staff appointed to assist such probation officers in the performance of their duties are efficiently carried out.

General duty of probation liaison committee

19. A probation liaison committee, other than a probation liaison committee for an area comprised in the inner London area, shall in addition to reviewing the work of probation officers in pursuance of paragraph 4(2) of Schedule 3 to the Powers of Criminal Courts Act 1973(**a**)—

(a) foster links between the justices acting for its petty sessions area and the probation service;

(b) satisfy itself that the courts are supplied with adequate information concerning the establishments and other facilities provided by or otherwise available for use by the probation service for the area concerned; and

(c) afford each probation officer appointed for, or assigned to, its petty sessions area such help and advice as it can in performing his duties.

Allocation of probation officers

20.— (1) A probation committee for a probation area which comprises more than one petty sessions area shall ensure that at least one probation officer is appointed for or assigned to each petty sessions area in its probation area.

(2) A probation committee shall ensure, whether or not by arrangement with another probation committee, that a probation officer is assigned to the Crown Court sitting at the place to which persons are usually committed for trial or sentence from any petty sessions area in the probation area.

(3) A probation committee in whose area there is a divorce town or a divorce county court as defined in Rule 2(2) of the Matrimonial Causes Rules 1977(**b**) shall ensure, whether or not by arrangement with another probation committee, that a probation officer is assigned as welfare officer to the High Court or to the county court hearing cases in that area with a view to assisting the Court by performing the duties specified in Rule 35 of these Rules.

(4) A probation committee in whose area there is an institution to which the Prison Act 1952(**c**) applies shall ensure, whether or not by arrangement with another probation committee, that such number of probation officers as the Secretary of State from time to time requires are assigned to that institution.

Returns by probation committees

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

(**a**) 1973 c. 62; paragraph 4(2) was substituted by paragraph 6*(b)* of Schedule 11 to the Criminal Justice Act 1982 (c. 48).
(**b**) S.I. 1977/344.
(**c**) 1952 c. 52.

Preservation of records

22.— (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 five 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 to a probation inspector appointed by the Secretary of State but to no other persons.

Inspection of premises and facilities

23. A probation committee shall ensure that a probation inspector appointed by the Secretary of State is allowed access to establishments provided by the committee for use in connection with the rehabilitation of offenders other than bail hostels and probation hostels.

PART IV

QUALIFICATIONS AND MANNER OF APPOINTMENT OF PROBATION OFFICERS

Disqualifications

24. 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

25.— (1) A person who is under the age of 22 years or has attained the age of 65 years shall not be appointed to be a probation officer.

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

Qualifications of a probation officer

26.— (1) Subject to paragraph (2) of this Rule, a person who has not been awarded a Certificate of Qualification in Social Work by the Central Council for Education and Training in Social Work or another qualification which that Council has approved as equivalent to that Certificate shall not be appointed to be a probation officer at the rank of Probation Officer, Senior Probation Officer or Assistant Chief Probation Officer.

(2) This Rule shall not apply to a person who, at the time when these Rules come into force, has been appointed to be or is serving as a probation officer at any rank in any part of the United Kingdom or has previously served as a probation officer in Great Britain in an appointment which has been confirmed

in accordance with Rule 25 of the Probation Rules 1965(a) or any corresponding provision in any Rules revoked by those Rules or has previously served as a probation officer in Northern Ireland, nor to a trainee probation officer.

Certificate of appointment

27. A probation officer shall be furnished by the probation committee with a certificate of his appointment.

Chief Probation Officer

28. For every probation area which comprises more than one petty sessions area there shall be a Chief Probation Officer, and the appointment by a probation committee of a person to that post shall be subject to the approval of the Secretary of State.

Other senior appointments

29.— (1) A probation committee may appoint such number of persons to such of the following ranks as the Secretary of State may approve:—

Deputy Chief Probation Officer,
Assistant Chief Probation Officer,
Senior Probation Officer.

(2) The appointment of a person to the post of Deputy Chief Probation Officer or Senior Probation Officer in charge of a probation area shall be subject to the approval of the Secretary of State.

