STATUTORY INSTRUMENTS

1970 No. 1679

SUPREME COURT OF JUDICATURE, ENGLAND

The Assizes Order 1970

Made - - - -	11*th November* 1970
Laid before Parliament	17*th November* 1970
Coming into Operation	1*st January* 1971

At the Court at Buckingham Palace, the 11th day of November 1970

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 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 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 for 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 section 7 of the Administration of Justice Act 1970**(b)** provides that an Order made under the said section 72 may contain a direction that, notwithstanding any enactment or custom to the contrary, assizes shall no longer be held for such county or at such place as may be specified in the Order, either at all or for the transaction of such class of business as may be so specified; and that the Order may contain such provisions as appear to Her Majesty to be necessary or expedient in consequence of the direction:

Now, therefore, in exercise of the powers conferred on Her by the said section 72 as extended by the said section 7 and of 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:—

(a) 1925 c. 49. **(b)** 1970 c. 31.

Citation, commencement and interpretation

1. This Order may be cited as the Assizes Order 1970 and shall come into operation on 1st January 1971.

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

"civil business" does not include divorce business;

"corresponding court" means that court of assize to which an accused person or an offender may most conveniently be committed for trial or to be dealt with, consistent with the avoidance of delay, the saving of expense and the avoidance of hardship to the accused person or offender;

"county" has the meaning assigned to it by section 225 of the Supreme Court of Judicature (Consolidation) Act 1925;

"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 rules made under section 7 of the Matrimonial Causes Act 1967**(a)**;

"former assize court" means a court of assize for a county or city for which assizes are no longer held after the coming into operation of this Order;

"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)** applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Circuits and assize towns

3.—(1) For the purpose of assizes England and Wales shall be divided into seven circuits, namely, the Midland, North-Eastern, Northern, Oxford, South-Eastern, Wales and Chester, and Western Circuits, comprising respectively the counties specified in the second column of the table appended to paragraph 1 of Schedule 1 to this Order and assizes shall be held at the towns specified in the third column of the said table.

(2) Notwithstanding any enactment or custom to the contrary, assizes shall no longer be held—

(*a*) for the counties of—

Anglesey
Brecknock
Buckingham

(a) 1967 c. 56. **(b)** 1889 c. 63.

Cardigan
Denbigh
Hereford
Huntingdon and Peterborough
Merioneth
Pembroke
Radnor
Rutland
Westmorland;

(*b*) for the counties of the cities of Exeter, Gloucester, Lincoln, Newcastle upon Tyne, Norwich, Nottingham, Worcester or York;

(*c*) for the county of the borough of Carmarthen;

(*d*) for the county of the town of Haverfordwest;

(*e*) for the city of Leicester.

Commission days and adjourned assizes

4.—(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) Where assizes for any place are adjourned pursuant to the last foregoing paragraph they shall be deemed to be the next assizes for that place, but notwithstanding anything in article 5 of this Order 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.

Opening of commission

5. Except as provided by article 7 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

6.—(1) Except as otherwise provided by paragraph 1 of Schedule 1 to this Order, and 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.

Divorce business

7.—(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) and shall give such notice as may be practicable of any such order.

(2) It shall not be necessary to produce the commission before the commencement of divorce business in pursuance of an order made under the last foregoing paragraph, notwithstanding that the date specified in the order is earlier than the commission day for the place in question.

Committals

8.—(1) Where a magistrates' court would or might, but for this Order, have committed an accused person for trial by a former assize court, it may commit him for trial by a corresponding court.

(2) Where a magistrates' court would or might, but for this Order, have committed an offender to be dealt with by a former assize court under any of the provisions mentioned in the next following paragraph, it may commit him to be dealt with by a corresponding court.

(3) The provisions referred to in the last foregoing paragraph are:—

section 6(3)(*b*) of the Criminal Justice Act 1948**(b)** (breach of requirement of probation order);

proviso (*b*) to section 8(3), and section 8(4), of the Criminal Justice Act 1948 (commission of further offence by person subject to probation order or order for conditional discharge);

section 41 of the Criminal Justice Act 1967**(c)** (suspended sentence);

section 56(1) of the Criminal Justice Act 1967 (committal for sentence for offences tried summarily).

Special arrangements for certain assizes

9.—(1) In this article, "city" means a county of a city or borough (other than the county of the town of Haverfordwest) for which, pursuant to article 3(2) of this Order, assizes are no longer held, and includes the city of Leicester; and "county" means a county at large adjoining such a city.

