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STATUTORY INSTRUMENTS

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**1996 No. 675**

**MAGISTRATES' COURTS**

**The Magistrates' Courts (Wales) (Consequences  
of Local Government Changes) Order 1996**

<i>Made</i>	- - - -	<i>6th March 1996</i>
<i>Laid before Parliament</i>		<i>8th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 55(1) and (4)(b) and section 63(5) of the Local Government (Wales) Act 1994<sup>(1)</sup>, hereby makes the following Order:

**1.**—(1) This Order may be cited as the Magistrates' Courts (Wales) (Consequences of Local Government Changes) Order 1996 and, subject to paragraph (2), shall come into force on 1st April 1996.

(2) This Order shall come into force immediately after the coming into force of the Local Government Changes for England (Magistrates' Courts) Regulations 1996<sup>(2)</sup>.

**2.** The Acts and statutory instruments listed in the Schedule shall be amended or construed as provided therein.

**3.**—(1) Every person who immediately before 1st April 1996 holds office as a justice of the peace for an old commission area shall on and after that date hold office as a justice of the peace for the new commission area which includes the petty sessions area for which he acts, and the commissions of the peace for the old commission areas shall accordingly have effect as commissions of the peace for the new commission areas.

(2) In paragraph (1)—

“old commission area” means an area in Wales for which there was a commission of the peace immediately before 1st April 1996;

“new commission area” means an area in Wales for which, in accordance with section 1 of the Justices of the Peace Act 1979<sup>(3)</sup>, there should be a commission of the peace on and after 1st April 1996.

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(1) 1994 c. 19.

(2) S.I. 1996/674, which is to come into force on 1st April 1996.

(3) 1979 c. 55, as amended by paragraph 10 of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19), S.I. 1996/674 and paragraph 1 of the Schedule to this Order.

4. Where by virtue of an order under section 55 of the Local Government (Wales) Act 1994 one or more commission areas are created, abolished or altered, article 3 shall have effect in relation to that change with the following modifications:

- (a) for every reference to 1st April 1996 there shall be substituted the date on which the order comes into force;
- (b) for the reference to section 1 of the Justices of the Peace Act 1979 there shall be substituted a reference to the order;
- (c) at the end of paragraph (1) there shall be inserted the words “until such time as commissions of the peace for the new commission areas are granted”.

5.—(1) Subject to any order made under section 55 of the Local Government (Wales) Act 1994, every petty sessions area which, immediately before 1st April 1996, was a petty sessional division of a county in Wales shall continue in existence on and after that date as a petty sessional division of the preserved county corresponding to that county.

(2) Subject to any order made under section 69 of the Police and Magistrates' Courts Act 1994<sup>(4)</sup>, every magistrates' courts committee for a county in Wales existing immediately before 1st April 1996 shall continue in existence on and after that date as the magistrates' courts committee for the preserved county corresponding to that county.

(3) In this article a preserved county corresponds to a county if it comprises all or most of the area of that county as it existed immediately before 1st April 1996.

Dated 6th March 1996

*Mackay of Clashfern, C.*

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(4) 1994 c. 29.

## SCHEDULE

Article 2

### PART I

#### AMENDMENTS TO ENACTMENTS CONCERNING MAGISTRATES' COURTS

##### *Justices of the Peace Act 1979*

1.—(1) In section 1 of the Justices of the Peace Act 1979<sup>(5)</sup>, after the words “Local Government Act 1992” there shall be inserted the words “or section 55 of the Local Government (Wales) Act 1994”.

(2) In section 12 of that Act, the following shall be inserted after subsection (5)(c)—

“(d) in relation to a commission area in Wales—

- (i) the council of the county or county borough which is or includes the petty sessions area for which the justice acts, or
- (ii) where the justice acts for a petty sessions area which is partly included in two or more counties or county boroughs, the councils of those counties and county boroughs.”.

(3) Section 24 of that Act shall be amended by the insertion in subsections (1)(a) and (2) of the words “, county borough in Wales” after the words “unitary district”, and by the insertion in subsections (1)(b), (2) and (6)(a) of the words “in England” after the words “a non-metropolitan county”.

