

1990 No. 1720

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Petty Sessional Divisions (Lincolnshire) Order 1990

Made - - - - - 20th August 1990

Coming into force in accordance with article 1

Whereas the magistrates' courts committee for the county of Lincolnshire has, in pursuance of subsection (1) of section 23 of the Justices of the Peace Act 1979(a), 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 Act of 1979 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 (Lincolnshire) Order 1990 and shall come into force on 15th October 1990 except that, for the purposes of paragraph 2 of Schedule 3 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 15th October 1990 ordinarily act in and for that division.

3.—(1) The divisions named in Schedule 1 to this Order shall be abolished.

(2) The area comprised in the petty sessional divisions abolished by this Order shall be divided into the divisions named in column (1) of Schedule 2 to this Order and each such division shall comprise the area specified in respect thereof in column (2) of that Schedule.

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

Home Office
20th August 1990

David Waddington
One of Her Majesty's Principal Secretaries of State

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

SCHEDULE 1

Article 3

PETTY SESSIONAL DIVISIONS ABOLISHED BY ARTICLE 3(1)

Boston, Bourne, East Elloe, Gainsborough, Grantham, Horncastle, Lincoln (City),
Lincoln (County), Louth, Market Rasen, Sleaford, Spilsby and Skegness, Stamford, West Elloe.

SCHEDULE 2

Article 3

DIVISION OF THE AREA OF ABOLISHED PETTY SESSIONAL DIVISIONS INTO NEW PETTY SESSIONAL DIVISIONS

(1) <i>Division</i>	(2) <i>Area Comprised therein</i>
Boston	The area formerly comprised in the division of Boston, except for the area of the parishes of Donington, Gosberton, Quadring and Surfleet, together with the area of the parishes of Carrington, Frithville, Langrville, Sibsey, Stickney, Thornton-le-Fen, Westville and West Fen
Bourne and Stamford	The area formerly comprised in the divisions of Bourne and Stamford
Elloes	The area formerly comprised in the divisions of East Elloe and West Elloe together with the area of the parishes of Donington, Gosberton, Quadring and Surfleet
Gainsborough	The area formerly comprised in the division of Gainsborough together with the area of the parishes of Bishop Norton, Brampton, Caenby, Cammeringham, Fenton, Fillingham, Glentham, Glentworth, Ingham, Kettlethorpe, Newton-on-Trent, Normanby-by-Spital, Owmbly, Saxby, Spridlington, Stow, Sturton-by-Stow, Thorpe in the Fallows, Torksey and West Firsby
Grantham	The area formerly comprised in the division of Grantham together with the area of the parishes of Beckingham, Brant Broughton and Stragglethorpe, Leadenham, Stapleford and Welbourn
Lincoln District	The area formerly comprised in the divisions of: Lincoln (City) Lincoln (County), except for the area of the parishes of Beckingham, Benniworth, Bishop Norton, Brampton, Brant Broughton and Stragglethorpe, Burgh on Bain, Caenby, Cammeringham, Fenton, Fillingham, Glentham, Glentworth, Hainton, Hatton, Ingham, Kettlethorpe, Leadenham, Legsby, Newton-on-Trent, Normanby-by-Spital, Owmbly, Saxby, Sixhills, Sotby, South Willingham, Spridlington, Stapleford, Stow, Sturton-by-Stow, Thorpe in the Fallows, Torksey, Tupholme, Welbourn and West Firsby, together with the area of the parishes of Blankney and Friesthorpe
Market Rasen	The area formerly comprised in the division of Market Rasen, except for the area of the parishes of Binbrook and Friesthorpe, together with the parishes of Legsby and Sixhills
Sleaford	The area formerly comprised in the division of Sleaford except for the area of the parish of Blankney
Spilsby and Skegness	The area formerly comprised in the division of Spilsby and Skegness, except for the area of the parishes of Carrington, Frithville, Sibsey, Stickney, Westville and West Fen

(1) <i>Division</i>	(2) <i>Area Comprised therein</i>
Wolds	The area formerly comprised in the divisions of: Horncastle, except for the area of the parishes of Langrville and Thornton-le-Fen Louth, together with the area of the parishes of Benniworth, Binbrook, Burgh on Bain, Hainton, Hatton, Sotby, South Willingham and Topholme.