(2) The precepts for summoning jurors for any assize to be held for the county shall be directed to the sheriffs or other proper officers of the county and of the city charged with the return of jurors.

(a) 1956 c. 34. **(b)** 1948 c. 58. **(c)** 1967 c. 80.

(3) Upon receipt of the precepts, the said sheriffs or other officers shall summon such number of jurors from the county and the city to serve at the place where the assizes are to be held as may be agreed between them or as, in default of agreement, they may be required to summon by the judge of assize.

(4) Jurors summoned from either the county or the city shall be liable to serve at the assizes for the county.

(5) Any expenses or allowances payable to jurors summoned by the sheriff or other proper officer of the city in respect of attendance at a county assize shall in the first instance be paid by the county council but shall be recoverable in accordance with paragraph (6) of this article.

(6) The council of the city shall pay to the county council such share of the costs of, and incidental to, the assize (including any expenses or allowances payable to jurors and a contribution towards the cost of providing court accommodation and judges' lodgings) as shall be agreed between them or as, in default of agreement, shall be determined by the Lord Chancellor.

(7) Nothing in this Order shall affect the duties and responsibilities of the council or other proper authority of a city as respects the provision and maintenance of a courthouse and judges' lodgings; and, notwithstanding anything in section 75 of the Supreme Court of Judicature (Consolidation) Act 1925, a county assize may be held in any courthouse so provided.

Costs

10.—(1) Paragraphs (2) to (5) of this article shall apply where a person is tried or dealt with by or before any court of assize by or before which he could not have been tried or dealt with but for this Order.

(2) Any costs payable in the case out of local funds under the Costs in Criminal Cases Act 1952**(a)**, as extended by section 31 of the Criminal Justice Act 1967, shall in the first instance be paid as in the case of an offence committed in the county or county borough in which the proceedings take place but shall be recoverable in accordance with paragraph (4) of this article.

(3) Except in any case to which article 9 of this Order applies such sum (if any) in respect of the expenses of holding the court (including salaries and allowances) as may be determined in accordance with the Court Expenses (Recovery) Regulations 1963**(b)** may be recovered by the authority incurring those expenses from the authority (if different) liable to defray the expenses of the court by or before which the said person would have been tried or dealt with apart from this Order.

(4) Where a person tried or dealt with as mentioned in paragraph (1) of this article is committed by justices other than justices for the county or county borough in which the proceedings take place, the council of that county or county borough may recover any sum paid by them under paragraph (2) of this article from the following council, that is to say:—

(*a*) if those justices were justices for a county, from the council of that county;

(*b*) if they were justices for a non-county borough, from the council of the county in which that borough is situated; and

(*c*) if they were justices for a county borough, from the council of that borough.

(a) 1952 c. 48.

(b) S.I. 1963/433 (1963 I, p. 488).

(5) Where a magistrates' court, under article 8 of this Order, commits a person to a court to which it could not otherwise commit him, the clerk to the justices shall send to the proper officer of that court a notice specifying the court to which the said person would have been committed apart from this Order.

(6) Where a person is committed to be tried or dealt with by or before any court of assize but is not tried or dealt with by or before that court, paragraphs (2), (3) and (4) of this article shall, with the necessary modifications, apply as they apply where a person is tried or dealt with by reason of this Order.

Appeals from former assize courts

11. Where the court of trial, for the purposes of the Criminal Appeal Act 1968**(a)**, is a former assize court, an order of the Court of Appeal under section 2(3) or 13(6) of that Act shall operate as a direction to such court of assize as the Court of Appeal may specify.

Transitional provisions

12.—(1) Where a magistrates' court has committed an accused person or an offender for trial or to be dealt with at a former assize court before the coming into operation of this Order and he has not by then been tried or dealt with, the magistrates' court shall have power to alter the committal, to amend any witness order and to make any alteration or extension of any recognizances which may appear necessary in the circumstances.

(2) Subject to the foregoing paragraph and to articles 8 and 11 of this Order, anything done by or in relation to a former assize court shall, for the purposes of any subsequent proceedings in relation to that thing or any other thing subsequently done in relation thereto, be deemed to have been done by or in relation to any other court of assize on the same circuit and, in the case of anything in process of being done, may be continued by or in relation to that other court.

Revocation of existing Orders and saving

13.—(1) The Orders set out in Schedule 2 to this Order are hereby revoked, so, however, that such revocation shall not affect the validity of anything done in pursuance of either 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.

