STATUTORY INSTRUMENTS

1967 No. 65 (S.6)

PROBATION OF OFFENDERS

The Probation (Scotland) Rules 1967

Made - - - - 17*th January* 1967
Coming into Operation 17*th January* 1967

ARRANGEMENTS OF RULES

PART I

PRELIMINARY

Rules
1. Interpretation.
2. Citation and commencement.
3. Revocations and transitional provisions.

PART II

PROBATION AND CASE COMMITTEES

A.—CONSTITUTION

Probation Committees

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

Case Committees

7. Appointment of case committees.
8. Functions of case committees.
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 probation officers.
17. Complaints against probation officers.
18. Office accommodation.
19. Equipment and maintenance.
20. Clerical assistance.
21. Records and reports.

f

PART IV

SALARIED PROBATION OFFICERS: QUALIFICATIONS, APPOINTMENT AND TENURE

Rules
22. Age limits for appointment.
23. Qualifications for appointment of whole-time probation officers.
24. Appointment of part-time probation officers.
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. Maintaining touch generally.
37. School children.
38. Explaining requirements of order.
39. Welfare and employment.
40. Reports to committees and courts.
41. Reports from institutions and other officers.
42. Aftercare supervision.
43. Recall from aftercare.

PART VI

PROBATION OFFICERS: SALARY AND CONDITIONS OF EMPLOYMENT

44. Salary of probation officers.
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 officers.
51. Sick leave of temporary officers.
52. Travelling and subsistence of salaried probation 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 orders.
58. Committee responsible.
59. Direct assistance.
60. Fares incurred in reporting.
61. Other expenses in connection with the supervision, etc. of persons released from custody.

PART VIII

EXPENDITURE: MISCELLANEOUS

Rules
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.

SCHEDULE 1

Schedule of revocations.

SCHEDULE 2

Scale of annual salary for whole-time probation officers.

SCHEDULE 3

Scale of annual salary for senior probation officers.

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:—

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 paragraph 1(1) of Schedule 3 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 ;

" 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 ; and

(a) 1949 c. 94. (b) 1956 c. 1.

(*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(a) applies for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Citation and commencement

2. These Rules may be cited as the Probation (Scotland) Rules 1967 and shall come into operation on 17th January 1967.

Revocations and transitional provisions

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

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

(3) Where immediately before these Rules came into operation a senior probation officer was entitled to a rate of annual salary appropriate to a length of service longer than he had in fact served as reckoned for the purpose of his salary, he shall have the rate of salary in the scale set out in Schedule 3 to these Rules, attributable to that length of service to which his rate of annual salary immediately before these Rules came into operation was attributable; and he shall receive an annual increment on the date on which he would have received it had these Rules not been made.

PART II

PROBATION AND CASE COMMITTEES

A—CONSTITUTION

Probation Committees

Number and qualification of members of probation committees

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 6 nor more than 15. 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 of members

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 Schedule 3 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.

Casual vacancies

6. If any casual vacancy occurs amongst the appointed members of a probation committee the local authority which appointed the member whose

(a) 1889 c. 63.

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 of case committees

7.—(1) A probation committee shall appoint a case committee, or case committees for specified areas.

(2) Persons who are not members of the probation committee but who have an interest in the treatment of offenders may be appointed by the probation committee to be members of a case committee.

Functions of case committees

8. The functions of a case committee shall be—

(*a*) to exercise a general oversight of the work of each probation officer in the case committee's area;

(*b*) to consider from time to time confidential reports furnished by probation officers on the progress of persons under their supervision; and

(*c*) to afford each probation officer in the case committee's area such help and advice as it can in respect of his duties.

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 its 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 4 months and a case committee not less than once in every 3 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 3 members, whichever is the greater number, are present thereat.

Procedure

14. The provisions of Part IV of Schedule 3 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 probation officers

16.—(1) A probation committee shall satisfy themselves that the duties of probation officers in the area are efficiently carried out.

