STATUTORY INSTRUMENTS

2007 No. 2284

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Local Justice Areas Order 2007

Made - - - -	*29th July 2007*
Laid before Parliament	*2nd August 2007*
Coming into force in accordance with article 1	

The Lord Chancellor, in exercise of the powers conferred on him by sections 8(4) and 108(6) of the Courts Act 2003(**a**) and after consulting in accordance with sections 8(5A) and 8(6) of that Act, makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Local Justice Areas Order 2007.

(2) For the purposes of articles 5 and 6, and Part 1 of the Schedule to this Order, this Order shall come into force on 24 August 2007.

(3) For all other purposes this Order shall come into force on 1st January 2008.

(4) This Order extends to England and Wales.

Interpretation

2. In this Order:—

"existing area" means a local justice area existing before 1st January 2008 and altered by this Order;

"new area" means a local justice area constituted by this Order;

any reference to a justice for an area shall be construed as a reference to a justice of the peace who ordinarily acts, or as the case may be, will, on or after 1st January 2008, ordinarily act, in and for that area.

New Area

3.—(1) The existing areas of Mendip and South Somerset are combined to become a new area named South Somerset and Mendip.

(2) Accordingly, the Schedule to the Local Justice Areas Order 2005(**b**) is amended as follows:—

(a) delete "Mendip" and "South Somerset"; and

(b) after "South Sefton District" insert "South Somerset and Mendip".

(**a**) 2003 c. 39; section 8(5A) was inserted by the Constitutional Reform Act 2005 (c. 4), section 15(1) and Schedule 4, paragraph 312. Section 108(6) was amended by the Constitutional Reform Act 2005 (c. 4), section 15(1) and Schedule 4, paragraph 348.

(**b**) S.I. 2005/554, amended by S.I. 2005/2949, 2006/1839, 2006/2315.

4. The consequential and transitional provisions set out in the Schedule to this Order have effect.

Incidental Amendments

5. The Local Justice Areas (No. 1) Order 2006(**a**) is amended as follows.

(1) In article 2, delete the definition of "relevant new area".

(2) Part 1 of the Schedule is amended as follows—

(a) at the end of the heading, for "ARTICLE 3(1)" substitute "ARTICLES 3(1) and (2)"; and

(b) in paragraph 2(1), for "the new area" substitute "a new area".

(3) In paragraph 4 of the Schedule, for "relevant new area" substitute "new area as specified by article 3(1) or article 3(2), whichever is applicable".

6. The Local Justice Areas (No. 2) Order 2006(**b**) is amended as follows.

(1) In the Preamble, for "section 8(6)" substitute "sections 8(5A) and 8(6)".

(2) In article 2, delete the definition of "relevant new area".

(3) Part 1 of the Schedule is amended as follows—

(a) In the heading, for "AREAS" substitute "AREA".

(b) In paragraph 2(3), for "a new area" substitute "the new area".

(4) In paragraph 4 of the Schedule, delete the word "relevant" before "new area".

Signed by authority of the Lord Chancellor

Maria Eagle
Parliamentary Under Secretary of State
Ministry of Justice

Date 29 July 2007

SCHEDULE

Article 4

CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

PART 1

PROVISIONS CONSEQUENTIAL ON CONSTITUTION OF THE NEW AREA BY ARTICLE 3(1)

1.—(1) The justices for the new area shall appoint or elect in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on 1st January 2008:—

(a) a chairman and one or more deputy chairmen;

(b) a Betting Licensing Committee;

(c) a Bench Training and Development Committee;

(**a**) S.I. 2006/1839.
(**b**) S.I. 2006/2315.

(d) a Family Training and Development Committee where so directed by the Lord Chief Justice in accordance with the provisions of the Justices of the Peace (Training and Development Committee) Rules 2007(**a**).

(2) In sub-paragraph (1), the expressions "the prescribed manner" and "the prescribed term" mean respectively:—

(a) in relation to the election of a chairman or deputy chairman, the manner prescribed by the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(**b**) and a term ending on 31st December 2008;

(b) in relation to the appointment of a Betting Licensing Committee, the manner prescribed by the Betting (Licensing) Regulations 1960(**c**) and a term ending on 31st December 2008;

(c) in relation to the appointment of a member of a Bench Training and Development Committee, the manner prescribed by the Justices of the Peace (Training and Development Committee) Rules 2007 and a term ending for one third of the members on 31st December in the years 2008, 2009 and 2010 respectively;

(d) in relation to the appointment of a member of a Family Training and Development Committee, the manner and the term prescribed by the Justices of the Peace (Training and Development Committee) Rules 2007.

(3) In this Part of this Schedule any reference to the manner or procedure prescribed by rules or regulations for any election or appointment shall not include provisions relating to dates, times or time limits.

2.—(1) The persons who will be justices for the new area may hold a meeting before 1st January 2008 for the purposes set out in this Part of this Schedule and in order to prepare to assume their functions on and after that date.

(2) If a meeting is held in accordance with sub-paragraph (1) it shall be treated as if it were a meeting of the justices for the new area for the purposes of the enactments cited in this Part of this Schedule despite the fact that the new area was not at that time in existence.

(3) The persons appointed under paragraph 1(1) to serve on any committee for the new area may hold one or more meetings after the conclusion of the process of appointment but before 1st January 2008 for the purpose of preparing to assume their functions on and after that date.

PART 2

LICENCES ETC.

3.—(1) Anything done by, or in relation to, the Betting Licensing Committee for an area, under:—

(a) the Betting, Gaming and Lotteries Act 1963(**d**); or

(b) the Gaming Act 1968(**e**)

having effect before 1st January 2008 shall continue to have effect on or after that date as if this Order had not been made.

(2) The thing done shall be treated as if it had been done by, or in relation to the Betting Licensing Committee for the area in which the premises concerned are then situated; and it shall have effect accordingly.

(**a**) S.I. 2007/1609.
(**b**) S.I. 2005/553.
(**c**) S.I. 1960/1701, as amended by S.I. 1963/859, 2005/617.
(**d**) 1963 c. 2. This Act is prospectively repealed by the Gambling Act 2005 (c. 19).
(**e**) 1968 c. 5. This Act is prospectively repealed by the Gambling Act 2005 (c. 19).

PART 3

OTHER ORDERS, PROCESS, RECORDS ETC.

4.—(1) Subject to the foregoing provisions of this Schedule any:—

(a) process issued;

(b) order made;

(c) sentence passed;

(d) appeal brought;

(e) case stated;

(f) licence granted;

(g) recognisance entered into;

(h) proceedings commenced;

(i) appointment made;

(j) direction made; or

(k) other thing done

before 1st January 2008 by, from, to or before any justices for an existing area, their clerk or any other officer of the court, shall on or after that date, be deemed to have been issued, made, passed, brought, stated, granted, entered into, commenced, done by, from, to or before those justices as justices for the new area, their clerk or any other officer of the court, as the case may be.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the reorganisation of the local justice areas in South Somerset and Mendip. A new local justice area named South Somerset and Mendip replaces the existing local justice areas of Mendip and South Somerset. The Order is brought into force on XXX for the purpose of enabling appointments to be made and elections to be held on the basis of the combined area. The Order is brought into force on 1st January 2008 for the substantive creation of the combined area. This Order also provides for minor drafting amendments to the Local Justice Areas (No. 1) Order 2006 and the Local Justice Areas (No. 2) Order 2006 to make their provision consistent with that made in this Order. These amendments come into force on XXX.

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