

Town Police Clauses Act 1847

Hackney carriages

37 Commissioners may licence hackney carriages And with respect to hackney carriages, be it enacted as follows:

The commissioners may from time to time licence to ply for hire within the prescribed distance, or if no distance is prescribed, within five miles from the General Post Office of the city, town, or place to which the special Act refers, (which in that case shall be deemed the prescribed distance,) such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as they think fit.

Modification

Modified, in relation to hackney carriages, by the Transport Act 1985, s 16.

See further, in relation to a licensed taxi, licensed under this section, providing a local service under a special licence: the Local Services (Operation by Taxis) Regulations 1986, SI 1986/567.

38 What vehicles to be deemed hackney carriages Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe any such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

39.....

Amendment

Repealed by the Transport Act 1981, s 40(1), Sch 12, Pt III.

40 Persons applying for licence to sign a requisition Before any such licence is granted a requisition for the same, in such form as the commissioners from time to time provide for that purpose, shall be made and signed by the proprietor or one of the proprietors of the hackney carriage in respect of which such licence is applied for; and in every such requisition shall be truly stated the name and surname and place of abode of the person applying for such licence, and of every proprietor or part proprietor of such carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing, or letting to hire of such carriage; and any person who, on applying for such licence, states in such requisition the name of any person who is not a proprietor or part proprietor of such carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to hire of such carriage, and also any person who wilfully omits to specify truly in such requisition as aforesaid the name of any person who is a proprietor or part proprietor of such carriage, or who is concerned as aforesaid in the keeping, employing, or letting to hire of such carriage, shall be liable to a penalty not exceeding level 1 on the standard scale].

Amendment

Maximum penalty increased by the Criminal Justice Act 1967, s 92(1), Sch 3, Part I, and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 38, 46.

41 What shall be specified in the licences In every such licence shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage in respect of which such licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing, or letting to hire of any such carriage, and also the number of such licence which shall correspond with the number to be painted or marked on the plates to be fixed on such carriage, together with such other particulars as the commissioners think fit.

42 Licences to be registered Every licence shall be made out by the clerk of the commissioners, and duly entered in a book to be provided by him for that purpose; and in such book shall be contained columns or places for entries to be made of every offence committed by any proprietor or driver or person attending such carriage; and any person may at any reasonable time inspect such book, without fee or reward.

43 Licence to be in force for one year only Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners.

44 Notice to be given by proprietors of hackney carriages of any change of abode So often as any person named in any such licence as the proprietor or one of the proprietors, or as being concerned, either solely or in partnership with any person, in the keeping, employing, or letting to hire of any such carriage, changes his place of abode, he shall, within seven days next after such change, give notice thereof in writing, signed by him, to the commissioners, specifying in such notice his new place of abode; and he shall at the same time produce such licence at the office of the commissioners, who shall by their clerk, or some other officer, endorse thereon and sign a memorandum specifying the particulars of such change; and any person named in any such licence as aforesaid as the proprietor, or one of the proprietors, of any hackney carriage, or as being concerned as aforesaid, who changes his place of abode and neglects or wilfully omits to give notice of such change, or to produce such licence in order that such memorandum as aforesaid may be endorsed thereon, within the time and in the manner limited and directed by this or the special Act, shall be liable to a penalty not exceeding [level 1 on the standard scale].

Amendment

Maximum penalty increased by the Criminal Law Act 1977, s 31(6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37,46.

45 Penalty for plying for hire without a licence If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as hereinafter provided, or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance for which such licence as aforesaid has not been previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for every such offence be liable to a penalty not exceeding [level 4 on the standard scale].

Amendment

Maximum penalty on any conviction increased and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 39, 46, Sch 3.

46 Drivers not to act without first obtaining a licence No person shall act as driver of any hackney carriage licensed in pursuance of this or the special Act to ply for hire within the prescribed distance without first obtaining a licence from the commissioners, which licence shall be registered by the clerk to the commissioners, [and such fee as the commissioners may determine shall be paid] for the same; and every such licence shall be in force until the same is revoked except during the time that the same may be suspended as after mentioned.

Amendment

Words in square brackets substituted by the Local Government, Planning and Land Act 1980, s 1(6), Sch 6.

