

1979 No. 92 (S.5)

**LOCAL GOVERNMENT, SCOTLAND**

**The Dundee Corporation Order Confirmation Act 1969  
(Application of Provisions) Order 1979**

<i>Made - - - -</i>	<i>29th January 1979</i>
<i>Laid before Parliament</i>	<i>9th February 1979</i>
<i>Coming into Operation</i>	<i>2nd March 1979</i>

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 Dundee Corporation Order Confirmation Act 1969 (Application of Provisions) Order 1979 and shall come into operation on 2nd March 1979.

*Interpretation*

2. In this order:—

“the Act” means the Dundee Corporation Order Confirmation Act 1969(b);

“the Dundee Order” means the order contained in the Schedule to the Act;

“cab”, “cab driver’s licence” and “cab operator’s licence” have the same meaning as in the Dundee Order;

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

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

“the 1957 Act” means the Dundee Corporation (Consolidated Powers) Order Confirmation Act 1957(c).

*Application of provisions of the Dundee Order*

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

(i) Sections 18 to 29 inclusive;

(ii) Sections 4 to 17 inclusive so far as relating to cab drivers’ licences and cab operators’ licences and

(b) any other provisions of the Dundee Order and the 1957 Act, so far as they are ancillary to and are necessary for effectively enforcing, implementing or carrying out the provisions referred to at (a) above, shall be extended throughout the district.

(2) Section 486 of the Order contained in the Schedule to the 1957 Act, 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 that Act throughout the area of new 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)(b) above the following provisions shall be extended throughout the area of the district so far as they apply and relate to cabs, cab drivers, licensing of cabs and licensing of cab drivers namely:

(a) Sections 2, 9, 487, 490, 491, 493, 494, 497, 499, and 500 to 503 inclusive and 603 of the order contained in the Schedule to the 1957 Act and

(b) Sections 2, 36, 37, 38, 41, 43, 61 to 64 inclusive, 67 to 71 inclusive, and 73 and Schedule 1 of the Dundee Order.

5. The provisions of the order contained in the Schedule to the 1957 Act and the Dundee 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.

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

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

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(a) 1975 c. 20.

(b) 1892 c. 55.

## SCHEDULE

Article 5

<i>Provision</i>	<i>Modification</i>
Section 2 of the 1957 Act	The definitions of "Corporation" and "city" shall be deleted and the following shall be substituted therefor— "the district council" means the City of Dundee District Council "the district" means the City of Dundee District.
Sections of the 1957 Act and the Dundee Order referred to at Articles 3 and 4 above	For the words "Corporation" and "city" wherever they occur in these sections there shall be substituted "district council" and "district" respectively.

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### EXPLANATORY NOTE

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

This Order extends those provisions of the Dundee Corporation (Consolidated Powers) Order Confirmation Act 1957 and the Dundee Corporation Order Confirmation Act 1969 which relate to cabs, to the whole of the area of the District Council of Dundee 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.