Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



1907 (7 Ed. 7) c. 17

PROBATION OF OFFENDERS ACT 1907

REVISED

Updated to 24 February 2026

This Revised Act is an administrative consolidation of the *Probation of Offenders Act 1907*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), enacted 24 February 2026, and all statutory instruments up to and including the *Culture, Communications and Sport (Delegation of Ministerial Functions) Order 2026* (S.I. No. 69 of 2026), made 24 February 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.



1907 (7 Ed. 7) c. 17

PROBATION OF OFFENDERS ACT 1907

REVISED

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1907 (7 Ed. 7) c. 17

PROBATION OF OFFENDERS ACT 1907

REVISED

Updated to 24 February 2026

An Act to permit the Release on Probation of Offenders in certain cases, and for other matters incidental thereto. [21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Annotations

Editorial Notes:

E1 Act excluded from general repeal (23.12.2009) by *Statute Law Revision Act 2009* (46/2009), s. 2(2)(b), commenced on enactment.

E2 Act retained in force (8.05.2007) by *Statute Law Revision Act 2007* (28/2007), s. 2 and sch. 1 part 4, commenced on enactment.

E3 Previous affecting provision: application of Act restricted (15.06.2007) by *European Communities (Controls of Cash Entering Or Leaving the Community) Regulations 2007* (S.I. No. 281 of 2007), reg. 7, in operation as per reg. 1(2); revoked (31.12.2016) by *Customs Act 2015* (18/2015), ss. 3(2) and sch. 1 part 2 item 26, S.I. No. 611 of 2016, subject to transtional provisions in ss. 4, 5.

E4 Previous affecting provision: application of Act restricted (6.07.2005) by *European Communities (Customs Action Against Goods Suspected of Infringing Certain Intellectual Property Rights) Regulations 2005* (S.I. No. 344 of 2005), reg. 11; revoked (1.01.2014) by *European Union (Customs Enforcement of Intellectual Property Rights) Regulations 2013* (S.I. No. 562 of 2013), reg. 10(a), in operation as per reg. 1(2).

E5 Previous affecting provision: application of Act restricted (15.02.1996) by *European Communities (Counterfeit and Pirated Goods) Regulations 1996* (S.I. No. 48 of 1996), reg. 12; revoked (7.04.2005) by *European Communities (Customs Action Against Goods Suspected of Infringing Certain Intellectual Property Rights) Regulations 2004* (S.I. No. 181 of 2005), reg. 10.

E6 Previous affecting provision: application of Act restricted (2.03.1993) by *European Communities (Tir Carnet and Ata Carnet-Transit) Regulations 1993* (S.I. No. 61 of 1993), reg. 5; revoked (31.12.2016) by *Customs Act 2015* (18/2015), ss. 3(2), 4, 5 and sch. 1 part 2 item 22, S.I. No. 611 of 2016, subject to transitional provisions in ss. 4, 5.

E7 Previous affecting provision: application of Act restricted (1.01.1993) by *European Communities (Community Transit) Regulations 1992* (S.I. No. 433 of 1992), reg. 7, in operation as per reg. 2; revoked (31.12.2016) by *Customs Act 2015* (18/2015), ss. 3(2) and sch. 1 part 2 item 21, S.I. No. 611 of 2016, subject to transitional provisions in ss. 4, 5.

Power of courts to permit conditional release of offenders.

1 Edw. 7. c. 20

1.—(1) Where any person is charged before a court of summary jurisdiction with an offence punishable by such court, and the court thinks that the charge is proved, but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, without proceeding to conviction, make an order either—

(i) dismissing the information or charge; or

(ii) discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2) Where any person has been convicted on indictment of any offence punishable with imprisonment, and the court is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, in lieu of imposing a sentence of imprisonment, make an order discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(3) The court may, in addition to any such order, order the offender to pay such damages for injury or compensation for loss (not exceeding in the case of a court of summary jurisdiction ten pounds, or, if a higher limit is fixed by any enactment relating to the offence, that higher limit) and to pay such costs of the proceedings as the court thinks reasonable F1**[**...**]**.

(4) Where an order under this section is made by a court of summary jurisdiction, the order shall, for the purpose of revesting or restoring stolen property, and of enabling the court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connexion with such restitution or delivery, have the like effect as a conviction.

Annotations

Amendments:

F1 Repealed (1.04.1909) by *Children Act 1908* (8 Edw. 7) c. 67. s. 134(3) and sch. 3, commenced as per s. 134(2).

Modifications (not altering text):

C1 Application of subs. (1) restricted by *Companies Act 2014* (38/2014), s. 343(11A), as inserted (3.12.2024) by *Companies (Corporate Governance, Enforcement and Regulatory Provisions) Act 2024* (44/2024), s. 21, S.I. No. 639 of 2024.

