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STATUTORY INSTRUMENTS

1982 No. 713 (N.I. 10)

The Probation Board (Northern Ireland) Order 1982

- - - - - - *18th May 1982*

Introductory

Title and commencement

1.—(1) This Order may be cited as the Probation Board (Northern Ireland) Order 1982.

(2) This Article and Articles 2, 3 (including Schedule 1 but not including Schedule 2), 7 and 14 to 16 shall come into operation on the expiration of the period of one month from the day on which this Order is made and the remaining provisions shall come into operation on such day or days as the Secretary of State may by order appoint[F1].

F1 fully exercised by SR 1982/396.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F2] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"bail hostel" means premises for the accommodation of persons remanded on bail;

"the Board" means the Probation Board for Northern Ireland;

[[F3]"community service order" means an order under Article 13 of the Criminal Justice (Northern Ireland) Order 1996**]**

"member of the staff of the Board" includes probation officer;

"prescribed" means prescribed by regulations made by the **[**[F4]Department of Justice**]**;

"probation hostel" means premises for the reception and care of persons who may be required to reside there by a probation order;

"probation order" means an order under**[**[F3] Article 10 of the Criminal Justice (Northern Ireland) Order 1996**]**

"statutory provision" has the meaning assigned to it by section 1 *(f)* of the Interpretation Act (Northern Ireland) 1954;

"young offenders centre" has the meaning assigned to it by section 2 *(a)* of the Treatment of Offenders Act (Northern Ireland) 1968[F5].

F2 1954 c. 33 (N.I.)
F3 1996 NI 24
F4 Words in art. 2(2) in the definition of "prescribed" substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 19** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
F5 1968 c. 29 (N.I.)

Probation Board for Northern Ireland

Establishment of the Board

3.—(1) There shall be established a body to be called the Probation Board for Northern Ireland ("the Board").

(2) The Board shall have such functions as are conferred on it by the succeeding provisions of this Order.

(3) Schedule 1 (which makes provision relating to the constitution of the Board and other matters and Schedule 2 (which makes provision for the transfer and property and staff to the Board) shall have effect.

Functions of the Board

4.—(1) The Board shall—

(a) secure the maintenance of an adequate and efficient probation service;

(b) secure that arrangements are made for persons to perform work under community service orders;

(c) provide such probation officers and other staff as the **[**F6Department of Justice**]** considers necessary to perform social welfare duties in prisons and young offenders centres; and

(d) undertake such other duties as may be prescribed.

(2) The Board may, with the approval of the **[**F7Department of Justice**]**,—

(a) provide and maintain probation hostels and other establishments for use in connection with the supervision and assistance of offenders;

(b) provide and maintain bail hostels;

(c) make and give effect to schemes for the supervision and assistance of offenders and the prevention of crime;

(d) enter into arrangements with voluntary organisations or any other persons (including government departments and public bodies) whereby those organisations or persons undertake, on such terms (including terms as to payment by the Board to those organisations or persons) as may be specified in the arrangements,—

(i) the provision and maintenance of such hostels and other establishments as are mentioned in sub-paragraphs *(a)* and *(b)*;

[F8(ii) to give effect to such schemes for the supervision and assistance of offenders and the prevention of crime, whether made by those organisations or persons or made by the Board under sub#paragraph *(c)***]**

F6 Words in art. 4(1)(c) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 20** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F7 Words in art. 4(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 20** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F8 1991 NI 16

Provisions supplementary to article 4

5.—(1) For the purposes of Article 4(1) *(a)*, the Board shall—

(a) appoint probation officers [F9]...; and

(b) make such arrangements as the Board thinks fit for determining the probation officer who is to be responsible for the supervision of any probationer [F10]...;

but nothing in sub-paragraph *(a)* shall prejudice Schedule 2 or section 19(1) *(a)* (vi) of the Interpretation Act (Northern Ireland) 1954 (power to employ staff).

(2) For the purposes of Article 4(1) *(b)*, the Board may—

(a) make payments to any society or body in respect of services rendered by it; and

(b) defray travelling and other expenses in connection with the performance of work by persons in respect of whom community service orders are in force.

