
STATUTORY INSTRUMENTS

1996 No. 463

**JUSTICES OF THE PEACE,
ENGLAND AND WALES**

The Petty Sessional Divisions (West Glamorgan) Order 1996

Made - - - - 28th February 1996

Laid before Parliament 29th February 1996

Coming into force in accordance with article 1

The Lord Chancellor, in exercise of powers conferred on him by sections 55(3) and 63(5) of the Local Government (Wales) Act 1994(1), hereby makes the following Order:

1. This Order may be cited as the Petty Sessional Divisions (West Glamorgan) Order 1996 and shall come into force on 1st April 1996 except that, for the purposes of paragraph 2 of the Schedule hereto, this Order shall come into force on 21st March 1996.

2. In this Order—

- (a) except where the context otherwise requires, the expression “division” means a petty sessional division;
- (b) 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 April 1996 ordinarily act, in and for that division;
- (c) any reference to a county, county borough or preserved county shall be construed in accordance with the Local Government Act 1972(2), as amended by the Local Government (Wales) Act 1994(3).

3.—(1) The divisions into which the county of West Glamorgan is divided, that is to say the four divisions of Lliw Valley, Neath, Port Talbot and Swansea, shall be abolished.

(2) The area of the preserved county of West Glamorgan shall be divided into the two divisions hereby constituted, that is to say—

- (a) the Neath Port Talbot division, which shall consist of the county borough of Neath and Port Talbot, and
- (b) the Swansea County division, which shall consist of the county of Swansea.

(1) 1994 c. 19.

(2) 1972 c. 70: the relevant provisions are sections 20 and 270(1) and Schedule 4.

(3) The relevant provisions are section 1(1), (2) and (7) and Schedule 1.

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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.

Dated 28th February 1996

Mackay of Clashfern, C.

SCHEDULE

Article 4

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

PART 1

INTERPRETATION

1. In this Schedule:—

- “abolished division” means a division abolished by article 3(1) of this Order;
- “new division” means a division constituted by article 3(2) of 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;
- “combination order” means an order made under section 11 of the Criminal Justice Act 1991⁽⁴⁾;
- “community service order” means an order made under section 14 of the Powers of Criminal Courts Act 1973⁽⁵⁾;
- “probation order” means a probation order made, or having effect as if made, under section 2 of the Powers of Criminal Courts Act 1973⁽⁶⁾;
- “supervision order” means any of the following orders, that is to say—
 - (a) an order within the meaning of section 11 of the Children and Young Persons Act 1969⁽⁷⁾;
 - (b) a supervision order within the meaning of section 26(1) of the Powers of Criminal Courts Act 1973;
 - (c) 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 REPLACEMENT OF DIVISIONS

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 April 1996—

- (a) a chairman and one or more deputy chairmen;
- (b) one or more probation liaison committees;
- (c) a divisional licensing committee;
- (d) a betting licensing committee;
- (e) a family panel;
- (f) a youth court panel;

⁽⁴⁾ 1991 c. 53.

⁽⁵⁾ 1973 c. 62; section 14 was amended by section 10 of the Criminal Justice Act 1991.

⁽⁶⁾ Section 2 was substituted by section 8 of the Criminal Justice Act 1991.

⁽⁷⁾ 1969 c. 54.

⁽⁸⁾ 1989 c. 41.

