

**Probation of Offenders Act
(CHAPTER 252)**

Table of Contents

Long Title

1 Short title

2 Interpretation

3 Appointment of Chief Probation Officer and probation officers

4 Probation committees

5 Probation

6 Discharge, amendment and review of probation orders

7 Breach of requirements of probation order

8 Absolute and conditional discharge

9 Commission of further offence

10 Supplementary provisions as to probation and discharge

11 Effects of probation and discharge

12 Approved institutions

13 Rules

Legislative History

PROBATION OF OFFENDERS ACT

(CHAPTER 252)

(Original Enactment: Ordinance 27 of 1951)

REVISED EDITION 1985

(30th March 1987)

An Act to provide for the probation of offenders.

[9th July 1951]

Short title

1. This Act may be cited as the Probation of Offenders Act.

Interpretation

2. In this Act —

“approved institution” means an institution approved under section 12;

“Chief Probation Officer” means the person appointed to be the Chief Probation Officer under section 3;

“court” does not include a court martial;

“police officer” has the same meaning as in the Police Force Act [Cap. 235];

“prison officer” has the same meaning as in the Prisons Act [Cap. 247] and includes the Director of Prisons and a Superintendent of Prisons appointed under that Act;

“probation committee” means a group of persons appointed to carry out the duties under section 4;

“probation officer” means a person appointed to be a probation officer under section 3;

“probation order” has the meaning assigned to it by section 5;

“probation period” means the period for which a probationer is placed under supervision by a probation order;

“probationer” means a person for the time being under supervision by virtue of a probation order;

“volunteer probation officer” means a person appointed to be a volunteer probation officer under section 3(2); and

references to any court by which a probation order or an order for conditional discharge was made shall include where that court no longer exists references to a court exercising the same jurisdiction as the court by which the order was made.

[47/75]

Appointment of Chief Probation Officer and probation officers

3.—(1) The Minister may appoint a Chief Probation Officer and such number of probation officers as may be necessary for the purposes of this Act.

(2) The Minister may, on such terms and conditions as he thinks fit, appoint a person who is not employed as a police officer or prison officer to be a volunteer probation officer.

(3) The Chief Probation Officer shall have and shall be entitled to exercise, in addition to the powers vested in him by virtue of this Act or any rules made thereunder, all the powers of a probation officer.

(4) All persons appointed under this section shall be deemed to be public servants within the meaning of the Penal Code [Cap. 224].

[47/75]

Probation committees

4. The Minister may appoint a probation committee or committees consisting of such persons as he thinks fit, who shall review the work of probation officers and volunteer probation officers in individual cases, and perform such duties in connection with probation as may be prescribed by rules made under this Act.

[47/75]

Probation

5.—(1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of the opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer or a volunteer probation officer for a period to be specified in the order of not less than one year nor more than 3 years.

(2) A probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the

commission of other offences:

Provided that (without prejudice to the power of the court to make an order under section 10(2)) the payment of sums by way of damages for injury or compensation for loss shall not be included among the requirements of a probation order.

(3) Without prejudice to the generality of subsection (2), a probation order may include requirements relating to the residence of the offender:

Provided that —

- (a) before making an order containing any such requirements, the court shall consider the home surroundings of the offender; and
- (b) where the order requires the offender to reside in an approved institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond 12 months from the date of the order.

(4) Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order (including any additional requirements proposed to be inserted therein under subsection (2) or (3)) and that if he fails to comply therewith or commits another offence he will be liable to be sentenced for the original offence; and if the offender is not less than 14 years of age the court shall not make the order unless he expresses his willingness to comply with the requirements thereof.

(5) The probation officer or volunteer probation officer who is to be responsible for the supervision of any probationer shall be selected by the court which makes the probation order, and if the probation officer or volunteer probation officer so selected dies or is unable for any reason to carry out his duties, or if the probation committee dealing with the case considers it desirable that another officer should take his place, another probation officer or volunteer probation officer shall be selected by the court.

(6) Where a woman or girl is placed under the supervision of a probation officer or volunteer probation officer, the probation officer or volunteer probation officer, as the case may be, shall be a woman.

[47/75]

(7) The court by which a probation order is made under this section shall forthwith give copies of the order to the Chief Probation Officer who shall give a copy thereof to —

- (a) the probationer;
- (b) the probation officer or volunteer probation officer who is to be responsible for the supervision of the probationer; and

- (c) the person in charge of any institution in which the probationer is required by the order to reside.

[47/75]

Discharge, amendment and review of probation orders

6.—(1) The court by which a probation order is made under section 5 may, upon application made by —

- (a) the probationer; or
- (b) the probation officer or volunteer probation officer who is responsible for the supervision of the probationer,

discharge the order.

[47/75]

(2) A court may, upon application made by the probation officer or volunteer probation officer or by the probationer, by order amend a probation order by cancelling any of the requirements thereof or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by that court in accordance with section 5:

Provided that —

- (a) the court shall not amend a probation order by reducing the probation period, or by extending that period beyond the end of 3 years from the date of the original order; and
- (b) the court shall not so amend a probation order that the probationer is thereby required to reside in an approved institution, for any period exceeding 12 months in all.

[47/75]

(3) Where the court proposes to amend a probation order under this section, otherwise than on the application of the probationer, it shall summon him to appear before the court, and if the probationer is not less than 14 years of age, the court shall not amend a probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended:

Provided that this subsection shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement.

(4) Where a court discharges or amends a probation order under this section, the clerk to the court shall forthwith give copies of the discharging or amending order to the Chief Probation Officer who shall give a copy thereof to —