> **Obligation to make annual return**
>
> **343.** (1) In this section "annual return date", in relation to a company, means the date in relation to that company as provided under *section 345* and "first annual return date", in relation to a company, shall be read accordingly.
>
> …
>
> (11) If a company fails to comply with the requirements of this section, the company and any officer of it who is in default shall be guilty of a category 3 offence.
>
> **[**(11A) Section 1(1) of the Probation of Offenders Act 1907 shall not apply to an offence under this section.**]**

C2 Application of subs. (1) restricted by *Communications Regulation Act 2002* (20/2002), s. 43(4), as inserted (9.06.2023) by *Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023* (4/2023), s. 126(b), S.I. No. 299 of 2023.

> **Prosecution of summary offences by Commission**
>
> **43.**— …

[(4) Section 1 (1) of the Probation of Offenders Act 1907 shall not apply to an offence under this Act or a related enactment.**]**

C3 Application of subs. (1) restricted by *Road Traffic Act 2010* (25/2010), ss. 11(7), 13A(4), 13B(4), as amended (13.04.2017) by *Road Traffic Act 2016* (21/2016), ss. 12, 13, S.I. No. 129 of 2017.

Preliminary impairment testing

[11.— …

(5) A person who fails to comply with a requirement under *subsection (1)* or *(2)* commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.

…

(7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.**]**

…

[Obligation to provide oral fluid specimen following arrest under Part 2

13A.— …

(2) A person who refuses or fails to comply immediately with a requirement of a member of the Garda Síochána under this section commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

…

(4) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.**]**

[Obligation to provide blood specimen where suspected of certain offences involving drugs

13B.— …

(3) A person who commits an offence under this section is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

(4) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.**]**

C4 Application of subs. (1) restricted (31.12.2016) by *Customs Act 2015* (18/2015), s. 21(8), S.I. No. 611 of 2016.

[Proceedings in relation to offences

21. ...

(8) Section 1 (1) of the Probation of Offenders Act 1907 does not apply to offences under the Customs Acts.**]**

C5 Application of subs. (1) restricted by *Road Traffic Act 2010* (25/2010), s. 17A, as inserted (26.11.2014) by *Road Traffic Act 2014* (3/2014), s. 12(d), S.I. No. 535 of 2014.

Permission following taking of blood sample from unconscious driver

17A.— …

(5) A person who, following a requirement under *subsection (1)*, without reasonable excuse, refuses or fails to give his or her permission for a completed certificate to be forwarded under *section 17* commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.

…

(7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.

C6 Application of subs. (1) restricted by *Competition Act 2002* (14/2002), s. 8, as amended (3.07.2012) by *Competition (Amendment) Act 2012* (18/2012), ss. 2(h), S.I. No. 236 of 2012.

Penalties and proceedings in relation to offences under section 6 and 7

8.— …

[(11A) Section 1(1) of the Probation of Offenders Act 1907 shall not apply in relation to an offence under *section 6* or *7*.**]**

...

C7 Application of subs. (1) restricted by *Road Traffic Act 1961* (24/1961), s. 40(9), as amended (28.10.2011) by *Road Traffic (No. 2) Act 2011* (28/2011), s. 2(d), S.I. No. 542 of 2011.

Production of driving licence on demand by member of Garda Síochána

40.—(1) A member of the Garda Síochána may demand of a person—

(*a*) driving in a public place a mechanically propelled vehicle, or

(*b*) accompanying under regulations under this Act the holder of a learner permit while such holder is driving in a public place a mechanically propelled vehicle,

the production to him or her for his or her inspection of a driving licence then having effect and licensing the person to drive the vehicle. If the person refuses or fails so to produce the licence there and then, he or she commits an offence.

(2) A member of the Garda Síochána may demand of a person who is driving in a public place a mechanically propelled vehicle and is not the holder of a driving licence the production to him or her for his or her inspection of a learner permit then having effect and licensing the person to drive the vehicle. If the person refuses or fails so to produce the learner permit and is a person falling within section 35(1), he or she commits an offence.

(3) Where a person who is driving in a public place a mechanically propelled vehicle and of whom the production of a driving licence is demanded under paragraph (a) of subsection (1) or is required under subsection (4)(a) produces, in accordance with the demand or requirement, a learner permit then having effect and licensing the person to drive the vehicle concerned, the person has not committed an offence under subsection (1) or (4)(a), as the case may be.

(4)**[**(*a*) Where a person of whom the production of a driving licence or learner permit is demanded under this section refuses or fails to produce the licence or permit there and then, a member of the Garda Síochána may require the person to produce within 10 days after the date of the requirement the licence or permit in person to a member of the Garda Síochána at a Garda Síochána station to be named by the person at the time of the requirement. If the person refuses or fails so to produce the licence or permit, he or she commits an offence.**]**

(*b*) In any proceedings a certificate, purporting to be signed by the member in charge of the Garda Síochána station at which the defendant concerned was required, under paragraph (a), to produce the driving licence or learner permit, stating that the defendant did not, within 10 days after the day on which the production was required, produce a driving licence or learner permit in accordance with paragraph (a) shall, without proof of the signature of the person purporting to sign the certificate or that he or she was the member in charge of the Garda Síochána station, be evidence, until the contrary is shown, of the facts stated in the certificate.

(*c*) Where any person is required to produce a driving licence or learner permit at a Garda Síochána station and the person produces the licence or permit within 10 days after the day on which the production was required, the member in charge of the Garda Síochána station shall issue a certificate stating that the licence or permit was so produced and such certificate shall be evidence of the facts stated in the certificate.

