STATUTORY INSTRUMENTS

1981 No. 389

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Petty Sessional Divisions (Powys) Order 1981

Made - - - - 10*th March* 1981

Coming into operation in accordance with Article 1

Whereas the magistrates' courts committee for the county of Powys 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 (Powys) Order 1981 and shall come into operation on 1st April 1981, except that for the purposes of paragraph 2 of the Schedule thereto this Order shall come into operation 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 April 1981 ordinarily act, in and for that division.

3.—(1) The divisions of Builth, Colwyn and Painscastle shall be combined to form a new division which shall be known as the Builth division.

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

(3) The divisions of Mathrafal and Welshpool shall be combined to form a new division which shall be known as the Welshpool division.

(4) The divisions of Montgomery and Newtown shall be combined to form a new division which shall be known as the Newtown division.

(a) 1979 c. 55.

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.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

Home Office.
10th March 1981.

Article 4. SCHEDULE

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

1. In this Schedule—

"existing division" means a division combined by Article 3 of this Order;

"new division" means a division constituted by Article 3 of this Order;

"respective new division" means—

(*a*) in the case of the existing divisions of Builth, Colwyn and Painscastle, the new division of Builth;

(*b*) in the case of the existing divisions of East Radnor and Knighton, the new division of East Radnor;

(*c*) in the case of the existing divisions of Mathrafal and Welshpool, the new division of Welshpool;

(*d*) in the case of the existing divisions of Montgomery and Newtown, the new division of Newtown;

"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**) 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**).

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 April 1981—

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

(*b*) a juvenile court panel;

(*c*) one or more case committees;

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

(*d*) a justice or justices to serve as a member or members of the magistrates' courts committee for the county of Powys;

(*e*) a divisional licensing committee;

(*f*) a betting licensing committee;

(*g*) a domestic court panel.

(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 chairman, the manner prescribed by rules made under section 18 of the Justices of the Peace Act 1979 and a term ending at the expiration of the month of December 1981;

(*b*) in relation to the appointment of a juvenile court panel, the manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949(**a**) and a term ending at the expiration of the month of December 1982;

(*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 1981;

(*d*) in relation to the appointment of a member of the magistrates' courts committee, the manner prescribed by regulations made under section 21 of the Justices of the Peace Act 1979 and a term ending at the expiration of the month of November 1981;

(*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 1981;

(*f*) in relation to the appointment of the 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 1981;

(*g*) in relation to the appointment of a domestic court panel, the manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949 and a term ending at the expiration of the month of December 1982.

(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 25(3) of the Justices of the Peace Act 1979 may take place before 1st April 1981.

3. The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st April 1981 in an existing division shall continue in force until the coming into operation of an order under the said Part III, fixing permitted hours, made in the year 1982 at the general annual licensing meeting of the justices for the respective new division.

4. Anything required by virtue of the foregoing provisions of this Schedule to be done on or after 1st April 1981 by, or in relation to, the clerk to the justices for an existing 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 April 1981 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.

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 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**) 1949 c. 101. (**b**) 1964 c. 26. (**c**) S.I. 1960/1701.

7.—(1) Any process, records, or other documents in the custody, by virtue of his office as such, of the clerk to the justices of 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 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 existing division.

8. 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 new division were named therein.

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 Powys and provides for the petty sessional divisions of Builth, Colwyn and Painscastle to be combined to form a new petty sessional division of Builth; for the petty sessional divisions of East Radnor and Knighton to be combined to form a new petty sessional division of East Radnor; for the petty sessional divisions of Mathrafal and Welshpool to be combined to form a new petty sessional division of Welshpool; and for the petty sessional divisions of Montgomery and Newtown to be combined to form a new petty sessional division of Newtown.

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