STATUTORY INSTRUMENTS

1979 No. 879 (S. 86)

LOCAL GOVERNMENT, SCOTLAND

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

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

Interpretation

2. In this order:—

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

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

"the deposited plan" means the plan, prepared in triplicate, sealed with the seal of the Secretary of State for Scotland and marked "Plan referred to in the Burgh Police (Scotland) Act 1892 (Application of Provisions) (Cunninghame District Council) Order 1979" copies of which are deposited at the offices of the Scottish Development Department, New St Andrew's House, Edinburgh; Strathclyde Regional Council, Melrose House, 19 Cadogan Street, Glasgow; and Cunninghame District Council, Cunninghame House, Friars Croft, Irvine;

"the specified areas" means the five areas of the district each outlined in red on the deposited plan and marked respectively thereon as "Area Number 1", "Area Number 2", "Area Number 3", "Area Number 4" and "Area Number 5".

Application of provisions of the Act

3.—(1) Subject to the modifications set out in the Schedule to this order, the provisions of sections 270 and 271 of and schedule V to the Act (licensing of and regulations for hackney carriages) are hereby extended to apply throughout each of the specified areas.

(**a**) 1973 c. 65. (**b**) 1892 c. 55.

(2) The provisions of sections 454, 465, 484, 491, 499, 500, 503, 511 and 512 of the Act in so far as they are applicable to the licensing of and regulations for hackney carriages shall extend throughout each of the specified areas.

Transitional and consequential provisions

4.—(1) Subject to the provisions of this article, as from the coming into operation of this order, the alterations to regulations for hackney carriages contained in schedule V to the Act made by the Magistrates of the Royal Burgh of Irvine on 5th June 1973 and approved by the Sheriff of the County of Ayr on 13th December 1973 shall cease to have effect and the corresponding regulations contained in schedule V to the Act as modified by this order shall apply unless or until altered by the District Council with the approval of the Sheriff.

(2) In relation to the area of the former Royal Burgh of Irvine, the provisions of the said regulations, as so altered, shall continue to have effect for the purpose of any outstanding offences or proceedings thereunder and the byelaws made thereunder shall continue in force as if made under paragraph 23 of schedule V of the Act, as modified by this order, until superseded by new byelaws.

George Younger,

One of Her Majesty's Principal Secretaries of State.

New St Andrew's House
Edinburgh

19th July 1979.

SCHEDULE *Article 3*

Provision	*Modification*
Section 270	(1) For the words "within five miles from the principal post office of the burgh" there shall be substituted "within any one of the specified areas referred to in the Burgh Police (Scotland) Act 1892 (Application of Provisions) (Cunninghame District Council) Order 1979".
	(2) For the words "within the burgh" there shall be substituted "within any one of the specified areas".

Schedule V

(1) For the words "within the prescribed distance" wherever they occur there shall be substituted "within any one of the specified areas referred to in the Burgh Police (Scotland) Act 1892 (Application of Provisions) (Cunninghame District Council) Order 1979".

(2) For the words "within such prescribed distance" wherever they occur there shall be substituted "within any one of the specified areas".

(3) For the words "not exceeding such prescribed distance" there shall be substituted "not being outwith any one of the specified areas".

(4) In Regulation (3) there shall be inserted after paragraph (*a*) a new paragraph as follows:—

"(*aa*) A licence shall only be valid in respect of the specified area for which it has been granted".

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order extends with modifications those provisions of the Burgh Police (Scotland) Act 1892 which relate to the licensing and control of hackney carriages to five areas within Cunninghame District outlined in red and marked on a plan deposited at the Offices of the Scottish Development Department, Strathclyde Regional Council, and Cunninghame District Council.

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