(2) 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.

Complaints against probation officers

17.—(1) A probation committee shall consider any complaint against a probation officer relating to a matter that might affect his fitness for his office, and if in their opinion such complaint calls for investigation they shall investigate it.

(2) When considering or investigating such a complaint the probation committee, unless they are of opinion that the complaint is frivolous, shall give the probation officer concerned or his representative an opportunity of making observations on the complaint, orally or in writing or both, as he may prefer.

(3) Where, under a sharing arrangement, the probation officer against whom a complaint is made is carrying out his duties wholly or mainly in a probation area other than that of the probation committee by which he is employed, that committee shall, for the purposes of this Rule, obtain and consider the observations of the probation committee responsible for the probation area in which he works.

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.

(a) 1947 c. 43.

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 a 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 10 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

SALARIED PROBATION OFFICERS: QUALIFICATIONS, APPOINTMENT AND TENURE

Age limits for appointment

22. A person shall not be appointed as a salaried probation officer unless he shall have attained the age of 22 years and a person who has attained the age of 45 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 enactments 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 for appointment of whole-time probation officers

23. A probation committee shall not without the consent of the Secretary of State appoint a person as a whole-time probation officer (otherwise than as a temporary officer) unless he is—

(*a*) already serving as a whole-time probation officer in Great Britain; or

(*b*) enrolled on the Scottish Probation Register of persons recommended for appointment as whole-time probation officers which is maintained by the Scottish Probation Advisory and Training Council.

Appointment of part-time probation officers

24. A probation committee shall obtain the consent of the Secretary of State before they appoint a person as a part-time probation officer (otherwise than as a temporary officer) unless he meets one of the conditions specified in Rule 23 of these Rules or he is already serving as a part-time probation officer in Great Britain.

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 18 months from the date of his appointment 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 12 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) (*a*) This Rule shall not apply in the case of the appointment of any person as a whole-time probation officer if that person has, at any time prior to such appointment, held an appointment as a whole-time salaried probation officer which has been confirmed by the Secretary of State in

terms of this Rule or of Rule 25 of the Probation Rules 1965(a) as the case may be, or has, at any time prior to 30th September 1959, held an appointment as a part-time salaried probation officer which has been so confirmed.

(*b*) This Rule shall not apply in the case of the appointment of a person as a 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 which has been confirmed by the Secretary of State in terms of this Rule or, in the case of a whole-time appointment in the past of Rule 25 of the Probation Rules 1965, as the case may be.

Certificate of appointment

27. Every salaried probation officer shall be furnished with a certificate of appointment signed by 2 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 1 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 set out in Rule 17 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 17 of these Rules and with the approval of the Secretary of State, 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 1 month's notice in writing.

Principal and senior appointments

31.—(1) 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 17 of these Rules and with the approval of the Secretary of State, for a sufficient reason, by not less than 1 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.

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

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.

(a) S.I. 1965/723 (1965 I, p. 2236).

Retiring age

33. A salaried probation officer shall retire not later than on attaining the age of 65 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 6 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 paragraph 2(3) of Schedule 2 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.

Maintaining touch generally

36.—(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

37. 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

38. 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

39.—(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

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

(2) Where a person has been placed under the supervision of a probation officer by a court, 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.

(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 paragraph 2(1) of Schedule 2 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 for 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

41.—(1) A report made in pursuance of section 4(2) of the Act, or in pursuance of that subsection as applied by section 72(5) 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 paragraph (1)(*b*) of this Rule.

Aftercare supervision

42.—(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) 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.

(3) In this Rule "an institution" means an institution to which the Prisons (Scotland) Act 1952(a), the Prison Act 1952(b), or the Prison Act (Northern Ireland) 1953(c) 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.

Recall from aftercare

43. 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 Rule, 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.

