STATUTORY INSTRUMENTS

1980 No. 381

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Petty Sessional Divisions (Cambridgeshire) Order 1980

Made - - - - 14*th March* 1980

Coming into operation in accordance with Article 1

Whereas the magistrates' courts committee for the county of Cambridgeshire has, in pursuance of subsection (1) of section 23 of the Justices of the Peace Act 1979(a), 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 (5) 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 (1), (2) and (3) of section 24 of the Act of 1979 have been complied with:

Now, therefore, in exercise of the powers conferred upon me by subsections (3) and (5) of the said section 23, I hereby make the following Order:—

1. This Order may be cited as the Petty Sessional Divisions (Cambridgeshire) Order 1980 and shall come into operation on 1st April 1980, except that for the purposes of paragraph 2 of Schedule 2 thereto this Order shall come into operation forthwith.

2. 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 1980 ordinarily act, in and for that division.

3.—(1) The divisions of Arrington and Melbourn, Bottisham, Caxton and Linton shall be abolished and from the area comprised therein, less the parishes of Lode, Reach, Bottisham, Swaffham Bulbeck and Swaffham Prior, there shall be constituted a new division to be known as the South Cambridgeshire division.

(2) The division of Newmarket shall be abolished and from the area comprised therein, together with the parishes of Lode, Reach, Bottisham, Swaffham Bulbeck and Swaffham Prior, there shall be constituted a new division to be known as the Newmarket (Cambridgeshire) division.

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

(a) 1979 c. 55; this Act consolidated, inter alia, certain provisions of the Justices of the Peace Act 1949 (c. 101) and came into force on 6th March 1980.

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

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

Home Office.
14th March 1980.

SCHEDULE 1 Article 3(3).

(1) Division	(2) Area comprised therein
South Cambridgeshire	The parishes of— Abington Pigotts Arrington Babraham Balsham Bar Hill Barrington Bartlow Barton Bassingbourn cum Kneesworth Bourn Boxworth Caldecote Carlton Castle Camps Caxton Childerley Comberton Conington Coton Cottenham Croxton Croydon Dry Drayton Duxford Elsworth Eltisley Fen Ditton Fen Drayton Fowlmere Foxton Fulbourn Gamlingay Girton Grantchester Graveley Great Abington Great and Little Chishill Great Eversden Great Shelford Great Wilbraham Guilden Morden Hardwick Harlton Harston Haslingfield Hatley Hauxton Heydon Hildersham Hinxton Histon Horningsea Horseheath

SCHEDULE 1—(*continued*)

(1) Division	(2) Area comprised therein
South Cambridgeshire *continued*	Ickleton Impington Kingston Knapwell Landbeach Linton Litlington Little Abington Little Eversden Little Gransden Little Shelford Little Wilbraham Lolworth Longstanton Longstowe Madingley Melbourn Meldreth Milton Newton Oakington Orwell Over Pampisford Papworth Everard Papworth St. Agnes Rampton Sawston Shepreth Shingay cum Wendy Shudy Camps Stapleford Steeple Morden Stow cum Quy Swavesey Tadlow Teversham Thriplow Toft Waterbeach Weston Colville Westwick West Wickham West Wratting Whaddon Whittlesford Willingham Wimpole
Newmarket (Cambridgeshire)	Ashley Bottisham Brinkley Burrough Green Burwell

SCHEDULE 1—*(continued)*

(1) Division	(2) Area comprised therein
Newmarket (Cambridgeshire) *continued*	Cheveley Chippenham Dullingham Fordham Isleham Kennett Kirtling Lode Reach Soham Snailwell Stetchworth Swaffham Bulbeck Swaffham Prior Westley Waterless Wicken Wodditton

SCHEDULE 2

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

1. In this Schedule—

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

"new division" means a division constituted by Article 3 of this Order;

"respective new division" in relation to an abolished division means the new division specified opposite to that abolished division in column (2) of the Appendix to this Schedule;

"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;

(*e*) an order under section 17(1)(*a*) or section 36(3)(*b*) of the Children Act 1975(e).

2.—(1) The justices for a 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 1980—

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

(*b*) a juvenile court panel;

(*c*) one or more case committees;

(*d*) a justice or justices to serve as member or members of the magistrates' courts committee for the county of Cambridgeshire;

(*e*) a divisional licensing committee;

(*f*) a betting licensing committee;

(*g*) a domestic court panel.

(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 chairman, the manner prescribed by rules made or having effect as if made under section 18 of the Justices of the Peace Act 1979 and a term ending at the expiration of the month of December 1980;

(*b*) in relation to the appointment of a juvenile court panel, the manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949(f) and a term ending at the expiration of the month of December 1982;

(*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 1980;

(*d*) in relation to the appointment of a member of the magistrates' courts committee, the manner prescribed by regulations made or having effect as if made

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(a) 1973 c. 62. (b) 1969 c. 54. (c) 1960 c. 48.
(d) 1973 c. 29. (e) 1975 c. 72.
(f) 1949 c. 101; section 15 was not consolidated by the Justices of the Peace Act 1979.

under section 21 of the Justices of the Peace Act 1979 and a term ending at the expiration of the month of November 1980;

(*e*) in relation to the appointment of the divisional licensing committee, the manner prescribed in Part I of Schedule 1 to the Licensing Act 1964(a) and a term ending at the expiration of the month of December 1980;

(*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 1980;

(*g*) in relation to the appointment of a domestic court panel, the manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949(c) and a term ending at the expiration of the month of December 1982.

(3) In relation to the appointment of a justices' clerk for a new division, any consultation with the justices for that division required by section 25(3) of the Justices of the Peace Act 1979 may take place before 1st April 1980.

3. The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st April 1980 in an abolished division shall continue in force there until the coming into operation of an order under the said Part III, fixing permitted hours, made in the year 1980 at the general annual licensing meeting of the justices for the respective new division.

4. Anything required by virtue of the foregoing provisions of this Schedule to be done on or after 1st April 1980 by, or in relation to, the clerk to the justices for an abolished division shall be done by, or in relation to, the clerk to the justices for the respective new division.

5. Subject to the foregoing provisions of this Schedule, any process issued, order made, sentence passed, appeal brought, case stated, licence granted, recognisance entered into, proceedings begun, appointment made, or other things done before 1st April 1980 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 respective new division or their clerk, as the case may be.

6. 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 respective new division.

7.—(1) Any process, records, or other documents in the custody, by virtue of his office as such, of the clerk to the justices of an abolished division, shall be retained by that clerk in his capacity as clerk to the justices for the respective new division 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 or certified by the clerk to the justices for the respective new division shall be of the same effect as if they had been made or certified by the clerk to the justices for the abolished division.

8. 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 respective new division and the order, unless amended in regard to the division named, shall have effect in all respects as if the new division were named therein.

(a) 1964 c. 26. (b) S.I. 1960/1701.

(c) Section 15 was extended by section 56A of the Magistrates' Courts Act 1952 (c. 55) (inserted by section 80 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)).

(1) Abolished division	(2) Respective new division
Arrington and Melbourn Bottisham Caxton Linton	South Cambridgeshire
Newmarket	Newmarket (Cambridgeshire)

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 areas comprised in the existing divisions of Arrington and Melbourn, Bottisham, Caxton, Linton and Newmarket.

Printed in England by McCorquodale Printers Ltd., and published by Her Majesty's Stationery Office
17/P26471/9 C 2 K7 3/80

£1·00 net

ISBN 0 11 006381 3