(4) Section 24B of that Act shall be amended by the insertion in subsections (1)(a) and (2) of the words “, county borough in Wales” after the words “unitary district”, and by the insertion in subsections (2) and (4)(a) of the words “in England” after the words “a non-metropolitan county”.

##### *Magistrates' Courts Act 1980*

2.—(1) In section 1(8) of the Magistrates' Courts Act 1980<sup>(6)</sup>, for the words from “any commission area” to the end there shall be substituted “commission areas”.

(2) In section 2(1) and (3) of that Act—

- (a) the words “in England or a preserved county in Wales” shall be repealed;
- (b) the words “or preserved county (as the case may be)” shall be repealed.

(3) In section 3(4) of that Act, for the words from “any commission area” to the end there shall be substituted “commission areas”.

(4) In section 97(1) of that Act—

- (a) the words “in England or any county in Wales” shall be repealed;
- (b) the words “or county (as the case may be)” shall be repealed.

(5) In section 97(1A) of that Act, the words “or county (as the case may be)” shall be repealed.

(6) In section 116(3) of that Act, the words “in England and counties in Wales” shall be repealed.

(7) In section 150(1) of that Act, the words “, in relation to England,” in the definition of “commission area”, and the definition of “preserved county”, shall be repealed.

<sup>(5)</sup> 1979 c. 55, as amended by paragraph 10 of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19) and S.I. 1996/674.

<sup>(6)</sup> 1980 c. 43, as amended by paragraph 11 of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19) and S.I. 1996/674.

*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

### AMENDMENTS AND MODIFICATIONS TO OTHER ENACTMENTS

#### *Sheriffs Act 1887*

**3.** In section 38 of the Sheriffs Act 1887(**7**), after “any area in England” there shall be inserted “and Wales”.

#### *Licensing Act 1964*

**4.** Sections 85(4), 188(4) and 193(9) of the Licensing Act 1964(**8**) shall be repealed.

#### *Representation of the People Act 1983*

**5.** In the Representation of the People Act 1983(**9**), section 177(2) shall be repealed.

#### *Probation Service Act 1993*

**6.** In paragraph 6(3) of Schedule 1 to the Probation Service Act 1993(**10**), the words “in England, or any county in Wales,” shall be repealed.

#### *Modification of references*

- 7.**—(1) In the enactments to which this paragraph applies—
- (a) any reference to a justice of the peace for, of or within a county shall be construed in relation to any area in Wales as a reference to a justice of the peace for a commission area (as defined in section 1 of the Justices of the Peace Act 1979);
  - (b) any reference to county justices shall in relation to any area in Wales be construed as a reference to justices of the peace for a commission area (as so defined), and
  - (c) any reference to a county, without more, shall be construed in relation to any area in Wales as a reference to a commission area (as so defined).
- (2) The enactments to which this paragraph applies are the following—
- (a) section 10 of the Parochial Libraries Act 1708(**11**);
  - (b) section 4 of the Distress for Rent Act 1737(**12**);
  - (c) section 4 of the Inclosure Act 1773(**13**);
  - (d) section 2 of the Burial Ground Act 1816(**14**);
  - (e) section 2 of the Distress (Costs) Act 1817(**15**);
  - (f) section 1 of the Inclosure and Drainage (Rates) Act 1833(**16**);
  - (g) section 1 of the Geological Survey Act 1845(**17**);

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(7) 1887 c. 55; section 38 was amended by Schedule 30 to the Local Government Act 1972 (c. 70), S.I. 1995/1748 and S.I. 1996/674.

(8) 1964 c. 26; these subsections were inserted by paragraph 2 of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19).

(9) 1983 c. 2; section 177(2) was inserted by paragraph 12(1) of Schedule 2 to the Local Government (Wales) Act 1994 (c. 19).

(10) 1993 c. 47, as amended by S.I. 1996/674.

(11) 7 Anne c.14.

(12) 11 Geo. 2 c.19.

(13) 13 Geo. 3 c.81.

