STATUTORY INSTRUMENTS

1987 No. 1797

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Petty Sessional Divisions (Nottinghamshire) Order 1987

Made - - - - 13th October 1987

Coming into force in accordance with Article 1

Whereas the magistrates' courts committee for the county of Nottinghamshire 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 (Nottinghamshire) Order 1987 and shall come into force on 1st January 1988, except that for the purposes of paragraph 2 of the Schedule 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 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 and for that division.

3.—(1) The divisions of Nottingham (City), Nottingham (County) and Bingham shall be abolished, and from the areas comprised therein, less the parishes of Car Colston, East Bridgford, Flintham, Hawksworth, Kneeton, Orston, Screveton and Thoroton, (which are transferred by paragraph (2) below), there shall be constituted a new division which shall be known as the Nottingham division.

(2) The parishes of Car Colston, East Bridgford, Flintham, Hawksworth, Kneeton, Orston, Screveton and Thoroton shall be transferred to, and form part of, the division of Newark and Southwell.

(a) 1979 c.55.

(3) The parish of Boughton shall cease to form part of the East Retford division and shall be transferred to, and form part of, the Worksop division.

(4) The parishes of Ompton and Wellow shall cease to form part of the Worksop division, and shall be transferred to, and form part of, the Newark and Southwell division.

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

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

Home Office
13th October 1987

SCHEDULE

Article 4

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;

"new division" means the division constituted by article 3(1) of this Order;

"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 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**).

(**a**) 1973 c.62. (**b**) 1969 c.54. (**c**) 1960 c.48. (**d**) 1978 c.22. (**e**) 1973 c.29. (**f**) 1975 c.72.

PART II

PROVISIONS CONSEQUENTIAL ON CONSITUTION OF THE NEW DIVISION OF NOTTINGHAM BY ARTICLE 3(1)

2.—(1) The justices for the 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) a juvenile court panel;
(c) a probation liaison committee;
(d) a justice or justices to serve as a member or members of the magistrates' courts committee for the county of Nottinghamshire;
(e) a divisional licensing committee;
(f) a betting licensing committee;
(g) a domestic court panel;

(2) In the foregoing sub-paragraph, the expression "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 1988;
(b) 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(a), as extended by section 146 of that Act, and a term ending at the expiration of the month of December 1988;
(c) in relation to the appointment of a probation liaison 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 on such a date as the justices in accordance with the said rules may determine;
(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, under section 21 of the Justices of the Peace Act 1979 and a term ending at the expiration of the month of November 1988;
(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(b) and a term ending at the expiration of the month of December 1988;
(f) in relation to the appointment of a betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960(c) and a term ending at the expiration of the month of December 1988;
(g) 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, as extended by section 67 of that Act, and a term ending at the expiration of the month of December 1989;

(3) In relation to the appointment of a justices' clerk for the 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. Subject to Parts III and IV 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 by, from, to or before any justices for an abolished division or their clerk shall, on or 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 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 for an abolished division shall have effect as if it had directed payment to be made to the clerk to the justices for the new division.

(a) 1980 c.43. (b) 1964 c.26. (c) S.I. 1960/701.

5.—(1) Any process, record 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 new division or, if he does not hold that clerkship, be transferred to the custody of the clerk to the justices for the 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 new division shall be of the same effect as if they had been made or certified by the clerk to the justices for an abolished division.

6. 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 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.

PART III

PROVISIONS CONSEQUENTIAL ON TRANSFER OF PARISHES BY ARTICLE 3(2), (3) AND (4)

7. The transfer of a parish by article 3(2), (3) and (4) of this Order shall not affect any proceedings commenced before 1st January 1988 before the justices for the division of Bingham, East Retford or Worksop and any such proceedings may be disposed of –

(a) in the case of the parishes of Car Colston, East Bridgford, Flintham, Hawksworth, Kneeton, Orston, Screveton and Thoroton as if the parish had previously formed part of the Newark and Southwell division;

(b) in the case of the parish of Boughton, as if the parish continued to form part of the East Retford division;

(c) in the case of the parishes of Ompton and Wellow, as if the parishes continued to form part of the Worksop division;

8. Where in consequence of the transfer of a parish by article 3(2), (3) or (4) of this Order periodical payments are payable under section 59 of the Magistrates' Courts Act 1980 through the clerk to the justices for the division of Bingham, East Retford or Worksop, to a person who resides in a parish transferred by article 3(2), (3) or (4) of this Order, the clerk may amend the order so as to require payment to be made –

(a) in the case of the parishes of Car Colston, East Bridgford, Flintham, Hawksworth, Kneeton, Orston, Screveton and Thoroton through the clerk to the justices for the division of Newark and Southwell;

(b) in the case of the parish of Boughton, through the clerk to the justices for the Worksop division;

(c) in the case of the parishes of Ompton and Wellow through the clerk to the justices for the Newark and Southwell division;

and if he does so, he shall give notice to 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 January 1988 a community service order, probation order or supervision order is in force and the offender, probationer or the person under supervision is residing in a parish transferred by article 3(2), (3) or (4) of this Order, the justices for the division named in the order 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) The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st January 1988 in an abolished division or a parish transferred by article 3(2), (3) or (4) of this Order, shall continue in force there until the coming into force of an order under the said Part III, fixing permitted hours, made in the year 1988 at the general annual licensing meeting for the justices for the new division or, in respect of a parish transferred by article 3(2), (3) or (4) of this Order, the division to which the parish is so transferred.

(2) Any order made, licence granted or other thing done under the Licensing Act 1964(a), the Licensing (Occasional Permissions) Act 1983(b), or section 3 of the Sporting Events (Control of Alcohol etc.) Act 1985(c) by the justices for an abolished division or, in respect of premises situated in a parish transferred by article 3(2), (3) or (4) of this Order, the division of Bingham, East Retford or Worksop, being an order or licence in force or other thing having effect immediately before 1st January 1988, 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 justices for the division in which the premises are then situated.

11. Anything done under the Betting, Gaming and Lotteries Act 1963(d) or the Gaming Act 1968(e) by or in relation to the betting licensing committee for an abolished division or, in respect of premises situated in a parish transferred by article 3(2), (3) or (4) of this Order, the division of Bingham, East Retford and Worksop, being a thing having effect immediately before 1st January 1988, 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 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) 1964 c.26. (b)1983 c.24. (c) 1985 c.57. (d) 1963 c.2. (e) 1968 c.65.

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 reorganisation of petty sessional divisions within the county.