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SCHEDULES

SECOND SCHEDULE

PROVISIONS CONSEQUENTIAL ON CHANGES IN COMMISSION OF THE PEACE

Special provisions for Hampshire and Isle of Wight

- 13 (1) The court of quarter sessions for the Isle of Wight shall not have jurisdiction to deal—
- (a) with any person committed for trial or sentence before the date of the coming into force of section ten of this Act; or
 - (b) with any appeal brought (whether before that date or not) from a conviction, sentence, order or decision before that date, except an appeal against conviction brought by a person who is sentenced or committed for sentence in pursuance of the conviction after that date;
- and the court of quarter sessions for Hampshire shall have the same jurisdiction to deal with any such person as is mentioned in paragraph (a) of this sub-paragraph and any such appeal as is mentioned in paragraph (b) thereof as if it were a court of quarter sessions for the county of Southampton.
- (2) The justices for the Isle of Wight shall as soon as practicable after the coming into force of the said section ten hold a special sessions at which—
- (a) they shall appoint a chairman of the court of quarter sessions for the Island, unless they determine to apply to the Lord Chancellor for the appointment of a legally qualified chairman under section one of the Administration of Justice (Miscellaneous Provisions) Act, 1938;
 - (b) they shall appoint a clerk of the peace for the Island;
 - (c) they shall fix the times for holding quarter sessions for the Island in accordance with section twenty-two of the Criminal Justice Act, 1925;
 - (d) they shall make such other appointments and transact such other business (being appointments or business which a court of quarter sessions for a county has power to make or transact) as appear to them to be required before the first meeting of the court of quarter sessions for the Island.
- (3) The justices for the Isle of Wight shall not be required to hold a court of quarter sessions before the expiration of three months from the coming into force of the said section ten or have power by virtue of anything in paragraph (d) of the last foregoing sub-paragraph to deal at the special sessions required by that sub-paragraph with any person committed for trial or sentence or with any appeal.
- (4) Notwithstanding the general provision of this Schedule limiting to Hampshire any appointments made for the whole county of Southampton by the court of quarter sessions thereof, any committee appointed by that court to act for the purposes of the Licensing (Consolidation) Act, 1910, as compensation or confirming authority for the county of Southampton shall, until the expiration of one year from the beginning of the last Epiphany sessions for the county of Southampton, continue to act as aforesaid as if the county of Southampton remained one county for purposes of

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justices and as if the justices for Hampshire and the justices for the Isle of Wight were justices for the county of Southampton:

Provided that casual vacancies on any such committee shall be filled by the court of quarter sessions for Hampshire.

- (5) Notwithstanding the general provision referred to in the last foregoing sub-paragraph, the following provisions shall have effect with respect to appointments made under the Lunacy Act, 1890, by the court of quarter sessions for the county of Southampton, namely—
- (a) any appointment under section ten of that Act of a justice to make reception orders, if at the coming into force of section ten of this Act the justice is resident in the Isle of Wight, shall have effect for the Island as if made by a court of quarter sessions for the Island, and shall not have effect for Hampshire unless the justice is then resident in Hampshire too; and
 - (b) until the expiration of one year from the beginning of the last Michaelmas quarter sessions for the county of Southampton, the visitors of licensed houses appointed under section one hundred and seventy-seven of that Act shall continue to act as such for the whole county of Southampton as if it remained one county for purposes of justices and as if the justices for Hampshire and the justices for the Isle of Wight were justices for the county of Southampton, so, however, that any power or duty of quarter sessions in relation to the visitors shall belong to the court of quarter sessions for Hampshire and any reference to the clerk of the peace in relation to the visitors shall be construed as a reference to the clerk of the peace for Hampshire.
- (6) As at the date when the committee referred to in sub-paragraph (4) of this paragraph ceases to act as compensation authority for the county of Southampton, the assets standing to the credit of the accounts of Hampshire and of the Isle of Wight in the compensation fund of the said authority shall respectively become assets of the compensation funds of the compensation authority for Hampshire and of the compensation authority for the Isle of Wight, and any rights or liabilities of the authority for the county of Southampton in respect of their fund shall vest in the authority for Hampshire or the authority for the Isle of Wight accordingly.
- (7) Any buildings which at the coming into force of section ten of this Act are vested in or held in trust for the Hampshire and Isle of Wight county councils jointly and are used in connection with assizes or with quarter sessions shall pass to, vest in and be held in trust for the Hampshire county council alone, and there shall cease to have effect any special provision made in relation to quarter sessions by the order constituting the Isle of Wight a separate county and confirmed by the Local Government Board's Provisional Order Confirmation (No. 2) Act, 1889.
- (8) In determining the costs of assizes for the purposes of the said order, the expenses of the Hampshire county council in respect of any buildings which besides being used in connection with assizes are used in connection with the Hampshire quarter sessions or for administrative purposes of that council shall be treated as costs of assizes so far only as may be determined by agreement between the Hampshire and Isle of Wight county councils or, in default of agreement, by arbitration.
- (9) There shall also be determined as aforesaid any other question arising between those councils with respect to their property and liabilities in consequence of the coming into force of section ten of this Act.