STATUTORY INSTRUMENTS

1976 No. 399

MAGISTRATES' COURTS

The Petty Sessional Divisions (Cambridgeshire) Order 1976

Made - - - -	11*th March* 1976
Coming into Operation	1*st April* 1976

Whereas the magistrates' courts committee for the county of Cambridgeshire has, in pursuance of subsection (1) of section 18 of the Justices of the Peace Act 1949(a), as amended by paragraph 6 of Schedule 27 to the Local Government Act 1972(b), submitted to the Secretary of State a draft order making provision about the division of part of the said county into petty sessional divisions:

And whereas by subsections (3)(*a*) and (4)(*a*) of the said section it is provided that the Secretary of State may by statutory instrument make the Order either in the terms of the said draft or with such modifications as he thinks fit and that the said Order may contain transitional and other consequential provisions:

And whereas the provisions of subsections (5), (6) and (7) of the said section have been complied with:

Now, therefore, in exercise of the powers conferred upon me by subsections (3) and (4) of the said section 18, I hereby make the following Order:—

1. This Order may be cited as the Petty Sessional Divisions (Cambridgeshire) Order 1976 and shall come into operation on 1st April 1976, except that for the purposes of paragraphs 2 and 7 of Schedule 2 thereto this Order shall come into operation forthwith.

2.—(1) In this Order, except where the context otherwise requires, the expression "division" means petty sessional division and any reference to a justice for a division 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 April 1976 ordinarily act, in and for that division.

(a) 1949 c. 101. (b) 1972 c. 70.

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

3.—(1) The divisions of Huntingdon Borough and Leightonstone and Norman Cross shall be abolished and from the areas comprised therein, less the former urban district of Old Fletton as it existed on 31st March 1974 and the parishes of Orton Longueville and Orton Waterville (which are transferred by paragraph (2) below), there shall be constituted a new division to be known as the Huntingdon and Norman Cross division.

(2) The former urban district of Old Fletton as it existed on 31st March 1974 and the parishes of Orton Longueville and Orton Waterville shall be transferred to and form part of the Soke of Peterborough Division.

(3) The divisions specified in column (1) of Schedule 1 to this Order shall, in consequence of the provisions of the foregoing paragraphs of this Article, comprise the areas specified opposite to those divisions in column (2) of the said Schedule.

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

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

11th March 1976.

(a) 1889 c. 63.

SCHEDULE 1 Article 3 (3).

(1) Division	(2) Area comprised therein
Huntingdon and Norman Cross	The parishes of:— Alconbury Alconbury Weston Alwalton Barham and Woolley Brampton Brington and Molesworth Buckworth Bythorn and Keyston Catworth Chesterton Conington Covington Denton and Caldecote Easton Ellington Elton Farcet Folksworth and Washingley Glatton Grafham Great Gidding Haddon Hamerton Holme Huntingdon and Godmanchester Leighton Little Gidding Morborne Old Weston Sawtry Sibson cum Stibbington Spaldwick Steeple Gidding Stilton Stow Longa The Stukeleys Upton and Coppingford Water Newton Winwick Wood Walton Yaxley
The Soke of Peterborough	The district of the City of Peterborough

SCHEDULE 2

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

PART I

INTERPRETATION

1. In this Schedule—

"abolished division" means a division abolished by Article 3(1) of this Order;

"existing Norman Cross division" means the Norman Cross division as constituted before the coming into effect of this Order;

"the new division of Huntingdon and Norman Cross" means the division constituted by Article 3(1) of this Order;

"transferred area" means an area transferred by Article 3(2) of this Order;

"community service order" means an order made under section 14 of the Powers of Criminal Courts Act 1973(a);

"probation order" means a probation order made or having effect as if made under section 2 of the Powers of Criminal Courts Act 1973;

"supervision order" means any of the following orders, that is to say—

(*a*) a supervision order within the meaning of section 11 of the Children and Young Persons Act 1969(b) or to which paragraph 12 of Schedule 4 to that Act applies;

(*b*) an order under section 2(1)(*f*) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(c);

(*c*) an order under section 2(2)(*a*) of the Guardianship Act 1973(d);

(*d*) a supervision order within the meaning of section 26 of the Powers of Criminal Courts Act 1973.

PART II

PROVISIONS CONSEQUENTIAL ON CONSTITUTION OF THE NEW DIVISION OF HUNTINGDON AND NORMAN CROSS BY ARTICLE 3(1)

2.—(1) The justices for the new division shall appoint, in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on 1st April 1976—

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

(*b*) a juvenile court panel;

(*c*) one or more case committees;

(*d*) two justices to serve as members of the magistrates' courts committee for the county of Cambridgeshire;

(*e*) a divisional licensing committee;

(*f*) a betting licensing committee.

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

(*a*) in relation to the election of a chairman or deputy chairmen, the manner prescribed by rules made under section 13 of the Justices of the Peace Act 1949 and a term ending at the expiration of the month of December 1976;

(a) 1973 c. 62.
(b) 1969 c. 54.
(c) 1960 c. 48.
(d) 1973 c. 29.

