STATUTORY INSTRUMENTS

1999 No. 2209

MAGISTRATES' COURTS

The Magistrates' Courts Committees (South Yorkshire) Amalgamation Order 1999

Made - - - -	*26th July 1999*
Laid before Parliament	*5th August 1999*
Coming into force	
for the purpose of articles 2 and 4	*1st April 2001*
for all other purposes	*1st September 1999*

Whereas the magistrates' courts committees for the metropolitan districts of Barnsley, Doncaster, Rotherham and Sheffield have submitted proposals to the Lord Chancellor under section 32(1) of the Justices of the Peace Act 1997**(a)** for the amalgamation of the magistrates' courts committees for their areas:

And whereas the provisions of section 32(2) of that Act have been complied with:

Now, therefore, the Lord Chancellor, in exercise of the powers conferred on him by section 32(3) and (8) of that Act, hereby makes the following Order:

1. This Order may be cited as the Magistrates' Courts Committees (South Yorkshire) Amalgamation Order 1999 and shall come into force for the purposes of articles 2 and 4 on 1st April 2001 and for all other purposes on 1st September 1999.

2. The magistrates' courts committees for the metropolitan districts of Barnsley, Doncaster, Rotherham and Sheffield shall be abolished.

3. There shall be constituted as a body corporate a new magistrates' courts committee which shall be known as the South Yorkshire magistrates' courts committee.

4. The area of the South Yorkshire magistrates' courts committee shall consist of the metropolitan districts of Barnsley, Doncaster, Rotherham and Sheffield.

5. The transitional and consequential provisions set out in the Schedule to this Order shall have effect in connection with the provisions of articles 2 and 3 of this Order.

Signed by authority of the Lord Chancellor

Keith Vaz
Parliamentary Secretary,
Lord Chancellor's
Department

Dated 26th July 1999

(a) 1997 c. 25.

SCHEDULE

Article 5

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

Interpretation

1. In this Schedule–

"the 1997 Act" means the Justices of the Peace Act 1997;

"the Constitution Regulations" means the Magistrates' Courts Committees (Constitution) Regulations 1994**(a)**;

"the first appointed day" means 1st November 1999 or such earlier day as the transferor committees shall appoint for the establishment of the selection panel;

"the second appointed day" means 1st February 2000 or such earlier day as the transferor committees shall appoint for the establishment of the transferee committee;

"the amalgamation date" means 1st April 2001;

"the transferor committees" means the magistrates' courts committees abolished by article 2;

"the transferee committee" means the magistrates' courts committee constituted by article 3;

"bench" means the justices assigned to a petty sessions area;

a reference to a justice for a committee area means a justice who ordinarily acts or will act in and for a petty sessions area comprised or formerly comprised in that committee area;

all other words and phrases have the same meanings as in the Constitution Regulations.

The transferor committees

2.—(1) The members of the selection panels for the committee areas of the transferor committees appointed for the calendar year 1999 shall continue to hold office until 31st March 2001 and accordingly regulation 5(8) of the Constitution Regulations shall not apply.

(2) The members of the transferor committees on 31st March 2000 shall continue in office until 31st March 2001, and accordingly there shall be no selection of members of the transferor committees to take office on 1st April 2000.

The clerk designate

3.—(1) As soon as reasonably practicable after the coming into force of this Order, and in any event not later than the day before the first appointed day, the transferor committees shall appoint a clerk designate in respect of the committee area of the transferee committee.

(2) The clerk designate shall hold office until such time as the transferee committee shall appoint a person to be the justices' chief executive for their area, and upon such appointment the office of clerk designate shall cease to exist.

The selection panel for the transferee committee

4.—(1) The justices for the committee areas of the transferor committees shall establish a selection panel for the committee area of the transferee committee and appoint the first members of that panel in accordance with the following sub-paragraphs.

(2) The selection panel shall come into existence on the first appointed day, and the first members of the selection panel shall be appointed for a period beginning on the first appointed day and ending on 31st December 2000.

