

SCHEDULE 3

Article 4

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

PART I

INTERPRETATION

1. In this Schedule—

“abolished division” means a division abolished by article 3(1) of this Order;

“new division” means a division specified in column (1) of Schedule 2 to this Order;

“respective new division” in relation to an abolished division means the new division specified opposite that abolished division in column (2) of the Appendix to this Schedule;

“community service order” means an order under section 14 of the Powers of Criminal Courts Act 1973(1);

“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) an order under section 7(7)(b) of the Children and Young Persons Act 1969(2)
- (b) an order under section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(3) or section 9 of the Domestic Proceedings and Magistrates' Courts Act 1978(4);
- (c) an order under section 2(2)(a) of the Guardianship Act 1973(5);
- (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 1974(6);
- (f) an order under section 26(1)(a) of the Adoption Act 1976(7);
- (g) an order under section 31(1)(b) of the Children Act 1989(8) including any order deemed to be a supervision order made under the said section 31 by virtue of paragraph 25(2) of Schedule 14 to that Act.

PART II

PROVISIONS CONSEQUENTIAL ON CONSTITUTION
OF NEW DIVISIONS BY ARTICLE 3(2)

2.—(1) The justices for a new division shall appoint in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on 1st April 1992—

- (a) a chairman and one or more deputy chairmen;
- (b) one or more probation liaison committees;

(1) 1973 c. 62.
(2) 1969 c. 54.
(3) 1960 c. 48.
(4) 1978 c. 22.
(5) 1973 c. 29.
(6) 1975 c. 72.
(7) 1976 c. 36.
(8) 1989 c. 41.

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- (c) a justice or justices to serve as a member or members of the Magistrates' Courts Committee for the county of Leicestershire;
- (d) a divisional licensing committee;
- (e) a betting licensing committee;
- (f) a family panel and, in respect of domestic proceedings within the meaning of section 65(1) of the Magistrates' Courts Act 1980⁽⁹⁾ or proceedings treated as domestic proceedings for the purposes of that Act by virtue of section 65(2) and (3) of that Act and which are pending immediately before 14th October 1991, a domestic court panel.

(2) The justices for the new divisions of Ashby-de-la-Zouch, Leicester, Market Bosworth and Market Harborough and Lutterworth shall also appoint, in the prescribed manner, as far as may be applicable, and for the prescribed term to take office on 1st April 1992, a juvenile court panel.

(3) In the foregoing sub-paragraphs, 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, 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 1992;
- (b) in relation to the appointment of a probation liaison committee, the manner prescribed by rules made under Schedule 3 to the Powers of Criminal Courts Act 1973 and a term ending at the expiration of the month of December 1992;
- (c) 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 1992;
- (d) in relation to the appointment of a divisional licensing committee the manner prescribed in Part I of Schedule 1 to the Licensing Act 1964⁽¹⁰⁾ and a term ending at the expiration of the month of December 1992;
- (e) in relation to the appointment of a betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960⁽¹¹⁾ and a term ending at the expiration of the month of December 1992;
- (f) in relation to the appointment of a family panel, or a domestic court panel, the manner prescribed by rules made, or having effect as if made, under section 144 of the Magistrates' Court Act 1980, as extended by section 67 of that Act⁽¹²⁾, and a term ending, in the case of appointments to a family panel, at the expiration of the month of December 1993 and, in the case of appointments to a domestic court panel, at the expiration of the month of December 1992;
- (g) 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' Court Act 1980, as extended by section 146 of that Act, and a term ending at the expiration of the month of December 1994.

(4) In relation to the appointment of a justices' clerk for a 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 April 1992.

⁽⁹⁾ 1980; section 65 was amended by paragraph 8 of Schedule 11 to the Children Act 1989.

⁽¹⁰⁾ 1964 c. 26.

⁽¹¹⁾ S.I.1960/1701.

⁽¹²⁾ Section 67 was amended by paragraph 8 of Schedule 11 to the Children Act 1989.

PART III

SAVING FOR LICENCES ETC.

3.—(1) Any order made, licence granted or other thing done under the Licensing Act 1964, the Licensing (Occasional Permissions) Act 1983⁽¹³⁾ or section 3 of the Sporting Events (Control of Alcohol etc.) Act 1985⁽¹⁴⁾ for a division, being an order or licence in force or other thing having effect immediately before 1st April 1992, 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 concerned are then situated.

(2) Anything done under the Betting, Gaming and Lotteries Act 1963⁽¹⁵⁾ or the Gaming Act 1968⁽¹⁶⁾ by or in relation to the betting licensing committee for a division, being a thing having effect immediately before 1st April 1992, 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 concerned 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.

PART IV

OTHER ORDERS, PROCESS, RECORDS ETC.

4. Subject to the foregoing provision 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 April 1992 by, from, to or before any justices for an abolished 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 respective new division or their clerk, as the case may be.

5.—(1) 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 abolished division shall have effect as if it had directed payment to be made to the clerk to the justices for the respective new division.

(2) Where in consequence of paragraph (1) above periodical payments under section 59 of the Magistrates' Courts Act 1980 are payable to a person through the clerk to the justices for a respective new division in which the person concerned does not reside, 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 the person does reside and, if the clerk does so amend the order, 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.

6.—(1) Where a petty sessional 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 on 1st April 1992 vest in the justices for the respective new division who shall from that date discharge those powers and functions and the order, unless amended in regard to the division named, shall from that date have effect in all respects as if the respective new division were named therein.

(2) Where in consequence of paragraph (1) above, the powers and functions of the justices in relation to a community service order, probation order or supervision order vest in the justices for

(13) 1983 c. 24.

(14) 1985 c. 57.

(15) 1963 c. 2.

(16) 1968 c. 65.

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the respective new division and the offender, probationer or person under supervision continues to reside in an area which formed part of the abolished division but which does not form a part of the respective new division, the justices for the respective new division 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.

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 abolished division shall remain in his custody in his capacity as clerk to the justices for the respective new division or, if he does not hold that clerkship, be transferred to the custody of the clerk to the justices for that respective 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 respective new division shall be of the same effect as if they had been made or certified by the clerk to the justices for the abolished division.

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APPENDIX TO SCHEDULE 3

(1) Abolished Division	(2) Respective new Division
Ashby-de-la-Zouch	Ashby-de-la-Zouch
Leicester City	Leicester
Leicester (County)	Leicester
Loughborough	Loughborough
Market Bosworth	Market Bosworth
Lutterworth	Market Harborough and Lutterworth
Market Harborough	Market Harborough and Lutterworth