W. G. Agnew.

(a) 1968 c. 19.

SCHEDULE 1

Article 3 CONSTITUTION OF CIRCUITS, ETC.

1. The Circuits shall be constituted as shown in the first two columns of the following table and assizes shall be held at the towns specified in the third column. Criminal business only shall be taken at those towns marked with an asterisk in the third column.

Circuits	*Counties comprised*	*Assize towns*
Midland	County of Bedford	Bedford*
	County of Derby	Derby*
	County of Leicester	Leicester*
	County of Lincoln	Lincoln
	County of Northampton	Northampton
	County of Nottingham	Nottingham
	Birmingham Division of the County of Warwick	Birmingham
	Warwick Division of the County of Warwick	Warwick
	—	
	County of Buckingham	—
	County of Huntingdon and Peterborough	—
	County of the City of Lincoln	—
	County of the City of Nottingham	—
	County of Rutland	—
North-Eastern	County of Durham	Durham*
	County of Northumberland	Newcastle upon Tyne
	Leeds Division of the County of York	Leeds
	North and East Ridings Division of the County of York	York
	Sheffield Division of the County of York	Sheffield
	—	
	County of the City of Newcastle upon Tyne	—
	County of the City of York	—
Northern	County of Cumberland	Carlisle
	Northern Division of the County of Lancaster	Lancaster
	Salford Division of the County of Lancaster	Manchester
	West Derby Division of the County of Lancaster	Liverpool
	—	
	County of Westmorland	—

Circuits	*Counties comprised*	*Assize towns*
Oxford	County of Berkshire	Reading*
	County of Gloucester	Gloucester
	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 Gloucester	—
	County of Hereford	—
	County of the City of Worcester	—
South-Eastern	County of Cambridgeshire and Isle of Ely	Cambridge*
	County of Essex	Chelmsford*
	County of Hertford	Hertford*
	County of Kent	Maidstone
	County of Norfolk	Norwich
	County of Suffolk	Ipswich and Bury St. Edmunds
	County of Surrey	Kingston-upon-Thames*
	County of Sussex	Lewes
	—	
	County of the City of Norwich	—
Wales and Chester	County of Caernarvon	Caernarvon
	County of Carmarthen	Carmarthen*
	County of Chester	Chester
	County of Flint	Mold
	County of Glamorgan	Cardiff and Swansea
	County of Montgomery	Welshpool*
	—	
	County of Anglesey	—
	County of Brecknock	—
	County of Cardigan	—
	County of the Borough of Carmarthen	—
	County of Denbigh	—
	County of the Town of Haverfordwest	—
	County of Merioneth	—
	County of Pembroke	—
	County of Radnor	—

Circuits	*Counties comprised*	*Assize towns*
Western	County of the City of Bristol County of Cornwall County of Devon County of Dorset County of Somerset County of Southampton County of Wilts — County of the City of Exeter	Bristol Bodmin Exeter Dorchester* Taunton* Winchester Devizes* and Salisbury* —

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.—(1) 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

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

(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.

4. The Northern, Salford and West Derby 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.

(a) 1962 c. 15.

5. The precepts for summoning the jurors of the counties of Warwick and York (except 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 at which 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 in respect of their places of residence.

6. The winter and autumn assizes for the county of Glamorgan shall be held at Cardiff and the summer assizes for that county shall be held at Swansea. The adjourned winter and autumn assizes shall be resumed at Swansea and the summer assizes at Cardiff unless the Lord Chief Justice, after consultation with the President, otherwise directs.

7. Winter, summer and autumn assizes for the counties of Suffolk 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	Bury St. Edmunds in 1971 and thereafter Ipswich and Bury St. Edmunds in alternate years.
Wilts	Devizes	Salisbury	Devizes in 1971 and thereafter Salisbury and Devizes in alternate years.

SCHEDULE 2

ORDERS REVOKED Article 13

The Assizes Order 1964 S.I. 1964/279 (1964 I, p. 493)

The Assizes Order 1965 S.I. 1965/315 (1965 I, p. 780)

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order revokes and supersedes the existing Orders in Council relating to assizes. It dispenses with the holding of assizes for the counties listed in article 3(2), including the City of Leicester, and restricts the assizes to criminal business only at the places marked with an asterisk in the third column of the table appended to paragraph 1 of Schedule 1.

SI 1970/1679
ISBN 0-11-001679-3

