
STATUTORY INSTRUMENTS

1991 No. 2212

**JUSTICES OF THE PEACE,
ENGLAND AND WALES**

The Petty Sessional Divisions (Cheshire) Order 1991

Made - - - - 3rd October 1991

Coming into force in accordance with article 1

Whereas the magistrates' courts committee for the county of Cheshire has, in pursuance of subsection (1) of section 23 of the Justices of the Peace Act 1979⁽¹⁾, submitted to the Secretary of State a draft order making provision about the division of part of the said county into petty sessional divisions;

And whereas by subsections (3)(a) and (5) of the said section it is provided that the Secretary of State may by statutory instrument make the Order either in the terms of the said draft or with such modifications as he thinks fit and that the said Order may contain transitional and other consequential provisions;

And whereas the provisions of subsections (1), (2) and (3) of section 24 of the 1979 Act have been complied with:

Now, therefore, in exercise of the powers conferred upon me by subsections (3) and (5) of the said section 23, I hereby make the following Order:

1. This Order may be cited as the Petty Sessional Divisions (Cheshire) Order 1991 and shall come into force on 1st January 1992 except that for the purposes of paragraph 2 of the Schedule hereto this Order shall come into force forthwith.

2. In this Order, except where the context otherwise requires, the expression "division" means petty sessional division and any reference to a justice for a division shall be construed as a reference to a justice of the peace who ordinarily acts, or, as the case may be, will on or after 1st January 1992 ordinarily act, in and for that division.

3. The divisions of Congleton and Crewe and Nantwich shall be combined to form a new division to be known as the South Cheshire division.

4. The transitional and other consequential provisions set out in the Schedule to this Order shall have effect in connection with the provisions of article 3 of this Order

(1) 1979 c. 55; sections 23 and 24 were amended by section 12 of the Local Government Act 1985 (c. 51).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Home Office
3rd October 1991

Kenneth Baker
One of Her Majesty's Principal Secretaries of
State

SCHEDULE

Article 4

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

1. In this Schedule—

“existing division” means a division combined by article 3 of this Order;

“new division” means the division constituted by article 3 of this Order;

“community service order” means an order made under section 14 of the Powers of Criminal Courts Act 1973(2);

“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) an order under section 7(7)(b) of the Children and Young Persons Act 1969(3);
- (b) an order under section 2(1)(f) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(4) or section 9 of the Domestic Proceedings and Magistrates' Courts Act 1978(5);
- (c) an order under section 2(2)(a) of the Guardianship Act 1973(6);
- (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(7);
- (f) an order under section 26(1)(a) of the Adoption Act 1976(8);
- (g) an order under section 31(1)(b) of the Children Act 1989(9) including any order deemed to be a supervision order made under the said section 31 by virtue of paragraph 25(2) of Schedule 14 to that Act.

2.—(1) The justices for the new division shall appoint, in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on 1st January 1992—

- (a) a chairman and one or more deputy chairmen;
- (b) one or more probation liaison committees;
- (c) a justice or justices to serve as a member or as members of the magistrates' courts committee for the county of Cheshire;
- (d) a divisional licensing committee;
- (e) a betting licensing committee;
- (f) a family panel and, in respect of domestic proceedings within the meaning of section 65(1) of the Magistrates' Courts Act 1980(10) or proceedings treated as domestic proceedings for the purposes of that Act by virtue of section 65(2) and (3) of that Act and which are pending immediately before 14th October 1991, a domestic court panel;
- (g) a juvenile court panel.

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

(2) 1973 c. 62.

(3) 1969 c. 54.

(4) 1960 c. 48.

(5) 1978 c. 22.

(6) 1973 c. 29.

(7) 1975 c. 72.

(8) 1976 c. 36.

(9) 1989 c. 41.

(10) Section 65 was amended by paragraph 8 of Schedule 11 to the Children Act 1989.

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- (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 1992;
 - (b) 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 at the expiration of the month of December 1992;
 - (c) 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 1992;
 - (d) in relation to the appointment of a divisional licensing committee, the manner prescribed in Part I of Schedule 1 to the Licensing Act 1964⁽¹¹⁾ and a term ending at the expiration of the month of December 1992;
 - (e) in relation to the appointment of a betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960⁽¹²⁾ and a term ending at the expiration of the month of December 1992;
 - (f) in relation to the appointment of a family panel or 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⁽¹³⁾, as extended by section 67 of that Act⁽¹⁴⁾, and a term ending, in the case of appointments to a family panel, at the expiration of the month of December 1993 and, in the case of appointments to a domestic court panel, at the expiration of the month of December 1992;
 - (g) 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 as extended by section 146 of that Act, and a term ending at the expiration of the month of December 1994.
- (3) In relation to the appointment of a justices' clerk for the 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 January 1992.
- 3.** The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st January 1992 in an existing division 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 1992 at the general annual licensing meeting of the justices for the new division.
- 4.** Anything required by virtue of the foregoing provisions of this Schedule to be done on or after 1st January 1992 by, or in relation to, the clerk to the justices for an existing division shall be done by, or in relation to, the clerk to the justices for the new division.
- 5.** Subject to the foregoing provisions 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 January 1992 by, from, to or before any justices for an existing division or their clerk shall, on or 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 for the new division or their clerk, as the case may be.

(11) 1964 c. 26.

(12) S.I.1960/1701.

(13) 1980 c. 43.

(14) Section 67 was amended by paragraph 8 of Schedule 11 to the Children Act 1989.

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

7.—(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 existing division shall be retained by that clerk in his capacity as clerk to the justices for the new division or, if he does not hold that clerkship, be transferred to the custody of the clerk to the justices for the 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 new division shall be of the same effect as if they had been made or certified by the clerk to the justices for an existing division.

8. Where an existing 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 new division and the order, unless amended in regard to the division named, shall have effect in all respects as if the new division were named therein.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a draft Order submitted by the magistrates' courts committee for the county of Cheshire and provides for the combination of the petty sessional divisions of Congleton and Crewe and Nantwich to form one new division to be known as the South Cheshire division.