(3) The probation committee shall defray as the case may be the whole or such proportion as is attributable to work of the probation committee or of a case committee in its area of—

(*a*) contributions under the National Insurance Acts, 1946 to 1949 ;

(*b*) all charges under the Local Government Superannuation Act, 1937(a), or a local Act to the like effect, including any supplementary allowances or gratuities under the last-mentioned Acts ; and

(*c*) increases of pension under the Pensions (Increase) Acts, 1944 and 1947,

payable by an employing authority in respect of or to a person whose salary or a proportion of whose salary they defray under paragraph (2) of this Rule.

(4) When premises of a local authority or premises of a justices' clerk are used for administrative purposes of a probation committee or of a case committee in its area, the probation committee shall defray a fair proportion of the total outgoings of the local authority, on the provision, upkeep and maintenance (including lighting, heating, and cleaning) of administrative buildings.

(5) The probation committee may with the approval of the Secretary of State incur such other expenditure as is necessary for the proper performance of the work of its probation officers.".

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
28th March, 1951.

The Probation (Scotland) Rules, 1951

1951 No. 1261 (S. 64)

Made - - - - 10*th July*, 1951
Coming into Operation 16*th July*, 1951

TABLE OF CONTENTS

PART I

PRELIMINARY

1. Interpretation.
2. Citation and Commencement.
3. Revocation

(a) 1 Edw. 8. & 1 Geo. 6. c. 68.

PART II

PROBATION AND CASE COMMITTEES

A. CONSTITUTION

Probation Committees

4. Number and qualification of members.
5. Appointment and term of office.
6. Casual vacancies.

Case Committees

7. Appointment and duties.
8. Qualification of members.
9. Term of office.
10. Casual vacancies.

B. PROCEDURE

Probation and Case Committees

11. Chairman.
12. Meetings.
13. Quorum.
14. Procedure.
15. Clerk and officers.

PART III

PROBATION COMMITTEES : DUTIES

16. Supervision of officers.
17. Supervision of voluntary officers.
18. Office accommodation.
19. Equipment and maintenance.
20. Clerical assistance.
21. Records and reports.

PART IV

SALARIED PROBATION OFFICERS: APPOINTMENT AND TENURE

22. Age limits for appointment.
23. Qualifications.
24. Consent of the Secretary of State.
25. Notice of appointment.
26. Confirmation of appointment.
27. Certificate of appointment.
28. Resignation
29. Suspension.
30. Dismissal.
31. Principal and senior appointments.
32. Disqualification for appointment.
33. Retiring age.
34. Appointment of temporary officers.

PART V

PROBATION OFFICERS : DUTIES

35. Records.
36. Senior officers.
37. Principal probation officers.
38. Maintaining touch generally.
39. School children.
40. Explaining requirements of order.
41. Welfare and employment.
42. Reports to committees and courts.
43. Reports from institutions and other officers.

PART VI

PROBATION OFFICERS : SALARY AND CONDITIONS OF EMPLOYMENT

44. Salaries generally.
45. Salary of part-time officers.
46. Salary of senior and principal officers.
47. Salary of temporary officers.
48. Annual leave.
49. Sick leave of whole-time officers.
50. Sick leave of part-time or temporary officers.
51. Deduction of sickness and injury benefit.
52. Travelling and subsistence of officers.
53. Expenses of voluntary officers.

PART VII

EXPENDITURE—PERSONS UNDER SUPERVISION

54. Residence in institutions including probation hostels, etc.
55. Clothing.
56. Travelling expenses of probationers.
57. Maintenance and travelling expenses of persons under supervision.
58. Committee responsible.
59. Fare of probationers reporting.
60. Direct assistance.
61. Financial assistance to persons under supervision.

PART VIII

EXPENDITURE: MISCELLANEOUS

62. Secretarial and other expenses.
63. Provision of cars.
64. Estimates.
65. Advances to committees.
66. Imprest accounts.
67. Accounts and audit.

PART IX

GENERAL

68. Settlement of differences.

FIRST SCHEDULE

Salaries payable to whole-time probation officers who have not attained the age of 30 years.

SECOND SCHEDULE

Salaries payable to whole-time probation officers who have attained the age of 30 years.

In exercise of the powers conferred on him by the Third Schedule to the Criminal Justice (Scotland) Act, 1949(a), and of all other powers enabling him in that behalf, the Secretary of State hereby makes the following Rules:—

PART I

PRELIMINARY

Interpretation

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

(*a*) " the Act " means the Criminal Justice (Scotland) Act, 1949.

" combined probation area " means a probation area constituted by an order of the Secretary of State made under the proviso to sub-paragraph (1) of paragraph 1 of the Third Schedule to the Act.

