
STATUTORY INSTRUMENTS

1986 No. 399

The Local Government (Magistrates' Courts etc.) Order 1986

PART III

**PROVISIONS CONSEQUENTIAL ON REORGANISATION
OF PETTY SESSIONS AREAS IN OUTER LONDON**

Interpretation

10. In this Part of this Order—

“justice” means a justice of the peace and any reference to a justice for a petty sessional division shall be construed as a reference to a justice who, as regards a time before 1st April 1986, ordinarily acts in and for that division and any reference to a justice for a petty sessions area shall be construed as a reference to a justice who, on and after 1st April 1986, ordinarily acts in and for that area;

“petty sessional division” means any of the petty sessional divisions listed in column (1) of Schedule 2 to this Order, being petty sessional divisions which, in consequence of section 12 of the 1985 Act, cease to exist on 1st April 1986;

“petty sessions area” has, except where the context otherwise requires, the same meaning as in section 4(2)(d) of the 1979 Act as amended by section 12(2) of the 1985 Act;

“respective new petty sessions area” in relation to a petty sessional division means the petty sessions area comprising the outer London borough specified opposite to that division in column (2) of Schedule 2 to this Order;

“community service order” means an order under section 14 of the Powers of Criminal Courts Act 1973;

“probation order” means a probation order made, or having effect as if made, under section 2 of the Powers of Criminal Courts Act 1973;

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

- (a) a supervision order within the meaning of section 11 of the Children and Young Persons Act 1969;
- (b) an order under section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960⁽¹⁾ or section 9 of the Domestic Proceedings and Magistrates' Courts Act 1978;
- (c) an order under section 2(2)(a) of the Guardianship Act 1973⁽²⁾;
- (d) a supervision order within the meaning of section 26 of the Powers of Criminal Courts Act 1973;
- (e) an order under section 17(1)(a) or section 36(3)(b) of the Children Act 1975⁽³⁾.

(1) section 2 was repealed by section 89 and Schedule 3 to the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), but orders made under section 2 are saved by paragraph 2 of Schedule 1 to that Act.
(2) section 2(2) was amended by section 38(2) of the Domestic Proceedings and Magistrates' Courts Act 1978.
(3) section 17 was amended by section 72(1) of the Domestic Proceedings and Magistrates' Courts Act 1978.

Saving for licences etc

11.—(1) Any order made, licence granted or other thing done under the Licensing Act 1964, the Licensing (Occasional Permissions) Act 1983 or section 3 of the Sporting Events (Control of Alcohol etc.) Act 1985 for a petty sessional division, being an order or licence in force or other thing having effect immediately before 1st April 1986, shall continue to have like effect on and after that date as if section 12(2) of the 1985 Act had not been passed and the orders revoked by Article 16 of and Schedule 3 to this Order had not been revoked, but shall be treated as if it had been made, granted or done by the licensing justices for the petty sessions area in which the premises concerned are then situated.

(2) Anything done under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968 by or in relation to the betting licensing committee for a petty sessional division, being a thing having effect immediately before 1st April 1986, shall continue to have like effect on and after that date as if section 12(2) of the 1985 Act had not been passed and the orders revoked by Article 16 of and Schedule 3 to this Order had not been revoked but shall be treated as if it had been done by or in relation to the betting licensing committee for the petty sessions area in which the premises concerned are then situated; and anything done under either of those Acts by or in relation to any other person or body shall have effect accordingly.

Process issued etc

12. Subject to Article 11 of this Order, any process issued, order made, sentence passed, appeal brought, case stated, licence granted, recognisance entered into, proceeding begun, appointment made or other thing done before 1st April 1986 by, from, to or before any justices for a petty sessional 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 petty sessions area or their clerk, as the case may be.

Orders for payment of money

13.—(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 a petty sessional division shall have effect on and after 1st April 1986 as if it had directed payment to be made to the clerk to the justices for the respective new petty sessions area.

(2) Where in consequence of 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 petty sessions area 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 petty sessions area 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.

Community service orders, probation orders and supervision orders

14.—(1) Where a petty sessional division is named in a 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 1986 vest in the justices for the respective new petty sessions area who shall from that date discharge those powers and functions and the order, unless amended in regard to the area named, shall from that date have effect in all respects as if the respective new petty sessions area were named therein.

(2) Where in consequence of paragraph (1) above, the powers and functions of the justices in relation to a community service order, probation order or supervision order vest in the justices for the respective new petty sessions area and the offender, probationer or person under supervision

continues to reside in an area which formed part of the petty sessional division but which does not form a part of that petty sessions area, the justices for that petty sessions area may amend the order in regard to the petty sessions area named as if the offender, probationer or person under supervision, as the case may be, had changed his residence.

Court records

15.—(1) Any process, records, or other documents in the custody, by virtue of his office, of the clerk to the justices for a petty sessional division shall, on and after 1st April 1986, 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, shall, as soon as may be, 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 on or after 1st April 1986 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 petty sessional division.

Revocations

16. The instruments mentioned in Schedule 3 to this Order are hereby revoked to the extent specified in column (3) of that Schedule.