(5) Where a person of whom the production of a driving licence or learner permit is demanded or required under this section produces the licence or permit in accordance with the demand or requirement, but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read the licence or permit, he or she commits an offence.

[(6) Where a person of whom the production of a driving licence or learner permit is demanded or required under this section refuses or fails so to produce the licence or permit or produces the licence or permit but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read the licence or permit, the member may demand of the person his or her name and address and date of birth and, if the person refuses or fails to give to the member his or her name and address and date of birth or gives to the member a name or address or date of birth which is false or misleading, he or she commits an offence.**]**

…

(9) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.

…

C8 Application of subs. (1) restricted (28.10.2011) by *Road Traffic Act 2010* (25/2010), ss. 4(7), 5(7), 12(6), S.I. No. 543 of 2011.

Prohibition on driving mechanically propelled vehicle while under influence of intoxicant or if exceeding alcohol limits

4.— …

(5) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both.

…

(7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.

Prohibition on being in charge of mechanically propelled vehicle while under influence of intoxicant or if exceeding alcohol limits

5.— …

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both.

…

(7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.

…

Obligation to provide breath, blood or urine specimens following arrest under Part 2

12.— …

(2) Subject to *section 22*, a person who refuses or fails to comply immediately with a requirement under *subsection (1)(a)* commits an offence.

(3) Subject to *section 22*, a person who, following a requirement under *subsection (1)(b)*—

(*a*) refuses or fails to comply with the requirement, or

(*b*) refuses or fails to comply with a requirement of a designated doctor or designated nurse in relation to the taking under that subsection of a specimen of blood or the provision under that subsection of a specimen of urine,

commits an offence.

(4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both.

…

(6) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.

C9 Application of subs. (1) restricted by *Road Traffic Act 2010* (25/2010), ss. 9(8), 14(7), 24(7), as amended (28.10.2011) by *Road Traffic (No. 2) Act 2011* (28/2011), ss. 7, 8, 9(e), S.I. No. 542 of 2011.

Obligation to provide preliminary breath specimen

[9.— …

(3) [Subject to *section 22(1A)*, a person who refuses or fails to comply] immediately with a requirement of a member of the Garda Síochána under this section commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

…

(8) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.

…**]**

Obligation to provide blood or urine specimen while in hospital

[14.— …

(2) Subject to *section 22*, a person who, following a requirement under *subsection (1)*—

(*a*) refuses or fails to comply with the requirement, or

(*b*) refuses or fails to comply with a requirement of a designated doctor or designated nurse in relation to the taking under that subsection of a specimen of blood or the provision under that subsection of a specimen of urine,

commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

…

(7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.

…**]**

Medical examination at Garda Síochána station or hospital

24.— …

(2) A person who refuses or fails to comply with a requirement under *subsection (1)* commits an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both.

[…

(7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.**]**

C10 Application of subs. (1) restricted (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 55, S.I. No. 255 of 2011.

Probation of Offenders Act 1907 not to apply to penalty point offences

55.— Section 1(1) of the Probation of Offenders Act 1907 does not apply to a penalty point offence (within the meaning of section 1(1) of the Act of 2002).

C11 Application of subs. (1) restricted (1.12.2005) by *Social Welfare Consolidation Act 2005* (26/2005), s. 256, S.I. No. 923 of 2005.

Application of Probation of Offenders Act 1907.

256.—Where—

(*a*) (i) the employer of an employed contributor is charged with an offence in relation to payment of employment contributions in respect of that contributor, or

(ii) a person is charged under this Act with an offence in relation to the receipt of any benefit,

and

(*b*) the court proposes to make an order under section 1 (1) of the Probation of Offenders Act 1907,

the court shall not make the order until it is satisfied that all arrears in respect of those contributions have been paid by the employer or any amounts due to be repaid in respect of that benefit have been repaid.

C12 Application of section restricted (1.10.2001) by *Finance Act 2001* (7/2001), ss. 126(6), S.I. No. 430 of 2001.

Proceedings in relation to offences

126.—(1) This section is concerned with proceedings in relation to any offence under or by virtue of the statutes which relate to the duties of excise or to the management of such duties or under any instrument relating to the management of such duties made under statute.

…

(6) Section 1 of the Probation of Offenders Act, 1907, shall not apply to offences to which this section relates.

C13 Application of section restricted (30.11.1997) by *Taxes Consolidation Act 1997* (39/1997), s. 1078(8), commenced on enactment.

Revenue offences

1078.— …

(8) Section 1 of the Probation of Offenders Act, 1907, shall not apply in relation to offences under this section.

...

C14 Application of subs. (1) restricted by *Road Transport Act 1933* (8/1933), s. 9(2)(b), as substituted (16.05.1978) by *Road Transport Act 1978* (8/1978), s. 2, commenced on enactment.

Prohibition of carrying on merchandise road transport business by unlicensed persons.