" court " includes a court of summary jurisdiction, the Sheriff sitting with a jury, and the High Court of Justiciary.

" local authority " means the local authority or authorities by whom the members of a probation committee other than *ex officio* members are appointed and by whom the expenses of the committee are defrayed.

" part-time probation officer " means a salaried probation officer, other than a whole-time probation officer or a temporary probation officer.

" principal probation officer " includes a deputy principal probation officer or an assistant principal probation officer.

" probation area " means any probation area whether single or combined.

" probation officer " includes a salaried probation officer and a voluntary probation officer.

" whole-time probation officer " means a salaried probation officer who is not a temporary officer and devotes substantially the whole of his time to duties as a probation officer.

(*b*) Words and expressions which occur both in these Rules and in the Act, have otherwise the same meaning as in the Act.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Citation and Commencement

2. These Rules may be cited as the Probation (Scotland) Rules, 1951, and shall come into operation on the 16th July, 1951.

Revocation

3. The Probation (Scotland) Rules 1931(c); 1932(d); 1937(e); 1945(f); (No. 2) 1946(g) and 1949(h) made by the Secretary of State for Scotland under Section 9 of the Probation of Offenders (Scotland) Act, 1931, are hereby revoked.

(a) 12, 13 & 14 Geo. 6. c. 94.
(b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1931 (No. 1023) p. 1077.
(d) S.R. & O. 1932 (No. 819) p. 1496.
(e) S.R. & O. 1937 (No. 1117) p. 1933.
(f) S.R. & O. 1945 (No. 1701) p. 1017.
(g) S.R. & O. 1946 (No. 2102) I, p. 1412.
(h) S.I. 1949 (No. 150) I, p. 3535.

PART II

PROBATION AND CASE COMMITTEES

A—CONSTITUTION

Probation Committees

Number and qualification of members

4. The number of persons to be appointed by the local authority to be members of a probation committee (in addition to members *ex officio*) shall be not less than six nor more than fifteen. Of the members so appointed at least one shall be a woman and not less than one-third shall be burgh magistrates or justices of the peace. A local authority shall endeavour in all cases to appoint to a probation committee persons, whether members of the local authority or not, having an interest in or experience of the work of probation officers or the rehabilitation of offenders.

Appointment and term of office

5. The members of a probation committee to be appointed by a local authority, shall, unless in any particular case the Secretary of State otherwise directs, be appointed annually not later than 30th June and shall hold office until their successors are appointed or until the coming into force of an order under paragraph 1 of the Third Schedule to the Act combining with another area or areas, or part of another area or areas, the probation area for which the committee was appointed, provided that the members of a probation committee holding office on the coming into operation of these Rules shall continue in office until the appointment of new members by local authorities not later than 30th June.

Casual vacancies

6. If any casual vacancy occurs amongst the appointed members of a probation committee the local authority which appointed the member whose place is vacant shall, as soon as practicable, make an appointment to fill the vacancy and any person so appointed shall hold office until the date on which the member whose place he fills would have ceased to hold office.

Case Committees

Appointment and duties

7. A probation committee may appoint one or more sub-committees to act as case committees and may delegate to a case committee such of their duties in connection with the supervision of the work of probation officers as they think fit.

Qualification of members

8. A case committee may, to an extent not exceeding one-third, consist of persons who are not members of the probation committee but who have an interest in or experience of the work of probation officers or the rehabilitation of offenders.

Term of office

9. Members of case committees shall be appointed as soon as may be after the annual appointment by the local authority of members of the probation committee and shall hold office until the next appointment by the local authority of members of the probation committee.

Casual vacancies

10. If any casual vacancy occurs amongst the members of a case committee the probation committee shall as soon as practicable make an appointment to fill the vacancy; and any person so appointed shall hold office until the date on which the member whose place he fills would have ceased to hold office.

B—PROCEDURE

Probation and Case Committees

Chairman

11. A probation committee and a case committee shall appoint one of their members to be chairman; provided that if the chairman is absent from any meeting such member as the members of the committee present shall choose shall preside.

Meetings

12. A probation committee and a case committee shall meet at such times and places and shall make such arrangements as to the transaction and management of their business as, subject to the provisions of these Rules, they may deem proper; provided that a probation committee shall meet not less than once in every four months and a case committee not less than once in every three months.

Quorum

13. No business shall be transacted at a meeting of a probation committee unless one-fourth of the whole number of members of the committee or three members, whichever is the greater number, are present thereat.

Procedure

14. The provisions of Part IV of the Third Schedule to the Local Government (Scotland) Act, 1947(**a**), shall, with the necessary modifications, apply to meetings of probation committees.