(3) The transferor committees shall by the day before the first appointed day appoint a clerk to the selection panel (who may be the clerk designate), and the clerk to the selection panel shall act as such from the first appointed day until such time as the transferee committee shall appoint a person to be the justices' chief executive for their area.

(4) For the purposes of the appointment of the first members of the selection panel, the names of the representative from each bench shall be notified to the clerk to the selection panel by the day before the first appointed day, and regulation 5(9) of the Constitution Regulations shall not apply.

(5) Except as provided in the preceding sub-paragraphs, regulation 5 of the Constitution Regulations shall apply in relation to the appointment of the first members of the selection panel.

(a) S.I. 1994/2811.

(6) The members of the selection panel for all periods after 31st December 2000 shall be appointed in accordance with regulation 5 of the Constitution Regulations.

(7) The selection panel shall not until the amalgamation date constitute a panel for the purposes of paragraph 8 of Schedule 2 to the Police Act 1996**(a)**.

Selection of transferee committee

5.—(1) A soon as reasonably practicable after the first appointed day, and in any event not later than the second appointed day, the selection panel shall select the first members of the transferee committee, who shall take office on the second appointed day.

(2) The selection panel shall select twelve persons to be the first members of the transferee committee, consisting of

(a) four members to hold office until 31st March 2002;

(b) four members to hold office until 31st March 2003;

(c) four members to hold office until 31st March 2004.

(3) Provided that sufficient suitable candidates present themselves, the selection panel shall, in selecting members of the transferee committee for the year following the amalgamation date, ensure that the transferee committee

(a) consists of three justices for the committee area of each transferor committee; and

(b) includes at least two representatives of each of the transferor committees;

and in this paragraph a representative of a transferor committee means a person who was a member of that committee on the day preceding the first appointed day.

(4) Provided that sufficient suitable candidates present themselves, the selection panel shall, in selecting members of the transferee committee for the years ending on 31st March 2003 and 2004 (including any members appointed to fill casual vacancies during those years), ensure that the transferee committee includes at least one representative of each of the transferor committees.

(5) Subject to paragraph 4 above and to the preceding sub-paragraphs of this paragraph, the Constitution Regulations shall apply to the transferee committee except that–

(a) regulations 2(2), 2(3), 3, 6(3)(a), 14(3) and 14(4) and Schedules 2 and 3 shall not apply;

(b) paragraphs (2), (3) and (7) of regulation 6 shall not apply in relation to the selection of the first members of the transferee committee;

(c) regulation 7 shall apply to the selection of the first members of the transferee committee as if for the reference to 31st December there were substituted a reference to the day before the first appointed day;

(d) any period served on a transferor committee or the transferee committee, or as chairman of any such committee, prior to the amalgamation date shall not count towards the maximum periods of service permitted by regulations 8 and 10;

(e) regulations 15 and 16 shall not apply before the amalgamation date;

(f) references in any regulation to any other regulation shall be read as references to that other regulation as modified by paragraphs (a) to (e) above.

Functions of transferee committee

6.—(1) The transferee committee shall come into existence as a body corporate on the second appointed day.

(2) The first chairman of the transferee committee shall be appointed at the first meeting after the second appointed day, and shall hold office until the first meeting after 1st April 2002; and accordingly, regulation 10(2) of the Constitution Regulations shall not apply in relation to the first meeting after 1st April 2001.

(3) The clerk designate for the time being shall act as clerk to the transferee committee from the second appointed day until such time as the transferee committee shall appoint a person to be the justices' chief executive for their area.

(a) 1996 c. 16. Paragraphs 7 and 8 Schedule 2 provide for appointment of magistrate members of police authorities established under section 3 of that Act.

