STATUTORY INSTRUMENTS

1979 No. 671 (S.61)

LOCAL GOVERNMENT, SCOTLAND

The Burgh Police (Scotland) Act 1892 (Application of Provisions) (Hamilton District Council) 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 229(3) 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 Burgh Police (Scotland) Act 1892 (Application of Provisions) (Hamilton District Council) Order 1979 and shall come into operation on 18th July 1979.

Interpretation

2. In this order:—

"the Act" means the Burgh Police (Scotland) Act 1892(b);

"the district" means the area of Hamilton District Council;

"the district court" means the District Court for the area of Hamilton District Council.

Application of provisions of the Act

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

(*a*) Section 270 (Hackney carriages to be licensed);

(*b*) Section 271 (Regulations for hackney carriages);

(*c*) Schedule V as altered by the Magistrates of the Burgh of Hamilton 30th April 1974 and approved the 10th July 1974 all in accordance with the said Section 271.

(2) Section 454 of the Act in its application to Schedule V and Sections 465, 484, 491, 499, 500, 503, 511 and 512, all as read with Section 3 of the District Courts (Scotland) Act 1975(c), shall be extended throughout the district to the effect of giving the district court all the jurisdiction and powers in relation to the Act throughout the area of new application which it had in relation to the former area of application; and for the purposes of this order—

"the former area of application" means those parts of the district to which the provisions being extended by this order applied prior to the date of coming into operation of the order, and

(a) 1973 c. 65. (b) 1892 c. 55. (c) 1975 c. 20.

"the new area of application" means those parts 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. The provisions of the Act referred to at Article 3 above, 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.

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

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

SCHEDULE *Article* 4

PROVISION	MODIFICATION
Section 270	For the words "five miles from the principal post office of the burgh" there shall be substituted "the area of the District Council of Hamilton" and for the words "within the burgh" there shall be substituted "within the said area".
Schedule V of the Act altered in terms of section 271 of the Act referred to at Article 3 of this order.	For the word "burgh" whenever it occurs except at Regulation 1(*f*) there shall be substituted "district".
Regulation 1(*a*)	The words ' "Sheriff" means' to the end shall be deleted.
Regulation 1(*b*)	For the words "the Chief Constable of Lanarkshire Constabulary" there shall be substituted "the Chief Constable of Strathclyde Police", the words "a police officer or other persons" to the end shall be deleted and the following shall be substituted therefor "a police officer or person appointed by Hamilton District Council to carry out inspections and examinations of general and private hackney carriages".
Regulation 1(*c*)	The definition of "burgh" shall be deleted.
Regulation 1(*e*)	For the words "said Burgh" there shall be substituted "Hamilton District" and for the words "prescribed distance" there shall be substituted "district".
Regulation 1	At the end of Regulation 1 the following new definitions shall be added— "district council" means Hamilton District Council; "district" means the area of Hamilton District.

PROVISION	MODIFICATION
Regulation 2(*b*)	For the words "said prescribed distance" there shall be substituted "the district".
Regulation 3(*l*)	For the words "within the prescribed distance" there shall be substituted "from an address within the district".
Regulation 3(*m*)	For the words "Burgh of Hamilton" there shall be substituted the word "district" and for the words "prescribed distance" there shall be substituted "the district".
Regulations 3, 4, 7, 14, 15, 16 (under exception of 16(*o*)).	For the words "the Magistrates" there shall be substituted "district council".
Regulations 4, 15	For the words "prescribed distance" there shall be substituted "district".
Regulation 4(*e*)	For the word "become" there shall be substituted "be" and the words from "and Byelaws" to the end shall be deleted and there shall be substituted "as extended and modified by the Burgh Police (Scotland) Act 1892 (Application of Provisions) (Hamilton District Council) Order 1979 No. 671 (S.61)".
Regulations 14, 16	For the words "such prescribed distance" there shall be substituted "the district" and for the words "exceeding such prescribed distance" there shall be substituted "being outwith the district".
Regulations 11, 12, 13, 14, 16...	For the words "this Act" there shall be substituted "these Regulations".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends those provisions of the Burgh Police (Scotland) Act 1892 which relate to the licensing and control of hackney carriages throughout the area of the District Council of Hamilton. It also modifies certain of the said provisions as they already applied prior to the date of coming into operation of the Order.