

SCHEDULE

Article 4

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

PART I

INTERPRETATION

1. In this Schedule—

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

“existing division” means a division combined by article 3 of this Order;

“new Brecon division” means the division constituted by article 3(1) of this Order;

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

“respective new division” means—

- (a) in relation to the existing divisions of Brecon, Crickhowell and Talgarth, the new division of Brecon;
- (b) in relation to the existing divisions of Builth, Llandrindod Wells, East Radnor and Rhayader, the new division of Llandrindod Wells; and
- (c) in relation to the existing divisions of Llanidloes and Newtown, the new division of Newtown;

“community service order” means an order made 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) a supervision order within the meaning of section 11 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 1975(6).

(1) 1973 c. 62.
(2) 1969 c. 54.
(3) 1960 c. 48.
(4) 1978 c. 22.
(5) 1973 c. 29
(6) 1975 c. 72

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART II

PROVISIONS CONSEQUENTIAL ON CONSTITUTION OF NEW DIVISIONS BY ARTICLE 3(1)-(3)

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 2nd April 1991—

- (a) a chairman and one or more deputy chairmen;
- (b) one or more probation liaison committees;
- (c) a justice or justices to serve as a member or members of the Magistrates' Courts Committee for the county of Powys;
- (d) a divisional licensing committee;
- (e) a betting licensing committee;
- (f) a domestic court panel.

(2) In the foregoing sub-paragraph, the expression “the prescribed manner” and “the prescribed term” mean respectively—

- (a) in relation to the appointment 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 1991;
- (b) in relation to the appointment of a probation liaison 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 1991;
- (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 1991;
- (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(7) and a term ending at the expiration of the month of December 1991;
- (e) in relation to the appointment of a betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960(8) and a term ending at the expiration of the month of December 1991;
- (f) in relation to the appointment of a domestic court panel, the manner prescribed by rules made, or having effect as if made, under section 144 of the Magistrates' Courts Act 1980(9), as extended by section 67 of that Act, and a term ending at the expiration of the month of December 1992.

(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 25(3) of the Justices of the Peace Act 1979 may take place before 2nd April 1991.

3. Subject to paragraph 12 of this Schedule, the permitted hours under Part III of the Licensing Act 1964 in force immediately before 2nd April 1991 in an existing division shall continue in force there until the coming into force of an order under the said Part 111, fixing permitted hours, made in the year 1992 at the general annual licensing meeting of the justices for the respective new division.

(7) 1964 c. 26
(8) S.I.1960/1701.
(9) 1980 c. 43.

4. Anything required by virtue of the foregoing provision of this Schedule to be done on or after 2nd April 1991 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 respective new division.

5. Subject to the 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 2nd April 1991 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 respective 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 respective 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 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 the 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 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 respective new division and the order, unless amended in regard to the division named, shall have effect in all respects as if the respective new division were named therein.

PART III

PROVISIONS CONSEQUENTIAL ON TRANSFER OF THE COMMUNITY OF YSTRADFELLTE BY ARTICLE 3(4)

9. The transfer of the community of Ystradfellte by article 3(4) of this Order shall not affect any proceedings commenced before 2nd April 1991 before the justices for the existing Brecon division and any such proceedings may be disposed of as if this Order had not been made.

10. Where, on 2nd April 1991, periodical payments would, but for this Order, be payable under section 59 of the Magistrates' Courts Act 1980 through the clerk to the justices for the existing Brecon division to a person who resides in the community of Ystradfellte, the clerk to the justices for the new Brecon division may, on or after that date, amend the Order so as to require the payments to be made through the clerk to the justices for the Ystradgynlais division 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 clerk to the justices for Ystradgynlais.

11. Where on 2nd April 1991 a community service order, probation order or supervision order is in force and the offender, probationer or person under supervision is residing in the community of Ystradfellte, the justices for the new Brecon 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.

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12. Any order made, licence granted or other thing done under the Licensing Act 1964 or the Licensing (Occasional Permissions) Act 1983⁽¹⁰⁾ by the licensing justices in respect of premises situated in the community of Ystradfellte, being an order or licence in force or other thing having effect immediately before 2nd April 1991, 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 Ystradgynlais division.

13. Anything done under the Betting, Gaming and Lotteries Act 1963⁽¹¹⁾ or the Gaming Act 1968⁽¹²⁾ by or in relation to the betting licensing committee for the existing Brecon division in respect of premises situated in the community of Ystradfellte, being a thing having effect immediately before 2nd April 1991, 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 Ystradgynlais division, and anything done under either of those Acts by, or in relation to, any other person or body shall have effect accordingly.

⁽¹⁰⁾ 1983 c. 24.

⁽¹¹⁾ 1963 c. 2.

⁽¹²⁾ 1968 c. 65.