Draft Order laid before Parliament under section 36(3) of the Offender Management Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

PROBATION

The Offender Management Act 2007 (Consequential Amendments) Order 2008

Made - - - -	*2008*
Coming into force - -	*1st April 2008*

The Secretary of State, in exercise of the powers conferred by section 38(1)(a) and (2)(a) of the Offender Management Act 2007(**1**), makes the following Order;

In accordance with section 36(3)(d) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament:

Citation, commencement and extent

1. This Order may be cited as the Offender Management Act 2007 (Consequential Amendments) Order 2008 and shall come into force on 1st April 2008.

2. The extent of any amendment of any provision made by this Order is the same as that of the provision amended.

Consequential amendments

3. The enactments listed in Schedule 1 (amendments of Acts) and Schedule 2 (amendments of subordinate legislation: new arrangements for the provision of probation services) to this Order are amended as there specified.

(**1**) 2007 c.21

Signed by the authority of the Secretary of State

Date

Ministry of Justice

SCHEDULE 1 Article 3

Amendments of Acts

PART 1

New arrangements for the provision of probation services

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

1.—(1) The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**2**) is amended as follows.

(2) In Schedule 2 (capacities in respect of which payments may be made under Part 5, and paying authorities), in Part 1, after paragraph 6(**3**) insert—

"6A Member of the staff of a probation trust or of two or more probation trusts	The probation trust or, as the case may be, the probation trusts acting jointly."

Criminal Procedure (Insanity) Act 1964

2.—(1) The Criminal Procedure (Insanity) Act 1964(**4**) is amended as follows.

(2) In Schedule 1A(**5**) (supervision orders)—

(a) in paragraph 1(1), for "or an" and substitute ", an" and after "board" insert "or an officer of a provider of probation services"; and

(b) in paragraph 3—

(i) in sub-paragraph (1)(b), at the end insert ", or (as the case may be) an officer of a provider of probation services acting in that area"; and

(ii) in sub-paragraph (3), after "assigned to the court" insert "or an officer of a provider of probation services acting at the court".

Children and Young Persons Act 1969

3.—(1) The Children and Young Persons Act 1969(**6**) is amended as follows.

(2) In section 34 (transitional modifications of Part 1 for persons of specified ages)—

(a) in subsection (2)(**7**), for "for the area" substitute ", or an officer of a provider of probation services, acting in the area"; and

(b) in subsection (3)(**8**)—

(i) after "acting for" insert ", or a provider of probation services operating in,"; and

(ii) at the end insert "or an officer of a provider of probation services".

(**2**) 1951 c.65
(**3**) Schedule 2, paragraph 6 was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 6.
(**4**) 1964 c.84
(**5**) Schedule 1A was inserted by the Domestic Violence, Crime and Victims Act 2004 (c.28), Schedule 2.
(**6**) 1969 c.54
(**7**) Section 34(2) was amended by the Children Act 1989 (c.41), Schedule 15, the Criminal Justice and Public Order Act 1994 (c.33), Schedule 9, paragraph 9 and the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4(1)(a) and (2).
(**8**) Section 34(3) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 4(1)(a) and (2), 38 and 40.

(3) In Schedule 3 (approved schools and other institutions)—

(a) in paragraph 6(1)(**9**), after "2000" insert "or under sections 3, 6 or 13 of the Offender Management Act 2007";

(b) in paragraph 9(2)(**10**)—

(i) after paragraph (d), omit "or"; and

(ii) after paragraph (e), insert—

"(f) section 6 of the Offender Management Act 2007 (power to make grants for probation purposes etc);

(g) section 2(1) (responsibility for ensuring the provision of probation services) and section 3 (power to make arrangements for the provision of probation services) of the Offender Management Act 2007; or

(h) section 13 of the Offender Management Act 2007 (approved premises).";
and

(c) in sub-paragraph (4)(b)(**11**)—

(i) after paragraph (ii), omit "and"; and

(ii) after paragraph (iii), insert—

"(iv) the Secretary of State under sections 6 or 13 of the Offender Management Act 2007; and

(v) providers of probation services under section 3 of the Offender Management Act 2007."; and

(d) in paragraph 10, in sub-paragraph (4)(b)(**12**), after "2000" insert "or under sections 3, 6 or 13 of the Offender Management Act 2007"

Local Authorities (Goods and Services) Act 1970

4.—(1) The Local Authorities (Goods and Services) Act 1970(**13**) is amended as follows.

(2) In section 1 (supply of goods and services by local authorities), in subsection (4)(**14**), in the definition of "public body", after "the Housing Act 1988" insert ", any probation trust".

Pensions (Increase) Act 1971

5.—(1) The Pensions (Increase) Act 1971(**15**) is amended as follows.