(4) From the second appointed day until the amalgamation date the transferee committee shall be a shadow committee and shall only have the following functions and powers–

(a) to commence and sustain the running of the committee as a shadow committee;

(b) to make all necessary preparations for the assumption of its functions as a magistrates' courts committee on the amalgamation date;

(c) to prepare any budgets or plans required by it when those functions are assumed and to consult with the prospective paying authorities in relation to them;

(d) to prepare and submit capital bids in respect of expenditure to be incurred after the amalgamation date;

(e) to make determinations under section 56(1) of the 1997 Act in relation to the period following the amalgamation date;

(f) to enter into contracts;

(g) to consult and negotiate with persons who will, after the amalgamation date, be employed by the transferee committee and with trade unions and other organisations representing such persons;

(h) to appoint staff;

(i) to co-opt members in accordance with section 28(2)(a) of the 1997 Act;

(j) to act through sub-committees appointed by it as described in section 30(4) of the 1997 Act;

(k) to arrange for the discharge of any of its functions as described in section 30(5) of the 1997 Act.

(5) From the second appointed day until the amalgamation date the metropolitan district councils of Barnsley, Doncaster, Rotherham and Sheffield, as prospective paying authorities for the transferee committee, shall have power to make any arrangement under section 55(9) of the 1997 Act and any agreement under section 56(2) of that Act in relation to the period following the amalgamation date, notwithstanding that the transferee committee is not yet the magistrates' courts committee for the area comprising those districts, and the Lord Chancellor shall have power to make determinations under section 56(2) in default of such agreement.

(6) The transferor committees shall give the transferee committee such information and assistance as is reasonably required to enable it to carry out its functions under this paragraph.

(7) On the amalgamation date, the transferee committee shall assume all the functions and powers of a magistrates' courts committee.

Appointment of justices' chief executive

7.—(1) As soon as reasonably practicable after the second appointed day, and in any case before the amalgamation date, the transferee committee shall appoint a person (who may not be the clerk designate) to be the justices' chief executive of their area.

(2) From and after the second appointed day–

(a) any application under section 40(2)(a) of the 1997 Act made before the second appointed day by a transferor committee shall be treated as an application by the transferee committee;

(b) any approval under section 40(2)(b) of the 1997 Act granted before the second appointed day to a transferor committee shall be treated as an approval granted to the transferee committee.

(3) From the time of his appointment until the amalgamation date, the person appointed to be the justices' chief executive shall only have the following functions and powers–

(a) to act as clerk to the transferee committee and the election panel;

(b) to assist the transferee committee in all its functions and powers as set out in paragraph 6;

(c) to make all necessary preparations for the assumption of his functions as justices' chief executive for the area of the transferee committee on the amalgamation date.

(4) On the amalgamation date, the person appointed shall assume all the functions and powers of the justices' chief executive for the area of the transferee committee.

Transfer of staff

8.—(1) Any person employed by a transferor committee on the day before the amalgamation date shall be transferred on the amalgamation date to the employment of the transferee committee on the same terms as those on which he was employed by the transferor committee.

(2) A justices' clerk holding office at the pleasure of a transferor committee on the day before the amalgamation date shall on and after the amalgamation date hold office at the pleasure of the transferee committee.

Transfer of property

9. Any real or personal property in the ownership of the transferor committees immediately before the amalgamation date shall, on the amalgamation date, vest in the transferee committee.

Continuity of matters

10.—(1) Anything which, before the amalgamation date, is in the process of being done by, to or in relation to a transferor committee in the exercise of, or in connection with its functions and powers as a magistrates' courts committee may be continued by, to or in relation to the transferee committee, including any legal action or proceedings being taken by or against the transferor committee.

(2) All contractual and other rights and liabilities of a transferor committee and the benefit of any insurance policy in the name of a transferor committee shall pass on the amalgamation date to the transferee committee.

References in enactments

11. Any reference in any enactment to a transferor committee shall, as from the amalgamation date, be construed as a reference to the transferee committee.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the replacement of the magistrates' courts committees for Barnsley, Doncaster, Rotherham and Sheffield by a single committee to be known as the South Yorkshire magistrates' courts committee.

£2.00

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