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STATUTORY INSTRUMENTS

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**2012 No. 3128**

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

**The Local Justice Areas (No. 3) Order 2012**

*Made - - - - 17th December 2012*

*Laid before Parliament 19th December 2012*

*Coming into force in accordance with article 1*

The Lord Chancellor, in exercise of the powers conferred by sections 8(4) and 108(6) of the Courts Act 2003<sup>(1)</sup> and after consulting in accordance with section 8(5A) and 8(6) of that Act<sup>(2)</sup>, makes the following Order.

**Citation and Commencement**

1.—(1) This Order may be cited as the Local Justice Areas (No. 3) Order 2012.

(2) This Order comes into force on 28th January 2013 for the purposes of Part 1 of the Schedule to this Order.

(3) For all other purposes, this Order comes into force on 1st July 2013.

**Interpretation**

2.—(1) In this Order—

“existing area” means a local justice area as it exists immediately before 1st July 2013;

“new area” means a local justice area constituted by this Order.

(2) Any reference to a justice for an area is to 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 July 2013, ordinarily act, in and for that area.

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(1) [2003 c.39](#). Section 108(6) was amended by the Constitutional Reform Act [2005 \(c.4\)](#), section 15(1) and Schedule 4, paragraph 348.

(2) [2003 c.39](#). Section 8(5A) was inserted by the Constitutional Reform Act [2005 \(c.4\)](#), section 15(1) and Schedule 4, paragraph 312. Section 8(6) was amended by [S.I. 2012/1206](#).

### **New Areas**

3. The existing areas of North West Wiltshire, South East Wiltshire and Swindon are combined to become a new area named County of Wiltshire.

### **Amendment to the Local Justice Areas Order 2005**

4. The Schedule to the Local Justice Areas Order 2005<sup>(3)</sup> is amended as follows—
- (a) omit “North West Wiltshire”;
  - (b) omit “South East Wiltshire”;
  - (c) omit “Swindon”; and
  - (d) after “County Durham and Darlington” insert “County of Wiltshire”.

### **Schedule**

5. The provisions set out in the Schedule to this Order have effect.

Signed by authority of the Lord Chancellor

17th December 2012

*Helen Grant*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(3) [S.I. 2005/554](#). The Schedule was substituted by [S.I. 2011/1168](#).

## SCHEDULE

Article 5

### PART 1

#### Consequential and Transitional Provisions

1. The persons and bodies appointed, elected or formed (as the case may be) in the prescribed manner for the new area shall serve for the term provided for under paragraph 4.

2. In this Schedule, the persons and bodies referred to are—

- (a) a chairman and one or more deputy chairmen of the justices of a local justice area;
- (b) a Bench Training and Development Committee;
- (c) a youth panel and a chairman and one or more deputy chairman of a youth panel.

3. In this Schedule, the “prescribed manner” means—

- (a) in relation to the election of a chairman or deputy chairman of the justices, the manner prescribed by the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(4);
- (b) in relation to the formation of a Bench Training and Development Committee and the appointment of a member of a Bench Training and Development Committee, the manner prescribed by the Justices of the Peace (Training and Development Committee) Rules 2007(5);
- (c) in relation to the formation of a youth panel and the election of a chairman and one or more deputy chairman of a youth panel, the manner prescribed by the Youth Courts (Constitution of Committees and Right to Preside) Rules 2007(6).

4. In paragraph 1 of this Schedule, “term” means—

- (a) in relation to the election of a chairman or deputy chairman of the justices, the period starting on 1st July 2013 and ending on 31st December 2013;
- (b) in relation to the formation of a Bench Training and Development Committee and the appointment of a member of a Bench Training and Development Committee, the period starting on 1st July 2013 and ending, for one third of the members on 31st December in the years 2013, 2014 and 2015 respectively;
- (c) in relation to the formation of a youth panel and the election of a chairman and one or more deputy chairman of a youth panel, the period starting on 1st July 2013 and ending on 31st December 2013.

5. In this Schedule any reference to the manner prescribed by rules for any election, appointment or formation shall not include provisions relating to dates, times or time limits.

6.—(1) The persons who will be justices for a new area may hold a meeting before 1st July 2013 for the purposes set out in this Part of the Schedule and in order to prepare to assume their functions on and after that date.

(2) If a meeting is held in accordance with sub-paragraph (1) it shall be treated as if it were a meeting of the justices for the new area for the purposes of the enactments cited in this Part of this Schedule despite the fact that the new area was not at that time in existence.

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(4) [S.I. 2005/553](#).

(5) [S.I. 2007/1609](#) as amended by [S.I. 2011/1493](#).

(6) [S.I. 2007/1611](#) as amended by [S.I. 2007/2622](#) and [S.I. 2011/1494](#).

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

(3) The persons appointed or elected for a new area may hold one or more meetings after the conclusion of the process of appointment or election but before 1st July 2013 for the purpose of preparing to assume their functions on and after that date.

## PART 2

### Other things done

7. Subject to the provisions of this Schedule anything done before 1st July 2013 by, to, before or in relation to any justices for an existing area, their clerk or any other officer of the court, shall on or after that date, be deemed to have been done by, to, before or in relation to those justices, their clerk or any other officer of the court, as justices for the new area, their clerk or any other officer of the court, as the case may be.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for a new local justice area named County of Wiltshire to replace the existing local justice areas of North West Wiltshire, South East Wiltshire and Swindon.

The Order comes into force on 28th January 2013 for the purpose of enabling appointments to be made, elections to be held and bodies formed for the altered local justice area. The Order comes into force on 1st July 2013 for the substantive creation of the new local justice area.