
STATUTORY INSTRUMENTS

1980 No.1154 (S.86)

LOCAL GOVERNMENT, SCOTLAND

The Burgh Police (Scotland) Act 1892 (Application of Provisions) (Orkney Islands Council) Order 1980

<i>Made - - - -</i>	<i>30th July 1980</i>
<i>Laid before Parliament</i>	<i>15th August 1980</i>
<i>Coming into Operation</i>	<i>5th September 1980</i>

In exercise of the powers conferred upon me by sections 229(3) 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 Burgh Police (Scotland) Act 1892 (Applications of Provisions) (Orkney Islands Council) Order 1980 and shall come into operation on 5th September 1980.

Interpretation

2. In this order:—

“the Act” means the Burgh Police (Scotland) Act 1892(b);

“the specified area” means that part of Orkney Islands Area comprising the islands of Mainland, Lamb Holm, Glims Holm, Burray and South Ronaldsay.

Application of provisions of the Act

3.—(1) Subject to the modifications set out in the Schedule to this Order, the provisions of sections 270, 271 and Schedule V of the Act (licensing of and regulations for hackney carriages) are hereby extended to apply throughout the specified area.

(2) The provisions of sections 454, 465, 484, 491, 499, 500, 503, 511 and 512 of the Act in so far as they are applicable to the licensing of and regulations for hackney carriages shall extend throughout the specified area.

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

New St. Andrew's House
Edinburgh
30th July 1980

SCHEDULE—*continued*

Provision

Additional Regulation

Modification

The following Regulation shall be added to the beginning of Part III of the Regulations;

“18A—(1) Each general hackney carriage licence shall refer to a specified area as defined in Article 2 of the Burgh Police (Scotland) Act 1892 (Application of Provisions) (Renfrew District Council) Order 1980 within which the general hackney carriage in respect of which it is held may be stationary, whether or not at a public stand, for the purpose of picking up passengers. Each general hackney carriage shall have a plate of a type determined by the District Council fixed thereon to indicate the area within which it is authorised to be stationary as above. It shall be an offence subject to a penalty of £50 for any driver to wait in a street for the purpose of picking up passengers unless the general hackney carriage he is driving is authorised as above.

(2) If a driver has completed a journey outwith the specified area within which the general hackney carriage he is driving is authorised as at (1) above he must proceed in the direction of that specified area unless he is requested to make a journey or journeys elsewhere. On completion of each journey or journeys he must again proceed to that specified area. For failure to comply with this enactment the driver shall be liable to a penalty not exceeding £50.”

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends those provisions of the Burgh Police (Scotland) Act 1892 which relate to the licensing and control of hackney carriages throughout the area of the District Council of Renfrew. It also modifies certain of the said provisions as they already applied prior to the date of coming into operation of the order.

SCHEDULE

Article 3(1)

Provision

Modification

Section 270

For the words "five miles from the principal post office of the burgh" there shall be substituted the words "the area of Renfrew District Council" and for the words "within the burgh" there shall be substituted the words "within the said area".

Schedule V to the Act altered by the Magistrates of the former Burghs of Paisley and Barrhead in terms of section 271 of the Act as referred to at Article 3 of this order.

For the word "burgh" wherever it occurs except at Regulation 1(j) there shall be substituted "district".

Regulation 1(b)

For the words "the Chief Constable of the Burgh of Paisley" and "Chief Constable of Renfrew and Bute" there shall be substituted "the Chief Constable of Strathclyde Police" the words "a police officer or other persons" to the end shall be deleted and the following shall be substituted therefor "a police officer or person appointed by the district council to carry out inspections and examinations of general and private hackney carriages".

Regulation 1(c)

The definition of "burgh" shall be deleted.

Regulation 1(e)

Delete the words "five miles from the principal post office of said" and substitute "the".

Regulation 1

At the end of Regulation 1 the following new definitions shall be added:—
 " 'district council' means Renfrew District Council
 'district' means the area of Renfrew District."

Regulations 1(e), 2(b), 3(h), 4, 15, 18

For the words "said prescribed distance" "prescribed distance" or "such prescribed distance" wherever they occur except in the case of the words "such prescribed distance" where they second occur at Regulation 15 and at Regulation 18(k) there shall be substituted the words "the district".

Regulations 3, 4, 7, 15, 18(h), 18(k)

For the word "Magistrates" there shall be substituted the words "district council".

Regulations 15, 18(k)

For the words "not exceeding such prescribed distance" the words "not being beyond the boundary of the district" shall be substituted.

Regulation 18(b)

At the beginning there shall be added the following words: "Subject to Regulation 18A above".

(2) The provisions of sections 454, 465, 484, 491, 499, 500, 503, 511 and 512 of the Act in so far as they are applicable to the licensing of and regulations for hackney carriages shall extend throughout the district.

Transitional and consequential provisions

4.—(1) Subject to the provisions of this Article, as from the coming into operation of this order, the Regulations for Hackney Carriages contained in Schedule V to the Act as they applied in unaltered form throughout the area of the former burghs of Renfrew and Johnstone shall cease to have effect and the said Regulations altered as referred to at Article 3(1) above shall apply as modified by this order throughout the district unless or until such time as they are further altered by the district council with the approval of the sheriff.

(2) In relation to the former burghs of Renfrew and Johnstone the provisions of the said Regulations in unaltered form shall continue to have effect for the purpose only of any outstanding offences or proceedings thereunder and in the case of Renfrew the byelaws made thereunder shall continue in force as if made under paragraph 23 of Schedule V to the Act altered as aforesaid and modified by this order, until such time as they are superseded by new byelaws.

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

New St. Andrew's House,
Edinburgh.
30th July 1980.