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- (g) a chairmanship committee.
- (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 18 of the Justices of the Peace Act 1979⁽⁹⁾ and a term ending at the expiration of the month of December 1996;
 - (b) in relation to the appointment of a probation liaison committee, the manner prescribed by rules made, or having effect as if made, under section 25 of the Probation Service Act 1993⁽¹⁰⁾ and a term ending at the expiration of the month of December 1996;
 - (c) in relation to the appointment of a divisional licensing committee, the manner prescribed in Part I of Schedule 1 to the Licensing Act 1964⁽¹¹⁾ and a term ending at the expiration of the month of December 1996;
 - (d) in relation to the appointment of a betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960⁽¹²⁾ and a term ending at the expiration of the month of December 1996;
 - (e) in relation to the appointment of a family panel, the manner prescribed by rules made, or having effect as is made, under section 144 of the Magistrates' Courts Act 1980, as extended by section 67 of that Act⁽¹³⁾, and a term ending at the expiration of the month of December 1996;
 - (f) in relation to the appointment of a youth 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⁽¹⁴⁾, and a term ending at the expiration of the month of December 1997;
 - (g) in relation to the appointment of a chairman committee, the manner prescribed by rules made under section 18 of the Justices of the Peace Act 1979, one third of the members to retire respectively at the expiration of the months of December 1996, 1997 and 1998.
- (3) The members of the selection panel for the West Glamorgan magistrates' courts committee area appointed under regulation 5 of the Magistrates' Courts Committees (Constitution) Regulations 1994⁽¹⁵⁾ shall continue to hold office until 31st December 1996 in accordance with regulation 3(2) of those Regulations.
- (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(6) of the Justices of the Peace Act 1979⁽¹⁶⁾ may take place before 1st April 1996.
- (5) The Justices of the Peace Act 1949 (Compensation) Regulations 1978⁽¹⁷⁾ shall apply to any person who suffers loss of office or loss or diminution of emoluments attributable to the making of this Order as if this Order had been made under section 23 of the Justices of the Peace Act 1979.
- (3) The Swansea and Lliw Valley Youth Court Panel Order 1992⁽¹⁸⁾ is hereby revoked; and any proceedings begun before 1st April 1996 before justices sitting as members of the combined youth court panel for the divisions of Swansea and Lliw Valley shall continue before justices sitting as the youth court panel for the division of Swansea County as if begun before those justices.

(9) Section 18 was amended by the Police and Magistrates' Courts Act 1994 (c. 29), schedule 8, paragraph 3.

(10) 1993 c. 47.

(11) 1964 c. 26.

(12) S.I. 1960/1701.

(13) 1980 c. 43; section 67 was amended by paragraph 8 of Schedule 11 to the Children Act 1989.

(14) Section 146 was amended by paragraph 41 of Schedule 11 to the Criminal Justice Act 1991.

(15) S.I. 1994/2811.

(16) Section 25 was substituted by the Police and Magistrates' Courts Act 1994 (c. 29), section 76.

(17) S.I. 1978/1682, as varied by S.I. 1995/41.

(18) S.I. 1992/2599, which established the combined youth court panel for the divisions of Swansea and Lliw Valley.

PART III

SAVING FOR LICENCES ETC.

4.—(1) Any order made, licence granted or other thing done under the Licensing Act 1964, the Licensing (Occasional Permissions) Act 1983⁽¹⁹⁾ or section 3 of the Sporting Events (Control of Alcohol etc.) Act 1985⁽²⁰⁾ for a division, being an order or licence in force or other thing having effect immediately before 1st April 1996, shall continue to have like effect on or 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, or, as the case may be, by a magistrates' court acting, for the division in which the premises concerned are then situated.

(2) Anything done under the Betting, Gaming and Lotteries Act 1963⁽²¹⁾ or the Gaming Act 1968⁽²²⁾ by, or in relation to, the betting licensing committee for a division, being a thing having effect immediately before 1st April 1996, 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.

5. 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 1996 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.

6.—(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 sub-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.

7.—(1) Where a petty sessional division is named in a combination order, 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 1996 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.

⁽¹⁹⁾ 1983 c. 24.

⁽²⁰⁾ 1985 c. 57.

⁽²¹⁾ 1963 c. 2.

⁽²²⁾ 1968 c. 65.

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

8.—(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 THE SCHEDULE

(1) Abolished Division	(2) Respective new Division
Lliw Valley	Swansea County
Neath	Neath Port Talbot
Port Talbot	Neath Port Talbot
Swansea	Swansea County

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes the four petty sessional divisions of the county of West Glamorgan, namely Lliw Valley, Neath, Port Talbot and Swansea, and replaces them with two new divisions of the preserved county of West Glamorgan, namely Neath Port Talbot and Swansea County. The Order is made under section 55 of the Local Government (Wales) Act 1994 in connection with the establishment of the county borough of Neath and Port Talbot and the county of Swansea by that Act.