PART VI

PROBATION OFFICERS: SALARY AND CONDITIONS OF EMPLOYMENT

Salary 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 2 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 3 months in duration;

(*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 paragraph (2)(*c*) of this Rule.

(a) 1952 c. 61. (b) 1952 c. 52. (c) 1953 c. 18 (N.I.).

(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 10th March 1966.

TABLE

column 1 *Length of service*	*column 2* *Annual 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(a) 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

(a) S.I. 1966/289 (1966 I, p. 751).

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 or assistant 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 any period of service as a whole-time salaried probation officer in England and Wales, and the expression " serving " shall be construed accordingly.

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.—(1)(*a*) A senior probation officer shall be paid a salary in accordance with the scale set out in column 2 of the Table in Schedule 3 to these Rules by reference to his length of service as specified in column 1 of the said table :

Provided that a probation officer appointed to be a senior probation officer after 1st January 1966 and who was immediately before his appointment entitled to a rate of annual salary of £1,450 or £1,510 shall from the date of his appointment be entitled—

(*a*) if the said rate was £1,450, to a rate of annual salary of £1,500, or

(*b*) if the said rate was £1,510, to a rate of annual salary of £1,560 ;

and a senior probation officer to whom head (*a*) of this proviso applies shall be entitled to an increment of £50 at the end of his first, second and third year of service respectively ; and a senior probation officer to whom head (*b*) of this proviso applies shall be entitled to an increment of £50 at the end of his first year of service and a further increment of £40 at the end of his second year of service.

(*b*) The service reckonable for the purpose of applying this Rule to any senior probation officer shall be his current period of continuous service as such, not including 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*) For the purposes of sub-paragraph (*b*) of this Rule a senior probation officer's service shall be deemed to be continuous notwithstanding an interruption if—

(i) the interruption does not exceed 3 months in duration ; or

(ii) the Secretary of State at the request of the probation committee approves the reckoning of a period of service before that interruption.

(*d*) For the purposes of the said sub-paragraph (*b*) any period of employment between 2 periods of service as a senior probation officer shall, if the Secretary of State, at the request of the probation committee employing the probation officer either immediately before or immediately after the said period of employment, so decides, be treated as part of his current period of continuous service.

(2) The salary of a principal probation officer and of any deputy or assistant principal probation officer shall be such as is determined in each case by the Secretary of State.

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 £13 0s. 0d. per week.

Annual leave

48.—(1) 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 1 year, 2 working days in respect of each completed month;

(*b*) in respect of service for a period of not less than 1 year and not more than 5 years, 24 working days; and

(*c*) in respect of service for a period of more than 5 years, 30 working days.

(2) The annual leave to which an officer is entitled under this Rule shall be inclusive of all general or local public holidays.

Sick leave of whole-time officers

49.—(1) A probation committee shall grant to a whole-time probation officer other than a temporary officer, in respect of any period during which he is medically unfit for duty and has not ceased to be a probation officer, sick leave on full pay or on half pay, and such sick leave shall be granted on the same scale and subject to the same terms and conditions as sick leave with pay is for the time being granted to the administrative, clerical and technical staffs of the local authority or authorities by whom under paragraph 6 of Schedule 3 to the Act the expenditure of the probation committee is defrayed.

Provided that for the purpose of granting sick leave with pay to any probation officer the service of that officer shall be reckoned in accordance with paragraphs (2) and (3) of this Rule.

(2) 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 3 months or less.

(3) 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(**a**); and

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

(**a**) 1939 c. 94.

Sick leave of part-time officers

50. A probation committee may grant to a part-time 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.

Sick leave of temporary officers

51. A probation committee may grant to a 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.

Travelling and subsistence of salaried probation officers

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

(*a*) the actual expense 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 paragraph (1)(*c*) 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.

(4) A probation committee may give financial assistance to a probation officer in order to enable him to buy a car if they are satisfied that the use of a car by the officer is necessary for the performance of his duties and the local authority and the Secretary of State approve the terms on which the said financial assistance is to be given to the probation officer.