Clerk and officers

15. A local authority, or in the case of a combined probation area, such one or more of the local authorities as may be agreed between them or failing agreement as may be determined by the Secretary of State, shall appoint a clerk and a treasurer to the probation committee and any additional officers other than probation officers required for the performance of the work of the committee. Notice of every appointment of a clerk to a probation committee shall be sent forthwith by the appointing authority to the Secretary of State, to the Clerk of Justiciary and to all Sheriff Clerks, Clerks of the Peace, Clerks to Burgh or Police Courts and Chief Constables in the probation area.

PART III

PROBATION COMMITTEES: DUTIES

Supervision of officers

16.—(1) A probation committee shall satisfy themselves about the manner in which every probation officer performs his duties; they shall consider every complaint against a probation officer relating to any matter which affects his fitness for his office, and shall investigate every such complaint which in their opinion calls for investigation.

(**a**) 10 & 11 Geo. 6. c. 43.

(2) For the purposes of this Rule, a probation committee shall obtain and consider the observations of the appropriate case committee or committees as the case may be.

(3) Whenever a probation committee consider or investigate a complaint in accordance with this Rule the committee, unless they are of opinion that the complaint is frivolous, shall give the probation officer concerned or his representative an opportunity to make observations on the complaint, orally or in writing or both, as he prefers.

Supervision of voluntary officers

17. Where a probation committee are satisfied that any person nominated in a probation order as a voluntary probation officer is not exercising proper supervision over the subject of the order or is for any other reason not fitted for exercising such supervision they shall inform the court which nominated that person in the order accordingly.

Office accommodation

18. The local authority shall provide adequate office accommodation for every whole-time probation officer and may provide such accommodation for any part-time probation officer or temporary probation officer appointed for the area of a probation committee, but shall not without the approval of the Secretary of State purchase premises or take premises on lease or incur expenditure in altering or adapting such accommodation.

Equipment and maintenance

19.—(1) The local authority by which accommodation has been provided in accordance with the foregoing Rule shall make necessary provision for the equipment and maintenance of that accommodation.

(2) Without prejudice to the generality of the foregoing paragraph the provision made thereunder shall include stationery, postal and telephone charges, and any publications which the probation committee consider it desirable should be supplied for salaried probation officers.

Clerical assistance

20. The local authority shall provide the salaried probation officers appointed for the area of a probation committee with any clerical assistance which is necessary for the efficient carrying out of their work.

Records and reports

21.—(1) A probation committee shall ensure that proper records are kept by their clerk of the service of every salaried probation officer, and by their clerk or the clerk of any case committee of the volume and classification of the work of probation officers.

(2) A probation committee shall ensure that the record kept by a probation officer concerning every person who is under his supervision or towards whom, or in relation to whom, he has otherwise a duty to perform, is retained in proper custody for not less than ten years from the expiry of the probation officer's responsibility as regards that person.

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

PART IV

QUALIFICATIONS, APPOINTMENT AND TENURE OF SALARIED PROBATION OFFICERS

Age limits for appointment

22. A person shall not be appointed as a salaried probation officer unless he shall have attained the age of twenty-three years and a person who has attained the age of forty-five years shall not be appointed as a whole-time probation officer: provided that these limits of age shall not apply in the case of any person who, at the time of his appointment,

(*a*) is a whole-time or part-time probation officer appointed under the enactment for the time being in force in Scotland relating to the appointment of probation officers ; or

(*b*) is a whole-time probation officer appointed under the enactments for the time being in force in England and Wales relating to the appointment of probation officers.

Qualifications

23. A person shall not be appointed as a salaried probation officer unless he shall have satisfied the probation committee that he has strength of character and personality calculated to influence for good the persons placed under his supervision ; that he has suitable educational qualifications and experience ; and that he is physically fit for the duties of the office.

Consent of the Secretary of State

24. A person shall not be appointed as a salaried probation officer without the consent of the Secretary of State unless he

(*a*) is already serving as a salaried probation officer in Great Britain ; or

(*b*) holds a certificate or diploma of a British University in the study of social science ; or

(*c*) is qualified for admission as a full-time student to a British University ; or

(*d*) is enrolled on the Probation Register. For the purposes of this part of this Rule, " the Probation Register " means the list maintained by the Scottish Central Probation Council, of persons suitable for appointment as whole-time probation officers.

Notice of appointment

25.—(1) A probation committee shall forthwith send notice of every appointment by them of a salaried probation officer and of the termination or suspension of any such appointment to the Secretary of State, to the Clerk of Justiciary, to the Clerk of every Court in their area, and to every Chief Constable and Public Prosecutor in their area.

