

1990 No. 1775

HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND
SOCIAL SECURITY

The Housing Benefit (General) Amendment (No. 2)
Regulations 1990

Made - - - - - *28th August 1990*

Laid before Parliament *6th September 1990*

Coming into force *1st October 1990*

The Secretary of State for Social Security in exercise of powers conferred by sections 20(1)(c), 21(6), 22(1), (8) and (9)(a) and (b), 30(2B) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment (No. 2) Regulations 1990 and shall come into force on 1st October 1990.

(2) In these Regulations “the principal Regulations” means the Housing Benefit (General) Regulations 1987(e).

Amendment of regulation 2 of the principal Regulations

2. Regulation 2 of the principal Regulations (interpretation) shall be amended by inserting the following definition after the definition of “unmarried couple”—

““water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter IV of Part II of the Water Act 1989(f),
- (b) as respects Scotland, any water and sewerage charges under Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987(g),

(a) 1986 c.50; section 21(6) was amended by the Housing Act 1988 (c.50), section 121(4) and the Housing (Scotland) Act 1988 (c.43), section 70(3); subsection (2B) of section 30 was inserted by the Social Security Act 1989 (c.24), section 15(1); section 84(1) is cited because of the meanings assigned to the words “prescribed” and “regulations”.
(b) 1975 c.14; subsection (3) was amended by the Social Security Act 1989 (c.24), section 31(1) and Schedule 8, paragraph 10; subsection (3A) was inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.
(c) See section 61(7) of the Social Security Act 1986; section 61(7) was amended by the Local Government Finance Act 1988 (c.41), Schedule 10, paragraph 10.
(d) See the Social Security Act 1986, section 61(1)(b) and (10). The Social Security Act 1989 (c.24), Schedule 8, added a definition of “regulations” to section 61(10) of the Act of 1986.
(e) S.I. 1987/1971; relevant amending instruments are S.I. 1988/661, 909 and 1971, 1989/416 and 1990/320 and 546.
(f) 1989 c.15.
(g) 1987 c.47.

in so far as such charges are in respect of the dwelling which a person occupies as his home;”.

Amendment of regulation 3 of the principal Regulations

3. In regulation 3 of the principal Regulations (definition of non-dependant) for subparagraph (2)(e) the following subparagraph shall be substituted—

“(e) subject to paragraph (3)—

- (i) any person who is liable to make payments on a commercial basis to the claimant or the claimant’s partner in respect of the occupation of the dwelling,
- (ii) any person to whom or to whose partner the claimant or the claimant’s partner is liable to make payments on a commercial basis in respect of the occupation of the dwelling, or
- (iii) any other member of the household of the person to whom or to whose partner the claimant or the claimant’s partner is liable to make payments on a commercial basis in respect of the occupation of the dwelling;”.

Amendment of regulation 35 of the principal Regulations

4. In regulation 35(3)(a) of the principal Regulations (notional income)(a) for the words “or eligible rent” there shall be substituted the words “eligible rent, community charge or water charges”.

Amendment of regulation 43 of the principal Regulations

5. In regulation 43 of the principal Regulations (notional capital)(b)—

(a) in paragraph (1) at the end there shall be added the following words—

“except to the extent that that capital is reduced in accordance with regulation 43A (diminishing notional capital rule)—”;

(b) in paragraph (3)(a) for the words “or eligible rent” there shall be substituted the words “eligible rent, community charge or water charges”.

Insertion of regulation 43A in the principal Regulations

6. After regulation 43 of the principal Regulations (notional capital) there shall be inserted the following regulation—

“Diminishing notional capital rule

43A.—(1) Where a claimant is treated as possessing capital under regulation 43(1) (notional capital), the amount which he is treated as possessing—

(a) in the case of a week that is subsequent to—

- (i) the relevant week in respect of which the conditions set out in paragraph (2) are satisfied, or
- (ii) a week which follows that relevant week and which satisfies those conditions,

shall be reduced by an amount determined under paragraph (3);

(b) in the case of a week in respect of which paragraph (1)(a) does not apply but where—

- (i) that week is a week subsequent to the relevant week, and
- (ii) that relevant week is a week in which the condition in paragraph (4) is satisfied,

shall be reduced by the amount determined under paragraph (4).

