STATUTORY INSTRUMENTS

1985 No. 1633

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Petty Sessional Divisions (Shropshire) Order 1985

Made - - - - 25th October 1985

Coming into operation in accordance with Article 1

Whereas the magistrates' courts committee for the county of Shropshire 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 (Shropshire) Order 1985 and shall come into operation on 1st January 1986, 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 January 1986 ordinarily act, in and for that division.

3.—(1) The divisions of Shifnal, The Wrekin and Wenlock shall be abolished and from the areas comprised therein, together with the parishes of Badger, Beckbury, Stockton and Sutton Maddock (which are transferred from the division of Bridgnorth by paragraph (2) below) and the parish of Buildwas (which is transferred from the division of Shrewsbury by paragraph (3) below) there shall be constituted a new division which shall be known as the Telford division.

(2) The parishes of Badger, Beckbury, Stockton and Sutton Maddock shall cease to form part of the Bridgnorth division and shall be transferred to, and form part of, the new division of Telford constituted by paragraph (1) above.

(3) The parishes of Baschurch and Buildwas shall cease to form part of the Shrewsbury division and shall be transferred to, and form part of–

(a) 1979 c.55.

(a) in the case of the parish of Baschurch, the Oswestry division; and

(b) in the case of the parish of Buildwas, the new division of Telford constituted by paragraph (1) above.

(4) The parish of Shawbury shall cease to form part of the Drayton division and shall be transferred to, and form part of, the Shrewsbury division.

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.

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

Home Office.
25th October 1985.

SCHEDULE

Article 4

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

PART I

INTERPRETATION

1. In this Schedule–

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

"new division" means the division constituted by Article 3 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) 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).

(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 CONSTITUTION OF THE NEW DIVISION OF TELFORD 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 1986–

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

(b) a juvenile court panel;

(c) one or more probation liaison committees;

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

(e) a divisional licensing committee;

(f) a betting licensing committee;

(g) a domestic court panel.

(2) In the foregoing sub-paragraph, the expression "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, 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 1986;

(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 at the expiration of the month of December 1986;

(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 1986;

(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 1986;

(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 1986;

(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 1986.

(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 1986.

3. Subject to Part 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 1986 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 new division or their clerk, as the case may be.

(a) 1980 c.43. (b) 1964 c.26. (c) S.I. 1960/1701.

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 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 existing 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 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 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) or (4) of this Order shall not affect any proceedings commenced before 1st January 1986 before the justices for the division of Bridgnorth, Drayton or Shrewsbury and any such proceedings may be disposed of—

(a) in the case of the parish of Badger, Beckbury, Stockton or Sutton Maddock, as if the parish continued to form part of the Bridgnorth division;

(b) in the case of the Parish of Shawbury, as if the parish continued to form part of the Drayton division; and

(c) in the case of the parish of Baschurch or Buildwas, as if the parish continued to form part of the Shrewsbury 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 Bridgnorth, Drayton or Shrewsbury 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 parish of Badger, Beckbury, Buildwas, Stockton or Sutton Maddock, through the clerk to the justices for the new division of Telford;

(b) in the case of the parish of Shawbury, through the clerk to the justices for the Shrewsbury division; and

(c) in the case of the parish of Baschurch, through the clerk to the justices for the Oswestry division;

and if he does so, he 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 1986 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. Any order made, licence granted or other thing done under the Licensing Act 1964 (a) and the Licensing (Occasional Permissions) Act 1983 (b) by the licensing justices for an existing division or, in respect of premises situated in a parish transferred by Article 3(2), (3) or (4) of this Order, the division of Bridgnorth, Drayton or Shrewsbury being an order or licence in force or other thing having effect immediately before 1st January 1986, 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 are then situated.

11. Anything done under the Betting, Gaming and Lotteries Act 1963 (c) or the Gaming Act 1968 (d) by or in relation to the betting licensing committee for an existing division or, in respect of premises situated in a parish transferred by Article 3(2), (3) or (4) of this Order, the division of Bridgnorth, Drayton or Shrewsbury, being a thing having effect immediately before 1st January 1986, 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.

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 Shropshire and provides for the combination of the petty sessional divisions of Shifnal, The Wrekin and Wenlock to form the new division of Telford and for the transfer to that new division of the parishes of Badger, Beckbury, Stockton and Sutton Maddock (from the Bridgnorth division) and Buildwas (from the Shrewsbury division). The order also provides for the transfer of the parish of Baschurch to the division of Oswestry, from the Shrewsbury division, and the parish of Shawbury to the division of Shrewsbury, from the Drayton division.

(a) 1964 c.26. (b) 1983 c.24. (c) 1963 c.2.
(d) 1968 c.65.