SCHEDULE 3

Article 4

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

PART I INTERPRETATION

1. In this Schedule:

- “abolished division” means a division abolished by article 3(1) of this Order;
- “new division” means a division specified in column (1) of Schedule 2 to this Order;
- “respective new division” in relation to an abolished division means the new division specified opposite that abolished division in column (2) of the Appendix to this Schedule;
- “community service order” means an order made under section 14 of the Powers of Criminal Courts Act 1973 (a);
- “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);
 - (b) an order under Section 2(1)(f) of the Matrimonial Proceedings (Magistrates’ Courts) Act 1960(c) or section 9 of the Domestic Proceedings and Magistrates’ Courts Act 1978(d);
 - (c) an order under section 2(2)(a) of the Guardianship Act 1973(e);
 - (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(f).

PART II PROVISIONS CONSEQUENTIAL ON CONSTITUTION OF NEW DIVISIONS BY ARTICLE 3(1)

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 15th October 1990—

- (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 members of the magistrates’ courts committee for the county of Lincolnshire;
- (d) a divisional licensing committee;
- (e) a betting licensing committee;
- (f) 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—

- (a) in relation to the election of a chairman or deputy chairmen, 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;

(a) 1973 c.62.
(d) 1978 c.22.

(b) 1969 c.54.
(e) 1973 c.29.

(c) 1960 c.48.
(f) 1975 c.72.

SCHEDULE (continued)

- (b) in relation to the appointment of a probation liaison committee, the manner prescribed by rules made under Schedule 3 to the Powers of Criminal Courts Act 1973 and a term ending at the expiration of the month of December 1990;
- (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 1990;
- (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 (a) and a term ending at the expiration of the month of December 1990;
- (e) in relation to the appointment of a betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960 (b) and a term ending at the expiration of the month of December 1990;
- (f) 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(c) as extended by section 67 of that Act, and a term ending 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 1991.

(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 15th October 1990.

PART III

SAVING FOR LICENCES ETC.

3.—(1) Any order made, licence granted or other thing done under the Licensing Act 1964, the Licensing (Occasional Permissions) Act 1983 (d) or section 3 of the Sporting Events (Control of Alcohol etc.) Act 1985 (e) for a division, being an order or licence in force or other thing having effect immediately before 15th October 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 concerned are then situated.

(2) Anything done under the Betting, Gaming and Lotteries Act 1963 (f) or the Gaming Act 1968 (g) by or in relation to the betting licensing committee for a division, being a thing having effect immediately before 15th October 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 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.

PART IV

OTHER ORDERS, PROCESS, RECORDS ETC.

4. Subject to the foregoing provision 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 15th October 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.

5.—(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 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.

(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 division 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 division 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.

(a) 1964 c.26.
(e) 1985 c.57.

(b) S.I. 1960/1701.
(f) 1963 c.2.

(c) 1980 c.43.
(g) 1968 c.65.

(d) 1983 c.24.

SCHEDULE (continued)

6.—(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 15th October 1990 vest in the justices for the respective new division who shall from that date discharge those powers and functions and the order, unless amended in regard to the division named, shall from that date have effect in all respects as if the respective new division 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 division and the offender, probationer or person under supervision continues to reside in an area which formed part of the abolished division but which does not form a part of the respective new division, the justices for the respective new division 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.

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 abolished division shall remain in his custody 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 respective 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.

APPENDIX TO SCHEDULE 3

(1) <i>Abolished Division</i>	(2) <i>Respective new Division</i>
Boston	Boston
Bourne	Bourne and Stamford
East Elloe	Elloes
Gainsborough	Gainsborough
Grantham	Grantham
Horncastle	Wolds
Lincoln (City)	Lincoln District
Lincoln (County)	Lincoln District
Louth	Wolds
Market Rasen	Market Rasen
Sleaford	Sleaford
Spilsby and Skegness	Spilsby and Skegness
Stamford	Bourne and Stamford
West Elloe	Elloes

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect, with modifications, to a draft order submitted to the magistrates' courts committee for the county of Lincolnshire and provides for the reorganisation of fourteen of the petty sessional divisions within the county into ten new divisions. Only the existing division of Caistor remains unaffected by this reorganisation.

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