STATUTORY INSTRUMENTS

1979 No. 672 (S. 62)

LOCAL GOVERNMENT, SCOTLAND

The Aberdeen Corporation (General Powers) Order Confirmation Act 1938 (Application of Provisions) Order 1979

Made - - - -	12*th June* 1979
Laid before Parliament	26*th June* 1979
Coming into Operation	18*th July* 1979

In exercise of the powers conferred upon me by sections 225(5) and 233(3) of the Local Government (Scotland) Act 1973(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

Title and commencement

1. This order may be cited as the Aberdeen Corporation (General Powers) Order Confirmation Act 1938 (Application of Provisions) Order 1979 and shall come into operation on 18th July 1979.

Interpretation

2. In this order:

"the Act of 1936" means the Aberdeen Corporation (Streets Buildings Sewers etc) Order Confirmation Act 1936(b);

"the Act" means the Aberdeen Corporation (General Powers) Order Confirmation Act 1938(c);

"the Aberdeen Order" means the order contained in the Schedule to the Act;

"City Acts" mean the local Acts and Orders applicable to the area comprising the former city and royal burgh of Aberdeen;

"the district" means the area of the City of Aberdeen District Council;

"the district court" means the district court for the area of the City of Aberdeen District Council;

"hackney carriage" shall have the same meaning as in the Schedule to the Act as amended by Section 67 of the order contained in the Schedule to the Aberdeen Corporation Order Confirmation Act 1955(d).

Application of provisions of the Act

3.—(1) The following provisions of the Aberdeen Order shall be extended throughout the district:—

(*a*) Sections 143 to 167 inclusive, Section 168 as amended by Section 68 of the order contained in the Schedule to the Aberdeen Corporation Order Confirmation Act 1955.

(*b*) The Sixth Schedule so far as relating to fees to be paid on grant or renewal of licences for hackney carriage drivers.

(a) 1973 c. 65.
(b) 1936 c. lxxvii.
(c) 1938 c. iii (2 & 3 GEO. 6).
(d) 1955 c. iii (4 & 5 ELIZ. 2).

(2) Any other provisions of the Aberdeen Order, the Act of 1936 or the City Acts shall be extended throughout the district so far as they are ancillary to, and are necessary for effectively enforcing, implementing or carrying out the provisions referred to at paragraph (1) above.

(3) Section 221 of the Aberdeen Order, so far as it relates to hackney carriages, hackney carriage drivers, licensing of hackney carriages and licensing of hackney carriage drivers, as read with section 3 of the District Courts (Scotland) Act 1975(a) shall be extended throughout the area of the district to the effect of giving the district court and justices of the peace and stipendiary magistrates in terms of the said Act all the jurisdiction and powers in relation to the Act throughout the area of new application which they had in relation to the former area of application; and for the purposes of this order—

"The former area of application" means that part of the district to which the provisions being extended by this order applied prior to the date of coming into operation of the order.

"The new area of application" means that part of the district to which the provisions being extended by this order did not apply prior to the date of coming into operation of the order but to which the provisions will apply after that date.

4. Without prejudice to the generality of article 3(2) above the following provisions shall be extended throughout the area of the district so far as they apply and relate to hackney carriages, hackney carriage drivers, licensing of hackney carriages and licensing of hackney carriage drivers, namely—

(*a*) sections 3, 218 to 220 and 222 to 228 inclusive, 233, 251, 252, 254 in relation to section 167 of the order contained in the Schedule to the Act of 1936, 257, 259 and 262(*d*) of the Aberdeen Order; and

(*b*) sections 161 to 165 inclusive and section 167 of the order contained in the Schedule to the Act of 1936.

5. The provisions of the Aberdeen Order and the Act of 1936 referred to at articles 3 and 4 hereof as extended throughout the district shall have effect subject to the modifications thereof set out in the Schedule hereto for the purposes of this order.

Consequential provisions

6. The provisions of Sections 270 and 271 and Schedule V of the Burgh Police (Scotland) Act 1892(b) shall cease to have effect within the district on the coming into operation of this order.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
12th June 1979.

(a) 1975 c. 20.

(b) 1892 c. 55.

SCHEDULE *Article 5*

Provision	*Modification*
Section 3 of the Aberdeen Order	The definitions of "City", "City Acts" and "Corporation" shall be deleted and the following substituted therefor— " 'The district council' means the City of Aberdeen District Council", " 'The district' means the City of Aberdeen District", " 'The City Acts' means the local Acts and Orders applicable to the area comprising the former city and royal burgh of Aberdeen".
Sections of the Aberdeen Order referred to at Articles 3 and 4 above and sections 161 to 165 inclusive of the Order contained in the Schedule to the Act of 1936 as referred to at section 219 of the Aberdeen Order.	For the words "Corporation" and "city" wherever they occur there shall be substituted "district council" and "district" respectively.
Sections 143, 144, 145, 147, 150, 154, 157, 168 as amended, of the Aberdeen Order.	For the word "magistrates" where it occurs in these sections there shall be substituted "district council".
Section 143 of the Aberdeen Order.	The words "five miles from the General Post Office of the" shall be deleted.
Section 168(2) of the Aberdeen Order.	The words "and beyond the city" to the end of the section shall be deleted.
Section 218 of the Aberdeen Order.	The words "or by the magistrates as the case may be" shall be deleted.
Section 220 of the Aberdeen Order.	The words "or the magistrates as the case may be" shall be deleted.
Section 259 of the Aberdeen Order.	The words from "or satisfied out of" to the end of the section shall be deleted and there shall be substituted "out of the general fund of the district council, as referred to at section 93 of the Local Government (Scotland) Act 1973, and shall be met out of rates levied under Part VII of that Act".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends those provisions of the Aberdeen Corporation (General Powers) Order Confirmation Act 1938 which relate to the licensing and control of hackney carriages, to the whole of the area of the District Council of the City of Aberdeen and further provides that Sections 270, 271 and Schedule V of the Burgh Police (Scotland) Act 1892 (which also deals with these matters) as they apply within the district shall cease to have effect.

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