
STATUTORY INSTRUMENTS

1979 No. 776 (S. 73)

LOCAL GOVERNMENT, SCOTLAND

**The Edinburgh Corporation Order Confirmation Act 1967
(Application of Provisions) Order 1979**

<i>Made</i>	29th June 1979
<i>Laid before Parliament</i>	12th July 1979
<i>Coming into Operation</i>	3rd August 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 Edinburgh Corporation Order Confirmation Act 1967 (Application of Provisions) Order 1979 and shall come into operation on 3rd August 1979.

Interpretation

2. In this order:—

“the Act” means the Edinburgh Corporation Order Confirmation Act 1967(b) as amended by the Edinburgh Corporation Order Confirmation Act 1969(c), the Edinburgh Corporation Order Confirmation Act 1970(d), the Edinburgh Corporation Order Confirmation Act 1971(e), the Edinburgh Corporation Order Confirmation Act 1973(f) and the Edinburgh Corporation (No. 2) Order Confirmation Act 1973(g);

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

“the district” means the area of the City of Edinburgh District Council;

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

“Cab”, “taxi-cab” “cab-driver’s licence”, “private hire cab licence” and “taxi-cab licence” have the same meaning as in the Edinburgh Order.

Application of provisions of the Edinburgh Order

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

(a) Sections 388 to 401 inclusive;

(b) Sections 410 to 413 inclusive, sections 414(1) and (2), 415, 417, 418 and sections 420 to 424 inclusive, so far as relating to cab drivers’ licences, private hire cab licences and taxi-cab licences; and

(a) 1973 c. 65 (b) 1967 c. v. (c) 1969 c. 1xii. (d) 1970 c. 1x.
(e) 1971 c. xxxvii. (f) 1973 c. ii. (g) 1973 c. xxxiv.

(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 sub-paragraphs (a) and (b) above.

(2) Section 436 of the Edinburgh Order, so far as it relates to cabs, cab drivers, licensing of cabs and licensing of cab drivers, as read with section 3 of the District Courts (Scotland) Act 1975(a), 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 Edinburgh 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, 435, 440, 441, 443, 477, 478, 486(2), (3) and (4), 487 to 491 inclusive, 625, 627, 649 and 657 and Schedule 8.

5. The provisions of the Edinburgh Order referred to at Articles 3 and 4 hereof 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.

Consequential provisions

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

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

New St Andrew's House,
Edinburgh
29th June 1979.

(a) 1975 c. 20.

(b) 1892 c. 55.

Provision	Modification
Section 3	The definitions of "Corporation" and "city" shall be deleted and the following shall be substituted therefor— "The district council' means the City of Edinburgh District Council and 'the district' means the City of Edinburgh District".
Sections of the Edinburgh Order referred to at Articles 3 and 4 above except section 401.	For the words "Corporation" and "city" wherever they occur in these sections there shall be substituted "the district council" and "the district".
Section 396(1)(a) and (2)	After the words "District Council" as substituted for the words "The Corporation" there shall be added the words, "after consultation with Lothian Regional Council as local highway authority".
Section 398(1)	The words "or within the counties of Midlothian, East Lothian or West Lothian up to a distance of nine miles from the Cross of Edinburgh to which he is directed by the person hiring or proposing to hire such cab" shall be deleted.
Section 401	For the words "hired within the city, have effect within the city and within so much of the counties of Midlothian, East Lothian and West Lothian as is within nine miles from the Cross of Edinburgh" there shall be substituted the words "hired within the district have effect throughout the whole of the district".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends those provisions of the Edinburgh Corporation Order Confirmation Act 1967 which relate to the licensing and control of taxis and private hire cars, to the whole of the area of the District Council of the City of Edinburgh and further provides that sections 270 and 271 and Schedule V of the Burgh Police (Scotland) Act 1892 (which also deal with these matters) as they apply within the district shall cease to have effect.

Printed in England by Burrup, Mathieson & Co., Ltd., and published by Her Majesty's Stationery Office

82/S586124/w I18 K7 7/79

20p net

ISBN 0 11 093776 7