



Statutory Document No 193/95

THE CRIMINAL JUSTICE ACT 1963

THE PROBATION (AMENDMENT) RULES 1995

Approved by Tynwald 1995

Coming into operation 1st July 1995

In exercise of the powers conferred on the Department of Home Affairs by section 31(1) of the Criminal Justice Act 1963(a), and of all other enabling powers, the following Rules are hereby made:-

Citation, commencement and interpretation

1. (1) These Rules may be cited as the Probation (Amendment) Rules 1995 and, subject to section 31(2) of the Criminal Justice Act 1963, shall come into operation on the 1st July 1995.

(2) In these Rules "the principal Rules" means the Probation Rules 1988(b).

Amendment of the principal Rules

2. (1) The principal Rules are amended as follows.

(2) For rule 3 (members of Probation Liaison Committee) substitute -

"3. (1) The Committee shall consist of -

(a) 2 persons, to be appointed by the Department from among the Deemsters, the High Bailiff and the Deputy High Bailiff; and

(b) 4 persons, to be appointed by the Association from among the justices appointed under section 1 of the Justices Act 1983(c).

(a) XIX p.975 (b) GC 251/88 (c) 1983 c.23

(2) The Department shall appoint members of the Committee under paragraph (1)(a) not later than 1st March in every third year, to hold office for a term of 3 years beginning on 1st March in the year in which they are appointed.

(3) The Association shall appoint members of the Committee under paragraph (1)(b) at its annual general meeting, to hold office for a term of 3 years beginning with the date on which the members in whose place they were appointed went out of office, and two of those members shall go out of office in each year other than the year in which the members appointed under paragraph (1)(a) go out of office.

(4) If for any reason a vacancy in the members of the Committee is not filled in accordance with paragraph (2) or (3), or if a casual vacancy occurs, the Department or the Association, as the case may be, shall fill the vacancy (at its next meeting, in the case of an appointment by the Association), and the member appointed to fill a casual vacancy shall go out of office on the date on which the person in whose place he was appointed would ordinarily have gone out of office.

(5) The secretary of the Association shall notify the Department of the names and addresses of the members appointed by the Association as soon as may be after they are appointed.

(6) A member of the Committee may resign at any time by giving notice in writing to the Clerk to the Justices, who shall report the resignation to the Department and, in the case of a member appointed by the Association, to the Association.

(7) A member of the Committee shall cease to be a member if he ceases to be a Deemster, High Bailiff or Deputy High Bailiff, or to be a justice, as the case may be."

(3) In rule 6(3) (general duties of Committee), for the words from "and (c)" onwards substitute -

"(c) afford the Chief Probation Officer and the other probation officers such help and advice as it can in performing their respective duties; and

(d) assist the Department in setting the working priorities of probation officers."

Transitional provision and revocation

3. (1) The first members of the Committee to hold office under rule 3(1)(a) of the principal Rules (as substituted by rule 2(2)) shall be appointed by the Department not later than one month after the coming into operation of these Rules, to hold office until the 1st March 1998.

(2) The first members of the Committee to hold office under rule 3(1)(b) of the principal Rules (as substituted by rule 2(2)) shall be appointed by the Association at a special general meeting convened by the Clerk to the Justices.

(3) Of the members appointed under paragraph (2), 2 shall go out of office on the 1st March 1996 and 2 on the 1st March 1997; and the order in which they shall go out of office shall be determined by the Association at the said special general meeting or, in default, by the Department.

(4) The secretary of the Association shall notify the Department of the names and addresses of the members appointed under paragraph (2), and their terms of office, as soon as may be after they are appointed.

(5) Rule 15 (transitional provision) of the principal Rules is revoked.

MADE

May 11th 1995



Minister for Home Affairs

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Probation Rules 1988. The Probation Liaison Committee is to consist of 2 members appointed by the Department of Home Affairs from among the Deemsters, High Bailiff and Deputy High Bailiff and 4 justices of the peace appointed by the Isle of Man Magistrates' Association (rule 2(2)). Additional advisory functions are conferred on the Committee (rule 2(3)).