(2) This paragraph applies to a benefit week where the claimant satisfies the conditions that—

- (a) he is in receipt of housing benefit; and
- (b) but for regulation 43(1), he would have received an additional amount of housing benefit in that week.

(a) Relevant amending instrument is S.I. 1990/546.

(b) Relevant amending instruments are S.I. 1988/1971 and 1990/546.

(3) In a case to which paragraph (2) applies, the amount of the reduction for the purposes of paragraph (1)(a) shall be equal to the aggregate of—

- (a) the additional amount to which sub-paragraph (2)(b) refers, and
- (b) where the claimant has also claimed community charge benefit, the amount of any community charge benefit to which he would have been entitled but for the application of regulation 33(1) of the Community Charge Benefits (General) Regulations 1989 (notional capital)(a).

(4) Subject to paragraph (5), for the purposes of paragraph (1)(b) the condition is that the claimant would have been entitled to housing benefit in the relevant week but for regulation 43(1), and in such a case the amount shall be equal to the aggregate of—

- (a) the amount of housing benefit to which the claimant would have been entitled in the relevant week but for regulation 43(1);
- (b) if the claimant would, but for regulation 33(1) of the Community Charge Benefits (General) Regulations 1989, have been entitled to community charge benefit or to an additional amount of community charge benefit in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount (if any) which is equal to—
 - (i) in a case where no community charge benefit is payable the amount to which he would have been entitled, or
 - (ii) in any other case, the amount equal to the additional amount of community charge benefit to which he would have been entitled;

and, for the purposes of this sub-paragraph, if the relevant week is a part-week, that amount shall be determined by dividing the amount of the community charge benefit to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7.

(5) The amount determined under paragraph (4) shall be re-determined under that paragraph if the claimant makes a further claim for housing benefit and the conditions in paragraph (6) are satisfied, and in such a case—

- (a) sub-paragraphs (a) and (b) of paragraph (4) shall apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
- (b) subject to paragraph (7), the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

(6) The conditions are that—

- (a) a further claim is made 26 or more weeks after—
 - (i) the date on which the claimant made a claim for housing benefit in respect of which he was first treated as possessing the capital in question under regulation 43(1),
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph (5), the date on which he last made a claim for housing benefit which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to housing benefit, whichever last occurred; and
- (b) the claimant would have been entitled to housing benefit but for regulation 43(1).

(7) The amount as re-determined pursuant to paragraph (5) shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

(8) For the purposes of this regulation—

- (a) “part-week” means a period of less than a week for which community charge benefit is allowed;

(a) S.I. 1989/1321.

- (b) "relevant week" means the benefit week or part-week in which the capital in question of which the claimant has deprived himself within the meaning of regulation 43(1)—
 - (i) was first taken into account for the purpose of determining his entitlement to housing benefit; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to housing benefit on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, housing benefit;
 and where more than one benefit week or part-week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such benefit week or, as the case may be, the later or latest such part-week;
- (c) "relevant subsequent week" means the benefit week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made."

Amendment of regulation 63 of the principal Regulations

7. In regulation 63(7) of the principal Regulations (non-dependant deductions not to be made) after sub-paragraph (c) there shall be added the words—

“or

- (d) he is a full time student and during a recognised summer vacation appropriate to his course he is not in remunerative work.”.

Amendment of Schedule 1A to the principal Regulations

8. In paragraph 12 of Schedule 1A to the principal Regulations (excluded tenancies)(a) in sub-paragraphs (a)(ii) and (b)(ii) of the definition of “the relevant provisions” after the word “falling” in each sub-paragraph there shall be inserted the words “on or”.