(2) In Schedule 2 (official pensions), after paragraph 53A(**16**) insert—

(**9**) Schedule 3, paragraph 6(1) was amended by the Probation Service Act 1993 (c.47), Schedule 3, paragraphs 3(1) and (4)(a) and the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 38 and 43(1) and (2).

(**10**) Schedule 3, paragraph 9(2) was amended by the Probation Service Act 1993 (c.47), Schedule 3, paragraph 3(1) and (4)(a) and the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 38, 43(1) and (3)(a)(i), (ii) and (iii), and Schedule 8.

(**11**) Schedule 3, paragraph 9(4)(b) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 38 and 43(1) and (3)(b).

(**12**) Schedule 3, paragraph 10(4)(b) was amended by the Powers of Criminal Courts Act 1973 (c.62), section 56(1) and Schedule 5, paragraph 38, the Probation Services Act 1993 (c.47), Schedule 3, paragraph 3(1) and (4)(c) and the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 38 and 43(1) and (4).

(**13**) 1970 c.39

(**14**) In section 1(4), the definition of "public body" was amended by the Local Government Act 1972 (c.22), Schedule 30, the Housing Act 1988 (c.50), section 89(2), the Police and Magistrates' Courts Act 1994 (c.29), Schedule 4, paragraph 5, the Police Act 1996 (c. 16), Schedule 7, paragraph 1(2)(g), the Police Act 1997 (c.50), Schedule 9, paragraph 23, the Criminal Justice and Police Act 2001 (c.16), Schedule 6, paragraph 58 and Schedule 7, Part 5(1), and the Local Government in Scotland Act 2003 (asp 1), section 8(1) and (2)(d)(i).

(**15**) 1971 c.56

(**16**) Schedule 2, paragraph 53A was inserted by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 45.

"**53B.** A pension payable in accordance with regulations under section 7 of the Superannuation Act 1972 in respect of service as a member of staff of a probation trust established under section 5 of the Offender Management Act 2007."

Criminal Justice Act 1982

6.—(1) The Criminal Justice Act 1982(**17**) is amended as follows.

(2) In Schedule 13 (community service orders – reciprocal arrangements), in paragraph 7(3)(b)(**18**)—

(a) after "Act 2000)" insert "or a provider of probation services operating in that area"; and

(b) after "the board" insert "or provider (as the case may be)".

Mental Health Act 1983

7.—(1) The Mental Health Act 1983(**19**) is amended as follows.

(2) In section 134 (correspondence of patients), in subsection (3)(e)(**20**), for "or a" substitute ", a" and at the end insert "or a provider of probation services".

Local Government Act 1988

8.—(1) The Local Government Act 1988(**21**) is amended as follows.

(2) In Schedule 2 (public supply or works contracts: the public authorities), under the heading "public authorities"(**22**), insert, at the appropriate place—

"A probation trust."

Criminal Justice Act 1991

9.—(1) The Criminal Justice Act 1991(**23**) is amended as follows.

(2) In section 37(**24**) (duration and conditions of licences), in subsection (4A)(a), after "being" insert ", or (as the case may be) an officer of a provider of probation services acting in the local justice area within which the person resides for the time being".

(3) In section 43(**25**) (young offenders), in subsection (5), for "local probation board" substitute "provider of probation services";

(**17**) 1982 c.48

(**18**) Schedule 13, paragraph 7(3)(b) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 71 and the Criminal Justice Act 2003 (c.44), Schedule 32, paragraphs 34 and 36(1) and (2)(b).

(**19**) 1983 c.20

(**20**) Section 134(3)(e) was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 72 and 74, the National Health Service Reform and Health Care Professions Act 2002 (c.17), section 19(6), S.I. 2000/90, S.I. 2002/2469 and S.I. 2007/961, and is to be amended by the Local Government and Public Involvement in Health Act 2007 (c.28), Schedule 18, Part 18, from a date to be appointed.

(**21**) 1988 c.9

(**22**) In Schedule 2, under the heading "public authorities", the reference to a local probation board was inserted by the Criminal Justice Court Services Act 2000 (c.43) Schedule 7, paragraph 82.

(**23**) 1991 c.53

(**24**) Section 37 was repealed by the Criminal Justice Act 2003 (c.44), Schedule 39, Part 7, with savings in S.I. 2005/950. Section 37(4A) was inserted by the Crime and Disorder Act 1998 (c.37), Schedule 8, paragraph 83(5) and was amended by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4.

(**25**) Section 43 was repealed by the Criminal Justice Act 2003 (c.44), Schedule 37, Part 7, with savings in S.I.2005/950.Section 43(5) was amended by the Crime and Disorder Act 1998 (c.37), Schedule 8, paragraph 87(2) and the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraph 4.