

1973 No. 982

## MAGISTRATES' COURTS

The Petty Sessional Divisions (North-East London)  
Order 1973*Made* - - - 24th May 1973*Coming into Operation* 1st June 1973

Whereas the magistrates' courts committee for the north-east 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 18 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 (North-East London) Order 1973 and shall come into operation on 1st June 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 June 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.—(1) The division of Chingford, which consists of part of the London borough of Waltham Forest, shall be abolished.

(a) 1964 c. 42.

(b) 1949 c. 101.

(c) 1889 c. 63.

(2) The London borough of Barking and the remainder of the London borough of Waltham Forest, shall cease to form part of the Beacontree division which accordingly shall consist of the London borough of Redbridge.

(3) The London borough of Waltham Forest shall form a new division which shall be known as the Waltham Forest division.

(4) The London borough of Barking shall form a new division which shall be known as the Barking 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.

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

Home Office,  
Whitehall.  
24th May 1973.

#### SCHEDULE

##### Article 4

##### TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

1. In this Schedule—

“existing Beacontree division” means the Beacontree division as constituted before the coming into effect of this Order;

“Beacontree division” means the Beacontree division as reduced in area by this Order;

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

“probation order” means a probation 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 or an order under section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(c).

2.—(1) The justices for each new division shall appoint, in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on 1st June 1973—

- (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 north-east London combined probation and after-care area;
- (e) two justices to serve as members of the magistrates' courts committee for the north-east London area;
- (f) a betting licensing committee.

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(a) 1948 c. 58.

(b) 1969 c. 54.

(c) 1960 c. 48.

(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 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 section 61 of the Children and Young Persons Act 1969 and a term ending at the expiration of the month of October 1973;
- (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 the 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 from each new division at the expiration of the month of December 1973, in the case of one such member from each new division at the expiration of the month of December 1974 and in the case of one such member from each new division at the expiration of the month of December 1975, the first two such members from each new division being chosen by lot;
- (e) in relation to the appointment of the 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 betting licensing committee, the manner prescribed in Regulation 1 of the Betting (Licensing) Regulations 1960(c) and a term ending at the expiration of the month of December 1973.

(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 June 1973.

3. The three justices appointed by the justices for each of the divisions of Havering and Newham and for the existing Beacontree division, who serve as members of the magistrates’ courts committee for the north-east London area shall agree among themselves, or, in default of agreement, draw lots to determine, which one of them from each division shall cease to serve as a member of that committee on 1st June 1973.

4.—(1) The existing Beacontree division and the Chingford division shall, notwithstanding the provisions of Article 3 of this Order, continue until the expiration of the month of December 1973 to constitute separate licensing districts for the purposes of the Licensing Act 1964(d) and, until the expiration of the said month, the said Act shall apply in relation to those divisions and the divisional licensing committees appointed therefor shall continue to carry out their functions as licensing authorities in relation thereto as if this Order had not been made.

(2) Sub-paragraph (1) of this paragraph shall continue to have effect after the expiration of the said month for the purpose of continuing in force the permitted hours in the Chingford division and in that part of the London borough of Waltham

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(a) S.I. 1964/1834.

(b) The amending orders are not relevant to the subject matter of this Order.

(c) S.I. 1960/1701 (1960 I, p. 363).

(d) 1964 c. 26.

Forest which forms part of the existing Beacontree division until there is in operation an order under section 60 of the Licensing Act 1964 fixing permitted hours made at the general annual licensing meeting of the licensing justices for the Waltham Forest division to be held in 1974.

(3) The said sub-paragraph shall continue to have effect after the expiration of the said month for the purpose of continuing in force the permitted hours in the London borough of Barking until there is in operation an order under the said section fixing permitted hours made at the general annual licensing meeting of the licensing justices for the Barking division to be held in 1974.

(4) Nothing in the foregoing provisions of this paragraph shall be construed as preventing the justices for a new division from exercising on and after 1st June 1973 in relation to the area thereof any powers relating to the grant of occasional licences, orders of exemption or protection orders conferred on them by the Licensing Act 1964.

5. Anything required by virtue of the foregoing provisions of this Schedule to be done on or after 1st June 1973 by, or in relation to, the clerk to the justices for the Chingford division shall be done by, or in relation to, the clerk to the justices for the Waltham Forest division.

6. Subject to the foregoing provisions 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 (whether before 1st June 1973 or in pursuance of paragraph 4 of this Schedule) by, from, to or before any justices for the Chingford division or their clerk shall 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 Waltham Forest division or their clerk, as the case may be.

7. 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 the Chingford division shall have effect as if it had directed payment to be made to the clerk to the justices for the Waltham Forest division.

8.—(1) Any process, record or other document in the custody, by virtue of his office as such, of the clerk to the justices for the Chingford division, shall be retained by that clerk in his capacity as clerk to the justices for the Waltham Forest division, or if he does not hold that clerkship, be transferred to the custody of the clerk to the justices for the Waltham Forest 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 Waltham Forest division, shall be of the same effect as if they had been made or certified by the clerk to the justices for the Chingford division.

9.—(1) Where the Chingford division is named in a probation order or in a supervision order, the powers and functions of the justices for such division as supervising court shall vest in and be discharged by the justices for the Waltham Forest division; and such orders, unless amended in regard to the division named, shall have effect in all respects as if the Waltham Forest division were named therein.

(2) Where on 1st June 1973 a probation order or a supervision order is in force and the probationer or person under supervision is residing in the London borough of Barking or in that part of the London borough of Waltham Forest which forms part of the existing Beacontree division, the justices for the Beacontree division as supervising court may, if the Beacontree division is named in the order, amend the order in regard to the division named as if the probationer or person under supervision had changed his residence.

10.—(1) Any process issued, order made, sentence passed, appeal brought, case stated, recognizance entered into, proceeding begun or other thing done before 1st June 1973 by, from, to or before any justices for the existing Beacontree division or their clerk in any proceedings before a magistrates' court sitting in the courthouse in East Street, Barking, or in relation to any such proceedings shall be deemed to have been issued, made, passed, brought, stated, entered into, begun or done by, from, to or before those justices as justices for the Barking division or their clerk, as the case may be.

(2) Any process, record or other document relating to any matter to which sub-paragraph (1) of this paragraph applies which is in the custody, by virtue of his office as such, of the clerk to the justices for the Beacontree division, shall be transferred to the custody of the clerk to the justices for the Barking division.

(3) Copies of, and extracts from, any such record or other document as aforesaid made or certified by the clerk to the justices for the Barking division, shall be of the same effect as if they had been made or certified by the clerk to the justices for the Beacontree division.

11. Where on 1st June 1973 periodical payments are payable under section 52 of the Magistrates' Courts Act 1952(a) through the clerk to the justices for the Beacontree division to a person who resides in the London borough of Barking or in that part of the London borough of Waltham Forest which forms part of the existing Beacontree division, that clerk may amend the order so as to require payments to be made through the clerk to the justices for the Barking division or for the Waltham Forest division, as the case may require, and if he does so, 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.

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(a) 1952 c. 55.

#### 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 north-east London area and provides for the abolition of the petty sessional division of Chingford, the reduction in size of the petty sessional division of Beacontree so that it consists of the London borough of Redbridge, and the formation of the new petty sessional divisions of Waltham Forest and Barking consisting respectively of the London boroughs of Waltham Forest and Barking.

SI 1973/982  
ISBN 0-11-030982-0



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