Amendment of Schedule 2 to the principal Regulations

9. In Schedule 2 to the principal Regulations (applicable amounts)—

- (a) in paragraph 4 for the reference “8 to 14” there shall be substituted the reference “8 to 14ZA”;
- (b) in paragraph 6(2) for the words “The disabled child premium to which paragraph 14 applies” there shall be substituted the words “The disabled child premium and the carer premium to which paragraphs 14 and 14ZA respectively apply”;
- (c) in paragraph 7 the words “Subject to sub-paragraph (2),” shall be inserted at the beginning and there shall be added the following sub-paragraph—

“(2) For the purposes of the carer premium under paragraph 14ZA, a person shall be treated as being in receipt of invalid care allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance.”;

- (d) after paragraph 14 there shall be inserted the following paragraph—

“Carer premium

14ZA.—(1) The condition is that the claimant or his partner is, or both of them are, in receipt of invalid care allowance under section 37 of the Social Security Act(b).

(2) If a claimant or his partner, or both of them, would be in receipt of invalid care allowance but for the provisions of the Social Security

(a) Schedule 1A was inserted in the principal Regulations by S.I. 1990/546.

(b) Section 37 was amended by the Social Security Act 1986, section 37(1) and Schedule 11 and by the Social Security Act 1989 (c.24), Schedule 7, paragraph 10.

(Overlapping Benefits) Regulations 1979(a), where—

- (a) the claim for that allowance was made on or after 1st October 1990, and
 - (b) the person or persons in respect of whose care the allowance has been claimed remains or remain in receipt of attendance allowance, he or his partner, or both of them, as the case may be, shall be treated for the purposes of sub-paragraph (1) as being in receipt of invalid care allowance.”;
- (e) in paragraph 15 at the end the following sub-paragraph shall be added—

“(7) Carer Premium 7. £10
in respect of each person who satisfies the
condition specified in paragraph 14ZA.”.

Amendment of Schedule 3 to the principal Regulations

10. In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of earnings) for paragraph 4 there shall be substituted the following paragraph—

“4. If an amount by way of a lone parent premium under Schedule 2 (applicable amounts) is or, but for any pensioner premium, higher pensioner premium or disability premium being applicable to him, would be included in the calculation of the claimant’s applicable amount, £25.”.

Amendment of Schedule 4 to the principal Regulations

11. In Schedule 4 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)—

- (a) for paragraph 13 there shall be substituted the following paragraph—

“13.—(1) Except where sub-paragraph (2) applies and subject to sub-paragraph (3) and paragraphs 33 and 34, £10 of any charitable payment or of any voluntary payment made or due to be made at regular intervals.

(2) Subject to sub-paragraph (3) and paragraph 34, any charitable payment or voluntary payment made or due to be made at regular intervals which is intended and used for an item other than food, ordinary clothing or footwear, household fuel, eligible rent, community charge or water charges of a single claimant or, as the case may be, of the claimant or any other member of his family.

(3) Sub-paragraphs (1) and (2) shall not apply to a payment which is made by a person for the maintenance of any member of his family or of his former partner or of his children.

(4) For the purposes of sub-paragraph (1) where a number of charitable or voluntary payments fall to be taken into account in any one week they shall be treated as though they were one such payment.

(5) For the purposes of sub-paragraph (2) the expression “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.”;

- (b) after paragraph 43 the following paragraphs shall be added—

“44.—(1) Any payment or repayment made—

(a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(b) (travelling expenses and health service supplies);

(b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(c) (travelling expenses and health service supplies).

(a) S.I. 1979/597.

(b) S.I. 1988/551.

(c) S.I. 1988/546.

(2) Any payment or repayment made by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales, which is analogous to a payment or repayment mentioned in sub-paragraph (1).

45. Any payment made under regulation 9 to 11 or regulation 13 of the Welfare Food Regulations 1988^(a) (payments made in place of milk tokens or the supply of vitamins).

46. Any payment made by either the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody.”.

Amendment of Schedule 5 to the principal Regulations

12. In Schedule 5 to the principal Regulations (capital to be disregarded)–

(a) in paragraph 4 for the words “any member of” there shall be substituted the words “a single claimant or any member of”;

(b) in paragraph 7 at the end there shall be added the following sub-paragraph–

“ (2) The assets of any business owned in whole or in part by the claimant where–

(a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

(b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for housing benefit is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.”;

(c) for paragraph 13 there shall be substituted the following paragraph–

“13. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant, the value of the trust fund and the value of the right to receive any payment under that trust.”;

(d) after paragraph 37 the following paragraphs shall be added–

“38. Any arrears of special war widows payment which is disregarded under paragraph 43 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings)^(b), but only for a period of 52 weeks from the date of the receipt of the arrears.