9.—(1) (*a*) Subject to paragraph (*b*) of this subsection and to subsection (5) of this section, it shall not be lawful on or after the appointed day for any person in the course of a merchandise road transport business carried on by him to carry merchandise in any area in the State unless the person is the holder of a licence (in this Act referred to as a merchandise licence) granted under this Act authorising him to carry on a merchandise road transport business in that area and the business is carried on under and in accordance with the licence.

(*b*) Notwithstanding paragraph (*a*) of this subsection and section 124 of the Transport Act, 1944 , the holder of a merchandise licence may carry on a merchandise road transport business when carrying commodities the carriage of which is not subject to any statutory restriction or limitation under this section, whether or not a vehicle plate is on issue to him in respect of the vehicle in which they are carried.

(2) (*a*) Every person who carries merchandise in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction—

(i) in the case of a first offence, to a fine not exceeding £250, or

(ii) in the case of a second or subsequent offence, to a fine not exceeding £500.

(*b*) Section 1 (1) of the Probation of Offenders Act, 1907, shall not apply to a second or subsequent offence under this section.

C15 Application of subs. (2) restricted (19.06.1975) by *Air Navigation and Transport Act 1975* (9/1975), s. 6(3), commenced on enactment.

Penalties for offences under section 3

6.—(1) A person guilty of an offence under section 3 of this Act shall be liable, on conviction on indictment, to imprisonment for life or for such other term as the court considers proper.

(2) A court shall not suspend a sentence imposed under this section.

(3) Section 1 (2) of the Probation of Offenders Act, 1907, shall not apply in relation to an offence under section 3 of this Act.

C16 Application of subs. (2) restricted (20.12.1973) by *Air Navigation and Transport Act 1973* (29/1973), s. 16(3), S.I. No. 343 of 1973.

Penalty for offences under section 11

16.—(1) A person guilty of an offence under section 11 of this Act shall be liable, on conviction on indictment, to imprisonment for life or for such other term as the court considers proper.

(2) A court shall not suspend a sentence imposed under this section.

(3) Section 1 (2) of the Probation of Offenders Act, 1907, shall not apply in relation to an offence under section 11 of this Act.

C17 Application of subs. (1) restricted by *Fisheries (Consolidation) Act 1959* (14/1959), s. 164 as substituted (1.01.1963) by *Fisheries (Amendment) Act 1962* (31/1962), s. 16, S.I. No. 216 of 1962.

[Penalty for using deleterious matter for capture, etc., of fish or having possession of deleterious matter with intent to use it in capture etc., of fish

164.—(1) If any person uses in any waters any deleterious matter for the capture, destruction or injury of fish he shall be guilty of an offence under this section.

(2) If any person being on the bank of or near any waters has in his possession or under his control any deleterious matter he shall be guilty of an offence under this section.

(3) It shall be a good defence to a charge under subsection (2) for the defendant to prove that the deleterious matter was in his possession or under his control for an innocent purpose.

(4) Every person guilty of an offence under this section shall be liable—

(*a*) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment,

(*b*) on conviction on indictment, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(5) Subsection (1) of section 1 of the Probation of Offenders Act, 1907, shall not apply in relation to an offence under this section.**]**

C18 Application of subs. (1) restricted by *Foyle Fisheries Act 1952* (5/1952), s. 41, as inserted (1.03.1962) by *Foyle Fisheries (Amendment) Act 1961* (44/1961), s. 3, S.I. No. 24 of 1962.

Penalty for use or possession of deleterious matter

41.—(1) If any person uses in any waters any deleterious matter for the capture, destruction or injury of fish he shall be guilty of an offence against this Act.

(2) If any person being on the bank of or near any waters has in his possession or under his control any deleterious matter he shall be guilty of an offence against this Act.

(3) It shall be a good defence to a charge under subsection (2) for the defendant to prove that the deleterious matter was in his possession or under his control for an innocent purpose.

(4) Every person guilty of an offence under this section shall be liable—

(*a*) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment;

(*b*) on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(5) Subsection (1) of section 1 of the Probation of Offenders Act, 1907 , shall not apply in relation to an offence under this section.

C19 Appeal to Circuit Court from District Court order provided for (8.12.1953) by *Courts of Justice Act 1953* (32/1953), s. 33.

Appeal from order under Probation of Offenders Act, 1907

33.—An appeal shall lie to the Circuit Court from an order of the District Court under subsection (1) of section 1 of the Probation of Offenders Act, 1907.

C20 Application of subs. (1) restricted (20.05.1927) by *Intoxicating Liquor Act 1927* (15/1927), s. 35, commenced on enactment.

Application of the Probation of Offenders Act 1907

35.—The provisions of sub-section (1) of section 1 of the Probation of Offenders Act, 1907, shall not apply where any person is charged before a Justice of the District Court with an offence to which this Part of this Act applies and the Court thinks that the charge is proven.

Editorial Notes:

E8 Previous affecting provision: application of subs. (1) restricted by *Road Traffic Act 1994* (7/1994), s. 12(8), 15(7) as substituted (1.06.2011) by *Road Traffic Act 2011* (7/2011), ss. 2, 3, S.I. No. 253 of 2011; repealed (29.10.2011) by *Road Traffic Act 2010* (25/2010), s. 33(c), S.I. No. 544 of 2011.