(2) The notice sent to the Secretary of State of the appointment of a salaried probation officer shall include a statement of the salary to which the officer will be entitled and, upon an officer's first appointment, shall include also a statement of his date of birth, qualifications and experience and of any previous employment.

Confirmation of appointment

26.—(1) Any person appointed by a probation committee as a whole-time or part-time probation officer shall, subject to the provisions of this Rule, hold office for a preliminary period of twelve months from the date of

entry on his duties and before the expiry of that period the probation committee shall take into consideration the question of continuing that person's appointment:

Provided that—

(i) the Secretary of State, at the request of the probation committee, may prolong the said period for not more than a further period of twelve months;

(ii) the preliminary period, whether or not it is prolonged, shall be reckoned for the purposes of the provisions of these Rules which relate to increments; and

(iii) a person whose appointment is not continued shall be entitled to the notice of termination of appointment for which these Rules provide and the preliminary period may be further prolonged by that notice.

(2) Where, on expiry of the preliminary period, it is proposed by a probation committee to continue a whole-time or part-time probation officer's appointment, the appointment shall require confirmation by the Secretary of State. Before confirming an appointment of a whole-time probation officer the Secretary of State shall be satisfied that he has undertaken theoretical and practical training sufficient to qualify him for the efficient discharge of his duties; and before declining to confirm the appointment of any whole-time or part-time probation officer the Secretary of State shall take into consideration any representations made by the probation committee or by the probation officer concerned.

(3) This Rule shall not apply in the case of the appointment of any person as a whole-time or part-time probation officer if that person has, at any time prior to such appointment, held an appointment as a whole-time or part-time salaried probation officer either in Scotland or in England and the last-mentioned appointment has been confirmed by the Secretary of State in terms of this Rule or of Rule 38 of the Probation Rules, 1949(a), as the case may be.

Certificate of appointment

27. Every salaried probation officer shall be furnished with a certificate of appointment signed by two members or by the clerk of the probation committee and, on relinquishing his appointment, shall surrender this certificate to the clerk.

Resignation

28. A salaried probation officer may resign his appointment by giving not less than one month's notice in writing to the clerk to the probation committee.

Suspension

29. A probation committee may, on the ground of misconduct, suspend a salaried probation officer, subject to an immediate investigation being made in accordance with the procedure mentioned in Rule 16 of these Rules.

Dismissal

30. A probation committee may, after an investigation into the circumstances of the case conducted in accordance with the procedure set out in Rule 16 of these Rules and with the approval of the Secretary of State,

(a) S.I. 1949 (No. 1328) I, p. 3508.

dismiss a salaried probation officer without notice on the ground of misconduct, and may after such an investigation and with the like approval, for sufficient reason other than misconduct, terminate a salaried probation officer's appointment by not less than one month's notice in writing.

Principal and senior appointments

31. A probation committee may, with the approval of the Secretary of State, appoint a person to be a principal probation officer or a senior probation officer, and may, after an investigation into the circumstances of the case conducted in accordance with the procedure set out in Rule 16 of these Rules and with the approval of the Secretary of State, for a sufficient reason, by not less than one month's notice in writing reduce a principal probation officer or a senior probation officer to the rank of probation officer or to a rank intermediate between his rank and that of probation officer.

Disqualification for appointment

32. No person shall be appointed or shall continue to serve as a salaried probation officer who is a justice of the peace or burgh magistrate, a clerk or other official of a court, a school attendance officer or a member of a police force.

Retiring age

33. A salaried probation officer shall retire not later than on attaining the age of sixty-five years.

Appointment of temporary officers

34. Where a salaried probation officer is absent on leave or sick leave, or where for any other reason a probation committee consider that the services of a probation officer are temporarily required, the committee may appoint a temporary probation officer; but a temporary probation officer shall not be employed for a period of more than six months without the approval of the Secretary of State.

PART V

PROBATION OFFICERS: DUTIES

Records

35.—(1) A probation officer shall ensure that a proper record in a form approved by the Secretary of State is promptly made concerning every person who is under his supervision or towards whom or in relation to whom he has otherwise a duty to perform by virtue of any Act of Parliament or of these Rules.

(2) He shall ensure that the said records are kept in a place where unauthorised persons cannot readily have access to them and are not removed except for the purposes of sub-paragraph (3) of paragraph 2 of the Second Schedule to the Act or for other sufficient reason.

(3) He shall at any time when required to do so make the said records available for inspection by or on behalf of the Secretary of State.

Senior officers

36. The duties to be performed by a senior probation officer shall include supervision of and advice upon the work of probation officers, and in particular a senior probation officer shall organise the office work and the distribution of work between probation officers and examine and advise upon the manner in which they keep their records and the manner in which their working time is used.

