STATUTORY INSTRUMENTS

1975 No. 1000

MAGISTRATES' COURTS

The Petty Sessional Divisions (Gwent) Order 1975

Made - - - -	13*th June* 1975
Coming into Operation	1*st July* 1975

Whereas the magistrates' courts committee for the county of Gwent 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 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 (Gwent) Order 1975 and shall come into operation on 1st July 1975, except that for the purposes of paragraph 2 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 July 1975 ordinarily act, in and for that division.

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

3.—(1) The divisions into which the county of Gwent is on the date of making of this Order divided shall be abolished.

(2) The county of Gwent shall be divided into the divisions named in column (1) of Schedule 1 to this Order and each such division shall comprise the area specified in respect thereof in column (2) of that 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.
13*th June* 1975.

(a) 1949 c.101. (b) 1972 c.70. (c) 1889 c.63.

Article 3(2) SCHEDULE 1

DIVISION OF THE COUNTY OF GWENT INTO PETTY SESSIONAL DIVISIONS

(1) Division	(2) Area comprised therein
Abergavenny	The communities of— Crucorney Fawr Grosmont Fawr Llantilio Pertholey Llanddewi Sgyrrid Abergavenny Abergavenny Rural Llanfoist Fawr Llanover Fawr Llanarth Fawr
Bedwellty	The boroughs of— Blaenau Gwent Islwyn
Chepstow	The communities of— Devauden Tintern Kilgwrrwg Shirenewton St. Arvans Caerwent Mathern Chepstow Caldicot Portskewett Llanfihangel Rogiet Undy Rogiet
Cwmbran	The communities of— Cwmbran Henllys Llanfrechfa Lower
Monmouth	The communities of— Llangattock-Vibon-Avel United Llantilio Crossenny Monmouth Mitchell Troy United Trelech United

(1) Division	(2) Area comprised therein
Newport	The borough of— Newport
Pontypool	The communities of— Blaenavon Pontypool
Usk	The communities of— Goetre Fawr Gwehelog Fawr Raglan United Llanbadoc Fawr Usk Llantrisant Fawr Llangwm Llangybi Fawr Llanhennock Fawr

SCHEDULE 2 Article 4

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

1. In this Schedule—

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

"new division" means a division specified in column (1) of Schedule 1 to this Order;

"respective new division" in relation to an abolished division means the new division specified opposite 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);

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

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

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 July 1975—

(*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 members of the magistrates' courts committee for the county of Gwent;

(*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 chairman, 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 1975;

(*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 1975;

(*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 1975;

(*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 1975;

(*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 1975.

(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 19(9) of the Justices of the Peace Act 1949 may take place before 1st July 1975.

3. Subject to paragraph 4 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 July 1975 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.

(**a**) 1964 c.26.

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

4.—(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 July 1975 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 new division in which the premises concerned are situated.

(2) Anything done under the Betting, Gaming and Lotteries Act 1963(a) or the Gaming Act 1968(b) by or in relation to the betting licensing committee for an abolished division, being a thing having effect immediately before 1st July 1975 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 new division in which the premises concerned are situated; and anything done under either of these Acts by or in relation to any other person or body shall have effect accordingly.

5.—(1) 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.

(2) Where on 1st July 1975 periodical payments are by virtue of sub-paragraph (1) above payable under section 52 of the Magistrates' Courts Act 1952(c) through the clerk to the justices for a new division to a person who resides outside that division, that clerk may amend the order so as to require payments to be made through the clerk to the justices for the new division in which that person is residing and, if he does so, 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.

6.—(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 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.

7.—(1) 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 respective new division were named therein.

(2) Where on 1st July 1975 a community service order, probation order or supervision order is in force and the offender, probationer or person under supervision is residing outside the new division which, by virtue of sub-paragraph (1) above, is deemed to be named in the order, the justices for that new division 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.

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

Paragraph 1 APPENDIX TO SCHEDULE 2

(1) Abolished division	(2) Respective new division
Abergavenny	Abergavenny
Bedwellty	Bedwellty
Caerleon	Cwmbran
Chepstow	Chepstow
Monmouth	Monmouth
Newport	Newport
Pontypool	Pontypool
Raglan	Usk
Skenfrith	Monmouth
Trelleck	Monmouth
Usk	Usk

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 Gwent and provides for the reorganisation of petty sessional divisions throughout the county.

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