

1979 No. 93 (S.6)

LOCAL GOVERNMENT, SCOTLAND

**The Greenock Corporation Order Confirmation Act 1952
(Application of Provisions) Order 1979**

<i>Made - - - -</i>	29th January 1979
<i>Laid before Parliament</i>	9th February 1979
<i>Coming into Operation</i>	2nd March 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 Greenock Corporation Order Confirmation Act 1952 (Application of Provisions) Order 1979 and shall come into operation on 2nd March 1979.

Interpretation

2. In this order:—

“the Act” means the Greenock Corporation Order Confirmation Act 1952(b);

“the Act of 1909” means the Greenock Corporation Act 1909(c);

“cab” has the same meaning as in section 14 of the Order contained in the Schedule to the Greenock Corporation Order Confirmation Act 1952;

“the district” means the area of Inverclyde District;

“the district court” means the district court for the area of Inverclyde District;

“the Greenock Corporation Acts 1909 to 1974” means the Greenock Corporation Act 1909 together with the Greenock Corporation Order Confirmation Act 1921(d), the Greenock Corporation Order Confirmation Act 1923(e), the Greenock Corporation Order Confirmation Act 1926(f), the Greenock Burgh Extension & Act 1927(g), the Greenock Burgh Order Confirmation Act 1929(h), the Greenock Corporation Order Confirmation Act 1933(i), the Greenock Burgh Extension & Order Confirmation Act 1937(j), the Greenock Corporation Order Confirmation Act 1952, the Greenock Burgh Extension & Order Confirmation Act 1956(k), the Greenock Corporation Order Confirmation Act 1967(l) and the Greenock Corporation Order Confirmation Act 1974(m);

“the Greenock Order” means the order contained in the Schedule to the Greenock Corporation Order Confirmation Act 1952.

(a) 1973 c. 65.

(b) 1952 c. i.

(c) 1909 c. cxxix.

(d) 1921 c. cxxvii.

(e) 1923 c. liii.

(f) 1926 c. lxxvii.

(g) 1927 c. lxxvi.

(h) 20 & 21 Geo. 5 c. xiv.

(i) 24 & 25 Geo. 5 c. iii.

(j) 1937 c. iii.

(k) 1937 c. iii.

(l) 1956 xxxviii.

(m) 1967 c. iii.

(n) 1974 c. vii.

3.—(1) The provisions contained in Part IV of the Greenock Order, namely sections 14 to 31 inclusive, shall be extended throughout the district.

(2) Any other provisions of the Greenock Corporation Acts 1909 to 1974, not mentioned at paragraph (1) above, so far as they are ancillary to and are necessary for effectively enforcing, implementing or carrying out the provisions referred to at paragraph (1) above, shall be extended throughout the district.

(3) Sections 454, 465, 499 and 500 of the Burgh Police (Scotland) Act 1892(a) which form part of the Act of 1909 as referred to in section 372 of that Act, 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 to apply throughout the district to the effect of giving the district court and justices of the peace and stipendiary magistrates in terms of the said 1975 Act all the jurisdiction and powers in relation to that 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 the 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(2) above, the following provisions of the Greenock 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 64, 66, 67, 68 and 69.

5. The provisions of the Greenock Order referred to in the Schedule hereto as extended throughout the district shall have effect subject to the modifications thereof set out in the said Schedule 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(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.
29th January 1979.

(a) 1892 c. 55.

(b) 1975 c. 20.

SCHEDULE

Article 5

<i>Provision</i>	<i>Modification</i>
Sections 14, 15, 17, 20, 26	For the words "within the burgh" wherever they occur in these sections the words, "within Inverclyde District" shall be substituted.
Sections 15, 16, 18, 19, 26	For the word "magistrates" wherever it occurs in these sections the words "Inverclyde District Council" shall be substituted.
Sections 21(1) and (2) and 30(1) and (2)	For the words "town clerk" wherever they occur in these sections the words "proper officer of Inverclyde District Council" shall be substituted.
Section 26(13)	The words "but not exceeding a distance by road of eight miles from the principal post office of the burgh" shall be deleted.
Sections 26(14), 64 and 66	For the words "the Corporation" there shall be substituted "Inverclyde District Council".
Section 28	For the words "the magistrates may in addition to or in lieu of imposing any penalty in respect of such conviction" there shall be substituted "the clerk of the convicting court shall report the conviction to Inverclyde District Council which may".
Section 29(1)	For the words "in their application to any cab hired within the burgh have effect within a distance by road not exceeding eight miles from the principal post office of the burgh" there shall be substituted the words "apply to any cab hired within Inverclyde District".
Section 29(2)	For the words "the burgh or not" to the end of the subsection there shall be substituted "Inverclyde District or not".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends those provisions of the Greenock Corporation Order Confirmation Act 1952 which relate to cabs to the whole of the area of Inverclyde District and further provides that Sections 270 and 271 of, and Schedule V to, the Burgh Police (Scotland) Act 1892 (which also deal with these matters) as they apply within the district shall cease to have effect.