Principal probation officers

37. A principal probation officer shall have the duties of a senior probation officer and, without prejudice to the generality of this provision, shall undertake the general organisation and supervision of the probation service in the area for which he is responsible and shall advise the probation committee upon technical matters relating to the probation service.

Maintaining touch generally

38.—(1) A probation officer shall, subject to any provision of the probation or supervision order, keep in close touch with the person under his supervision, meet him frequently and, unless there is good reason for not doing so, visit his home from time to time (and at least weekly during the first month after the making of the order) and require the person to report to him at stated intervals.

(2) The intervals at which, in accordance with this Rule, a probation officer meets a person under his supervision, visits his home and requires him to report, shall be determined, amongst other circumstances, by the person's behaviour and progress; and regard shall be had to the importance of frequent meetings during the early part of the period of probation or supervision.

School children

39. In the case of school children in relation to whom a probation officer has a duty to perform by virtue of these Rules, the probation officer shall from time to time make enquiries of the head teacher about the child's attendance and progress; but the child shall not be visited on the school premises.

Explaining requirements of order

40. A probation officer shall endeavour to ensure compliance with the probation order or supervision order and also that the person to whom such order relates understands his obligations and his rights under that order.

Welfare and employment

41.—(1) A probation officer shall encourage every person who is under his supervision or towards whom or in relation to whom he has otherwise a duty to perform by virtue of any Act of Parliament or of these Rules, to use the appropriate statutory and voluntary agencies which might contribute to his welfare and to take advantage of the social, recreational and educational facilities which are suited to his age, ability and temperament.

(2) He shall, where appropriate, endeavour to ensure that every such person is in suitable and regular employment.

Reports to committees and courts

42.—(1) A probation officer shall from time to time report to the probation committee or the case committee upon the mode of life and generally upon the progress of every person who is under his supervision by virtue of the Act or of the Children and Young Persons (Scotland) Act, 1937(**a**), or of the Education (Scotland) Act, 1946(**b**).

(2) Where a person has, by virtue of any of the aforesaid Acts, been placed under the supervision of a probation officer, the probation officer under whose supervision the said person is for the time being, shall, if so requested by the court which made the probation or supervision order, or by the appropriate court, from time to time report to that court upon the mode of life and generally upon the progress of that person.

(**a**) 1 Edw. 8. & 1 Geo. 6. c. 37. (**b**) 9 & 10 Geo. 6. c. 72.

(3) If the probation officer becomes aware that a person under his supervision by virtue of a probation order or a supervision order has changed his residence and is residing in a probation area other than that named in such probation order or supervision order, he shall apply to the court under sub-paragraph (1) of paragraph 2 of the Second Schedule to the Act, unless—

(*a*) the person under his supervision has himself so applied, or

(*b*) the probation officer has reason to believe that the person under his supervision is unlikely to remain for a reasonable time in the area to which he has changed his address.

(4) Where it appears to the probation officer that application can properly be made for discharge of a probation order or a supervision order or amendment of a probation order or a supervision order otherwise than as provided by paragraph (3) of this Rule the probation officer may so apply unless the person under supervision himself makes the application.

Reports from institutions and other officers

43.—(1) A report made in pursuance of subsection (2) of section 4 of the Act, or in pursuance of that subsection as applied by subsection (5) of section 72 of the Act shall, amongst other things, comprise

(*a*) a report from the person in charge of the institution in which the person about whom the report is made has been required to reside ; and

(*b*) a report from the appropriate probation officer about the suitability of that person's home or any other place where, if the requirement of residence in an institution is cancelled, that person proposes to reside.

(2) It shall be the duty of a salaried probation officer appointed for any probation area to furnish on request by another probation officer such a report as is mentioned in sub-paragraph (*b*) of paragraph (1) of this Rule.

PART VI

SALARY AND CONDITIONS OF EMPLOYMENT OF PROBATION OFFICERS

Salaries generally

44.—(1) Whole-time probation officers who have not attained the age of thirty years shall be paid a salary, depending upon their age, in accordance with the scales for men and women respectively set out in the First Schedule to these Rules.

(2) Whole-time probation officers who have attained the age of thirty years shall be paid a salary in accordance with the scales for men and women respectively set out in the Second Schedule to these Rules.

(3) The length of service of any whole-time probation officer shall, for the purpose of the scales set out in the Second Schedule to these Rules, be reckoned from the date on which that officer entered on his current period of continuous service or attained the age of thirty years, whichever is the later, and for the purposes of this Rule—

(*a*) the service of any such officer shall be deemed to have been continuous notwithstanding an interruption thereof, if such interruption has been for a period of three months or less ; and

(*b*) where the service of any such officer has been interrupted for a period of over three months, the Secretary of State may, at the request of the probation committee concerned, approve the reckoning as service, for the purposes of the scales set out in the said Second Schedule, of such length of service occurring at any time before the interruption and after the officer attained the age of thirty years, as he may think fit.

