

2012 No. 1277

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Local Justice Areas Order 2012

Made - - - - *14th May 2012*

Laid before Parliament *17th May 2012*

Coming into force in accordance with article 1

The Lord Chancellor, in exercise of the powers conferred by sections 8(4) and 108(6) of the Courts Act 2003(a) and after consulting in accordance with section 8(5A) and 8(6) of that Act, makes the following Order.

Citation and Commencement

- 1.—(1) This Order may be cited as the Local Justice Areas Order 2012.
- (2) This Order comes into force on 12th June 2012 for the purposes of Part 1 of the Schedule to this Order.
- (3) For all other purposes, this Order comes into force on 1st January 2013.

Interpretation

- 2.—(1) In this Order—
 - “existing area” means a local justice area as it exists immediately before 1st January 2013;
 - “new area” means a local justice area constituted by this Order.
- (2) Any reference to a justice for an area is to 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 2013, ordinarily act, in and for that area.

New Areas

- 3.—(1) The existing areas of Halton and Warrington are combined to become a new area named North Cheshire.
- (2) The existing areas of North Durham and South Durham are combined to become a new area named County Durham and Darlington.

Amendment to the Local Justice Areas Order 2005

4. The Schedule to the Local Justice Areas Order 2005(b) is amended as follows—

(a) 2003 c.39. Section 8(5A) was inserted by the Constitutional Reform Act 2005 (c.4), section 15(1) and schedule 4, paragraph 312. Section 108(6) was amended by the Constitutional Reform Act 2005 (c.4), section 15(1) and schedule 4, paragraph 348.

(b) S.I. 2005/554. The schedule was substituted by S.I. 2011/1168.

- (a) omit “Halton” and “Warrington”;
- (b) after “North Cambridgeshire” insert “North Cheshire”;
- (c) omit “North Durham” and “South Durham”;
- (d) after “Cornwall” insert “County Durham and Darlington”.

The Schedule

5. The provisions set out in the Schedule to this Order have effect.

Signed by authority of the Lord Chancellor

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

14th May 2012

SCHEDULE

Article 5

PART 1

Consequential and Transitional Provisions

1.—(1) The persons and bodies referred to in sub-paragraph (2) shall be appointed, elected or formed (as the case may be) in the prescribed manner and for the prescribed term, to take effect on 1st January 2013.

(2) The persons and bodies are-

- (a) a chairman and one or more deputy chairmen of the justices of a local justice area;
- (b) a Bench Training and Development Committee;
- (c) a family panel and a chairman and one or more deputy chairman of a family panel;
- (d) a youth panel and a chairman and one or more deputy chairman of a youth panel.

(3) 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 of the justices, the manner prescribed by the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(a) and a term ending on 31st December 2013;
- (b) in relation to the formation of a Bench Training and Development Committee and the appointment of a member of a Bench Training and Development Committee, the manner prescribed by the Justices of the Peace (Training and Development Committee) Rules 2007(b), and a term ending for one third of the members on 31st December in the years 2013, 2014 and 2015 respectively;
- (c) in relation to the formation of a family panel and the election of a chairman and one or more deputy chairman of a family panel, the manner prescribed by the Family Courts (Constitution of Committees and Right to Preside) Rules 2007(c), and as regards any such election, a term ending on 31st December 2013;
- (d) in relation to the formation of a youth panel and the election of a chairman and one or more deputy chairman of a youth panel, the manner prescribed by the Youth Courts

(a) S.I. 2005/553.
(b) S.I. 2007/1609 as amended by S.I. 2011/1493.
(c) S.I. 2007/1610 as amended by S.I. 2011/1495.

(Constitution of Committees and Right to Preside) Rules 2007(a), and as regards any such election, a term ending on 31st December 2013.

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

2.—(1) The persons who will be justices for a new area may hold a meeting before 1st January 2013 for the purposes set out in this Part of the Schedule and in order to prepare to assume their functions on and after that date.

(2) If a meeting is held in accordance with sub-paragraph (1) 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 or elected for a new area under paragraph 1(1) may hold one or more meetings after the conclusion of the process of appointment or election but before 1st January 2013 for the purpose of preparing to assume their functions on and after that date.

PART 2

Other things done

3. Subject to the provisions of this Schedule anything done before 1st January 2013 by, to, before or in relation to 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 done by, to, before or in relation to those justices, their clerk or any other officer of the court, as justices for the new area, their clerk or any other officer of the court, as the case may be.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for a new local justice area named North Cheshire to replace the existing local justice areas of Halton and Warrington and a new local justice area named County Durham and Darlington to replace the existing local justice areas of North Durham and South Durham.

The Order comes into force on 12th June 2012 for the purpose of enabling appointments to be made, elections to be held and bodies formed on the basis of the altered local justice areas. The Order comes into force on 1st January 2013 for the substantive creation of the new local justice areas.

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(a) S.I. 2007/1611 as amended by S.I. 2007/2622 and S.I. 2011/1494.

STATUTORY INSTRUMENTS

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