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STATUTORY INSTRUMENTS

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**1973 No. 1593**

**The Local Government (Petty  
Sessional Divisions etc.) Order 1973**

1.—(1) This Order may be cited as the Local Government (Petty Sessional Divisions etc.) Order 1973 and (with the exception of Articles 1, 2, 5, 6, 7, 8 and 9 which shall come into operation on 1st October 1973) shall come into operation on 1st April 1974.

(2) This Order does not extend to Greater London.

2.—(1) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the orders revoked thereby were Acts of Parliament.

(2) In this Order any reference to an enactment is a reference to that enactment as amended by any subsequent enactment.

(3) In this Order, unless the context otherwise requires, the expression—

“existing petty sessions area” means a petty sessions area in existence on the date of making of this Order;

“new petty sessions area” means—

- (a) in relation to a non-metropolitan county or metropolitan district which is not divided into petty sessional divisions by Article 3 of and Schedule 1 to this Order, that county or district; and
- (b) in relation to any other non-metropolitan county or metropolitan district, one of the petty sessional divisions into which that county or district is so divided;

“respective new petty sessions area” in relation to an existing petty sessions area means the new petty sessions area specified in relation to that existing petty sessions area in column (3) of Schedule 2 to this Order;

“existing licensing district” means a licensing district in existence on the date of making of this Order;

“probation order” means a probation order made or having effect as if made under section 3 of the Criminal Justice Act 1948;

“supervision order” means any of the following orders, that is to say—

- (i) a supervision order within the meaning of section 11 of the Children and Young Persons Act 1969 or to which paragraph 12 of Schedule 4 to that Act applies;
- (ii) an order under section (2)(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960;
- (iii) a supervision order within the meaning of section 12 of the Criminal Justice Act 1972;

“community service order” has the same meaning as in the Criminal Justice Act 1972.

3.—(1) The non-metropolitan counties named in column (1) of Part I and the metropolitan districts named in column (1) of Part II of Schedule 1 to this Order shall be divided into the petty sessional divisions respectively named in column (2) of the relevant Part of that Schedule; and each

such petty sessional division shall comprise the area specified in respect thereof in column (3) of the relevant Part of that Schedule.

(2) The provisions of Part III of Schedule 1 to this Order shall have effect with respect to the meanings of expressions used in that Schedule.

(3) This Article and Schedule 1 to this Order shall be treated for the purposes of the Justices of the Peace Act 1949 as if they were contained in an order made under section 18 of that Act.

**4.**—(1) There shall be a combined juvenile court panel for the petty sessions areas named in each paragraph of Schedule 3 to this Order.

(2) For the purposes of the Juvenile Courts (Constitution) Rules 1954<sup>(1)</sup> and of Articles 6 and 7 of this Order, the new petty sessions areas named in each paragraph of that Schedule shall be deemed to be one petty sessions area and the justices acting for those areas shall be deemed to be justices for a petty sessions area consisting of those areas.

(3) This Article and Schedule 3 to this Order shall be treated for the purposes of the Children and Young Persons Act 1933 as if they were contained in an order made under Schedule 2 to that Act.

**5.**—(1) Unless the justices for an existing petty sessions area otherwise resolve, the election of a chairman or deputy chairman of the justices for that area due apart from this paragraph to take place in October 1973 shall not be held; and the persons holding office as chairman or deputy chairman at the time at which the election would apart from this paragraph have been held shall continue to hold office until 31st March 1974.

(2) Subject to paragraph (4) below, no appointment to any of the following bodies, that is to say—

- (a) a magistrates' courts committee;
- (b) a juvenile court panel;
- (c) a probation and after-care committee;
- (d) a case committee;
- (e) a betting licensing committee;
- (f) a licensing committee;
- (g) a compensation committee;
- (h) a licensing planning committee,

for an existing petty sessions area, or area in which an existing petty sessions area is comprised, shall be made on or after the date of coming into operation of this Article and any such appointment made before, but so as to take effect on or after, that date shall cease to have effect.

(3) The members of the bodies specified in paragraph (2) above serving as such on the date of coming into operation of this Article shall be deemed to be appointed for a term expiring immediately before 1st April 1974.

(4) Nothing in paragraph (2) above shall preclude the filling of a casual vacancy on any of the bodies specified therein but a person appointed to fill such a vacancy after the date of coming into operation of this Article shall be appointed for a term expiring immediately before 1st April 1974.

**6.**—(1) Subject to paragraph (2) below, the justices for each new petty sessions area shall before 1st April 1974 make all such arrangements, including the making of appointments and the holding of elections, as are necessary for the purpose of enabling magistrates' courts for that area to begin to exercise their jurisdiction on that date and of establishing before that date the several committees and other bodies to which members fall to be appointed or elected by the justices for that area.

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(1) (1954 I, p. 1026).

(2) Paragraph (1) above shall not apply to the appointment of a probation and after-care committee but the said justices shall before 1st April 1974, in the manner prescribed by rules made under Schedule 5 to the Criminal Justice Act 1948, appoint the members of a case committee to hold office until such date as the justices may in the case of each such member determine.

(3) The chairman and deputy chairman of the justices for any new petty sessions area elected under arrangements mentioned in paragraph (1) above shall hold office until 31st December 1974.