(4) The service reckonable for the purpose of the scales set out in the Second Schedule to these Rules shall include:

(*a*) service as a whole-time probation officer;

(*b*) service in England and Wales as a whole-time probation officer other than a temporary officer;

(*c*) leave with pay, and, if the Secretary of State at the request of the probation committee concerned so approves, leave (other than sick leave) without pay from either of the two last mentioned forms of service;

(*d*) any period of war service within the meaning of the Local Government Staffs (War Service) Act, 1939(**a**);

(*e*) any period of other employment to which the officer has been seconded with the consent of the Secretary of State.

(5) The rates of salary which may be paid to a whole-time probation officer in accordance with this Rule shall apply whether he is employed by one or by more than one probation committee.

Salary of part-time officers

45. A part-time probation officer shall be paid a fixed salary having regard to the duties he is required to perform, the character and extent of the district served, and the scale of salaries for whole-time officers, but without regard to any income or emolument he may receive or enjoy from other sources:

Provided that a part-time probation officer shall not without the authority of the Secretary of State be paid a salary of more than £100 a year, whether in respect of one or more probation areas.

Salary of senior and principal officers

46. A senior probation officer may, with the approval of the Secretary of State and the local authority or local authorities concerned, be paid an allowance in addition to his salary, and a principal probation officer shall, with the like approval, be paid a salary in accordance with a special scale higher than the salary scale which under these Rules is payable in respect of a whole-time probation officer.

Salary of temporary officers

47. A temporary salaried probation officer shall be paid such weekly salary as is reasonable, but shall not, without the approval of the Secretary of State, be paid more than £6 10s. 0d. per week.

Annual leave

48. The annual paid leave to which a whole-time probation officer is entitled shall be:

(*a*) in respect of service for a period of less than one year, one working day in respect of each completed month;

(*b*) in respect of service for a period of not less than one year and not more than five years, twelve working days; and

(*c*) in respect of service for a period of over five years, eighteen working days.

Sick leave of whole-time Officers

49.—(1) A probation committee may, without the production of a certificate signed by a duly qualified medical practitioner, grant to a whole-time probation officer sick leave with pay not exceeding three days at a time or six days in the aggregate in any period of twelve months.

(**a**) 2 & 3 Geo. 6. c. 94.

(2) A probation committee may, upon production of a certificate signed by a duly qualified medical practitioner, grant to a whole-time probation officer, who has completed a period of not less than one year's service, sick leave with pay for a period exceeding three days at a time or six days in the aggregate in any period of twelve months in accordance with the following provisions:—

(*a*) where such an officer has completed a period of not less than one year's service and not more than five years' service, he shall be entitled to receive full pay for a period of two months followed by half pay for a period of two months;

(*b*) where such an officer has completed a period of over five years' service and not more than ten years' service, he shall be entitled to receive full pay for a period of three months followed by half pay for a period of three months;

(*c*) where such an officer has completed a period of over ten years' service and not more than fifteen years' service, he shall be entitled to receive full pay for a period of four months followed by half pay for a period of four months; and

(*d*) where such an officer has completed a period of over fifteen years' service, he shall be entitled to receive full pay for a period of six months followed by half pay for a period of six months.

(3) Where a whole-time probation officer is unfit for work at the expiry of the half pay period applicable in his case, he shall furnish to the probation committee concerned a special medical report showing the cause of his incapacity and indicating the probable duration thereof, and the probation committee may, with the approval of the Secretary of State, continue to grant such officer half pay for such further period as they may determine.

(4) For the purposes of this and the last foregoing Rule the length of service of any whole-time probation officer shall be reckoned from the date on which that officer entered on his current period of continuous service, and the service of any such officer shall be deemed to have been continuous notwithstanding an interruption thereof, if such interruption has been for a period of three months or less.

(5) Service reckonable for the purposes of such leave with pay shall include:—

(*a*) service as a whole-time probation officer;

(*b*) service in England and Wales as a whole-time probation officer other than a temporary officer;

(*c*) leave with pay, and, if the Secretary of State at the request of the probation committee concerned so approves, leave (other than sick leave) without pay from either of the two last mentioned forms of service;

(*d*) any period of war service within the meaning of the Local Government Staffs (War Service) Act, 1939; and

(*e*) any period of other employment to which the officer has been seconded with the consent of the Secretary of State.

