STATUTORY INSTRUMENTS

1966 No. 289 (S. 20)

PROBATION OF OFFENDERS

The Probation (Scotland) Amendment Rules 1966

Made - - - -	10*th March* 1966
Coming into Operation	10*th March* 1966

In exercise of the powers conferred on me by paragraph 7 of Schedule 3 to the Criminal Justice (Scotland) Act 1949(a), and by section 1 of the Police, Fire and Probation Officers Remuneration Act 1956(b), and of all other powers enabling me in that behalf, I hereby make the following Rules :—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Probation (Scotland) Amendment Rules 1966.

(2) These Rules shall come into operation forthwith, and shall take effect from 1st January 1966.

(3) In these Rules the expression "the principal Rules" means the Probation (Scotland) Rules 1951(c), as amended (d).

(4) The Interpretation Act 1889(e) applies for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Salaries of probation officers

2. For Rule 44 of the principal Rules (which relates to the annual salaries for whole-time probation officers) there shall be substituted the following Rule:—

"*Salaries of probation officers*

44.—(1) A probation officer shall be paid a salary in accordance with the scale set out in column 2 of the Table in Schedule 1 to these Rules by reference to his length of service as specified in column 1 of the said Table.

(2) Subject to the provisions of this Rule, the following periods shall be treated as the service reckonable for the purpose of applying the said column 1 to any probation officer, that is to say—

(*a*) his current period of continuous service as a probation officer;

(*b*) such period of such employment, other than service as a probation officer which is reckoned under the preceding provisions of this paragraph, as the Secretary of State may approve;

(*c*) in the case of a probation officer who possesses such qualifications or has such training as may be recognised by the Secretary of State for the purposes of this paragraph, such period as the Secretary of State may approve in relation to the qualifications or training.

(3) For the purposes of paragraph (2) of this Rule—

(*a*) a probation officer's service shall be deemed to be continuous notwithstanding an interruption if the interruption does not exceed three months in duration;

(a) 1949 c. 94. (b) 1956 c. 1. (c) S.I. 1951/1261 (1951 II, p. 291).
(d) The relevant amending instruments are S.I. 1961/1269, 1963/1090 (1961 II, p. 2461; 1963 II, p. 1854). (e) 1889 c. 63.

(*b*) service as a probation officer shall not include any period of leave without pay except in so far as the Secretary of State at the request of the probation committee approves the inclusion of any period of such leave other than sick leave ;

(*c*) the service of a probation officer who is on leave without pay during any period immediately following his appointment in which he is undergoing full-time training arranged and supervised by the Scottish Probation Advisory and Training Council shall not include that period except as it is reckonable under sub-paragraph (*c*) of the said paragraph.

(4) (*a*) A probation officer who was serving as such on 10th March 1966 shall, subject to the following provisions of this paragraph, be entitled to count as part of the service reckonable for the purpose of applying the said column 1, in lieu of the service calculated in accordance with the preceding paragraphs of this Rule, the length of service specified in column 1 of the following Table opposite to the rate of annual salary specified in column 2 thereof to which he was entitled immediately before the Probation (Scotland) Amendment Rules 1966 were made.

Column 1	*Column 2*
Length of service	*Existing rate of salary*
	£
Nil	750
1 year	790
2 years	830
3 years	870
4 years	915
5 years	960
6 years	1,005
7 years	1,050
8 years	1,100
9 years	1,150
10 years	1,200
11 years	1,250
12 years	1,300
13 years	1,350

(*b*) A probation officer whose service is calculated in accordance with the preceding provision of this paragraph shall receive annual increments on the dates on which he would have received them had the Probation (Scotland) Amendment Rules 1966 not been made.

(*c*) A probation officer who on 10th March 1966 was on leave without pay immediately following his appointment as a probation officer and was undergoing a period of full-time training arranged and supervised by the Scottish Probation Advisory and Training Council shall not be entitled to have his service calculated in accordance with the provisions of sub-paragraphs (*a*) and (*b*) of this paragraph ; but the following provisions shall apply to him—

(i) he shall, if he so elects, be entitled on taking up duty on completion of training to count a period of service for the purposes of paragraph (2) of this Rule such that the salary he is entitled to receive is not less than the salary to which he would have been entitled on taking up duty had the Probation (Scotland) Amendment Rules 1966 not been made ; and

(ii) if he has made an election under (i) above, the Secretary of State may adjust his incremental date and may allow him to count a further period of service for the purposes of the said paragraph (2).

(*d*) This paragraph shall apply to a probation officer who was not serving as such on 10th March 1966, but whose period of continuous service is deemed to include that date by virtue of paragraph 3(*a*) or (*b*) of this Rule, as though he was serving on that date and was entitled to the rate of salary to which he would have been entitled had he been so serving.

(*e*) This paragraph shall not apply to a probation officer whose service calculated in accordance with any of the preceding provisions of this paragraph is less than his service calculated in accordance with the preceding paragraphs of this Rule.

(5) For the purposes of this Rule—

(*a*) the expression "probation officer" means a probation officer, other than a principal probation officer, deputy principal probation officer, senior probation officer or temporary probation officer, who devotes substantially the whole of his time to duties as a probation officer; and

(*b*) the expression "service" includes a whole-time salaried probation officer in England and Wales and the expression "serving" shall be construed accordingly."

3. For Schedules 1 and 2 to the principal Rules there shall be substituted the following Schedule:—

"SCHEDULE 1 Rule 44(1)

SCALE OF ANNUAL SALARY FOR PROBATION OFFICERS

Column 1 Length of Service	Column 2 Rate of Annual Salary
	£
Up to 1 year's service	820
Over 1 and up to 2 years' service ...	870
Over 2 and up to 3 years' service ...	920
Over 3 and up to 4 years' service ...	970
Over 4 and up to 5 years' service ...	1,020
Over 5 and up to 6 years' service ...	1,070
Over 6 and up to 7 years' service ...	1,120
Over 7 and up to 8 years' service ...	1,175
Over 8 and up to 9 years' service ...	1,230
Over 9 and up to 10 years' service ...	1,285
Over 10 and up to 11 years' service ...	1,340
Over 11 and up to 12 years' service ...	1,395
Over 12 and up to 13 years' service ...	1,450
Over 13 years' service	1,510"

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
10th March 1966.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Probation (Scotland) Rules 1951 by introducing a higher scale of annual salary for probation officers. The Rules take effect from 1st January 1966. The new scale which is based on service applies to all probation officers irrespective of age and thus abolishes the previously existing difference between those who had, and those who had not, attained the age of twenty-nine years. In computing service certain qualifications and training may be taken into account.