



**PROBATION OF OFFENDERS (AMENDMENT)
ACT, 2014**

(Act 19 of 2014)

I assent

A handwritten signature in black ink, appearing to read "Michel".

J. A. Michel
President

17th October, 2014



**AN ACT to amend the Probation of Offenders Act
(Cap 184)**

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Probation of Offenders
(Amendment) Act, 2014.

Short title and
commencement

Amendment of
Probation of
Offenders Act
(Cap 184)

2. The Probation of Offenders Act is amended as follows—

- (a) in section 2—
- (i) by inserting before the definition of “court” the following definition—
- ““community service” means work performed by a willing offender without remuneration at a place or in a project for a period of not less than 40 hours and not more than 240 hours in terms of an order of the court under this Act.”;
- (ii) by inserting in the definition of “court” after the words “Magistrates’ Court”, the words “and includes a Juvenile Court”;
- (iii) by inserting after the definition of “judicial officer”, the following definitions
- “Juvenile Court” means a court sitting under section 93 of the Children Act;
- “Minister” means the Minister responsible for social affairs”;
- (b) by inserting in section 3(1), after the word “Act”, the words “from among persons who are qualified under the regulations to be so appointed”;
- (c) by repealing section 4 and substituting therefor the following section—

Probation
committee

“4.(1) The Minister shall appoint a probation committee or probation committees which shall review the work of probation officers in individual cases and perform such other duties in connection with probation as may be prescribed by regulations.

(2) A probation committee shall consist of—

- (a) a representative of the Supreme Court;
- (b) a representative of the Police;
- (c) a representative of the Ministry responsible for Social Affairs;
- (d) a representative of non-governmental organisations; and
- (e) any other suitable person.”;

(d) in section 5—

- (i) by repealing in subsection (1) the words “not being an offence the penalty for which is fixed by law” and substituting therefor the words “not being an offence for which a minimum mandatory penalty is fixed by law”;
- (ii) by repealing in subsection (1) the words “the court may” and substituting therefor the words “the court shall call for a probation officer’s report on the

suitability of the offender to be placed under supervision and having considered the report, may”;

- (iii) by repealing in subsection (2)(b), the words “where the offender is under 18 years of age shall require him to” and substituting therefor the words “shall require the offender to”;
- (iv) by repealing subsection (3) and substituting therefor the following subsection—

“(3) Without prejudice to the generality of subsection (2), a probation order may include requirements relating to—

- (a) the residence of the offender, provided that before including such a requirement the court shall consider the home surroundings of the offender;
- (b) undergoing rehabilitation or treatment; and
- (c) attending education programme.”;
- (v) by inserting after subsection (6), the following subsection—
- “(6A) The court shall, in selecting a probation officer under subsection (6), have regard to the recommendation that the probation committee shall make.”;

(vi) in subsection (9), by inserting after the words “Magistrates’ Court” the words “or the Juvenile Court”;

- (e) by inserting after section 5 the following section—

Community service order

“5A.(1) Where a court which has made a probation order under section 5 in respect of an offender is of the opinion that it is expedient to make a community service order, that court may make a community service order requiring the offender to perform community service as part of the probation order.

(2) The offender in respect of whom a community service order is made under subsection (1) shall comply with the requirements of community service as prescribed in regulations.

(3) Before making an order requiring the offender to perform community service as part of probation under subsection (1) the Court shall satisfy itself that the making of such order is in the interest of—

- (a) securing the rehabilitation of the offender; and
- (b) protecting the public from him or preventing the commission by him of further offences.
- (4) The Minister shall in consultation with the Supreme Court and the probation committee, by notice published in

the *Gazette*, identify and designate areas or places for community service for the purposes of this section.

(5) An order made under this section shall be deemed to be a probation order for the purposes of this Act.”;

- (f) by repealing in section 6(2)(c), the word “National Council for Children” and substituting therefor the words “Department or Ministry responsible for social affairs;
- (g) by repealing in section 7(4), the words “one hundred and fifty rupees” and substituting therefor the words “one thousand rupees”;
- (h) by repealing in section 8, in subsection (1), the words “the sentence for which is fixed by law” and substituting therefor the words “for which there is a minimum mandatory penalty fixed by law”;
- (i) by repealing in section 12(b), the words “constitution and”.
- (j) by inserting in section 12 after paragraph (b) the following paragraph

“(bb) requirement to comply with a community service order;”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 30th September, 2014.



Ms. Luisa Waye-Hive
Assistant Clerk