(3) Upon the appointment of a person to the post of Assistant Chief Probation Officer a probation committee shall forthwith give notice in writing to the Secretary of State of the name of the person appointed, his date of birth, particulars of his professional qualifications and details of his previous appointments in the probation service, in local authority social services departments or in other social work.

PART V

DUTIES OF PROBATION OFFICERS

General duty of Chief Probation Officer

30. A Chief Probation Officer shall be responsible for the direction of the probation service in his area, for its effective operation and the efficient use of its resources.

Records

31.— (1) A probation officer shall keep an up-to-date record in accordance

(a) S.I. 1965/723; Rule 25 was substituted by S.I. 1974/1064.

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 to a probation inspector appointed by the Secretary of State.

Supervision etc. of persons released from custody

32.— (1) It shall be part of the duties of a probation officer to undertake the supervision 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.

(2) 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 from an institution 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.

(3) It shall be part of the duties of a probation officer to undertake the supervision of any person who has been discharged from hospital under section 42, 73 or 74 of the Mental Health Act 1983(**a**) and is subject to supervision in England and Wales by virtue of a condition imposed in connection with his discharge.

(4) In this Rule "an institution" means an institution to which the Prison Act 1952(**b**), the Prisons (Scotland) Act 1952(**c**) or the Prison Act (Northern Ireland) 1953(**d**) applies or, in the case of a person who has been discharged from a place where he has been detained pursuant to the directions of the Secretary of State under section 53 of the Children and Young Persons Act 1933(**e**), that place.

Duties in relation to other offenders

33. It shall be part of the duties of a probation officer—

(a) to undertake the supervision of a person who has been placed under supervision by a probation order or a supervision order, and to advise, assist and befriend such a person;

(b) to undertake the supervision of a person who is subject to a suspended sentence supervision order made under section 26 of the Powers of Criminal Courts Act 1973(**f**), and to advise, assist and befriend such a person;

(**a**) 1983 c. 20.
(**b**) 1952 c. 52.
(**c**) 1952 c. 61.
(**d**) 1953 c. 18 (N.I.).
(**e**) 1933 c. 12.
(**f**) 1973 c. 62.

(c) to discharge the functions conferred on the relevant officer by sections 14, 15 and 17 of the Powers of Criminal Courts Act 1973 in relation to an offender in respect of whom a community service order is in force;

(d) to undertake the supervision of a person who has been placed under supervision with respect to a sum adjudged to be paid by an order made under section 88 of the Magistrates' Courts Act 1980(**a**).

Duties in relation to persons released on bail.

34. It shall be part of the duties of a probation officer to advise, assist and befriend any person who is for the time being remanded on bail and is willing to be so assisted.

Duties in connection with adoption, custody, reconciliation, consent to marriage and wards of court, etc.

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

(a) act as guardian *ad litem* or reporting officer in proceedings under the Adoption Act 1958(**b**) or Part I of the Children Act 1975(**c**) or undertake the supervision of a child who is subject to an order for his supervision made under section 17(1)*(a)* of the Children Act 1975;

(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 the Matrimonial Causes Act 1973(**d**), the Guardianship of Minors Act 1971(**e**) or the Guardianship Act 1973(**f**) or the Children Act 1975;

(c) make a report to the court in accordance with section 36(4)*(b)* of the Children Act 1975 or with respect to the matters specified by the court under section 12(3) of the Domestic Proceedings and Magistrates' Courts Act 1978(**g**);

(d) undertake the supervision of a child who is subject to an order for his supervision made under section 2(2)*(a)* of the Guardianship Act 1973 or under section 9(1) of the Domestic Proceedings and Magistrates' Courts Act 1978;

(e) attempt to effect a reconciliation between the parties to a marriage in accordance with a request under section 26(2) of the Domestic Proceedings and Magistrates' Courts Act 1978;

(f) make enquiries with respect to an application under section 3 of the Marriage Act 1949(**h**) for consent to marriage;

(g) undertake the supervision of a ward of court who is subject to an order

(**a**) 1980 c. 43.
(**b**) 1958 c. 5.
(**c**) 1975 c. 72.
(**d**) 1973 c. 18.
(**e**) 1971 c. 3.
(**f**) 1973 c. 29.
(**g**) 1978 c. 22.
(**h**) 1949 c. 76.

for his supervision made under section 7(4) of the Family Law Reform Act 1969(a).

