1969 No. 376 (C.9)

JUSTICES OF THE PEACE

The Justices of the Peace Act 1968 (Commencement No. 2) Order 1969

Made - - - -	18*th March* 1969
Laid before Parliament	24*th March* 1969
Coming into Operation—	
for the purposes of Article 3(1)	1*st October* 1969
for all other purposes	1*st April* 1969

At the Court at Buckingham Palace, the 18th day of March 1969

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 7 of the Justices of the Peace Act 1968(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Justices of the Peace Act 1968 (Commencement No. 2) Order 1969.

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

"the appointed day" means 1st April 1969 except that in relation to the Staffordshire Potteries stipendiary magistrate or his district it means 1st October 1969;

"petty sessions area" has the same meaning as in the Magistrates' Courts Act 1952(b);

"probation order" means an order made or having effect as if made under section 3 of the Criminal Justice Act 1948(c);

"South Staffordshire stipendiary magistrate" means the stipendiary magistrate who, immediately before the appointed day, held office for the district comprising the county boroughs of Wolverhampton and West Bromwich and "South Staffordshire stipendiary magistrate's district" shall be construed accordingly;

"Staffordshire Potteries stipendiary magistrate" means the stipendiary magistrate who, immediately before the appointed day, held office for the district as defined in the Staffordshire Potteries Stipendiary Justice Act 1895(d) as amended by the Stoke-on-Trent Order 1964(e) and "Staffordshire Potteries stipendiary magistrate's district" shall be construed accordingly;

(a) 1968 c. 69.
(b) 1952 c. 55.
(c) 1948 c. 58.
(d) 1895 c. cvii.
(e) S.I. 1964/1113.

"Stoke-on-Trent stipendiary magistrate" means the stipendiary magistrate who, on and after the appointed day, holds office for the area consisting of the city of Stoke-on-Trent;

"supervision order" means an order made under any provision of the Children and Young Persons Act 1933(a) placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the court;

"Wolverhampton stipendiary magistrate" means the stipendiary magistrate who holds office, on and after the appointed day, for the area consisting of the county borough of Wolverhampton.

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

3.—(1) Section 1(8) of the Justices of the Peace Act 1968, Parts II and III of Schedule 3 to that Act and so much of Schedule 5 to that Act as is set out in the Schedule hereto shall, in so far as they relate to the Staffordshire Potteries stipendiary magistrate or his district, come into operation on 1st October 1969.

(2) Subject to paragraph (1), the said provisions shall, except in relation to the City of London, come into operation on 1st April 1969.

4. Every proceeding which before the appointed day has been begun before the South Staffordshire stipendiary magistrate or the Staffordshire Potteries stipendiary magistrate may be continued and completed in like manner and with the like incidents and consequences as nearly as may be as if this Order had not been made and as if the said stipendiary magistrates continued in office after the appointed day for the same areas for which they held office before the appointed day.

5. Any thing done by or in relation to the South Staffordshire stipendiary magistrate or his clerk as respects an offence committed within the area of the county borough of Wolverhampton or as respects a complaint arising in relation to that area 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 the Wolverhampton stipendiary magistrate or his clerk or the magistrates' court for the county borough of Wolverhampton and any other thing done by or in relation to the first-mentioned magistrate or his clerk shall, for the purposes aforesaid, be deemed to have been done by or in relation to the magistrates' court for the county borough of West Bromwich, and, in the case of a thing in process of being done, may accordingly be continued by or in relation to the Wolverhampton stipendiary magistrate, the magistrates' court for the county borough of Wolverhampton or the magistrates' court for the county borough of West Bromwich, as the case may be.

6.—(1) Any thing done by or in relation to the Staffordshire Potteries stipendiary magistrate or his clerk as respects an offence committed in any part of the county of Stafford other than the city of Stoke-on-Trent or as respects a complaint arising in relation to that area 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 a magistrates' court for the petty sessional division of the county of Stafford in whose area the offence was committed or in relation to whose area the complaint arose, and, in the case of a thing in process of being done, may accordingly be continued by or in relation to a magistrates' court for the said petty sessional division.

(a) 1933 c. 12. (b) 1889 c. 63.

(2) Any other thing done by or in relation to the Staffordshire Potteries stipendiary magistrate or his clerk 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 the Stoke-on-Trent stipendiary magistrate or the magistrates' court for the city of Stoke-on-Trent, and, in the case of a thing in process of being done, may accordingly be continued by or in relation to the Stoke-on-Trent stipendiary magistrate or the magistrates' court for the city of Stoke-on-Trent.

7. Where the South Staffordshire stipendiary magistrate's district or the Staffordshire Potteries stipendiary magistrate's district is named in a probation order or supervision order—

(i) the powers and functions of the South Staffordshire stipendiary magistrate as supervising court shall vest in and be discharged by the justices for the county borough of Wolverhampton if the person subject to the probation order or supervision order resides in the county borough of Wolverhampton;

(ii) the powers and functions of the Staffordshire Potteries stipendiary magistrate as supervising court shall vest in and be discharged by the justices for the city of Stoke-on-Trent if the person subject to the probation order or supervision order resides in the city of Stoke-on-Trent;

(iii) the powers and functions of the South Staffordshire stipendiary magistrate or the Staffordshire Potteries stipendiary magistrate, as the case may be, as supervising court shall vest in and be discharged by the justices for the petty sessions area in which the person subject to the probation order or supervision order resides if such person does not reside in the county borough of Wolverhampton or the city of Stoke-on-Trent;

and such orders, unless amended in regard to the district named therein, shall have effect in all respects as if the relevant area, as set out in sub-paragraphs (i) to (iii) above, were named therein.

