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STATUTORY INSTRUMENTS

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1978 No. 1934 (S.169)

LOCAL GOVERNMENT, SCOTLAND

**The Glasgow Corporation Consolidation (General Powers) Order Confirmation Act 1960 (Application of Provisions) Order 1978**

*Made* - - - - 18th December 1978

*Laid before Parliament* 28th December 1978

*Coming into Operation* 19th January 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 Glasgow Corporation Consolidation (General Powers) Order Confirmation Act 1960 (Application of Provisions) Order 1978 and shall come into operation on 19th January 1979.

*Interpretation*

2.—(1) In this order—

“the Act” means the Glasgow Corporation Consolidation (General Powers) Order Confirmation Act 1960(b);

“the Glasgow Order” means the Order contained in the Schedule to the Act;

“the district” means the area of the City of Glasgow District;

“the district court” means the district court for the area of the City of Glasgow District;

“cab” has the same meaning as in the Schedule to the Act;

“cab-driver’s licence” and “cab-operator’s licence” have, subject to the modifications referred to at Article 5 hereof and contained in the Schedule to this order, the same meaning as in the Schedule to the Act.

(2) References in this order to any enactment shall be construed as references to that enactment as amended by any other enactment, and for the purposes of this order “enactment” shall include “byelaws”.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

*Application of provisions of the Act*

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

- (a) sections 39 to 47 inclusive;
- (b) sections 83 to 88 and 90 to 95 inclusive and the second Schedule so far as relating to cab-drivers' licences and cab-operators' licences;
- (c) any other provisions so far as they are ancillary to, and are necessary for effectively enforcing, implementing or carrying out the provisions referred to at paragraphs (a) and (b) above.

(2) Section 7 of the Schedule to the Glasgow Corporation (No. 2) Order Confirmation Act 1965(a) shall be extended throughout the district.

(3) Sections 190 and 192 of the Glasgow Order, so far as they relate to cabs, cab-drivers, licensing of cabs and licensing of cab-drivers, as read with section 3 of the District Courts (Scotland) Act 1975(b), shall be extended throughout 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 new area of application which they had in relation to the former area of application.

“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(1)(c) above the following provisions of the Glasgow Order shall be extended throughout the district so far as they apply and relate to cabs, cab-drivers, licensing of cabs and licensing of cab-drivers namely sections 3, 188, 189, 193, 194, 196, 198, 200 and 205.

5. The provisions of the Glasgow Order and of the Schedule to the Glasgow Corporation (No. 2) Order Confirmation Act 1965 referred to at Articles 3 and 4 hereof as extended throughout the district shall have effect, subject to the modifications thereof set out in Schedule I hereto, for the purposes of this order.

*Extension of byelaws*

6. The byelaws made in terms of section 243 of the Glasgow Police Act 1866 by the Magistrates Committee of the former City and Royal Burgh of Glasgow dated 12th August 1952 and confirmed by the Sheriff of Lanarkshire on 23rd March 1953 shall be extended throughout the district subject to the modifications thereof set out in Schedule II to this order.

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(a) 1965 c. 46.

(b) 1975 c. 20.

*Consequential provisions*

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

*Bruce Millan,*  
One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.  
18th December 1978.

(a) 1892 c. 55.

SCHEDULE I

Provision	Modification
Section 3 of the Glasgow Order ...	<p>The definition of "Corporation", "city", "magistrate", "magistrates committee", "registrar" and "town clerk", shall be deleted.</p> <p>The following new definitions shall be included:—</p> <p>    "the district council" means the City of Glasgow District Council.</p> <p>    "the district" means the City of Glasgow District."</p> <p>The definition of "city Acts" shall be modified as follows:—</p> <p>    "city Acts" means the local Acts and Orders applicable to the area comprising the former city and royal burgh of Glasgow."</p>
Sections of the Glasgow Order and of the Schedule to the Glasgow Corporation (No. 2) Order Confirmation Act 1965 referred to at Articles 3 and 4 above	<p>For the words "Corporation" and "city" wherever they occur, except in the case of "city" where it occurs immediately before the word "Acts" there shall be substituted "district council" and "district".</p> <p>For the words "magistrates committee" wherever they occur there shall be substituted "district council".</p> <p>For the words "registrar" or "town clerk" wherever they occur there shall be substituted the words "the Director of Administration and Legal Services of the City of Glasgow District Council".</p>
Section 39 of the Glasgow Order ...	<p>After the words "district council" as substituted for the word "corporation" there shall be added the words "after consultation with Strathclyde Regional Council as the highway authority".</p>

## SCHEDULE II

Provision	Modification
Byelaw 1(d) and 1(k) ... ..	The definitions of "City" and "Magistrates Committee" respectively shall be deleted.
Byelaw 1 ... ..	The following new definitions shall be added:— "the district council" means the City of Glasgow District Council. "the district" means the City of Glasgow District.
All byelaws except byelaw 1 ... ..	For the words "Magistrates Committee" and "City" wherever they occur there shall be substituted "district council" and "district" respectively.
Byelaw 22 ... ..	For the words "Corporation of the City of Glasgow" there shall be substituted "district council".
Byelaw 47 ... ..	For the words "licensing authority" there shall be substituted "district council".
Byelaw 84 ... ..	The words "Licensing Area i.e. the City of Glasgow" shall be deleted and there shall be substituted "district".
Byelaw 89 ... ..	For the words "Licensing Area i.e. the City of Glasgow" there shall be substituted "district" and for the words "i.e. the City of Glasgow" there shall be substituted "of the district".

### EXPLANATORY NOTE

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

This Order extends those provisions of the Glasgow Corporation Consolidation (General Powers) Order Confirmation Act 1960 which relate to cabs, Section 7 of the Schedule to the Glasgow Corporation (No. 2) Order Confirmation Act 1965, and relevant byelaws to the whole of the area of the District Council of Glasgow and further provides that Sections 270 and 271, and Schedule V of the Burgh Police (Scotland) Act 1892 as they apply within the District, shall cease to have effect.