39.—(1) Any payment or repayment made–

(a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (travelling expenses and health service supplies);

(b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges (Scotland) Regulations 1988 (travelling expenses and health service supplies);

but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

(2) Any payment or repayment by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales which is analogous to a payment or repayment mentioned in sub-paragraph (1); but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

^(a) S.I. 1988/536; the relevant amending instrument is S.I. 1990/3.

^(b) Paragraph 43 was added by S.I. 1990/546.

40. Any payment made under regulation 9 to 11 or regulation 13 of the Welfare Food Regulations 1988 (payments made in place of milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of the receipt of the payment.

41. Any payment made either by the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.”.

Signed by authority of the Secretary of State for Social Security.

28th August 1990

Gillian Shephard
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (the principal Regulations) in the following respects—

they provide that a person residing with a claimant shall not be a non-dependant where payments are made on a commercial basis to or by a member of the claimant's household in respect of the occupation of the dwelling (regulation 3);

they provide that payments to a third party in respect of a claimant for housing benefit or a member of his family, where used for paying a community charge or water charges of that claimant or family are to be treated as part of the claimant's income or capital (regulations 4 and 5);

they provide for the reduction of notional capital (regulation 6);

they provide that non-dependant deductions from a claimant's housing benefit shall not be made in respect of a full-time student who is not in remunerative work during his summer vacation (regulation 7);

they correct an omission in Schedule 1A (excluded tenancies) in the definition of "the relevant provisions" (regulation 8);

they add a new premium, the carer premium, to the premiums which may form part of a housing benefit claimant's applicable amount where the claimant or his partner is or, in certain cases, would be in receipt of invalid care allowance (regulation 9);

they increase the amount of income to be disregarded from a lone parent's earnings (regulation 10);

they make provision in respect of the income from charitable or voluntary payments which is to be disregarded in calculating a person's income, they provide for the disregard from a person's income and capital of travelling expenses, National Health Service payments and payments in place of milk tokens or the supply of vitamins and, as regards capital only, provide for the disregard of certain trust funds, the value of certain premises occupied by relatives of single claimants and arrears of special war widows payments and they extend the provisions under which the assets of a business may be disregarded (regulations 11 and 12).

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1990 No. 1780

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Petty Sessional Divisions (Essex) Order 1990

Made - - - - - *29th August 1990*

Coming into force in accordance with article 1

Whereas the magistrates' courts committee for the county of Essex 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 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 (Essex) Order 1990 and shall come into force on 1st January 1991 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 who ordinarily acts, or, as the case may be, will on or after 1st January 1991 ordinarily act, in and for that division.

3. The divisions of Rochford and Southend on Sea shall be combined to form a new division to be known as the Rochford and Southend on Sea 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.

Home Office
29th August 1990

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

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(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).

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 1991—

- (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 Essex;
- (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 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 1991;
- (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 1991;
- (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 1991;
- (d) in relation to the appointment of the divisional licensing committee, the manner prescribed in Part I of Schedule 1 to the Licensing Act 1964(g) and a term ending at the expiration of the month of December 1991;
- (e) in relation to the appointment of the betting licensing committee, the manner prescribed by the Betting (Licensing) Regulations 1960(h) and a term ending at the expiration of the month of December 1991;
- (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(i), as extended by section 67 of that Act, and a term ending at the expiration of the month of December 1992;

(a) 1973 c.62.

(b) 1969 c.54.

(c) 1960 c.48.

(d) 1978 c.22.

(e) 1973 c.29.

(f) 1975 c.72.

(g) 1964 c.26.

(h) S.I. 1960/1701.

(i) 1980 c.43.

- (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 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 1991.
3. The permitted hours under Part III of the Licensing Act 1964 in force immediately before 1st January 1991 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 1991 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 1991 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 1991 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.
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 Essex and provides for the combination of the petty sessional divisions of Rochford and Southend on Sea to form one new division to be known as the Rochford and Southend on Sea division.