
STATUTORY INSTRUMENTS

1985 No. 1383

The Local Government (Magistrates' Courts etc.) Order 1985

Preliminary Arrangements

3.—(1) The justices who from 1st April 1986 will ordinarily act for a petty sessions area shall as soon as may be before 1st April 1986 make all such arrangements for that area as are necessary for the purposes of enabling the magistrates' courts for the area 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 the petty sessions area.

(2) Without prejudice to paragraph (1) of this Article, any committee or other body to which members are appointed or elected by justices who from 1st April 1986 will ordinarily act for a petty sessions area shall as soon as may be after being established and before 1st April 1986 make all such arrangements as are necessary for the purpose of enabling the magistrates' courts for the area to exercise their jurisdiction on that date and of enabling that committee or body to exercise all their functions not later than that date.

(3) In paragraphs (1) and (2) of this Article, “arrangements” include—

- (a) making appointments;
- (b) holding elections;
- (c) in the case of a magistrates' courts committee—
 - (i) considering the desirability of, and if necessary making recommendations under Schedule 2 to the Children and Young Persons Act 1933⁽¹⁾ for, the formation of a combined juvenile court panel for its petty sessions area and any other petty sessions area or areas which on 1st April 1986 will exist in the same outer London area;
 - (ii) considering the desirability of, and if necessary making a direction under Rule 13(1) of the Domestic Courts (Constitution) Rules 1979⁽²⁾ (hereinafter called the 1979 Rules) for, the formation of a combined domestic court panel in respect of its petty sessions area and any other petty sessions area or areas which on 1st April 1986 will exist in the same outer London area;
 - (iii) considering what appointments should be made to the positions to which paragraph (8) of this article applies and what staff to enable the justices' clerk for the petty sessions area to carry out his duties should be employed and informing the Secretary of State of the results of those considerations;

but, except where the Secretary of State has agreed to a person being employed (whether by or on behalf of a magistrates' courts committee) as a member of the staff to enable the justices' clerk for the petty sessions area to carry out his duties, “arrangements” do not include employing such staff or making arrangements for such staff to be employed on behalf of a magistrates' courts committee.

(4) In paragraph (3)(a) of this Article, except where the Secretary of State has agreed to a particular appointment being made, “appointment” does not include appointment to a position to which paragraph (8) of this Article applies.

(1) (Schedule 2 was substituted by section 17 of and Schedule 2 to the Children and Young Persons Act 1963 (c.37)).

(2) , amended by S.I. 1983/676.

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(5) For the purposes of this Article, sections 19, 20 and 22 of the 1979 Act shall have effect subject to the amendments made by section 12(4), (5) and (6) respectively of the 1985 Act.

(6) For the purposes of paragraph (3)(c)(i) of this Article, Schedule 2 to the Children and Young Persons Act 1933 shall have effect subject to the amendment made by article 8 of and paragraph 1 of the Schedule to this Order.

(7) Any direction made pursuant to paragraph (3)(c)(ii) of this Article shall take effect on 1st April 1986 and the reference in Rule 13(3)(b) of the 1979 Rules to the relevant date specified in subparagraph (b) of Rule 13(1) of those Rules shall, in relation to such a direction, be treated as if it were a reference to 1st April 1986.

(8) This paragraph applies to appointments of officers of a magistrates' courts committee and justices' clerks.