

**2005 No. 2949**

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

**The Local Justice Areas (No.2) Order 2005**

*Made* - - - - - *24th October 2005*

*Laid before Parliament* *24th October 2005*

*Coming into force in accordance with article 1*

The Lord Chancellor, in exercise of the powers conferred on him by section 8(4) and 108(6) of the Courts Act 2003(a), after consulting in accordance with section 8(6), makes the following Order:

**Citation, commencement and extent**

- 1.—(1) This Order may be cited as the Local Justice Areas (No.2) Order 2005.
- (2) For the purposes of Part 1 of the Schedule to this Order, this Order shall come into force on the day following that on which it is made.
- (3) For all other purposes this Order shall come into force on 1st January 2006.
- (4) This Order extends to England and Wales.

**Interpretation**

2. In this Order:—

“existing area” means a local justice area existing before 1st January 2006 and altered by this Order;

“new area” means a local justice area constituted by this Order;

“relevant new area” (in relation to anything done before 1st January 2006 by, to, before or in relation to, justices for an existing area or their clerk), means the new area specified in paragraph 3(1) of this Order and, where there is more than one such new area, it means the new area in respect of which that thing should have been done if the proceedings had begun on or after that date;

any reference to a “justice” for an area shall be construed as a reference to a justice of the peace who ordinarily acts, or, as the case may be, will, on and after 1st January 2006, ordinarily act, in and for that area.

3.—(1) The existing areas of North Pembrokeshire and South Pembrokeshire are combined to become a new area named Pembrokeshire;

(2) The existing areas of De Maldwyn and Welshpool are combined to become a new area named Montgomeryshire;

(3) Accordingly the Schedule to the Local Justice Areas Order 2005(b) is amended as follows—

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(a) 2003 c.39.  
(b) S.I. 2005/554.

- (a) delete “De Maldwyn”, “North Pembrokeshire”, “South Pembrokeshire” and “Welshpool”,
- (b) after “Miskin” insert “Montgomeryshire”, and
- (c) after “Oxford” insert “Pembrokeshire”.

4. The consequential and transitional provisions set out in the Schedule to this Order shall have effect.

Signed by authority of the Lord Chancellor

24th October 2005

*Harriet Harman*  
Parliamentary Under Secretary of State  
Department for Constitutional Affairs

## CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

## PART 1

PROVISIONS CONSEQUENTIAL ON CONSTITUTION OF THE NEW AREAS  
BY ARTICLE 3(1)

1.—(1) The justices for each new area shall appoint in the prescribed manner, so far as may be applicable, and for the prescribed term, to take office on 1st January 2006:—

- (a) a chairman and one or more deputy chairmen;
- (b) a Betting Licensing Committee;
- (c) a family panel;
- (d) a youth court panel;
- (e) a Bench Training and Development Committee.

(2) In sub-paragraph (1), 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 the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(a) and a term ending on 31st December 2006;
- (b) in relation to the appointment of a Betting Licensing Committee, the manner prescribed by the Betting (Licensing) Regulations 1960(b) and a term ending on 31st December 2006;
- (c) in relation to the appointment of members of a family panel, the manner prescribed by the Family Proceedings Courts (Constitution) Rules 1991(c) and a term ending on 31st December 2008;
- (d) in relation to the appointment of members of a youth court panel, the manner prescribed by the Youth Courts (Constitution) Rules 1954(d) and a term ending on 31st December 2006;
- (e) in relation to the appointment of a member of a Bench Training and Development Committee, the manner prescribed by the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005, and a term ending for one third of the members on 31st December in the years 2006, 2007 and 2008 respectively.

(3) In this Part of this Schedule any reference to the manner or procedure prescribed by an Act, rules or regulations for any election or appointment shall not include provisions relating to dates, times or time limits.

(4) Any required election, appointment or meeting may take place at any time from the day after that on which this Order is made to the day before 1st January 2006.

2.—(1) The persons who will be justices for the new area may hold a meeting before 1st January 2006 for the purposes set out in this Part of this Schedule and in order to prepare to assume their functions on and after that date.

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(a) S.I. 2005/553.  
(b) S.I. 1960/1701.  
(c) S.I. 1991/1405.  
(d) S.I. 1954/1711.

(2) If a meeting is held in accordance with sub-paragraph (2) it shall be treated as if it were a meeting of the justices for the new area for the purposes of the enactments cited in this Part of this Schedule despite the fact that the new area was not at that time in existence.

(3) The persons appointed under paragraph 1(1) to serve on any committee for a new area may hold one or more meetings after the conclusion of the process of appointment but before 1st January 2006 for the purpose of preparing to assume their functions on and after that date.

## PART 2

### LICENCES ETC.

**3.**—(1) Anything done by, or in relation to, the Betting Licensing Committee for an area, under—

- (a) the Betting, Gaming and Lotteries Act 1963(a); or
- (b) the Gaming Act 1968(b)

having effect before 1st January 2006 shall continue to have effect on and after that date as if this Order had not been made.

(2) The thing done shall be treated as if it had been done by, or in relation to, the Betting Licensing Committee for the area in which the premises concerned are then situated; and it will have effect accordingly.

## PART 3

### OTHER ORDERS, PROCESS, RECORDS ETC.

**4.** 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 commenced, appointment made, direction made or other thing done before 1st January 2006 by, from, to or before any justices for an existing area, their clerk or any other officer of the court, shall, on or after that date, be deemed to have been issued, made, passed, brought, stated, granted, entered into, commenced or done by, from, to or before those justices as justices for the relevant new area, their clerk or any other officer of the court, as the case may be.

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(a) 1963 c.2.  
(b) 1968 c.65.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the reorganisation of the local justice areas in the Dyfed Powys. A new local justice area named Pembrokeshire replaces the existing local justice areas of North Pembrokeshire and South Pembrokeshire. A new local justice area named Montgomeryshire replaces the existing local justice areas of De Maldwyn and Welshpool. The Order is brought into force immediately for the purpose of enabling appointments to be made on the basis of the combined areas and on 1st January 2006 for the substantive creation of the combined areas.

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STATUTORY INSTRUMENTS

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