(14) 56 Geo. 3 c.141.

(15) 57 Geo. 3 c.93.

(16) 3 & 4 Will. 4 c.35.

(17) 8 & 9 Vict. c.63.

- (h) section 159 of the Inclosure Act 1845<sup>(18)</sup>;
- (i) section 18 of the London Hackney Carriage Act 1853<sup>(19)</sup>;
- (j) the Second Part of the Schedule to the Promissory Oaths Act 1868<sup>(20)</sup>;
- (k) paragraph 8 of Schedule 2 to the Children and Young Persons Act 1933<sup>(21)</sup>;
- (l) section 19(1) of the Prison Act 1952<sup>(22)</sup>;
- m)** sections 2(2), 85(1), 187(1), 188(1) and 193(1) and (2) of the Licensing Act 1964;
- (n) section 177 of the Representation of the People Act 1983.

### PART III

#### AMENDMENTS TO STATUTORY INSTRUMENTS

*Community Charges (Administration and Enforcement) Regulations 1989*

**8.** After regulation 47(1) of the Community Charges (Administration and Enforcement) Regulations 1989<sup>(23)</sup> there shall be inserted the following:—

“(1A) Paragraph (1) shall have effect in its application to charging authorities in Wales as if the words “the whole or any part of” were inserted before “the area”.”.

*Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989*

**9.** After regulation 21(1) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989<sup>(24)</sup> there shall be inserted the following:—

“(1A) Paragraph (1) shall have effect in its application to billing authorities in Wales as if the words “the whole or any part of” were inserted before “the area”.”.

*Council Tax (Administration and Enforcement) Regulations 1992*

**10.** After regulation 53(1) of the Council Tax (Administration and Enforcement) Regulations 1992<sup>(25)</sup> there shall be inserted the following:—

“(1A) Paragraph (1) shall have effect in its application to billing authorities in Wales as if the words “the whole or any part of” were inserted before “the area”.”.

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<sup>(18)</sup> 8 & 9 Vict. c.118.

<sup>(19)</sup> 16 & 17 Vict. c.33.

<sup>(20)</sup> 31 & 32 Vict. c.72.

<sup>(21)</sup> 1933 c. 12.

<sup>(22)</sup> 1952 c. 52, as amended by Schedule 30 to the Local Government Act 1972 (c. 70).

<sup>(23)</sup> S.I. 1989/438, to which there are amendments not relevant to this Order.

<sup>(24)</sup> S.I. 1989/1058, as amended by S.I. 1993/616.

<sup>(25)</sup> S.I. 1992/613.

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## EXPLANATORY NOTE

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

This Order is consequential upon the provisions of the Local Government (Wales) Act 1994, which effect local government reorganisation in Wales. As a result of those provisions, commission areas will be based not on counties but on “preserved counties”, which correspond (with some modifications) to the areas of the Welsh counties as existing immediately before 1st April 1996; petty sessions areas will be preserved counties or divisions of them; and magistrates' courts committee areas will be based on preserved counties and not on counties. The Order makes the necessary amendments to the Justices of the Peace Act 1979 and the Magistrates' Courts Act 1980, and makes the following further provisions in relation to areas in Wales.

(1) Existing commissions of the peace, petty sessions areas and magistrates' courts committees are to continue after 1st April 1996, and provision is made for commissions of the peace to continue after orders are made creating, abolishing or altering commission areas until such time as new commissions are issued.

(2) Provisions in the Justices of the Peace Act 1979 governing the functions of local authorities in relation to magistrates' courts are amended to cover cases in which the authority concerned is the council of a county borough, or where the commission area or petty sessions area concerned falls within the area of more than one authority.

(3) References to justices for a county in other legislation are amended or construed to refer to justices for a commission area.

(4) Enforcement provisions in regulations concerning the collection of local taxes are amended to provide for the jurisdiction of justices of the peace for a commission area within which only part of the area of a charging or billing authority is situated.

The corresponding instrument made in relation to England is the Local Government Changes for England (Magistrates' Courts) Regulations (S.I.1996/674).