E9 Previous affecting provision: application of subs. (1) restricted (10.09.2009) by *European Communities (Road Haulage and Road Passenger Transport Operators Licences) Regulations 2009* (S.I. No. 318 of 2009), reg. 5(3), in operation as per reg. 1(2); revoked (4.12.2011) by *European Union (Occupation of Road Transport Operator) Regulations 2011* (S.I. No. 697 of 2011), reg. 11(f).

E10 Previous affecting provision: subs. (1) restricted (2.12.1994) by *Road Traffic Act 1994* (7/1994), ss. 13(5), 14(6), 15(4), S.I. No. 350 of 1994; repealed (28.10.2011) *Road Traffic Act 2010* (25/2010), s. 33(c), S.I. No. 544 of 2011.

E11 Previous affecting provision: application of subs. (1) restricted by *Road Traffic Act 1961* (24/1961), s. 49(7) as substituted (2.12.1994) by *Road Traffic Act 1994* (7/1994), s. 10, S.I. No. 350 of 1994; repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 33(a), S.I. No. 544 of 2011.

E12 Previous affecting provision: application of subs. (1) restricted (16.11.1993) by *Social Welfare (Consolidation) Act 1993* (27/1993), s. 217, S.I. No. 335 of 1993; repealed (1.12.2005) by *Social Welfare Consolidation Act 2005* (26/2005), s. 360(1) and sch. 7, S.I. No. 923 of 2005.

E13 Previous affecting provision: application of subs. (1) restricted by *Social Welfare (Consolidation) Act 1981* (1/1981) s. 294K as inserted (25.06.1993) by *Social Welfare Act 1993* (5/1993), s. 27, S.I. No. 174 of 1993; repealed (16.11.1993) by *Social Welfare (Consolidation) Act 1993* (27/1993), s. 300 and sch. 5, S.I. No. 335 of 1993.

E14 Previous affecting provision: application of subs. (1) restricted (18.07.1991) by *Social Welfare (Rent Allowance) Regulations 1991* (S.I. No. 208 of 1991), reg. 19, in operation as per reg. 2; revoked (4.06.1998) by *Social Welfare (Rent Allowance) Regulations 1998* (S.I. No. 188 of 1998), reg. 5 and sch. B, in operation as per reg. 2.

E15 Application of subs. (1) restricted (30.03.1988) by *Social Welfare Act 1988* (7/1988), s. 19, commenced on enactment; repealed (16.11.1993) by *Social Welfare (Consolidation) Act 1993* (27/1993), s. 300 and sch. 5, S.I. No. 335 of 1993.

E16 Previous affecting provision: application of section restricted (23.05.1984) by *Finance Act 1984* (9/1984), s. 78, commenced on enactment; repealed (1.11.2010) by *Value-Added Tax Consolidation Act 2010* (31/2010), s. 123(3) and sch. 8 part 1, commenced as per s. 125.

E17 Previous affecting provision: application of section restricted (8.06.1983) by *Finance Act 1983* (15/1983), s. 94(8), commenced on enactment; repealed (30.11.1997) by *Taxes Consolidation Act 1997* (39/1997), s. 1098(1) and sch. 30, commenced on enactment, in effect (6.04.1997) as per subs. (1).

E18 Previous affecting provision: application of subs. (1) restricted (28.02.1981) by *Social Welfare (Consolidation) Act 1981* (1/1981) s. 118, S.I. No. 63 of 1981; repealed (16.11.1993) by *Social Welfare (Consolidation) Act 1993* (27/1993), s. 300 and sch. 5, S.I. No. 335 of 1993.

E19 Previous affecting provision: application of subs. (1) restricted (20.07.1978) by *Road Traffic (Amendment) Act 1978* (19/1978), s. 13(5), S.I. No. 192 of 1978; repealed (2.12.1994) by *Road Traffic Act 1994* (7/1994), s. 4(1), S.I. No. 350 of 1994.

E20 Previous affecting provision: application of subs. (1) restricted by *Road Traffic Act 1961* (24/1961), ss. 49(5), as substituted (20.07.1978) by *Road Traffic (Amendment) Act 1978* (19/1978), s. 10, S.I. No. 192 of 1978; section substituted (2.12.1994) by *Road Traffic Act 1994* (7/1994), s. 10, S.I. No. 350 of 1994.

E21 Previous affecting provision: application of subs. (1) restricted (19.12.1977) by *European Communities (Road Passenger Transport) Regulations 1977* (S. I. No. 388 of 1977), reg. 18(4); revoked (21.03.1991) by *European Communities (Road Passenger Transport) Regulations 1991* (S.I. No. 59 of 1991), reg. 23, in operation as per reg. 1(2).

E22 Previous affecting provision: application of subs. (1) restricted (19.12.1977) by *European Communities (Merchandise Road Transport) Regulations 1977* (S. I. No. 386 of 1977), reg. 18(4); revoked (30.09.1988) by *European Communities (Merchandise and Road Transport) Regulations 1988* (S.I. No. 180 of 1988), reg. 14, in operation as per regs. 1(3), 14.

