

1979 No. 1284

**MAGISTRATES' COURTS**

**The Petty Sessional Divisions (Essex) Order 1979**

*Made - - - - - 10th October 1979*

*Coming into operation in accordance with Article 1*

Whereas the magistrates' courts committee for the county of Essex has, in pursuance of subsection (1) of section 18 of the Justices of the Peace Act 1949<sup>(a)</sup>, 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 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 (Essex) Order 1979 and shall come into operation on 1st January 1980, 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 1980 ordinarily act, in and for that division.

3. The divisions of Halstead and North Hinckford shall be combined to form a new division which shall be known as the Halstead and Hedingham 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.

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

Home Office.  
10th October 1979.

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<sup>(a)</sup> 1949 c. 101; section 18(1) was amended by the Local Government Act 1972 (c. 70), Schedule 27, paragraph 6.

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 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);
  - (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) or section 36(3)(b) of the Children Act 1975(e).

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 1980—

- (a) a chairman and one or more deputy chairmen;
- (b) a juvenile court panel;
- (c) one or more case committees;
- (d) a justice to serve as a member of the magistrates’ courts committee for the county of Essex;
- (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 13 of the Justices of the Peace Act 1949 and a term ending at the expiration of the month of December 1980;
- (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 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 1980;
- (d) in relation to the appointment of the 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 1980;
- (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(f) and a term ending at the expiration of the month of December 1980;

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(a) 1973 c. 62.  
(e) 1975 c. 72.

(b) 1969 c. 54.  
(f) 1964 c. 26.

(c) 1960 c. 48.

(d) 1973 c. 29.

(f) in relation to the appointment of the betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960(a) and a term ending at the expiration of the month of December 1980;

(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(b) and a term ending at the expiration of the month of December 1982.

(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 1980.

3. The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st January 1980 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 1980 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 1980 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, proceedings begun, appointment made or other thing done before 1st January 1980 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 of 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.

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 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.

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### 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 Essex and provides for the petty sessional divisions of Halstead and North Hinckford to be combined to form a new petty sessional division of Halstead and Hedingham.

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(a) S.I. 1960/1701.

(b) Section 15 was extended by section 56A of the Magistrates' Courts Act 1952 (c. 55) (inserted by section 80 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)).