Sick leave of part-time or temporary officers

50. A probation committee may grant to a part-time or temporary probation officer a reasonable period of sick leave with pay having regard to the amount of sick leave with pay to which a whole-time probation officer is entitled.

Deduction of benefits under National Insurance Acts from salary of officer on sick leave with pay

51. There shall be deducted from the salary payable under these Rules to a salaried probation officer, other than a part-time probation officer or a temporary probation officer employed on a part-time basis, during any period when he is on sick leave with full pay the amount of any sickness benefit under the National Insurance Act, 1946(**a**), or injury benefit under the National Insurance (Industrial Injuries) Act, 1946(**b**), to which he is entitled during that period.

Travelling and subsistence of officers

52.—(1) A probation committee shall pay to salaried probation officers—

(*a*) the actual expenses of travelling in the course of duty which would be payable to a civil servant entitled to the same salary maximum as the probation officer ;

(*b*) such allowances in respect of the use by a probation officer of his own car or motor-cycle, if the committee have authorised its use, as would be payable to a civil servant in respect of the use of a car or motor-cycle of the same horse-power ;

(*c*) for any period when the officer is in the course of duty necessarily absent from home and centre, such subsistence allowance as would be payable to a civil servant entitled to the same salary maximum.

(2) In this Rule the term " salary maximum " means the maximum salary to which a salaried officer, senior probation officer or principal probation officer, as the case may be, is entitled ; and the expression " centre " means the office or court at which the probation committee direct that the salaried probation officer's work shall be centred for the purpose of sub-paragraph (*c*) of paragraph (1) of this Rule.

(3) For the purposes of this Rule, part-time officers and temporary officers shall be deemed to be entitled to the same salary maximum as whole-time probation officers other than principal probation officers.

Expenses of voluntary officers

53. A probation committee shall pay to voluntary probation officers such expenses as may reasonably be incurred by them in the performance of their duties in connection with persons placed under their supervision by virtue of a probation order.

PART VII

EXPENDITURE—PERSONS UNDER SUPERVISION

Residence in institutions, including approved probation hostels, etc.

54.—(1) Where a probationer is required by the probation order to reside in an institution, whether or not an approved probation hostel or home, the probation committee shall pay to the body by whom the institution is managed such contribution towards his maintenance as they may agree with the said body, provided that the contribution shall not exceed such amount as has for the time being been notified to probation committees by the Secretary of State as the maximum payment which may be made in respect of maintenance in a hostel or in a home, as the case may be.

(2) Where a probationer is required by the probation order to reside in a private house other than his home, the probation committee shall make to the person in whose house the order requires the probationer to reside

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 9 & 10 Geo. 6. c. 62.

such payments towards the probationer's maintenance as they may agree with the said person, provided that such payments shall not exceed such sum as has for the time being been notified to probation committees by the Secretary of State as the maximum payment which may be made.

Clothing

55. In a case to which any of the provisions of the last foregoing Rule apply the probation committee shall, where in their opinion such a course is necessary, pay the cost of clothing for the probationer up to such amount as is from time to time notified to probation committees by the Secretary of State.

Travelling expenses of probationers

56. The probation committee shall, in a case to which Rule 54 applies, pay—

(*a*) the probationer's fare to any place in which he is required by the probation order to reside, together with any reasonable expenses necessarily incurred by him on the way to that place; and

(*b*) his fare and like expenses on his return to his home at the expiry of the period for which he has been required by the probation order to reside in any place, or on his then going to reside in some other place with the consent of the probation officer.

Maintenance and travelling expenses of persons under supervision

57. Where, by virtue of the Children and Young Persons (Scotland) Act, 1937, or the Education (Scotland) Act, 1946, a supervision order has been made which requires a person to be under the supervision of a salaried probation officer and also imposes such a requirement as in relation to a probation order is mentioned in Rule 54 the like payments shall be made as are mentioned therein and in Rules 55 and 56.

Committee responsible

58. For the purposes of this part of these Rules, the probation committee by which payments are made shall be the committee for the probation area in which the probationer or person under supervision is ordinarily resident.

Fare of probationers reporting

59. A probation committee may, in case of hardship, pay fares necessarily incurred by a probationer in going to report to the probation officer named in the order.

Direct assistance

60. A probation committee may, where they consider it necessary to do so, grant financial assistance to a probationer, but the aggregate amount granted in any year shall not exceed such amount as is from time to time approved by the Secretary of State.

Financial assistance to persons under supervision

61. A probation committee may make like payments or grant such financial assistance as are mentioned in Rules 59 and 60 to a person under supervision in such a case as is mentioned in Rule 57.