E23 Previous affecting provision: application of subs. (1) restricted (3.11.1969) by *Road Traffic Act 1968* (25/1968), s. 30(5), S.I. No. 195 of 1969; repealed (20.07.1978) by *Road Traffic (Amendment) Act 1978* (19/1978), s. 5(1), S.I. No. 192 of 1978.

E24 Previous affecting provision: application of subs. (1) restricted (1.01.1968) by *Redundancy Payments Act 1967* (21/1967), s. 50, S.I. No. 302 of 1967; repealed (6.04.1991) by *Social Welfare Act 1991* (7/1991), s. 39(1) and sch. C, in operation as per s. 39(3).

E25 Previous affecting provision: application of section restricted (6.04.1963) by *Finance Act 1963* (23/1963), s. 34(11), commenced as per s. 106(6); repealed (31.12.2016) by *Customs Act 2015* (18/2015), s. 3(2) and sch. 1 part 2 item 36, S.I. No. 611 of 2016, subject to transitional provisions in ss. 4, 5.

E26 Previous affecting provision: application of subs. (1) restricted (16.07.1958) by *Transport Act 1958* (19/1958), s. 28(4), commenced on enactment; repealed (16.05.1978) by *Road Transport Act 1978* (8/1978), s. 2, commenced on enactment.

E27 Previous affecting provision: application of subs. (1) restricted (14.06.1952) by *Social Welfare Act 1952* (11/1952), s. 55, commenced on enactment; repealed (28.02.1981) by *Social Welfare (Consolidation) Act 1981* (1/1981), s. 310 and sch. 6 part 2, S.I. No. 63 of 1981.

E28 Previous affecting provision: application of subs. (1) restricted (2.08.1935) by *Widows' and Orphans' Pensions Act 1935* (29/1935), s. 74, commenced on enactment; repealed (28.02.1981) by *Social Welfare (Consolidation) Act 1981* (1/1981), s. 310 and sch. 6 part 2, S.I. No. 63 of 1981.

E29 Previous affecting provision; subs. (1) applied with modifications (28.02.1935) by *Criminal Law Amendment Act 1935* (6/1935), s. 16(2), commenced on enactment; repealed (7.07.1993) by *Criminal Law (Sexual Offences) Act 1993* (20/1993), s. 14 and sch., commenced on enactment.

Probation orders and conditions of recognizances.

2.—(1) A recognizance ordered to be entered into under this Act shall, if the court so order, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Act referred to as a probation order.

F2**[**(2) A recognisance under this Act may contain such additional conditions with respect to residence, abstention from intoxicating liquor, and any other matters, as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences.**]**

(3) The court by which a probation order is made shall furnish to the offender a notice in writing stating in simple terms the conditions he is required to observe.

Annotations

Amendments:

F2 Substituted (1.12.1914) by *Criminal Justice Administration Act 1914* (4 & 5 Geo. 5) c. 58, s. 8, commenced as per s. 44(1).

Probation officers.

3.—(1) There may be appointed as probation officer or officers for a petty sessional division such person or persons of either sex as the authority having power to appoint a clerk to the justices of that division may determine, and a probation officer when acting under a probation order shall be subject to the control of petty sessional courts for the division for which he is so appointed.

(2) There shall be appointed, where circumstances permit, special probation officers, to be called children's probation officers, who shall, in the absence of any reasons to the contrary, be named in a probation order made in the case of an offender under the age of sixteen.

(3) The person named in any probation order shall,—

(*a*) where the court making the order is a court of summary jurisdiction, be selected from amongst the probation officers for the petty sessional division in or for which the court acts; or

(*b*) where the court making the order is a court of assize or a court of quarter sessions, be selected from amongst the probation officers for the petty sessional division from which the person charged was committed for trial:

Provided that the person so named may, if the court considers it expedient on account of the place of residence of the offender, or for any other special reason, be a probation officer for some other petty sessional division, and may, if the court considers that the special circumstances of the case render it desirable, be a person who has not been appointed to be probation officer for any petty sessional division.

(4) A probation officer appointed for a petty sessional division may be paid such salary as the authority having the control of the fund out of which the salary of the clerk to the justices of that petty sessional division is paid may determine, and if not so paid by salary may receive such remuneration for acting under a probation order as the court making the order thinks fit, not exceeding such remuneration as may be allowed by the regulations of such authority as aforesaid, and may in either case be paid such out-of-pocket expenses as may be allowed under such regulations as aforesaid, and the salary or remuneration and expenses shall be paid by that authority out of the said funds.

(5) A person named in a probation order not being a probation officer for a petty sessional division may be paid such remuneration and out-of-pocket expenses out of such fund as the court making the probation order may direct, not exceeding such as may be allowed under

the regulations of the authority having control of the fund out of which the remuneration is directed to be paid.

(6) The person named in a probation order may at any time be relieved of his duties, and, in any such case or in case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognizance to appear for conviction or sentence, or, if he be a probation officer for a petty sessional division, by a court to whose control that officer is subject.

