STATUTORY INSTRUMENTS

1964 No. 279 (L.4)

CRIMINAL PROCEDURE, ENGLAND AND WALES SUPREME COURT OF JUDICATURE, ENGLAND

The Assizes Order 1964

Made - - - -	*26th February* 1964
Laid before Parliament	*3rd March* 1964
Coming into Operation	*4th March* 1964

At the Court at Buckingham Palace, the 26th day of February 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas section 72 of the Supreme Court of Judicature (Consolidation) Act 1925(a) enables Her Majesty from time to time by Order in Council to provide for the regulation of circuits, including (among other things) the discontinuance and formation of circuits; the place or places at which assizes are to be held on any circuit; the holding of assizes at more than one place in the same county on the same circuit and the division of a county for that purpose; the uniting of two or more counties for the purpose of certain assizes; the alteration of the day appointed for holding assizes at any place; the jurisdiction of the court, the duties and functions of sheriffs and other officers and the regulation of the venue; and any matters which appear to Her Majesty to be necessary or proper for carrying into effect any Order made under the said section:

And Whereas the said section enables Her Majesty from time to time by Order in Council to revoke or amend any such Order:

And Whereas by divers Orders in Council (and in particular by Orders in Council dated the 5th February 1876(b), the 26th June 1884(c) and the 18th August 1916(d), and by the Assizes (North-Eastern Circuit) Order 1955(e) and the Assizes (Circuits) Order 1962(f)) provision was made for the above-mentioned matters:

And Whereas it is expedient for the better regulation of the aforesaid matters and the despatch of business at assizes that all the said Orders should now be replaced by the provisions of this Order:

Now, therefore, in exercise of the powers conferred on Her by the said section 72 and all other powers enabling Her in that behalf, Her Majesty, by and with the advice of Her Privy Council, is pleased to order, and it is hereby ordered, as follows:—

Interpretation

1.—(1) In this Order, unless the context otherwise requires—

"civil business" does not include divorce business;

(a) 15 & 16 Geo. 5. c. 49. (b) Rev. XXII, p. 14. (c) Rev. XXII, p. 17.
(d) S.R. & O. 1916/636, 637, 638 (Rev. XXII, pp. 54, 57, 61: 1916 III, pp. 104, 108, 112).
(e) S.I. 1955/560 (1955 II, p. 2549). (f) S.I. 1962/640 (1962 I, p. 674).

"divorce business" means matrimonial causes of any class prescribed by an order made under section 70(5) of the Supreme Court of Judicature (Consolidation) Act 1925 and any matters arising out of or connected with any such causes;

"divorce town" has the meaning assigned to it by the Matrimonial Causes Rules 1957(a);

"judge of assize" means, in relation to any assizes, the judge before whom those assizes are or are due to be held, or, if there are two or more such judges, the senior of them;

"President" means the President of the Probate, Divorce and Admiralty Division;

"winter assizes", "summer assizes" and "autumn assizes" mean respectively assizes commenced between the Christmas Vacation and the Easter Vacation, assizes commenced between the Easter Vacation and the Long Vacation, and assizes commenced between the Long Vacation and the Christmas Vacation.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Constitution of the Circuits

2.—(1) For the purpose of assizes England and Wales shall be divided into seven circuits, namely, the South-Eastern, Midland, Northern, North-Eastern, Oxford, Wales and Chester, and Western Circuits, comprising respectively the counties and towns specified in Schedule 1.

(2) Assizes for the several counties and towns shall be held at the assize towns specified in Schedule 1.

Commission Days and Adjourned Assizes

3.—(1) Without prejudice to the powers conferred on a judge or commissioner of assize by paragraphs (3) and (4) of this article, commission days for the several places at which assizes are to be held, and the days on which, and places at which, adjourned assizes are to be resumed, shall be appointed (and may, if circumstances so require, be altered) by the Lord Chief Justice after consultation with the President.

(2) Adjourned assizes held for any place pursuant to the last foregoing paragraph shall be deemed to be the next assizes for that place, but it shall not be necessary for the commission to be produced at the opening of those assizes.

(3) A judge of assize may, if he considers it necessary in order to enable the business at any place to be concluded or for any other sufficient reason, postpone the commission day appointed for the assizes at any other place on the same circuit and shall, in that case, cause such notice of the postponement to be given as may be practicable.

(4) Any commissioner of assize may adjourn assizes in progress at any place to a later date and may, if he thinks fit, direct that they be resumed at another place on the same circuit and may give such consequential directions as he considers necessary.

(a) S.I. 1957/619 (1957 II, p. 2406). (b) 52 & 53 Vict. c. 63.

