



1960

c 308 Probation Act

Ontario

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CHAPTER 308

The Probation Act

1.—(1) The Lieutenant Governor in Council may appoint such probation officers as are deemed necessary for the purposes of this Act. Probation officers, appointment

(2) Every probation officer appointed under this Act is a probation officer in and for the Province of Ontario. Jurisdiction

(3) A probation officer appointed under this Act shall perform his duties in such part of Ontario as is assigned to him from time to time by the Attorney General. Where duties to be performed

(4) A probation officer appointed under this Act shall be deemed to be an officer of every court in the part of Ontario to which he is assigned and shall carry out the directions of the judges and magistrates presiding in such courts. 1959, c. 76, s. 1, *part.* Status

2.—(1) The council of a county to which a probation officer is assigned shall provide such office accommodation for him as the regulations require and every city and separated town shall, as part of the county for judicial purposes, bear and pay their just share or proportion of the cost of providing such accommodation. Office accommodation

(2) If the council of a county and the council of a city or separated town are unable to agree as to the amount to be paid by the city or separated town under subsection 1, the amount shall be determined by arbitration under Part XVI of *The Municipal Act*. Arbitration

R.S.O. 1960,
c. 249

(3) Where under an agreement or award or under a general or special Act it is the duty of a city to provide accommodation for the courts and the officers engaged in the administration of justice in the county, the city shall provide such office accommodation for the probation officer as the regulations require. 1959, c. 76, s. 1, *part.* Where city responsible

3.—(1) It is the duty of a probation officer and he has power with regard to any person convicted at a sittings of the Supreme Court for the trial of criminal cases, or at the general sessions of the peace, or at the county judges' criminal court, or at the court of a magistrate or justice of the peace, or at the Powers and duties

court of a juvenile and family court judge, in the part of Ontario to which he is assigned,

- (a) to procure and report such information as to the antecedents, family history, previous convictions, character of employment and other information respecting any person so convicted as the court requires;
- (b) to supervise under the direction of the court before whom such person was convicted the employment, conduct and general condition under which the person so convicted may be placed during the period of probation imposed by the court;
- (c) to see that any person so convicted reports from time to time as the court prescribes, and to report to the court if the person so convicted is or is not carrying out the terms on which sentence is suspended, and to see that such person, in case of default, is brought again before the court for sentence;
- (d) to see that any person so released on suspended sentence duly makes restitution and reparation;
- (e) to see that any person so convicted while on probation duly carries out any order of the court requiring him to make due provision for the support of his wife and any other dependants for whom he may be liable;
- (f) to do all such other things as are directed by the court or by the regulations made under this Act. R.S.O. 1950, c. 291, s. 2 (1); 1959, c. 76, s. 2 (1).

To be
ex officio
provincial
constable

(2) In the performance and exercise of the powers imposed by or under subsection 1, a probation officer is *ex officio* a provincial police constable. R.S.O. 1950, c. 291, s. 2 (2); 1959, c. 76, s. 2 (2).

Expenses
of office,
how borne

4. The salary or other remuneration of a probation officer and the expenses of providing clerical and other assistance and any other necessary expenses of his office are payable out of the moneys appropriated therefor by the Legislature. 1957, c. 95, s. 1; 1959, c. 76, s. 4.

Regulations

5. The Lieutenant Governor in Council may make regulations, which may be general or special in their application,

- (a) respecting the qualifications, duties and powers of probation officers;
- (b) respecting the office and other accommodation and

clerical and other assistance to be provided for probation officers;

- (c) prescribing the reports and returns to be made by probation officers;
- (d) fixing the salary or other remuneration to be paid to probation officers;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 291, s. 6.

6.—(1) Where a person is charged with having committed an offence against any statute of Ontario, the justice, magistrate or court before which such person is brought for trial may make such inquiries as he or it deems proper as to the character and reputation of the person charged and as to whether or not he has been previously convicted of any offence under the *Criminal Code* (Canada) or against a statute of Ontario, and if it appears that, regard being had to his age, character and antecedents, that it is expedient that he be released on probation of good conduct, such justice, magistrate or court may release him under one or more of the following directions and conditions:

1. That such person enters into a recognizance with or without sureties to keep the peace and to be of good behaviour.
2. That such person be placed upon probation for such period and under such circumstances as the justice, magistrate or court before which he is brought prescribes.
3. That such person shall report from time to time during such period of probation to any probation officer that the justice, magistrate or court designates.
4. That such person shall be under the supervision and direction of such probation officer during the period of probation, and shall obey and carry out the instructions and directions of the probation officer.
5. That such person pay the costs of the prosecution or some portion of the same within such period and by such instalments as the justice, magistrate or court before which he is brought directs.
6. That such person make restitution and reparation to any person or persons aggrieved or injured by the offence charged, for any actual damage or loss thereby caused.

Probation on certain conditions:

1953-54, c. 51 (Can.)

recognizance

probation

report to probation officer

supervision and direction

payment of costs

restitution

support of
family

7. That such person while on probation be ordered to provide for the support of his wife and any other dependant or dependants for whom he is liable.

other
conditions
and
directions

8. That such person perform and carry out any other direction and condition that the justice, magistrate or court before which he is brought prescribes and deems proper to impose.

Place of
abode of
person
charged
to be in
jurisdiction

(2) The justice, magistrate or court before which such person is brought, before directing the release or discharge of any such person, shall be satisfied that such person or his surety has a fixed place of residence or regular occupation in the county or place for which the justice, magistrate or court acts, or in which such person is likely to live during the period named for the observance of the conditions.

Failure to
carry out
conditions

(3) If any justice, magistrate or court having power to deal with such person in respect of the charge against him, or if any justice, magistrate or court is satisfied by information on oath that such person has failed to observe any of the conditions of his recognizance, or has failed to observe and perform any direction or condition made in reference to probation or otherwise, a new information may be issued against such person for the original offence charged, and in addition an information may also be issued against such person for a breach of any of the directions and conditions so imposed.

Penalty

(4) Upon summary conviction of a breach of any of the directions and conditions so made, such person, in addition to any penalty that may be imposed for the original offence, is liable to a fine of not more than \$50. R.S.O. 1950, c. 291, s. 7 (1-4).
