STATUTORY INSTRUMENTS

1972 No. 1481

MAGISTRATES' COURTS

The Petty Sessional Divisions (South-West London) Order 1972

Made - - - 28*th September* 1972

Coming into Operation 1*st January* 1973

Whereas the magistrates' courts committee for the south-west London area of Greater London (which area is deemed to be a county for all purposes of the law relating to magistrates' courts and matters connected with magistrates' courts by section 2 of the Administration of Justice Act 1964(**a**)) has, in pursuance of subsection (1) of section 18 of the Justices of the Peace Act 1949(**b**) submitted to the Secretary of State a draft order making provision about the division of part of the said area 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 (South-West London) Order 1972 and shall come into operation on 1st January 1973, 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 January 1973 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. The divisions of Kingston-upon-Thames and of Malden and Surbiton shall be combined to form a new division which shall be known as the Kingston upon Thames division.

(**a**) 1964 c. 42. (**b**) 1949 c. 101. (**c**) 1889 c. 63.

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.

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
28th September 1972.

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 the division constituted by that Article;

"probation order" means an order made or having effect as if made under section 3 of the Criminal Justice Act 1948(**a**);

"supervision order" means 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, as the case may be.

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 1973 in the place of the justices holding the corresponding appointments in relation to the existing divisions—

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

(*b*) a juvenile court panel;

(*c*) one or more case committees;

(*d*) three justices to serve as members of the probation and after-care committee for the south-west London combined probation and after-care area;

(*e*) two justices to serve as members of the magistrates' courts committee for the south-west London area;

(*f*) a divisional licensing committee;

(*g*) 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 chairman, 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 1973;

(*b*) in relation to the election 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 1973;

(a) 1948 c. 58. **(b)** 1969 c. 54.

(*c*) in relation to the appointment of a case committee, the manner prescribed by rules made under Schedule 5 to the Criminal Justice Act 1948 and a term ending at the expiration of the month of December 1973;

(*d*) in relation to the appointment of members of the probation and after-care committee, the manner prescribed by the Outer London Probation Areas Order 1964(**a**), as amended (**b**), and a term ending, in the case of one such member, at the expiration of the month of December 1973, in the case of another such member, at the expiration of the month of December 1974, and in the case of the third such member, at the expiration of the month of December 1975, the first two such members being chosen by lot;

(*e*) in relation to the appointment of members 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 1973;

(*f*) in relation to the appointment of the divisional licensing committee, the manner prescribed by Part I of Schedule 1 to the Licensing Act 1964(**c**), but with the words "October 1972" substituted for the words from "October" to the end of paragraph 1 of that Part, and a term ending at the expiration of the month of December 1973;

(*g*) in relation to the betting licensing committee, the manner prescribed in Regulation 1 of the Betting (Licensing) Regulations 1960(**d**), and a term ending at the expiration of the month of December 1973.

(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 19(9) of the Justices of the Peace Act 1949 may take place before 1st January 1973.

3. The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st January 1973 in an existing division shall continue in force there until the coming into operation of an order under the said Part III, fixing permitted hours, made in the year 1973 at the general annual licensing meeting of the justices for the new division.

4. Anything required by virtue of the foregoing provisions of this Schedule to be done on or after 1st January 1973, 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 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, proceeding begun, appointment made or other thing done before 1st January 1973 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.

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 new division.

7.—(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 a 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.

(a) S.I. 1964/1834.
(b) The amending Orders are not relevant to the subject matter of this Order.
(c) 1964 c. 26.
(d) S.I. 1960/1701 (1960 I, p. 363).

(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 the existing division.

8. Where an existing division is named in a probation order or in a supervision order, the order, unless amended in that regard, 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 south-west London area of Greater London for the petty sessional divisions of Kingston-upon-Thames and of Malden and Surbiton to be combined to form a new petty sessional division of Kingston upon Thames.

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