STATUTORY INSTRUMENTS

1979 No. 878 (S. 85)

LOCAL GOVERNMENT, SCOTLAND

The Burgh Police (Scotland) Act 1892 (Application of Provisions) (Nithsdale District Council) Order 1979

Made - - - -	*19th July* 1979
Laid before Parliament	*1st August* 1979
Coming into Operation	*23rd August* 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) (Nithsdale District Council) Order 1979 and shall come into operation on 23rd August 1979.

Interpretation

2.—(1) In this order:—

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

"the deposited plan" means the plan prepared in triplicate sealed with the seal of the Secretary of State for Scotland and marked "The Burgh Police (Scotland) Act 1892 (Application of Provisions) (Nithsdale District Council) Order 1979" copies of which are deposited at the offices of the Scottish Development Department, New St. Andrew's House, Edinburgh, Dumfries and Galloway Regional Council and Nithsdale District Council respectively.

"the burghs of Dumfries and Sanquhar" means the areas comprising as at 15th May 1975 the former burghs of Dumfries and Sanquhar.

"the district" means the area of Nithsdale District Council.

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

Application of provisions of the Act

3.—(1) (*a*) The following provisions of the Act shall be extended to apply throughout the whole of the area outlined in black and hatched in red all as shown on the deposited plan, hereinafter referred to as "the extended area".

(i) Section 270 (Hackney Carriages to be licensed);

(ii) Section 271 and Schedule V (Regulations for Hackney Carriages).

(*b*) 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 to apply through-

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

out the extended area to the effect of giving the district court all the jurisdiction and powers in relation to the Act throughout the new area of 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 the parts of the area of the district to which the provisions being extended by this order applied prior to the date of coming into operation of the order, being the burghs of Dumfries and Sanquhar

"the new area of application" means the parts of the area of the district to which the provisions being extended by the 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.

(2) The said provisions shall have effect subject to the modifications thereof which are set out in the Schedule to this order.

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

New St Andrew's House,
Edinburgh.
19th July 1979.

SCHEDULE *Article* 3(2)

PROVISION	MODIFICATION
Section 270	For the words "five miles from the principal post office of the burgh" there shall be substituted the words "that part of Nithsdale District being the extended area as referred to at Article 3(1) of the Burgh Police (Scotland) Act 1892 (Application of Provisions) (Nithsdale District Council) Order 1979 No. 878 (S.85) as shown on the deposited plan referred to therein" and for the words "within the burgh" there shall be substituted the words "within the said extended area".
Schedule V	For the words "the prescribed distance" wherever they occur except where they secondly occur at paragraphs (9) and (23), there shall be substituted the words "that part of Nithsdale District being the extended area as referred to at Article 3(1) of the Burgh Police (Scotland) Act 1892 (Application of Provisions) (Nithsdale District Council) Order 1979 No. 878 (S.85) as shown on the deposited plan referred to therein", and at paragraphs (9) and (23) for the words "not exceeding such prescribed distance" there shall be substituted the words "not being beyond the boundary of the extended area aforesaid".

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 part of Nithsdale District, which area is shown outlined in black and hatched in red on the plan marked "The Burgh Police (Scotland) Act 1892 (Application of Provisions) (Nithsdale District Council) Order 1979" copies of which are deposited at the offices of the Scottish Development Department, New St Andrew's House, Edinburgh, Dumfries and Galloway Regional Council and Nithsdale District Council where they may be inspected during normal office hours.