Opening of Commission

4. Except as provided by article 6 of this Order, at every assizes the clerk of assize, or his deputy, shall, before the commencement of business on the first working day, produce in court the commission under which the assizes are to be held (or, if the commission is required for production at some other assizes, a copy thereof) and shall state that the judges present are appointed to hold the assizes.

Business to be taken at Assizes

5.—(1) Subject to the provisions of section 2 of the Criminal Justice Administration Act 1956(a), both criminal and civil business may be taken at any assizes.

(2) Divorce business may, subject to rules of court, be taken at any assizes held at a divorce town.

Special Arrangements for Divorce Business

6.—(1) The Lord Chief Justice and the President may, if they consider that hardship or inconvenience would otherwise result, by order direct that divorce business at any place shall be commenced on a date specified in the order, being a date either before or after the commission day appointed for that place, but not earlier than the first commission day on the circuit in question:

Provided that, notwithstanding that the date so specified is earlier than the commission day appointed for the place in question, it shall not be necessary to produce the commission before the commencement of divorce business in pursuance of the order.

(2) Such notice as may be practicable shall be given of any order made under the last foregoing paragraph.

Revocation of existing Orders and Saving

7.—(1) The Orders set out in Schedule 2 are hereby revoked, so, however, that such revocation shall not affect the validity of anything done in pursuance of any of the said Orders.

(2) Nothing in this Order shall affect the operation of any commission issued before the commencement of this Order or anything done in pursuance of any such commission.

Citation and Commencement

8. This Order may be cited as the Assizes Order 1964 and shall come into operation on 4th March 1964.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 34.

1965/315

SCHEDULE 1

Article 2

CONSTITUTION OF THE CIRCUITS

1. The circuits shall be constituted as follows:—

Circuits	Counties and Towns Comprised	Assize Towns
(1) South-Eastern ...	County of Cambridge	Cambridge
	County of Essex	Chelmsford
	County of Hertford	Hertford
	County of Huntingdon	Huntingdon
	County of Kent	Maidstone
	County of Norfolk	Norwich
	County of the City of Norwich ...	
	County of Suffolk	Ipswich and Bury St. Edmunds
	County of Surrey	Kingston-upon-Thames
	County of Sussex	Lewes
(2) Midland... ...	County of Bedford	Bedford
	County of Buckingham	Aylesbury
	County of Derby	Derby
	County of Leicester	Leicester
	City of Leicester	
	County of Lincoln	Lincoln
	County of the City of Lincoln ...	
	County of Northampton	Northampton
	County of Nottingham	Nottingham
	County of the City of Nottingham	
	County of Rutland	Oakham
	Warwick Division of the County of Warwick	Warwick
	Birmingham Division of the County of Warwick	Birmingham
(3) Northern ...	County of Cumberland	Carlisle
	West Derby Division of the County of Lancaster	Liverpool
	Salford Division of the County of Lancaster	Manchester
	Northern Division of the County of Lancaster	Lancaster
	County of Westmorland	Appleby
(4) North-Eastern ...	County of Durham	Durham
	County of Northumberland ...	Newcastle upon Tyne
	County of the City of Newcastle upon Tyne	
	North and East Ridings Division of the County of York	York
	County of the City of York ...	
	Leeds Division of the County of York	Leeds
	Sheffield Division of the County of York	Sheffield

Circuits	Counties and Towns Comprised	Assize Towns
(5) Oxford	County of Berks	Reading
	County of Gloucester	Gloucester
	County of the City of Gloucester	
	County of Hereford	Hereford
	County of Monmouth	Newport
	County of Oxford	Oxford
	County of Salop	Shrewsbury
	County of Stafford	Stafford
	County of Worcester	Worcester
	County of the City of Worcester...	
(6) Wales and Chester	County of Anglesey	Beaumaris
	County of Brecknock	Brecon
	County of Caernarvon	Caernarvon
	County of Cardigan	Lampeter
	County of Carmarthen	Carmarthen
	County of the Borough of Carmarthen	
	County of Chester	Chester
	County of Denbigh	Ruthin
	County of Flint	Mold
	County of Glamorgan	Cardiff and Swansea
	County of Merioneth	Dolgellau
	County of Montgomery	Welshpool
	County of Pembroke	Haverfordwest
	County of the Town of Haverfordwest	
	County of Radnor	Presteign
(7) Western	County of Cornwall	Bodmin
	County of Devon	Exeter
	County of the City of Exeter ...	
	County of Dorset	Dorchester
	County of Somerset	Taunton and Wells
	County of the City of Bristol ...	Bristol
	County of Southampton	Winchester
	County of Wilts	Salisbury and Devizes

2. The Birmingham division of the county of Warwick shall consist of the whole of the district within the boundaries for the time being of the City of Birmingham, and the Warwick division shall consist of the remainder of the county of Warwick.

