STATUTORY INSTRUMENTS

1976 No. 1972

MAGISTRATES' COURTS

The Petty Sessional Divisions (Oxfordshire) Order 1976

Made - - - 23rd November 1976

Coming into operation in accordance with Article 1

Whereas the magistrates' courts committee for the county of Oxfordshire 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 pursuance 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 (Oxfordshire) Order 1976 and shall come into operation on 1st January 1977, except that for the purposes of paragraph 2 of Schedule 3 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 January 1977 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 Abingdon Borough, Abingdon County, Bullingdon Faringdon, North Oxfordshire and Wantage shall be abolished and—

(*a*) from the areas comprised in the divisions of Abingdon Borough and Abingdon County, less the parishes of North Hinksey, South Hinksey and Wytham (which are transferred by paragraph 2 below), together with the parish of Culham (which is transferred from the division of Bullingdon by paragraph 2 below), there shall be constituted a new division which shall be known as the Abingdon division;

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

(*b*) from the area comprised in the division of Bullingdon, less the parish of Culham (which is transferred by paragraph 2 below) there shall be constituted a new division which shall be known as the Bullingdon division;

(*c*) from the areas comprised in the divisions of Faringdon and Wantage there shall be constituted a new division which shall be known as the Wantage and Faringdon division;

(*d*) from the area comprised in the division of North Oxfordshire, less the parishes of Rousham, Sandford St. Martin, Steeple Barton, Westcot Barton and Worton (which are transferred by paragraph 2 below), there shall be constituted a new division which shall be known as the North Oxfordshire division.

(2) The parishes specified in column (1) of Schedule 1 to this Order shall be transferred to and form part of the division specified opposite to each of those parishes in column (2) of the said Schedule.

(3) The divisions specified in column (1) of Schedule 2 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 3 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,
Whitehall.

23rd November 1976.

SCHEDULE 1

Article 3(2)

(1) Transferred parish	(2) Division to which parish is transferred
Culham	Abingdon
Sandford St. Martin Worton	Chipping Norton
North Hinksey South Hinksey Wytham	Oxford
Rousham Steeple Barton Westcot Barton	Woodstock

SCHEDULE 2

Article 3(3)

(1) Division	(2) Area comprised therein
Abingdon	The parishes of:— Abingdon Appleford Appleton-with-Eaton Besselsleigh Culham Cumnor Drayton Frilford Fyfield and Tubney Garford Kennington Kingston Bagpuize-with-Southmoor Lyford Marcham Milton Radley St. Helen Without Steventon Sunningwell Sutton Courtenay Wootton

(1) Division	(2) Area comprised therein
Bullingdon	The Parishes of:— Beckley and Stowood Berinsfield Clifton Hampden Cuddesdon and Denton Dorchester Drayton St. Leonard Elsfield Forest Hill with Shotover Garsington Great Haseley Great Milton Holton Horspath Horton-cum-Studley Little Milton Littlemore Marsh Baldon Marston Noke Nuneham Courtenay Risinghurst and Sandhills Sandford-on-Thames Stadhampton Stanton St. John Tetsworth Thame Thomley Tiddington-with-Albury Toot Baldon Towersey Waterperry Waterstock Wheatley Woodeaton
Chipping Norton	The Parishes of:— Ascott-under-Wychwood Bruern Chadlington Charlbury Chastleton Chilson Chipping Norton Churchill Cornbury and Wychwood Cornwell Enstone Fawler Fifield Finstock Great Tew Heythrop Idbury Kingham Little Tew Lyneham Milton-under-Wychwood Over Norton Rollright Salford Sandford St. Martin Sarsden Shipton-under-Wychwood Spelsbury Swerford Worton
North Oxfordshire	The Parishes of:— Adderbury Banbury Barford St. John and St. Michael Bloxham Bodicote Bourton Broughton Claydon with Clattercot Cropredy Deddington Drayton Duns Tew Milcombe Milton Mollington North Aston North Newington Prescote Shenington with Alkerton Shutford Sibford Ferris Sibford Gower South Newington Steeple Aston

(1) Division	(2) Area comprised therein
North Oxfordshire (cont.)	Epwell Hanwell Hook Norton Horley Hornton Middle Aston Swalcliffe Tadmarton Wardington Wigginton Wroxton
Oxford	The City of Oxford The Parishes of:— North Hinksey South Hinksey Wytham
Wantage and Faringdon	The Parishes of:— Ardington Ashbury Baulking Bourton Buckland Buscot Charney Bassett Childrey Chilton Coleshill Compton Beauchamp Denchworth East Challow East Hanney East Hendred Eaton Hastings Fernham Goosey Great Coxwell Great Farington Grove Harwell Hatford Hinton Waldrist Kingston Lisle Letcombe Bassett Letcombe Regis Little Coxwell Littleworth Lockinge Longcot Longworth Pusey Shellingford Shrivenham Sparsholt Stanford in the Vale Uffington Wantage Watchfield West Challow West Hanney West Hendred Woolstone
Woodstock	The Parishes of:— Begbroke Bladon Blenheim Cassington Combe Freeland Glympton Gosford and Water Eaton Hampton Gay and Poyle Hanborough Hensington Without Kiddington with Asterleigh Kidlington Rousham Shipton-on-Cherwell and Thrupp Steeple Barton Stonesfield Tackley Westcot Barton Woodstock Wootton Yarnton

Article 4

SCHEDULE 3

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 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;

"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*) of the Children Act 1975(e).

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 January 1977—

(*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 Oxfordshire;

(*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 1977;

(*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;

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

(*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 1977;

(*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 1977;

(*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 1977;

(*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 1977.

(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 January 1977.

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 January 1977 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.

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 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(2)

7. The transfer of a parish by Article 3(2) of this Order shall not affect any proceedings commenced before 1st January 1977 before the justices for an abolished division and any such proceedings may be disposed of as if the parish formed part of the respective new division.

8. Where on 1st January 1977 periodical payments are by virtue of paragraph 4 above payable under section 52 of the Magistrates' Courts Act 1952(c) through the clerk to the justices for the new division of Abingdon, Bullingdon or North Oxfordshire 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 through the clerk to the justices for the division in which that person is residing, and, if he does so,

(a) 1964 c. 26. (b) S.I. 1960/1701 (1960 I, p. 363). (c) 1952 c. 55.

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 January 1977 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) of this Order, the justices for the respective new division, 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 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 abolished division, being an order or licence in force or other thing having effect immediately before 1st January 1977, 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(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 January 1977, 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.

Paragraph 1 — APPENDIX TO SCHEDULE 3

(1) Abolished division	(2) Respective new division
Abingdon Borough	Abingdon
Abingdon County	Abingdon
Bullingdon	Bullingdon
Faringdon	Wantage and Faringdon
North Oxfordshire	North Oxfordshire
Wantage	Wantage and Faringdon

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 Oxfordshire and provides for the reorganisation of petty sessional divisions in respect of the areas comprised in the existing divisions of Abingdon Borough, Abingdon County, Bullingdon, Chipping Norton, Faringdon, North Oxfordshire, Oxford, Wantage and Woodstock.

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

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