

1980 No. 1804

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Petty Sessional Divisions (Suffolk) Order 1980

Made - - - - 27th November 1980

Coming into Operation 1st January 1981

Whereas the magistrates' courts committee for the county of Suffolk 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 (Suffolk) Order 1980 and shall come into operation on 1st January 1981.

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 justice of the peace who ordinarily acts, or, as the case may be, will on or after 1st January 1981 ordinarily act, in and for that division.

3.—(1) The parishes of Bucklesham, Hemley and Newbourn shall cease to form part of the division of Felixstowe and—

(a) the parish of Bucklesham shall be transferred to, and form part of, the division of Orwell; and

(b) the parishes of Hemley and Newbourn shall be transferred to, and form part of, the division of Woodbridge.

(2) The parish of Kesgrave shall cease to form part of the division of Woodbridge and shall be transferred to, and form part of, the division of Orwell.

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.

Home Office.
27th November 1980.

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

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

1. In this Schedule—

“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. The transfer of parishes by Article 3 of this Order shall not affect any proceedings commenced before 1st January 1981 before justices for the divisions of Felixstowe and Woodbridge and any such proceedings may be disposed of—

- (a) in the case of the parishes of Bucklesham, Hemley and Newbourn as if the parish continued to form part of the division of Felixstowe; and
- (b) in the case of the parish of Kesgrave as if the parish continued to form part of the division of Woodbridge.

3. Where in consequence of the transfer of a parish by Article 3 of this Order periodical payments under section 52 of the Magistrates’ Courts Act 1952(f) are on 1st January 1981 payable to a person through the clerk to the justices for a division in which that person no longer resides, the clerk may amend the order so as to require the payments to be made through the clerk to the justices for the division in which that person is residing and, if the clerk does so amend the order, he shall give notice of the amendment to the person entitled to the payments, and to the justices’ clerk through whom the payments are to be made.

4. Where on 1st January 1981 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 of this Order the justices for the petty sessional 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.

5. Any order made, licence granted or other thing done under the Licensing Act 1964(g) by the licensing justices for the division of Felixstowe or Woodbridge in respect of premises situated in a parish transferred by Article 3 of this Order, being an order or licence in force or other thing having effect immediately before 1st January 1981, 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—

- (a) in the case of the parishes of Bucklesham and Kesgrave, the licensing justices for the division of Orwell; and
- (b) in the case of the parishes of Hemley and Newbourn, the licensing justices for the division of Woodbridge.

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

(b) 1969 c. 54.
(f) 1952 c. 55.

(c) 1960 c. 48.
(g) 1964 c. 26.

(d) 1973 c. 29.

6. Anything done under the Betting, Gaming and Lotteries Act 1963(a) or the Gaming Act 1968(b) by or in relation to the betting licensing committee for the division of Felixstowe or the division of Woodbridge in respect of premises situated in a parish transferred by Article 3 of this Order, being a thing having effect immediately before 1st January 1981, 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—

(a) in the case of the parishes of Bucklesham and Kesgrave, it had been done by, or in relation to, the betting licensing committee for the division of Orwell; and

(b) in the case of the parishes of Hemley and Newbourn, it had been done by, or in relation to, the betting licensing committee for the division of Woodbridge;

and anything done under either of these Acts, by, or in relation to, any other person or body shall have effect accordingly.

(a) 1963 c. 2.

(b) 1968 c. 65.

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 Suffolk and provides for the transfer of certain parishes between the petty sessional divisions of Felixstowe, Orwell and Woodbridge.