(4) A member of any of the following bodies, that is to say—

- (a) a magistrates' courts committee;
- (b) a juvenile court panel;
- (c) a betting licensing committee;
- (d) a licensing committee,

appointed under arrangements mentioned in paragraph (1) above shall hold office until the following respective dates, that is to say—

- (i) 30th November 1974,
- (ii) 31st October 1976,
- (iii) 31st December 1974,
- (iv) 31st December 1974.

7. Without prejudice to Article 6(1) of this Order, any committee or other body to which members are appointed or elected by the justices for any new petty sessions area shall before 1st April 1974 make all such arrangements for the area for which it acts, including the making of appointments and holding of elections, as are necessary for the purpose of enabling the magistrates' courts for that area to begin to exercise their jurisdiction on that date or of enabling that body to exercise all its functions not later than that date.

8. Any person appointed to any office under arrangements mentioned in Article 6 or 7 of this Order shall take office on a date specified in his appointment and the date so specified may be any date after the date of coming into operation of this Article.

9.—(1) Any expenditure incurred before 1st April 1974 in connection with any of the following matters, that is to say:—

- (a) magistrates' courts for any new petty sessions area;
- (b) the magistrates' courts committee for any non-metropolitan county or metropolitan district;
- (c) justices' clerks and other officers appointed by any such committee;
- (d) any other body having functions in relation to any new petty sessions area or any part thereof and composed wholly or mainly of justices for that area, not being a probation and after-care committee,

shall be defrayed by the council of that non-metropolitan county or metropolitan district or of the non-metropolitan county or metropolitan district in which that area is comprised, as the case may be.

(2) Any expenditure of the council of a non-metropolitan county or metropolitan district under paragraph (1) above shall, so far as it relates to any functions mentioned in section 27(2) of the Justices of the Peace Act 1949, be treated for the purposes of that section as having been incurred in connection with those functions.

10.—(1) Subject to Article 11 of this Order, anything done by or in relation to a justice, justices' clerk, magistrates' court or other body, not being a probation and after-care committee, exercising jurisdiction or functions in or for an existing petty sessions area shall be deemed to have been done by or in relation to a justice, justices' clerk, court or other body exercising jurisdiction or functions in or

for the respective new petty sessions area (hereafter in this Article referred to as “the corresponding person or body”) and, in the case of a thing in the process of being done, may accordingly be continued by or in relation to the corresponding person or body.

(2) For the purposes of paragraph (1) above, any justice for an existing petty sessions area who does not hold office as a justice of the peace for the respective new petty sessions area or the commission of the peace area in which the respective new petty sessions area is comprised shall be deemed to hold office as such.

(3) For the purposes of paragraph (1) above any petty sessional court-house for an existing petty sessions area which is outside the respective new petty sessions area shall be deemed to be in that new petty sessions area.

**11.** Any order made, licence granted or other thing done under the Licensing Act 1964 by the licensing justices for an existing licensing district, being an order or licence in force or other thing having effect immediately before 1st April 1974 shall continue to have like effect on and after that date as if the Local Government Act 1972 had not been passed but shall be treated as if it had been made, granted or done by the licensing justices for the new petty sessions area in which the premises concerned are situated.

**12.** 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 existing petty sessions area shall have effect as if it had directed payment to be made to the clerk to the justices for the respective new petty sessions area.

**13.** Where on 1st April 1974 periodical payments are by virtue of Article 12 of this Order payable under section 52 of the Magistrates' Courts Act 1952 through the clerk to the justices for a new petty sessions area to a person who resides outside that area, that clerk may amend the order so as to require payments to be made through the clerk to the justices for the new petty sessions area in which that person is residing and, if he does so, 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.

**14.—(1)** Where an existing petty sessions area is named in a probation order, in a supervision order or in a community service order, the powers and functions of the justices for such area in relation to the order shall vest in and be discharged by the justices for the respective new petty sessions area and such an order, unless amended in regard to the area named, shall have effect in all respects as if the respective new petty sessions area were named therein.

(2) Where on 1st April 1974 a probation order, a supervision order or a community service order is in force and the probationer, person under supervision or offender in respect of whom the community service order is in force, as the case may be, is residing outside the new petty sessions area which, by virtue of paragraph (1) above, is deemed to be named in the order, the justices for that new petty sessions area may amend the order in regard to the area named as if the probationer, person under supervision or offender in respect of whom the community service order is in force, as the case may be, had changed his residence.

**15.—(1)** Any process, record or other document in the custody, by virtue of his office as such, of the clerk to the justices for an existing petty sessions area shall be retained by that clerk in his capacity as clerk to the justices for the respective new petty sessions area or, if he does not hold that clerkship, be transferred to the custody of the clerk to the justices for the respective new petty sessions area.

(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 petty sessions area shall be of the same effect as if they had been made or certified by the clerk to the justices for the existing petty sessions area.

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16. Any documents in the custody, by virtue of his office as such, of the custos rotulorum for a county abolished by the Local Government Act 1972 shall be transferred to the custody of the custos rotulorum for the new county in which that county is wholly or mainly situated.

17. The orders specified in Schedule 4 to this Order are hereby revoked.

Whitehall  
17th September 1973

*Robert Carr*  
One of Her Majesty's Principal Secretaries of  
State  
Home Office