STATUTORY INSTRUMENTS

1987 No. 1913

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Petty Sessional Divisions (Hereford and Worcester) Order 1987

Made - - - - 10th November 1987

Coming into force in accordance with Article 1

Whereas the magistrates' courts committee for the County of Hereford and Worcester 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 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 (Hereford and Worcester) Order 1987 and shall come into force on the 1st January 1988, except that for the purposes of paragraph 2 of Schedule 3 thereto this Order shall come into force forthwith.

2. In this Order, except where the context otherwise requires, the expression "division" means petty sessional division and any reference to a justice of the peace 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 January 1988 ordinarily act, in or for that division.

3.—(1) The divisions named in Schedule 1 to this Order shall be abolished.

(2) The areas comprised in the petty sessional divisions abolished by this Order shall be divided into the divisions named in column (1) of Schedule 2 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 3 to this Order shall have effect in connection with the provisions of Article 3 of this Order.

Home Office
10th November 1987

Douglas Hurd
One of Her Majesty's Principal Secretaries of State

(a) 1979 c.55.

SCHEDULE 1

Article 3

PETTY SESSIONAL DIVISIONS ABOLISHED BY ARTICLE 3 (1)

Bewdley Borough, Bromyard, Dore and Bredwardine, Droitwich, Evesham, Hereford (County), Hundred House, Kington, Ledbury, Leominster and Wigmore, Malvern, Pershore, Ross, Stourport, Tenbury, Upton on Severn, City of Worcester, Worcester (County).

SCHEDULE 2

Article 3

DIVISION OF THE AREAS OF ABOLISHED PETTY SESSIONAL DIVISIONS INTO NEW PETTY SESSIONAL DIVISIONS

(1) Division	(2) Area comprised therein
North Herefordshire	The area formerly comprised in the divisions of: Bromyard, except for the area of the parishes of Cradley, Evesbatch and Bishop's Frome Kington Leominster and Wigmore Tenbury, together with the area of the parish of Weobley
South Herefordshire	The area formerly comprised in the divisions of: Dore and Bredwardine Hereford (County), except for the area of the parish of Weobley Ross Ledbury, together with the area of the parishes of Cradley, Evesbatch and Bishop's Frome
Malvern Hills	The area formerly comprised in the divisions of: Malvern Upton on Severn, except for the area of the parish of Strensham
Bewdley and Stourport	The area formerly comprised in the divisions of: Bewdley Borough Stourport, together with the area of the parish of Rock
Mid-Worcestershire	The area formerly comprised in the divisions of: Droitwich Hundred House, except for the area of the parish of Rock Worcester (County), except for the area of the parish of Warndon
Vale of Evesham	The area formerly comprised in the divisions of: Evesham Pershore, together with the area of the parish of Strensham
City of Worcester	The area formerly comprised in the division of City of Worcester, together with the area of the parish of Warndon.

SCHEDULE 3

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 2 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);

(b) an order under section 2 (1) (f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(c) or an order under section 9 of the Domestic Proceedings and Magistrates' Courts Act 1978(d);

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

(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(f).

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 January 1988—

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

(b) one or more probation liaison committees;

(c) a justice or justices to serve as a member or members of the Magistrates' Courts Committee for the County of Hereford and Worcester;

(d) a divisional licensing committee;

(e) a betting licensing committee;

(f) a domestic court panel.

(2) The justices for the new division of City of Worcester shall also appoint in the prescribed manner, so far as may be applicable, and for the prescribed term to take office on 1st January 1988 a juvenile court panel.

(3) In the foregoing sub-paragraphs, the expression "the prescribed manner" and "the prescribed term" mean respectively—

(a) in relation to the appointment 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 1988;

(b) in relation to the appointment of a probation liaison committee, the manner prescribed by rules made under Schedule 3 to the Powers of Criminal Courts Act 1973 and a term ending at the expiration of the month of December 1988;

(c) 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, under section 21 of the Justices of the Peace Act 1979 and a term ending at the expiration of the month of November 1988;

(d) in relation to the appointment of a divisional licensing committee, the manner prescribed in Part I of Schedule 1 to the Licensing Act 1964(g) and a term ending at the expiration of the month of December 1988;

(e) in relation to the appointment of a betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960(h) and a term ending at the expiration of the month of December 1988;

(f) in relation to the appointment of a domestic court panel, the manner prescribed by rules made, or having effect as if made, under section 144 of the Magistrates' Courts Act 1980(i), as extended by section 67 of that Act, and a term ending at the expiration of the month of December 1989;

(a) 1973 c.62. (b) 1969 c.54. (c) 1960 c.48. (d) 1978 c.22. (e) 1973 c.29. (f) 1975 c.72.
(g) 1964 c.26. (h) S.I. 1960/1701. (i) 1980 c.43.

(g) in relation to the appointment of a juvenile court panel, the manner prescribed by rules made, or having effect as if made, under section 144 of the Magistrates' Courts Act 1980, as extended by section 146 of that Act, and a term ending at the expiration of the month of December 1988.

(4) 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 January 1988.

3. The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st January 1988 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 1988 at the general annual licensing meeting for the respective new division.

4. Anything required by virtue of the foregoing provisions of this Schedule to be done on or after 1st January 1988 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 thing done before 1st January 1988 from, to or before any justices of the peace 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 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.

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 respective new division were named therein.

APPENDIX TO SCHEDULE 3

Paragraph 1

(1) *Abolished Division*	(2) *Respective new Division*
Bewdley Borough	Bewdley and Stourport
Bromyard (except the area of the parishes of Cradley, Evesbatch and Bishop's Frome)	North Herefordshire
Bromyard (in relation to the area of the parishes of Cradley, Evesbatch and Bishop's Frome)	South Herefordshire
Dore and Bredwardine	South Herefordshire
Droitwich	Mid-Worcestershire
Evesham	Vale of Evesham

(1) *Abolished Division*	(2) *Respective new Division*
Hereford (County) (except the area of the parish of Weobley)	South Herefordshire
Hereford (County) (in relation to the area of the parish of Weobley)	North Herefordshire
Hundred House (except the area of the parish of Rock)	Mid-Worcestershire
Hundred House (in relation to the area of the parish of Rock)	Bewdley and Stourport
Kington	North Herefordshire
Ledbury	South Herefordshire
Leominster and Wigmore	North Herefordshire
Malvern	Malvern Hills
Pershore	Vale of Evesham
Ross	South Herefordshire
Stourport	Bewdley and Stourport
Tenbury	North Herefordshire
Upton on Severn (except the area of the parish of Strensham)	Malvern Hills
Upton on Severn (in relation to the area of the parish of Strensham)	Vale of Evesham
City of Worcester	City of Worcester
Worcester (County) (except the area of the parish of Warndon)	Mid-Worcestershire
Worcester (County) (in relation to the area of the parish of Warndon)	City of Worcester

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 Hereford and Worcester and provides for the formation of seven new petty sessional divisions by article 3 of the Order. The new divisions are North Herefordshire, South Herefordshire, Malvern Hills, Bewdley and Stourport, Mid-Worcestershire, Vale of Evesham and City of Worcester

The existing petty sessional divisions of City of Hereford, Redditch, Bromsgrove and Kidderminster remain unaltered.