(5) Where a probation officer moves his home in consequence of being assigned to a different part of the same probation area, the probation committee shall pay to him the reasonably incurred cost of removal of his belongings; where a person moves his home in consequence of being appointed a probation officer, the probation committee, with the consent of the local authority, may pay to him the whole, or such part as they think fit, of the said cost of removal; and in either case they may in addition pay to him the cost of any other reasonable expenses incidental to the move.

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 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 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 of these Rules 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 orders

57. Where, by virtue of the Children and Young Persons (Scotland) Act 1937(**a**) or the Education (Scotland) Act 1962(**b**) 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 of these Rules the like payments shall be made as are mentioned therein and in Rules 55 and 56 of these Rules.

Committee responsible

58. For the purposes of Rules 54 to 57 inclusive 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.

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.

(**a**) 1937 c. 37. (**b**) 1962 c. 47.

(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.

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 1st 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 1st July annually 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.

(4) So far as is reasonably possible, a probation committee and the local authority or authorities concerned shall, when an estimate of the amount to be requisitioned for probation expenditure for the year is transmitted to the local authority or authorities, consult together in respect of expenditure included in the estimate which, under these Rules, requires the approval of the local authority or authorities.

Advances to committees

65.—(1) 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.

(2) If, in the case of a combined probation area, the local authorities so arrange with the probation committee and the Secretary of State, the sums payable by the Secretary of State under section 75(3)(*a*) of the Act towards the expenditure of the local authorities under paragraph 6 of Schedule 3 to the Act may be paid direct to the probation committee.

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.

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

St. Andrew's House,
Edinburgh, 1.
17th January 1967.

(Rule 3(1)) SCHEDULE 1

Rules revoked	References
Probation (Scotland) Rules 1951 ...	S.I. 1951/1261 (1951 II, p. 291).
Probation (Scotland) Amendment Rules 1952.	S.I. 1952/2176 (1952 III, p. 2692).
Probation (Scotland) Amendment Rules 1956.	S.I. 1956/800 (1956 II, p. 1909).
Probation (Scotland) Amendment Rules 1958.	S.I. 1958/331 (1958 II, p. 2003).
Probation (Scotland) Amendment (No. 3) Rules 1959.	S.I. 1959/1578 (1959 II, p. 2228).
Probation (Scotland) Amendment Rules 1961.	S.I. 1961/1269 (1961 II, p. 2461).
Probation (Scotland) Amendment Rules 1963.	S.I. 1963/1090 (1963 II, p. 1854).
Probation (Scotland) Amendment (No. 2) Rules 1963.	S.I. 1963/1420 (1963 II, p. 2443).
Probation (Scotland) Amendment (No. 3) Rules 1963.	S.I. 1963/2136 (1963 III, p. 4743).
Probation (Scotland) Amendment Rules 1965.	S.I. 1965/1276 (1965 II, p. 3644).
Probation (Scotland) Amendment Rules 1966.	S.I. 1966/289 (1966 I, p. 751).
Probation (Scotland) Amendment (No. 2) Rules 1966.	S.I. 1966/1390 (1966 III, p. 3746).

(Rule 44(1)) SCHEDULE 2

SCALE OF ANNUAL SALARY FOR WHOLE-TIME PROBATION OFFICERS

TABLE

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

SCHEDULE 3 (Rule 46(1))

SCALE OF ANNUAL SALARY FOR SENIOR PROBATION OFFICERS

TABLE

column 1 Length of Service	column 2 Rate of Annual Salary
	£
Up to 1 year's service	1,450
Over 1 and up to 2 years' service ...	1,500
Over 2 and up to 3 years' service ...	1,550
Over 3 and up to 4 years' service ...	1,600
Over 4 years' service	1,650

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules consolidate with some amendments the Rules set out in Schedule 1 to these Rules.