3. The West Derby, Salford and Northern divisions of the county of Lancaster shall comprise the districts included respectively in the three divisions of those names into which that county is for the time being divided for the purposes of Part I of the Criminal Justice Administration Act 1956.

4.—(1) The North and East Ridings division of the county of York shall consist of the North and East Ridings of that county.

(2) The Leeds division of the county of York shall consist of the following:—

(i) Cities and Boroughs having separate Commissions of the Peace—

Batley
Bradford
Dewsbury
Halifax
Harrogate
Huddersfield
Keighley
Leeds
Morley
Pontefract
Wakefield

(ii) Petty Sessional Divisions—

Agbrigg Lower
Agbrigg Upper
Bingley
Bowland
Brighouse Borough
Calder
Claro
Dewsbury (West Riding)
Ewecross
Goole and Selby
Osgoldcross
Ossett Borough
Otley
Pudsey Borough
Ripon Liberty
Saddleworth
Skyrack
Staincliffe East
Staincliffe West
Tadcaster
Todmorden
Wetherby

(3) The Sheffield division of the county of York shall consist of the districts included in Hallamshire for the purposes of section 3 of the Criminal Justice Administration Act 1962(a).

(4) The sheriff of the county of York shall act for the North and East Ridings and Leeds divisions, and the sheriff of Hallamshire for the Sheffield division.

5. The precepts for summoning the jurors of the counties of Warwick and York (excluding the Sheffield division) shall direct the sheriffs or other officers charged with the return of jurors to summon a competent number of jurors to serve at each place where assizes are to be held and in summoning such jurors the sheriffs or other officers concerned shall have regard to the convenience of persons summoned as jurors in respect of their places of residence.

6. Winter, summer and autumn assizes for the counties of Suffolk, Glamorgan, Somerset and Wilts shall be held at the places specified in the following table:—

County	Winter Assizes	Summer Assizes	Autumn Assizes
Suffolk ...	Ipswich ...	Bury St. Edmunds	Ipswich in 1964 and thereafter Bury St. Edmunds and Ipswich in alternate years
Glamorgan	Cardiff ...	Swansea	Swansea
Somerset ...	Taunton ...	Wells	Wells in 1964 and thereafter Taunton and Wells in alternate years
Wilts ...	Devizes ...	Salisbury... ...	Salisbury in 1964 and thereafter Devizes and Salisbury in alternate years

Notwithstanding anything in the table above, the adjourned summer assizes for the County of Glamorgan shall be resumed at Cardiff unless the Lord Chief Justice, after consultation with the President, otherwise directs.

(a) 10 & 11 Eliz. 2. c. 15.

SCHEDULE 2 Article 7

ORDERS REVOKED

Title	*Reference*
Order in Council relating to Circuits, dated 5th February 1876	Rev. XXII, p. 14
Order in Council relating to Circuits, dated 26th June 1884	Rev. XXII, p. 17
Order in Council relating to Circuits, dated 29th December 1887	Rev. XXII, p. 26
Order in Council relating to Winter Assizes, dated 10th August 1888	Rev. XXII, p. 27
Order in Council relating to Cardiganshire Assizes, dated 29th January 1889	Rev. 1890 VII, p. 797
Order in Council relating to Circuits, dated 28th July 1893	Rev. XXII, p. 28: 1893, p. 565
Order in Council as to Winter Assizes at Carlisle, dated 18th August 1916	S.R. & O. 1916/636 (Rev. XXII, p. 54: 1916 III, p. 104)
Order in Council as to Winter Assizes at Leicester, dated 18th August 1916	S.R. & O. 1916/637 (Rev. XXII, p. 57: 1916 III, p. 108)
Order in Council as to Winter Assizes at Cambridge, dated 18th August 1916	S.R. & O. 1916/638 (Rev. XXII, p. 61: 1916 III, p. 112)
Order in Council as to Autumn and Winter Assizes for the County of Somerset, dated 9th November 1920	S.R. & O. 1920/2230 (1920 II, p. 699)
The Circuit Order in Council 1930	S.R. & O. 1930/325 (Rev. XXII, p. 29: 1930, p. 1720)
The Circuit (Monmouthshire) Order 1939	S.R. & O. 1939/1861 (Rev. XXII, p. 29: 1939 II, p. 3111)
The Assizes (Matrimonial Causes) Order 1946	S.R. & O. 1946/1568 (Rev. XXII, p. 50: 1946 I, p. 1566)
The Assizes (North-Eastern Circuit) Order 1955	S.I. 1955/560 (1955 II, p. 2549)
The Assizes (Western Circuit) (No. 2) Order 1959	S.I. 1959/1307 (1959 II, p. 2526)
The Assizes (Circuits) Order 1962	S.I. 1962/640 (1962 I, p. 674)

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes and replaces the existing Orders in Council relating to assizes.