STATUTORY INSTRUMENTS

1976 No. 162

MAGISTRATES' COURTS

The Petty Sessional Divisions (Hertfordshire) Order 1976

Made - - - - *5th February* 1976

Coming into Operation *1st March* 1976

Whereas the magistrates' courts committee for the county of Hertfordshire 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 (Hertfordshire) Order 1976 and shall come into operation on 1st March 1976, 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 March 1976 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 of Buntingford, Hertford and Ware, Hitchin and Odsey shall be abolished and—

(*a*) from the areas comprised in the divisions of Buntingford and Hertford and Ware, less the parishes of Essendon and Tewin (which are transferred by paragraph (2) below), there shall be constituted a new division which shall be known as the Hertford and Ware division;

(*b*) from the areas comprised in the divisions of Hitchin and Odsey there shall be constituted a new division which shall be known as the North Hertfordshire division.

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

(2) The parishes of Essendon and Tewin shall be transferred to and form part of—

(*a*) the Hatfield division, in the case of the parish of Essendon;

(*b*) the Welwyn division, in the case of the parish of Tewin.

(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.
5th February 1976.

SCHEDULE 1 Article 3(3).

(1) Division	(2) Area comprised therein
Hatfield	The parishes of— Essendon Hatfield North Mymms
Hertford and Ware	The parishes of— Anstey Ardeley Aspenden Bayford Bengeo Rural Bramfield Braughing Brickenden Liberty Buckland Buntingford Cottered Great Amwell Hertford Hertingfordbury Hormead Hunsdon Little Amwell Little Berkhamstead Meesden Rushden Standon Stanstead Abbots Stanstead St. Margarets Stapleford Thundridge Ware Ware Rural Westmill Widford Wyddial
North Hertfordshire	The former urban districts of— Baldock Hitchin Letchworth as they existed on 31st March 1974. The parishes of— Ashwell Barkway Barley Bygrave Caldecote Clothall Hexton Hinxworth Holwell Ickleford Ippollitts

(1) Division	(2) Area comprised therein
North Hertfordshire—*continued*	Kelshall King's Walden Langley Lilley Newnham Nuthampstead Offley Pirton Preston Radwell Reed Royston Sandon St. Paul's Walden Therfield Wallington Weston
Welwyn	The former urban district of Welwyn Garden City as it existed on 31st March 1974. The parishes of— Ayot St. Lawrence Ayot St. Peter Codicote Tewin Welwyn

Article 4.

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 Hertford and Ware division" means the Hertford and Ware division as constituted before the coming into effect of this Order;

"new division" means a division constituted by Article 3(1) 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;

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

"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;

(a) 1973 c. 62.

(b) 1969 c. 54.

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

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

(*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 NEW DIVISIONS BY ARTICLE 3(1)

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 March 1976—

(*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 Hertfordshire;

(*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;

(*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(c), 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(d) and a term ending at the expiration of the month of December 1976.

(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 March 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 March 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 respective new division or their clerk, as the case may be.

(a) 1960 c. 48.
(b) 1973 c. 29.
(c) 1964 c. 26.
(d) S.I. 1960/1701 (1960 I, p. 363).

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 respective new division.

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 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 by 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.

6. Where an abolished division is named in a probation order or a 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.

PART III

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

7. The transfer of a parish by Article 3(2) of this Order shall not affect any proceedings commenced before 1st March 1976 before the justices for the existing Hertford and Ware division and any such proceedings may be disposed of as if the parish formed part of the new division of Hertford and Ware.

8. Where on 1st March 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 Hertford and Ware to a person who resides in a parish transferred by Article 3(2) of this Order, the clerk may amend the order so as to require payment to be made through the clerk to the justices for the 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.

9. Where on 1st March 1976 a probation order or a supervision order is in force and the probationer or the person under supervision is residing in a parish transferred by Article 3(2) of this Order, the justices for the new division of Hertford and Ware, 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 probationer or person under supervision, as the case may be, had changed his residence.

PART IV

PROVISIONS RELATING TO LICENSING DISTRICTS ETC.

10.—(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 March 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 March 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.

(1) Abolished division	(2) Respective new division
Buntingford	Hertford and Ware
Hertford and Ware	Hertford and Ware
Hitchin	North Hertfordshire
Odsey	North Hertfordshire

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 Hertfordshire and provides for the reorganisation of petty sessional divisions in respect of the areas comprised in the existing divisions of Buntingford, Hertford and Ware, Hitchin and Odsey.