(*b*) in relation to the election of a juvenile court panel, the manner prescribed by rules made under section 15 of that Act, and a term ending at the expiration of the month of October 1976;

(*c*) in relation to the appointment of a case committee, the manner prescribed by rules made or having effect as if made under Schedule 3 to the Powers of Criminal Courts Act 1973 and a term ending at the expiration of the month of December 1976;

(*d*) in relation to the appointment of a member of the magistrates' courts committee, the manner prescribed by regulations made under Schedule 4 to the Justices of the Peace Act 1949 and a term ending at the expiration of the month of November 1976;

(*e*) in relation to the appointment of the divisional licensing committee, the manner prescribed by Part I of Schedule 1 to the Licensing Act 1964(a), and a term ending at the expiration of the month of December 1976;

(*f*) in relation to the appointment of the betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960(b) and a term ending at the expiration of the month of December 1976.

(3) In relation to the appointment of a justices' clerk for the new division, any consultation with the justices for that division required by section 19(9) of the Justices of the Peace Act 1949 may take place before 1st April 1976.

3. Subject to Part IV of this Schedule, any process issued, order made, sentence passed, appeal brought, case stated, licence granted, recognizance entered into, proceeding begun, appointment made or other thing done before 1st April 1976 by, from, to or before any justices for an abolished division or their clerk shall, on and after that date be deemed to have been issued, made, passed, brought, stated, granted, entered into, begun or done by, from, to or before those justices as justices for the new division of Huntingdon and Norman Cross or their clerk, as the case may be.

4. Any order made by a magistrates' court directing the payment of money to the clerk or any other officer of a magistrates' court acting for an abolished division shall have effect as if it had directed payment to be made to the clerk to the justices for the new division of Huntingdon and Norman Cross.

5.—(1) Any process, records or other documents in the custody, by virtue of his office as such, of the clerk to the justices for an abolished division shall be retained by that clerk in his capacity as clerk to the justices for the new division of Huntingdon and Norman Cross or, if he does not hold that clerkship, be transferred to the custody of the clerk to the justices for that new division.

(2) Copies of, and extracts from, any such record or other document as aforesaid made by or certified by the clerk to the justices for the new division of Huntingdon and Norman Cross shall be of the same effect as if they had been made or certified by the clerk to the justices for the abolished division.

6. Where an abolished division is named in a community service order, probation order or supervision order, the powers and functions of the justices for that division in relation to the order shall vest in and be discharged by the justices for the new division of Huntingdon and Norman Cross and the order, unless amended in regard to the division named, shall have effect in all respects as if that new division were named therein.

(a) 1964 c. 26.

(b) S.I. 1960/1701 (1960 I, p. 363).

PART III

PROVISIONS CONSEQUENTIAL ON TRANSFER OF AREAS BY ARTICLE 3(2)

7.—(1) The justices for the division of the Soke of Peterborough shall appoint, in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on 1st April 1976 three justices to serve as members of the magistrates' courts committee for the county of Cambridgeshire.

(2) In paragraph (1) above, "prescribed manner" and "prescribed term" have the same meaning as in paragraph 2(2)(*d*) above.

8. The transfer of an area by Article 3(2) of this Order shall not affect any proceedings commenced before 1st April 1976 before the justices for the existing Norman Cross division and any such proceedings may be disposed of as if the transferred area formed part of the new division of Huntingdon and Norman Cross.

9. Where on 1st April 1976 periodical payments are by virtue of paragraph 4 above payable under section 52 of the Magistrates' Courts Act 1952(a) through the clerk to the justices for the new division of Huntingdon and Norman Cross to a person who resides in a transferred area, the clerk may amend the order so as to require payment to be made through the clerk to the justices for the Soke of Peterborough division; and, if he does so, he shall give notice of the amendment to the person entitled to the payments, to the person required to make the payments and to the justices' clerk through whom the payments are to be made.

10. Where on 1st April 1976 a community service order, probation order or supervision order is in force and the offender, probationer or person under supervision is residing in a transferred area, the justices for the new division of Huntingdon and Norman Cross, which by virtue of paragraph 6 above is deemed to be named in the order, may amend the order in regard to the division named as if the offender, probationer or person under supervision, as the case may be, had changed his residence.

PART IV

PROVISIONS RELATING TO LICENSING DISTRICTS ETC.

11.—(1) Any order made, licence granted or other thing done under the Licensing Act 1964 by the licensing justices for an abolished division, being an order or licence in force or other thing having effect immediately before 1st April 1976, shall continue to have like effect on and after that date as if this Order had not been made but shall be treated as if it had been made, granted or done by the licensing justices for the division in which the premises concerned are then situated.

(2) Anything done under the Betting, Gaming and Lotteries Act 1963(b) or the Gaming Act 1968(c) by or in relation to the betting licensing committee for an abolished division, being a thing having effect immediately before 1st April 1976, shall continue to have like effect on and after that date as if this Order had not been made but shall be treated as if it had been done by or in relation to the betting licensing committee for the division in which the premises concerned are then situated; and anything done under either of those Acts by or in relation to any other person or body shall have effect accordingly.

(a) 1952 c. 55. (b) 1963 c. 2. (c) 1968 c. 65.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to a draft order submitted by the magistrates' courts committee for the county of Cambridgeshire and provides for the reorganisation of petty sessional divisions in respect of the area comprised in the existing divisions of Huntingdon Borough and Leightonstone, Norman Cross and the Soke of Peterborough.