(7) In the application of this Act to the City of London and the metropolitan police court district, the city and each division of that district shall be deemed to be a petty sessional division.

Duties of probation officers.

4.—It shall be the duty of a probation officer, subject to the directions of the court—

(*a*) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the probation officer may think fit;

(*b*) to see that he observes the conditions of his recognizance;

(*c*) to report to the court as to his behaviour;

(*d*) to advise, assist, and befriend him, and, when necessary, to endeavour to find him suitable employment.

Power to vary conditions of release.

5.— F3**[**The court before which any person is bound by a recognisance under this Act to appear for conviction and sentence or for sentence—

(*a*) may at any time if it appears to it, upon the application of the probation officer, that it is expedient that the terms or conditions of the recognisance should be varied, summon the person bound by the recognisance to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the recognisance by extending or diminishing the duration thereof (so, however, that it shall not exceed three years from the date of the original order), or by altering the conditions thereof, or by inserting additional conditions; or

(*b*) may on application being made by the probation officer, and on being satisfied that the conduct of the person bound by the recognisance has been such as to make it unnecessary that he any longer be under supervision, discharge the recognisance.**]**

Annotations

Amendments:

F3 Substituted (1.12.1914) by *Criminal Justice Administration Act 1914* (4 & 5 Geo. 5) c. 58. s. 9, commenced as per s. 44(1).

Provision in case of offender failing to observe conditions of release.

29 & 30 Vict. c. 118.

6.—(1) If the court before which an offender is bound by his recognizance under this Act to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such court and at such time as may be specified in the summons.

(2) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear for conviction or sentence, be brought before a court of summary jurisdiction.

(3) The court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons as aforesaid, may, if it is not the court before which he is bound by his recognizance to appear for conviction or sentence, remand him to custody or on bail until he can be brought before the last-mentioned court.

(4) An offender so remanded to custody may be committed during remand to any prison to which the court having power to convict or sentence him has power to commit prisoners. F4**[**...**]**

(5) A court before which a person is bound by his recognizance to appear for conviction and sentence, on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without further proof of his guilt, convict and sentence him for the original offence or, if the case was one in which the court in the first instance might, under section fifteen of the Industrial Schools Act, 1866, have ordered the offender to be sent to a certified industrial school, and the offender is still apparently under the age of twelve years, make such an order.

Annotations

Amendments:

F4 Repealed (1.04.1909) by *Children Act 1908* (8 Edw. 7) c. 67. s. 134(3) and sch. 3, commenced as per s. 134(2).

Modifications (not altering text):

C21 Application of section extended (1.03.2007) by *Children Act 2001* (24/2001), s. 128, S.I. No. 64 of 2007.

Failure to observe conditions of probation

128.—(1) If a person who has failed to observe any condition of a recognisance under section 6 of the Act of 1907 is a child, the court may, in addition to its powers under that section—

(*a*) direct the child to comply with the condition in so far as it has not been complied with, or

(*b*) revoke the order and substitute another community sanction.

(2) *Subsection (1)* shall not apply to any recognisance under the Act of 1907 which was entered into before the commencement of this section.

Power to make rules.

7.—The Secretary of State may make rules for carrying this Act into effect, and in particular for prescribing such matters incidental to the appointment, resignation, and removal of probation officers, and the performance of their duties, and the reports to be made by them, as may appear necessary.

Annotations

Editorial Notes:

E30 Secretary of State construed as Lord Lieutenant, see s. 9 below.

Application to Scotland.

8.—This Act shall apply to Scotland, subject to the following modifications:—

(1) There may be appointed as probation officers for a district being a royal, parliamentary, or police burgh, or a county outwith the police boundaries of any such burgh, such persons as the burgh magistrates may determine for the burgh and the sheriff for the county; and a probation officer when acting under a probation order shall be subject to the control of the burgh police court or sheriff court, as the case may be:

(2) The immediately preceding subsection shall be substituted for subsection one of section three of this Act, and references in this Act to a petty sessional division shall be construed as references to a district:

(3) The expression "court of summary jurisdiction" where occurring in section three of this Act shall include the sheriff sitting with a jury:

(4) "Bond" shall be substituted for "recognizance," the "Secretary for Scotland" shall be substituted for "the Secretary of State," and "the High Court of Justiciary" shall be substituted for "a court of assize or a court of quarter sessions":

(5) The authority having power to regulate the remuneration of probation officers shall be the town council in a burgh and the county council in a county, and such remu-

neration shall be paid out of the burgh general or police assessment or the county general assessment, as the case may be.

Application to Ireland.

9.—In the application of this Act to Ireland "Lord Lieutenant" shall be substituted for "Secretary of State," and each division of the police district of Dublin metropolis shall be deemed to be a petty sessional division.

Annotations

Modifications (not altering text):

C22 Lord Lieutenant construed (20.12.1922) by *Adaptation of Enactments Act 1922* (2/1922), s. 11, commenced on enactment.

General Adaptations of References to Government Departments.

