1965 No. 1276 (S. 56)

PROBATION OF OFFENDERS

The Probation (Scotland) Amendment Rules 1965

Made - - - -	16*th June* 1965
Coming into Operation	17*th June* 1965

In exercise of the powers conferred on me by paragraphs 4 and 7 of Schedule 3 to the Criminal Justice (Scotland) Act 1949(a) and of all other powers enabling me in that behalf I hereby make the following Rules :—

Citation, commencement and interpretation

1.—(1) These Rules, which amend the Probation (Scotland) Rules 1951(b) as amended(c) (hereinafter referred to as " the principal Rules ") may be cited as the Probation (Scotland) Amendment Rules 1965 and shall come into operation on 17th June 1965.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2. After Rule 43 of the principal Rules there shall be inserted the following Rule :—

" 43A.—(1) A probation officer, on being so requested by the Secretary of State, shall supervise and otherwise advise, assist and befriend any person specified by the Secretary of State as being a person released from an institution who is subject to supervision in Scotland by virtue of any enactment or of a condition or requirement of a licence under which he was so released, and shall carry out the duties imposed on him by this paragraph in accordance with such directions as may from time to time be given by the Secretary of State.

(2) A probation officer shall bring to the notice of the Secretary of State any facts, about any person in relation to whom he has duties under the last foregoing paragraph, which come to his notice in the course of the discharge of those duties, being facts which, in his opinion, make it desirable for the Secretary of State to consider the recall or return of that person to custody.

(3) Any person in relation to whom a probation officer has duties under this Rule shall be under the supervision of the probation officer by virtue thereof and not by virtue of any other Rule of these Rules.

(4) In this Rule " an institution " means an institution to which the Prisons (Scotland) Act 1952(e), the Prison Act 1952(f), or the Prison Act (Northern Ireland) 1953(g) applies and a reference to a person released from an institution shall include a reference to a person discharged from hospital if he might have been remitted to an institution instead of being so discharged.

(a) 12, 13 & 14 Geo. 6. c. 94. (b) S.I. 1951/1261 (1951 II, p. 291).
(c) The amendments do not relate expressly to the subject matter of these Rules.
(d) 52 & 53 Vict. c. 63. (e) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.
(f) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. (g) 1953 c. 18 (N.I.).

3. Rules 59, 60 and 61 of the principal Rules are hereby revoked and after Rule 58 there shall be inserted the following Rules:—

Direct assistance

" 59.—(1) Where a probation officer has responsibilities in relation to any person the probation committee may, where they consider it necessary to do so, grant financial assistance to that person.

(2) The aggregate amount granted under this Rule in any year shall not exceed such amount as is from time to time approved by the Secretary of State.

Fares incurred in reporting

60. A probation committee may, in case of hardship, pay fares necessarily incurred in reporting to a probation officer by a person in relation to whom that officer has responsibilities.

Other expenses in connection with the supervision etc. of persons released from custody

61. Where the Secretary of State has requested a probation officer to supervise a person released from an institution and that probation officer has enlisted the help of a third party in assisting and befriending that person the probation committee may pay any fares and postage and telephone charges reasonably incurred by the third party in connection with the giving of such help."

William Ross,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

16th June 1965.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make provision for probation officers to supervise persons released from custody when so requested by the Secretary of State: they extend the powers of probation committees so that they may grant financial assistance to or pay certain fares for such persons and may meet certain related expenditure.