(h) make a report to the court in accordance with section 72 of the Magistrates' Courts Act 1980 with respect to the means of parties to domestic proceedings.

Supervision of children in divorce proceedings

36. Where a court has made an order under section 44 of the Matrimonial Causes Act 1973(b) 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.

Other duties

37. It shall be part of the duties of a probation officer to participate in such arrangements concerned with the prevention of crime or with the relationship between offenders and their victims or the community at large as may be approved by the probation committee on the advice of the chief probation officer.

Reports

38.— (1) A probation officer shall make a report concerning the progress of any person under his supervision to the supervising court or to the court which made the order placing the person under his supervision not being the supervising court, if so requested by either court.

(2) A probation officer shall make a report to the supervising court or to a justice acting for the petty sessions area for which the supervising court acts when it appears to him that a person under his supervision has failed to comply with the requirements of a probation order or a supervision order, or that a person in respect of whom a community service order is in force has failed to comply with the requirements of section 15 of the Powers of Criminal Courts Act 1973(c).

Applications to court

39.— (1) If a probation officer becomes aware that a person under his supervision proposes to change or 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 Powers of Criminal Courts Act 1973, and in the case of a person placed under his supervision by a supervision order to a juvenile court

(a) 1969 c. 46; section 7(4) was amended by the Local Authority Social Services Act 1970 (c. 42), Schedule 3 and the Matrimonial Causes Act 1973 (c. 18), Schedule 2, paragraph 8.
(b) 1973 c. 18; section 44(1) was amended by the Children Act 1975 (c. 72), Schedule 3, paragraph 78.
(c) 1973 c. 62.

to amend the order in pursuance of section 15 of the Children and Young Persons Act 1969(**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 proposes to reside or 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.

(2) If a probation officer becomes aware that a person in respect of whom a community service order is in force in relation to which that officer is responsible for discharging the functions of the relevant officer proposes to change or has changed his residence from the petty sessions area specified in the community service order to another petty sessions area in England and Wales or to Scotland or to Northern Ireland, he shall apply to a magistrates' court acting for the petty sessions area for the time being specified in the community service order to amend the order in pursuance of section 17(5) or 17A(3) or 17B(3) of the Powers of Criminal Courts Act 1973(**b**).

(3) 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 paragraphs of this Rule) of a probation or supervision order relating to a person under his supervision or of a community service order in relation to which he is responsible for discharging the functions of the relevant officer, the probation officer shall make such application unless the person under supervision, or in respect of whom the community service order is in force as the case may be, or any other person makes the application.

PART VI

EXPENDITURE ON PERSONS FOR WHOM PROBATION OFFICER RESPONSIBLE

Maintenance

40.— (1) 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 2 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; and

(**a**) 1969 c. 54; section 15 was amended by the Criminal Justice Act 1982 (c. 48), Schedule 14, paragraph 25.

(**b**) 1973 c. 62; sections 17A and 17B were inserted by the Criminal Justice Act 1982, Schedule 13, paragraph 1.

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

(2) Where a person remanded on bail is accommodated in an approved probation hostel, approved bail hostel or other institution, the probation committee responsible for making the payments described in Schedule 2 to these Rules shall be the committee for the probation area in which is comprised the petty sessions area for which the magistrates' court acted by which he was remanded or committed for trial or sentence, as the case may be.

Payments in respect of the accommodation of supervised persons

41. A probation committee may make payments not exceeding an amount authorised by the Secretary of State to a landlord of rented accommodation occupied or to be occupied by a person in respect of whom a probation officer has responsibilities in connection with loss of rent in the case of default or the reservation of accommodation.

Fares incurred in reporting

42. A probation committee may, in the case of hardship, pay fares necessarily incurred by a person under the supervision of a probation officer in reporting to the probation officer or presenting himself elsewhere in accordance with instructions given by a probation officer.

Financial assistance

43. Where a probation officer has responsibilities in relation to any person, the probation committee may grant that person necessary financial assistance if such assistance is not available from any other source.