11.—(1) Subject and without prejudice to the specific adaptations made by this Act or by any Order made under the authority of this Act, every mention or reference contained in any British Statute of or to any Minister, Official, Department or Authority of the Government of the late United Kingdom or of the late British Government in Ireland including the Lord Lieutenant exercising executive functions shall in respect of the doing or not doing of any act, matter or thing after the 6th day of December, 1922, be construed and take effect as a mention of or reference to the Minister, Official, Department or Authority in Saorstát Eireann exercising in Saorstát Eireann functions, the same as or corresponding to the functions exercised in respect of the area now comprised in Saorstát Eireann by such Minister, Official, Department or Authority of the Government of the late United Kingdom or the late British Government in Ireland prior to the 6th day of December, 1921; but this section shall not apply to any provision contained in any such Statute relating to the remuneration of any Minister or other official.

(2) If any question shall arise as to which Minister, Official, Department or Authority exercises in Saorstát Eireann functions the same as or corresponding to the functions exercised by any Minister, Official, Department or Authority of the Government of the late United Kingdom or of the late British Government in Ireland, such question shall be determined by the President of the Executive Council, whose decision shall be final.

Short title and repeal.

10.—(1) This Act may be cited as the Probation of Offenders Act, 1907.

(2) The enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

(3) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

Section 10.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879	Section sixteen.
50 & 51 Vict. c. 25.	The Probation of First Offenders Act, 1887.	The whole Act.
1 Edw. 7. c. 20	The Youthful Offenders Act, 1901	Section twelve.



1907 (7 Ed. 7) c. 17

PROBATION OF OFFENDERS ACT 1907

REVISED

Updated to 24 February 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Companies (Corporate Governance, Enforcement and Regulatory Provisions) Act 2024* (44/2024)
- *Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023* (4/2023)
- *Road Traffic Act 2016* (21/2016)
- *Customs Act 2015* (18/2015)
- *Road Traffic Act 2014* (3/2014)
- *Competition (Amendment) Act 2012* (18/2012)
- *Road Traffic (No. 2) Act 2011* (28/2011)
- *Road Traffic Act 2011* (7/2011)
- *Road Traffic Act 2010* (25/2010)
- *Statute Law Revision Act 2007* (28/2007)

- *Social Welfare Consolidation Act 2005* (26/2005)
- *Children Act 2001* (24/2001)
- *Finance Act 2001* (7/2001)
- *Taxes Consolidation Act 1997* (39/1997)
- *Road Traffic Act 1994* (7/1994)
- *Social Welfare (Consolidation) Act 1993* (27/1993)
- *Social Welfare Act 1993* (5/1993)
- *Social Welfare Act 1988* (7/1988)
- *Finance Act 1984* (9/1984)
- *Finance Act 1983* (15/1983)
- *Social Welfare (Consolidation) Act 1981* (1/1981)
- *Road Traffic (Amendment) Act 1978* (19/1978)
- *Road Transport Act 1978* (8/1978)
- *Air Navigation and Transport Act 1975* (9/1975)
- *Air Navigation and Transport Act 1973* (29/1973)
- *Road Traffic Act 1968* (25/1968)
- *Redundancy Payments Act 1967* (21/1967)
- *Finance Act 1963* (23/1963)
- *Fisheries (Amendment) Act 1962* (31/1962)
- *Foyle Fisheries (Amendment) Act 1961* (44/1961)
- *Road Traffic Act 1961* (24/1961)
- *Transport Act 1958* (19/1958)
- *Courts of Justice Act 1953* (32/1953)
- *Social Welfare Act 1952* (11/1952)
- *Widows' and Orphans' Pensions Act 1935* (29/1935)
- *Criminal Law Amendment Act 1935* (6/1935)
- *Intoxicating Liquor Act 1927* (15/1927)
- *Criminal Justice Administration Act 1914* (1914 (4 & 5 Geo. 5) c. 58)
- *Children Act 1908* (1908 (8 Edw. 7) c. 67)

All Acts up to and including *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), enacted 24 February 2026, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Communities (Road Haulage and Road Passenger Transport Operators Licences) Regulations 2009* (S.I. No. 318 of 2009)
- *European Communities (Controls of Cash Entering Or Leaving the Community) Regulations 2007* (S.I. No. 281 of 2007)
- *European Communities (Customs Action Against Goods Suspected of Infringing Certain Intellectual Property Rights) Regulations 2005* (S.I. No. 344 of 2005)
- *European Communities (Counterfeit and Pirated Goods) Regulations 1996* (S.I. No. 48 of 1996)
- *European Communities (Tir Carnet and Ata Carnet-Transit) Regulations 1993* (S.I. No. 61 of 1993)
- *European Communities (Community Transit) Regulations 1992* (S.I. No. 433 of 1992)
- *Social Welfare (Rent Allowance) Regulations 1991* (S.I. No. 208 of 1991)
- *European Communities (Road Passenger Transport) Regulations 1977* (S.I. No. 388 of 1977)
- *European Communities (Merchandise Road Transport) Regulations 1977* (S.I. No. 386 of 1977)

All statutory instruments up to and including *Culture, Communications and Sport (Delegation of Ministerial Functions) Order 2026* (S.I. No. 69 of 2026), made 24 February 2026, were considered in the preparation of this revision.