

SCHEDULE

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

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.

(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.