PART VII

ADMINISTRATIVE EXPENSES

Accommodation and facilities

44.— (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 probation liaison committee in its area, to perform its functions.

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

(3) A probation committee shall provide, for the assistance of probation officers in the performance of their duties, such number of persons to carry out such work as the committee think appropriate; and such persons may be described as ancillary workers, clerical assistants or otherwise as the committee may determine.

(4) 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 staff employed by a local authority or justices' clerks

45.— (1) A probation committee shall, in respect of services rendered to the committee or to a probation liaison 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 in the performance of the 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 an 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 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 probation liaison committee in its area, such sums as would have been paid had the expenditure been incurred in the performance of his duties as 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

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

Audit fees

47. 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 probation liaison committee in its area.

Professional development of probation officers

48. A probation committee may incur expenditure in connection with the further training of probation officers and other staff employed by the committee with a view to their professional development and ensuring their continued efficiency in carrying out their work.

Other expenses

49. 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 3 to the Powers of Criminal Courts Act 1973, as the Secretary of State may authorise.

PART VIII

FINANCIAL PROVISIONS

Estimates

50.— (1) A probation committee, other than the probation committee for the inner London area, shall send to each local authority liable under paragraph 15 of Schedule 3 to the Powers of Criminal Courts Act 1973 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 44(2) or (3) of these Rules.

(3) If a probation committee proposes to incur expenditure under Rule 44(2) or (3) 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 44(2) or (3) 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 innder 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 committees

51. A local authority liable under paragraph 15 of Schedule 3 to the Powers of Criminal Courts Act 1973 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

52.— (1) A probation committee may authorise the holding by the secretary of the committee or of a probation liaison 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.

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
8th May 1984.

SCHEDULE 1 Rule 3

RULES REVOKED

Rules	References
The Probation Rules 1965	S.I. 1965/723.
The Probation Rules 1967	S.I. 1967/1884.
The Probation (Amendment) Rules 1971	S.I. 1971/480.
The Probation (Amendment) Rules 1972	S.I. 1972/1208.
The Probation (Amendment) Rules 1974	S.I. 1974/1064.

SCHEDULE 2 Rule 40

PAYMENTS IN RESPECT OF PERSONS UNDER SUPERVISION

Maintenance

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

(2) Where a probation order requires a person to reside in an institution other than an approved probation hostel, or where a person remanded on bail is required by the conditions of his bail to reside in an institution other than an approved probation hostel or an approved bail hostel, the probation committee responsible may pay to the person or body by whom the institution is maintained such contribution towards his mainetenance and for such a period as the committee, with the approval of the Secretary of State, determines.

(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 21 of the Child Care Act 1980(**a**), and for such period as the committee determines.

Travelling expenses

2. The probation committee responsible shall pay the fares 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.

3. The probation committee responsible may pay the fares of a person

(**a**) 1980 c. 5.

remanded on bail to whom paragraph 1(1) or (2) of this Schedule applies to and from the approved probation hostel, approved bail hostel or other institution in which he resides, 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.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules consolidate with amendments the Rules specified in Schedule 1. Amendments have been made throughout to take account of changes made by Schedule 11 to the Criminal Justice Act 1982 in relation to probation liaison committees, formerly known as case committees; in particular, the general duty of such committees is extended (Rule 19) and there is a new requirement that they meet at least twice a year (Rule 15). The general duty of probation committees is also expanded (Rule 18), and there is new provision imposing upon such committees the specific duty of assigning probation officers to Prison Department institutions (Rule 20(4)). Rule 28 requires the appointment for every probation area comprising more than one petty sessions area of a Chief Probation Officer, whose general duty is prescribed in Rule 30. Appointments at the rank of Assistant Chief Probation Officer no longer require the approval of the Secretary of State (Rule 29). There is in Rule 26 a new provision requiring all newly-appointed probation officers to possess an appropriate professional qualification. The specific duties of probation officers are expanded (Rules 33, 37 and 39). Probation committees are authorised to incur expenditure in relation to rented accommodation occupied by supervised persons (Rule 41) and the further training of probation officers and other staff (Rule 48).

SI 1984/647
ISBN 0-11-046647-0