(3) The Board may—

(a) give financial and other assistance to, or in respect of, persons under the supervision of a probation officer or in connection with whom probation officers are required by the Board to perform any duties and persons remanded on bail;

(b) make such payments, and to such persons, as may be prescribed in respect of persons under the supervision of a probation officer, being persons required by a probation order to reside in any place otherwise than for the purpose of their submitting to treatment for their mental condition as resident patients.

F9 Words in art. 5(1)(a) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 89(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F10 Words in art. 5(1)(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 89(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Directions of [F11Department of Justice] to the Board

6. The **[**[F12]Department of Justice**]** may, after consultation with the Board, give the Board directions of a general character as to the exercise and performance of its functions, and the Board shall give effect to any such directions.

F11 Words in art. 6 heading substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 21** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F12 Words in art. 6 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 21** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Financial control of the Board

7.—(1) The **[**F13Department of Justice**]** may pay to the Board such sums in respect of its expenses as **[**F14the Department of Justice**]** may with the approval of the **[**F15Department of Finance and Personnel**]** determine.

(2) So far as relates to the use and expenditure of sums paid under paragraph (1), the Board shall give effect to any directions which the **[**F16Department of Justice**]** may give to it.

(3) Schedule 3 (which relates to the making of reports and the maintenance of records by the Board and to the auditing of its accounts) shall have effect.

F13 Words in art. 7(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 22(2)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F14 Words in art. 7(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 22(2)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F15 Words in art. 7(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 22(2)(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F16 Words in art. 7(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 22(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Supplementary powers

Power to borrow money

8.—(1) The Board may, by means of a bank overdraft or by such other means, within such limits and subject to such conditions as may be approved by the **[**F17Department of Justice**]**, temporarily borrow such sums as may be necessary for the purpose of defraying any expenses incurred by it under this Order.

(2) Any sum borrowed under paragraph (1) shall be repaid by the Board before the end of the financial year in which it is borrowed.

(3) The Board may borrow or raise money, on such terms and subject to such conditions as may be approved by the **[**F18Department of Justice**]**, upon the security of any property or assets of the Board for the purpose of meeting expenses incurred in connection with any permanent works the cost of which is properly chargeable to capital or for any other purpose for which capital moneys may properly be applied.

F17 Words in art. 8(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 23** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F18 Words in art. 8(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 23** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Insurance

9. The Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972[F19] shall not require insurance to be effected by the Board.

F19 1972 NI 6

Protection for acts done in execution of duty

10.—(1) A member of the staff of the Board shall not be personally liable in respect of any act done by him in the execution of any statutory provision relating to a function of the Board and within the scope of his employment if he acted reasonably and in honest belief that his duty under the statutory provision required or empowered him to do it; but nothing in this paragraph shall be construed as relieving the Board of any liability in respect of acts of members of its staff.

(2) Where an action is brought against a member of the staff of the Board in respect of an act done by him in the execution or purported execution of any such statutory provision and the circumstances are such that he is not legally entitled to require the Board to indemnify him, the Board may, with the approval of the **[**F20Department of Justice**]**, nevertheless indemnify him against the whole or a part of any damages or costs which he may have been ordered to pay or may have incurred, if the Board is satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under the statutory provision required or empowered him to do it.

F20 Words in art. 10(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 23** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Provisions relating to training

11.—(1) The Board may, either directly or by entering into arrangements with others,—

(a) provide training for persons with a view to, or in the course of, their employment by the Board or by a voluntary organisation approved for the purposes of this paragraph by the **[**F21Department of Justice**]**; and

(b) provide material and premises necessary for, or in connection with, the provision of any such training.

(2) training provided under paragraph (1) shall be on such terms as are approved by the **[**F22Department of Justice**]**; and in that paragraph "employment" includes employment on an occasional, voluntary or part-time basis.

(3) The Board may, subject to such conditions as the **[**F23Department of Justice**]** may determine,—

(a) make grants towards any fees or expenses incurred by, or

(b) defray or contribute towards the costs of maintenance of,

persons undergoing training for any of the purposes of this Order.

(4) The Board may, subject to such conditions as the **[**F24Department of Justice**]** may determine, pay the fees of, or make grants to, any body or persons providing training under arrangements entered into under paragraph (1).

F21 Words in art. 11(1)(a) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 23** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F22 Words in art. 11(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 23** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**