

*City of Aberdeen District Council Order  
Confirmation Act 1976*

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ELIZABETH II

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**1976 CHAPTER v**

**An Act to confirm a Provisional Order under the Private  
Legislation Procedure (Scotland) Act 1936, relating to  
City of Aberdeen District Council. [4th March 1976]**

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 1.** The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation  
of Order in  
schedule.
- 2.** This Act may be cited as the City of Aberdeen District Council Order Confirmation Act 1976. Short title.

## SCHEDULE

### CITY OF ABERDEEN DISTRICT COUNCIL

*Provisional Order to enact provisions with respect to certain premises belonging to the City of Aberdeen District Council, to confer powers on the Council with respect to the provision and sale of excisable liquor at certain premises and with respect to stray dogs; and for other purposes.*

1973 c. 65.

Whereas the City of Aberdeen District Council (hereinafter referred to as "the Council") are vested with all the functions of a district council by virtue of section 2 of the Local Government (Scotland) Act 1973 for the district of the City of Aberdeen named in column 2 of Part III of Schedule 1 to the said Act and described in column 3 of the said Part III, which district includes the County of the City of Aberdeen as it existed at 15th May 1975:

1955 c. iii.

1948 c. 26.

And whereas by virtue of section 91 of the Aberdeen Corporation Order 1955 certain buildings belonging to the Council are deemed to have been provided under section 132 of the Local Government Act 1948 and it is expedient that the provisions of section 91 of the Local Government (Scotland) Act 1973 should apply to the said buildings and to the Council refreshment rooms as hereinafter defined:

And whereas it is expedient that provision should be made whereby the Council would be enabled to provide and sell or arrange for the provision and sale of excisable liquor in the Council refreshment rooms:

1906 c. 32.

And whereas it is expedient to confer powers on the Council with respect to the provisions of section 3 of the Dogs Act 1906 and to appoint officers for the purposes thereof:

And whereas it is expedient that the other provisions of this Order should be enacted:

1936 c. 52.

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the said Act the Secretary of State orders as follows:—

Short and  
collective  
titles.

1.—(1) This Order may be cited as the City of Aberdeen District Council Order 1976.

(2) This Order and the Aberdeen City Acts 1936 to 1973 may be cited together as the Aberdeen City Acts 1936 to 1976.

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2.—(1) For the purposes of this Order—

Interpretation.

“City” means the County of the City of Aberdeen as it existed at 15th May 1975;

“Council” means the City of Aberdeen District Council;

“Council refreshment rooms” means the Beach Ballroom and restaurant, the Aberdeen Arts Centre, the restaurants belonging to the Council at Duthie Park and Hazlehead Park, and His Majesty’s Theatre, Aberdeen.

(2) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment.

3.—(1) Section 91 of the Local Government (Scotland) Act 1973 (which relates to the provision of social, cultural and recreative activities) shall apply to the Council refreshment rooms as if they were premises provided under that section:

Application of section 91 of Local Government (Scotland) Act 1973. 1973 c. 65.

Provided that—

(i) in the application of the said section 91 to the Council refreshment rooms in pursuance of this subsection, subsection (6) of the said section shall be omitted; and

(ii) in relation to the restaurants belonging to the Council at Duthie Park and Hazlehead Park no certificate for the sale or supply of excisable liquor other than a restaurant certificate within the meaning of section 1 (2) of the Licensing (Scotland) Act 1962 shall be granted under the Licensing (Scotland) Acts 1959 to 1969.

1962 c. 51.

(2) Section 91 of the Aberdeen Corporation Order, 1955 shall be read and have effect as if the references therein to the Corporation, section 132 of the Local Government Act 1948 and subsection (2) (b) thereof included (subject to the necessary modifications) references respectively to the Council, section 91 of the Local Government (Scotland) Act 1973 and subsection (2) (b) thereof.

1955 c. iii. 1948 c. 26.

4. For the avoidance of doubt it is hereby declared that members of the City of Aberdeen licensing court and of the City of Aberdeen licensing appeal court who are members of the Council shall not be disqualified from acting in the granting or confirming of a certificate for the sale of excisable liquor in the Council refreshment rooms solely by virtue of their being members of the Council.

Members of licensing court and licensing appeal court not disqualified from granting certificates in respect of Council refreshment rooms.

5.—(1) In its application to the City section 3 (Seizure of stray dogs) of the Dogs Act 1906 shall be read and have effect as if the following subsections were substituted for subsections (1) to (7) of that section:—

As to application of section 3 of Dogs Act 1906. 1906 c. 32.

“(1) Where a police officer or a duly authorised officer of the Council has reason to believe that any dog found in a highway or place of public resort is a stray dog, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the

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owner of the dog is known, the chief officer of police, or any person authorised by him in that behalf, or the Council, or any person authorised by them in that behalf, as the case may be, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

- (3) A notice under this section may be served either—
- (a) by delivering it to the person on whom it is to be served; or
  - (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or
  - (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.
- (4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police, or any person authorised by him in that behalf, or the Council, or any person authorised by them in that behalf, as the case may be, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.
- (5) No dog so seized shall be given or sold for the purposes of vivisection.
- (6) The chief officer of police and the Council shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure, and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection by any member of the public on payment of a fee of five pence.
- (7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection by any member of the public on payment of a fee not exceeding five pence”.
- (2) The Council may appoint such officers as they consider necessary for the discharge of the functions of the Council under this section.

**Costs of Order.**

6. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Council in such manner as they may determine.

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