

SCHEDULE 3

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

PART II

PROVISIONS CONSEQUENTIAL ON CONSTITUTION OF NEW DIVISIONS BY ARTICLE 3(2)

2.—(1) The justices for a new division shall appoint, in the prescribed manner, so far as may be applicable and for the prescribed term, to take office on 1st April 1990—

- (a) a chairman and one or more deputy chairmen;
- (b) a juvenile court panel;
- (c) one or more probation liaison committees;
- (d) a justice or justices to serve as a member or members of the magistrates' courts committee for the county of North Yorkshire;
- (e) a divisional licensing committee;
- (f) a betting licensing committee;
- (g) a domestic court panel;

(2) In the foregoing sub-paragraph, the expression “the prescribed manner” and “the prescribed term” mean respectively—

- (a) in relation to the election of a chairman or deputy chairman, the manner prescribed by rules made, or having effect as if made, under section 18 of the Justices of the Peace Act 1979 and a term ending at the expiration of the month of December 1990;
- (b) in relation to the appointment of a juvenile court panel, the manner prescribed by rules made, or having effect as if made, under section 144 of the Magistrates' Courts Act 1980(1), as extended by section 146 of that Act, and a term ending at the expiration of the month of December 1991;
- (c) in relation to the appointment of a probation liaison committee, the manner prescribed by rules made, or having effect as if made, under Schedule 3 to the Powers of Criminal Courts Act 1973 and a term ending on such date as the justices in accordance with the said rules may determine;
- (d) in relation to the appointment of a member of the magistrates' courts committee, the manner prescribed by regulations made, or having effect as if made, under section 21 of the Justices of the Peace Act 1979 and a term ending at the expiration of the month of November 1990;
- (e) in relation to the appointment of the divisional licensing committee, the manner prescribed in part I of Schedule 1 to the Licensing Act 1964(2) and a term ending at the expiration of the month of December 1990;
- (f) in relation to the appointment of the betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960(3) and a term ending at the expiration of the month of December 1990;
- (g) in relation to the appointment of a domestic court panel, the manner prescribed by rules made, or having effect as if made, under section 144 of the Magistrates' Courts Act 1980,

(1) 1980 c. 43
(2) 1964 c. 26
(3) S.I. 1960/1701

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as extended by section 67 of that Act, and a term ending at the expiration of the month of December 1992;

(3) In relation to the appointment of a justices' clerk for a new division, any consultation with the justices for that division required by section 25(3) of the Justices of the Peace Act 1979 may take place before 1st April 1990.

3. Subject to Part IV of this Schedule, any process issued, order made, sentence passed, appeal brought, case stated, licence granted, recognisance entered into, proceedings begun, appointment made or other thing done before 1st April 1990 by, from, to or before any justices for an abolished 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 division or their clerk, as the case may be.

4. 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 abolished division shall have effect as if it had directed payment to be made to the clerk to the justices for the respective new division.

5.—(1) Any process, records or other documents in the custody, by virtue of his office as such, of the clerk to the justices for an abolished division shall be retained by that clerk in his capacity as clerk to the justices for the respective new division or, if he does not hold that clerkship, be transferred to the custody of the clerk to the justices for that new division.

(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 division shall be of the same effect as if they had been made or certified by the clerk to the justices for the abolished division.

6. Where an abolished 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 vest in and be discharged by the justices for the respective new division and the order, unless amended in regard to the division named, shall have effect in all respects as if the respective new division were named therein. PART III provisions consequential on the transfer of the parish of Wighill by article 3(3)

7. The transfer of the parish of Wighill by article 3(3) of this Order shall not affect any proceedings commenced before 1st April 1990 before the justices for the division of Claro and any such proceedings may be disposed of as if the parish continued to form part of the Claro division.

8. Where in consequence of the transfer of the parish of Wighill by article 3(3) of this Order, periodical payments are payable under section 59 of the Magistrates' Courts Act 1980 through the clerk to the justices for the division of Claro, to a person who resides in the parish of Wighill, the clerk may amend the order so as to require payment to be made through the clerk to the justices for the Selby division, and if he does so, 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.

9. Where on 1st April 1990 a community service order, probation order or supervision order is in force and the offender, probationer or the person under supervision is residing in the parish of Wighill, the justices for the division named in the order may amend the order in regard to the division named as if the offender, probationer or person under supervision, as the case may be, had changed his residence. PART IV provisions relating to licensing districts etc.

10.—(1) The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st April 1990 in an abolished division, or the parish of Wighill transferred by article 3(3) of this Order, shall continue in force there until the coming into force of an order under the said Part III, fixing permitted hours, made in the year 1991 at the general annual licensing meeting for the

justices for the respective new division or, in respect of the parish of Wighill transferred by article 3(3) of this Order, the division of Selby.

(2) Any order made, licence granted or other thing done under the Licensing Act 1964⁽⁴⁾ or the Licensing (Occasional Permission s) Act 1983⁽⁵⁾ by the licensing justices for an abolished division or, in respect of premises situated in the parish of Wighill transferred by article 3(3) of this Order, the division of Claro, being an order or licence in force or other thing having effect immediately before 1st April 1990 shall continue to have like effect on and after that date as if this Order had not been made but shall be treated as if it had been made, granted or done by the licensing justices for the division in which the premises are then situated.

11. Anything done under the Betting, Gaming and Lotteries Act 1963⁽⁶⁾ or the Gaming Act 1968⁽⁷⁾ by or in relation to the betting licensing committee for an abolished division or, in respect of premises situated in the parish of Wighill transferred by article 3(3) of this Order, the division of Claro, being a thing having effect immediately before 1st April 1990 shall continue to have like effect on and after that date as if this Order had not been made but shall be treated as if it had been done by, or in relation to, the betting licensing committee for the division in which the premises 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.

(4) 1964 c. 26

(5) 1983 c. 24

(6) 1963 c. 2

(7) 1968 c. 65