8. Where immediately before the appointed day, a probation order or supervision order is in force and the person subject thereto is residing in an area which is no longer comprised in the district named in the order, the supervising court may amend the order as if the said person had changed his residence.

9.—(1) Any process, record or other document in the custody, by virtue of his office as such, of the clerk to the South Staffordshire stipendiary magistrate shall be transferred, if such documents relate to any matter arising in or concerning the county borough of Wolverhampton, to the clerk to the justices for the said county borough or, if such documents relate to any matter arising in or concerning the county borough of West Bromwich, to the clerk to the justices for the last-mentioned county borough.

(2) Any process, record or other document in the custody, by virtue of his office as such, of the clerk to the Staffordshire Potteries stipendiary magistrate shall be transferred to the clerk to the justices for the city of Stoke-on-Trent.

(3) Copies of or extracts from any such record or document made or certified by the clerk to the justices to whom the documents are transferred shall be of the same effect as if they had been made or certified by the clerk to the stipendiary magistrate from whom the documents are transferred.

W. G. Agnew.

SCHEDULE

Article 3

EXTRACT FROM SCHEDULE 5 TO JUSTICES OF THE PEACE ACT 1968 (REPEALS)

Chapter	Title or Short Title	Extent of Repeal
2 & 3 Vict. c. 15.	The Staffordshire Potteries Stipendiary Justice Act 1839.	The whole Act, so far as unrepealed.
6 & 7 Vict. c. xliv.	An Act to provide for the more effectual execution of the office of the justice of the peace within the parish of Merthyr Tydfil and certain adjoining parishes.	The whole Act, so far as unrepealed.
31 & 32 Vict. c. xxxvi.	An Act to extend the limits of the Act for appointing a stipendiary justice of the peace for the parish of Merthyr Tydfil and adjoining places; and for other purposes.	The whole Act, so far as unrepealed.
34 & 35 Vict. c. xc.	The Staffordshire Potteries Stipendiary Justice Act 1871.	The whole Act, so far as unrepealed.
41 & 42 Vict. c. lv.	The Manchester Division and Borough of Salford (Stipendiary Justices) Act 1878.	The whole Act, so far as unrepealed.
57 & 58 Vict. c. xxvii.	The Merthyr Tydfil Stipendiary Justice Act 1894.	The whole Act, so far as unrepealed.
58 & 59 Vict. c. cvii.	The Staffordshire Potteries Stipendiary Justice Act 1895.	The whole Act, so far as unrepealed.
62 & 63 Vict. c. xc.	The South Staffordshire Stipendiary Justice Act 1899.	The whole Act, so far as unrepealed.
7 Edw. 7. c. cxxviii.	The Merthyr Tydfil Stipendiary Justice Act 1907.	The whole Act, so far as unrepealed.

Chapter	Title or Short Title	Extent of Repeal
10 & 11 Geo. 5. c. lxxxvi.	The Pontypridd Stipendiary Magistrate Act 1920.	The whole Act, so far as unrepealed.
11 & 12 Geo. 5. c. ciii.	The Ministry of Health Provisional Order Confirmation (Stoke-on-Trent Extension) Act 1921.	In the Schedule, Article 16.
16 & 17 Geo. 5. c. cvi.	The Wolverhampton Corporation Act 1926.	Section 19.
17 & 18 Geo. 5. c. lxxxvi.	The West Bromwich Corporation Act 1927.	Section 18.
20 & 21 Geo. 5. c. cxx.	The West Bromwich Corporation Act 1930.	Section 20.
20 & 21 Geo. 5. c. cxxv.	The Wednesbury Corporation Act 1930.	Section 23.
20 & 21 Geo. 5. c. clxx.	The Walsall Corporation Act 1930.	Section 14.
22 & 23 Geo. 5. c. xc.	The Wolverhampton Corporation Act 1932.	Section 15.
26 Geo. 5. & 1 Edw. 8. c. cxi.	The Wolverhampton Corporation Act 1936.	Section 101, so far as unrepealed.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 45(2)(*c*) and (3).
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	In section 27(10), in paragraph (*c*) the words from "to a stipendiary magistrate" to "and a clerk", in paragraph (*d*) the words from "and" onwards, and paragraph (*e*). In section 29(8), the words from "act as" to "nor". Section 30. Section 31(1) and (4). Schedule 6.
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act 1956.	In Schedule 2, paragraph 6.
10 & 11 Eliz. 2. c. 15.	The Criminal Justice Administration Act 1962.	Section 11(2).
1964 c. 42.	The Administration of Justice Act 1964.	In section 27(5), the words "a clerk to a stipendiary magistrate".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force section 1(8) of the Justices of the Peace Act 1968 (continuance in office of local Act stipendiary magistrates) and certain provisions in the Schedules to that Act and makes transitional provisions which are consequential on the alteration in areas of certain local Act stipendiary districts.