PART VIII

EXPENDITURE—MISCELLANEOUS

Secretarial and other expenses

62. A probation committee shall meet the cost of stationery, postal and telephone charges and similar expenditure necessarily incurred in matters relating to their work or to the work of case committees and may, with the approval of the local authority and the Secretary of State, incur such other expenditure, not being expenditure specifically authorised by the Act or otherwise authorised by these Rules, as is necessary for the proper performance of the work of their probation officers.

Provision of cars

63. A probation committee may buy and maintain a car for use by a salaried probation officer if they are satisfied that the use of a car by the officer is necessary for the proper performance of his duties and the local authority and the Secretary of State approve the buying of the car and the terms on which it is to be used.

Estimates

64.—(1) A probation committee shall in each year prepare an estimate of their expenditure for that year and shall, not later than the first day of July, transmit a copy of such estimate to the local authority.

(2) In the case of a probation area situated within the areas of two or more local authorities, the probation committee for the said probation area shall not later than the said date transmit to the local authorities a copy of such an estimate as is mentioned in the foregoing paragraph and shall at the same time certify to each of the authorities the proportion of the net estimated expenditure falling to be defrayed by them.

(3) For the purpose of this Rule, the expression "year" means the financial year of a local authority as defined in Section 174 of the Local Government (Scotland) Act, 1947.

Advances to committees

65. The local authority shall from time to time advance to a probation committee such sums as are necessary to enable them to fulfil punctually their financial obligations.

Imprest accounts

66. A probation committee may authorise the holding by a salaried probation officer of an imprest account, but otherwise payments made or received on behalf of the probation committee shall be made or received by their treasurer.

Accounts and audit

67. The accounts of a probation committee shall be audited in accordance with the provisions of Part X of the Local Government (Scotland) Act, 1947, as if they were the accounts of a local authority.

PART IX

GENERAL

Settlement of differences

68.—(1) If, in the case of a combined probation area, the local authorities fail to agree upon any question arising in connection with the fixing of the number or the appointment of members of the probation committee the question shall be determined by the Secretary of State.

(2) If a probation committee and the local authority fail to agree on any question relating to a matter which under these Rules requires the approval of the authority, the question shall be determined by the Secretary of State.

Given under the Seal of the Secretary of State for Scotland this tenth day of July, nineteen hundred and fifty-one.

(L.S.) *C. C. Cunningham,*
Secretary.

Scottish Home Department,
St. Andrew's House,
Edinburgh, 1.

(Rule 44)

66/289 N

FIRST SCHEDULE

SCALES OF ANNUAL SALARY FOR WHOLE-TIME PROBATION OFFICERS WHO HAVE NOT ATTAINED THE AGE OF THIRTY YEARS

Age	Salary	
	Men	Women
	£	£
23 years or over but under 24	335 a year	320 a year
24 " " " " " 25	345 "	330 "
25 " " " " " 26	355 "	340 "
26 " " " " " 27	370 "	355 "
27 " " " " " 28	385 "	370 "
28 " " " " " 29	400 "	385 "
29 " " " " " 30	415 "	400 "

(Rule 44)

SECOND SCHEDULE

SCALES OF ANNUAL SALARY FOR WHOLE-TIME PROBATION OFFICERS WHO HAVE ATTAINED THE AGE OF THIRTY YEARS

MEN Length of Service	Rate of Salary	WOMEN Length of Service	Rate of Salary
	£		£
Up to 1 year's service ...	430	Up to 1 year's service ...	415
Over 1 and up to 2 years' service	445	Over 1 and up to 2 years' service	430
Over 2 and up to 3 years' service	460	Over 2 and up to 3 years' service	445
Over 3 and up to 4 years' service	475	Over 3 and up to 4 years' service	460
Over 4 and up to 5 years' service	490	Over 4 and up to 5 years' service	475
Over 5 and up to 6 years' service	510	Over 5 years' service ...	500
Over 6 and up to 7 years' service	530		
Over 7 and up to 8 years' service	550		
Over 8 and up to 9 years' service	570		
Over 9 and up to 10 years' service	590		
Over 10 years' service ...	610		

The Probation Grant (Deduction) (Scotland) Regulations, 1951

1951 No. 344 (S. 14)

Made - - - - 23*rd February*, 1951
Coming into Operation 23*rd February*, 1951

In exercise of the power conferred upon me by subsection (4) of section seventy-five of the Criminal Justice (Scotland) Act, 1949(a), and of all other powers enabling me in that behalf, I hereby, with the consent of the Treasury, make the following Regulations:—

1.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Criminal Justice (Scotland) Act, 1949;

"constituent authorities" means, in the case of two or more probation areas which share the services of one or more probation officers, the local authorities within whose areas the probation areas are situated, and, in the case of a probation area situated within the areas of two or more local authorities, those local authorities;

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