STATUTORY INSTRUMENTS

1978 No. 644

MAGISTRATES' COURTS

The Petty Sessional Divisions (Nottinghamshire) Order 1978

Made - - - - 27th April 1978

Coming into operation in accordance with Article 1

Whereas the magistrates' courts committee for the county of Nottinghamshire 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 (Nottinghamshire) Order 1978 and shall come into operation on 1st June 1978, except that for the purposes of paragraph 2 of the Schedule 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 June 1978 ordinarily act, in and for that division.

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

3.—(1) The divisions of Mansfield (Borough) and Mansfield (County) shall be abolished and from the areas comprised therein, together with the parishes of Annesley, Felley and Newstead (which are transferred from the division of Nottingham (County) by paragraph (3) below), there shall be constituted a new division which shall be known as the Mansfield division.

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

(2) The divisions of Newark and Southwell shall be combined to form a new division which shall be known as the Newark and Southwell division.

(3) The parishes of Annesley, Felley and Newstead shall cease to form part of the Nottingham (County) division and shall be transferred to, and form part of, the new division of Mansfield constituted by paragraph (1) above.

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

Merlyn Rees,
One of Her Majesty's Principal Secretaries of State.

Home Office.
27th April 1978.

Article 4.

SCHEDULE

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

PART I

INTERPRETATION

1. In this Schedule—

"existing division" means a division abolished or combined 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 existing division means the new division specified opposite to that existing 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).

(a) 1973 c. 62.
(b) 1969 c. 54.
(c) 1960 c. 48.
(d) 1973 c. 29.
(e) 1975 c. 72.

PART II

PROVISIONS CONSEQUENTIAL ON CONSTITUTION OF NEW DIVISIONS BY ARTICLE 3(1) AND (2)

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 June 1978—

(*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 Nottinghamshire;

(*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 1978;

(*b*) in relation to the appointment 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 1979;

(*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 1978;

(*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 1978;

(*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 1978;

(*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 1978.

(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 June 1978.

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 June 1978 by, from, to or before any justices for an existing 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.

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 existing division shall have effect as if it had directed payment to be made to the clerk to the justices for the respective new division.

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

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 existing 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 an existing division.

6. Where an existing 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.

PART III

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

7. The transfer of a parish by Article 3(3) of this Order shall not affect any proceedings commenced before 1st June 1978 before the justices for the Nottingham (County) division and any such proceedings may be disposed of as if the parish formed part of the Nottingham (County) division.

8. Where on 1st June 1978 periodical payments are payable under section 52 of the Magistrates' Courts Act 1952(a) through the clerk to the justices for the Nottingham (County) division to a person who resides in a parish transferred by Article 3(3) 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 new division of Mansfield 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 June 1978 a community service order, a probation order or a supervision order is in force and the offender, the probationer or person under supervision is residing in a parish transferred by Article 3(3) of this Order, the justices for the Nottingham (County) 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.

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 existing division or, in respect of premises situated in the parishes of Annesley, Felley and Newstead, for the Nottingham (County) division, being an order or licence in force or other thing having effect immediately before 1st June 1978, 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.

(a) 1952 c. 55.

(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 existing division or, in respect of premises situated in the parishes of Annesley, Felley and Newstead, for the Nottingham (County) division, being a thing having effect immediately before 1st June 1978, 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.

APPENDIX Paragraph 1.

(1) Existing division	(2) Respective new division
Mansfield (Borough) Mansfield (County)	Mansfield
Newark Southwell	Newark and Southwell

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 Nottinghamshire and provides for the combination of the divisions of Mansfield (Borough) and Mansfield (County) to form the new division of Mansfield and the combination of the divisions of Newark and Southwell to form the new division of Newark and Southwell. The Order also provides for the transfer of three parishes from the Nottingham (County) division to the new divison of Mansfield.

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