47 Penalty on drivers acting without licence, or proprietors employing unlicensed drivers If any person acts as such driver as aforesaid without having obtained such licence, or during the time that his licence is suspended, or if he lend or part with his licence, except to the proprietor of the hackney carriage, or if the proprietor of any such hackney carriage employ any person as the driver thereof who has not obtained such licence, or during the time that his licence is suspended, as herein-after provided, every such driver and every such proprietor shall for every such offence respectively be liable to a penalty not exceeding [level 3 on the standard scale].

Amendment

Enhanced penalty on a subsequent conviction abolished, maximum penalty on any conviction increased and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 35, 37, 38, 46.

48 Proprietor to retain licences of drivers, and to produce the same before justices on complaint In every case in which the proprietor of any such hackney carriage permits or employs any licensed person to act as the driver thereof, such proprietor shall cause to be delivered to him, and shall retain in his possession, the licence of such driver, while such driver remains in his employ; and in all cases of complaint, where the proprietor of a hackney carriage is summoned to attend before a justice, or to produce the driver, the proprietor so summoned shall also produce the licence of such driver, if he be then in his employ; and if any driver complained of be adjudged guilty of the offence alleged against him, such justice shall make an endorsement upon the licence of such driver, stating the nature of the offence and amount of the penalty inflicted; and if any such proprietor neglect to have delivered to him and to retain in his possession the licence of any driver while such driver remains in his employ, or if he refuse or neglect to produce such licence as aforesaid, such proprietor shall for every such offence be liable to a penalty not exceeding [level 1 on the standard scale].

Amendment

Maximum penalty increased by the Criminal Law Act 1977, s 31(6), and converted to ; level on the standard scale by the Criminal Justice Act 1982, ss 37, 46.

49 Proprietor to return licence to drivers except in case of misconduct

When any driver leaves the service of the proprietor by whom he is employed without having been guilty of any misconduct, such proprietor shall forthwith return to such driver the licence belonging to him; but if such driver have been guilty of any misconduct, the proprietor shall not return his licence, but shall give him notice of the complaint which he intends to prefer against him, and shall forthwith summon such driver to appear before any justice to answer the said complaint; and such justice, having the necessary parties before him, shall inquire into and determine the matter of complaint, and if upon inquiry it appear that the licence of such driver has been improperly withheld, such justice shall direct the immediate re-delivery of such licence, and award such sum of money as he thinks proper to be paid by such proprietor to such driver by way compensation.

50 Revocation of licences of proprietors or drivers The commissioners may, upon the conviction for the second time of the proprietor or driver of any such hackney carriage for any offence under the provisions of this or the special Act with respect to hackney carriages, or any byelaw made in pursuance thereof, suspend or revoke, as they deem right, the licence of any such proprietor or driver.

51 Number of persons to be carried in a hackney carriage to be painted thereon No hackney carriage shall be used or employed or let to hire, or shall stand or ply for hire, within the prescribed distance, unless the number of persons to be carried by such hackney carriage, in words at length, and in form following, (that is to say,) "To carry..... persons," be painted on a plate placed on some conspicuous place on the outside of such carriage, and in legible letters, so as to be clearly distinguishable from the colour of the ground whereon the same are painted, one inch in length, and of a proportionate breadth; and the driver of any such hackney carriage shall not be required to carry in or by such hackney carriage a greater number of persons than the number painted thereon.

Amendment

Repealed, in relation to tramcars and trolley vehicles, by the Transport Charges &c (Miscellaneous Provisions) Act 1954, ss 14(1), 15(2), Sch 2, Part IV.

52 Penalty for neglect to exhibit the number, or for refusal to carry the prescribed number If the proprietor of any hackney carriage permit the same to be used, employed, or let to hire, or if any person stand or ply for hire with such carriage, without having the number of persons to be carried thereby painted and exhibited in manner aforesaid, or if the driver of any such hackney carriage refuse, when required by the hirer thereof, to carry in or by such hackney carriage the number of persons painted thereon, or any less number, every proprietor or driver so offending shall be liable to a penalty not exceeding [level 1 on the standard scale].

Amendment

Repealed, in relation to tramcars and trolley vehicles, by the Transport Charges &c (Miscellaneous Provisions) Act 1954, ss 14(1), 15(2), Sch 2, Part IV. Maximum penalty increased by the Criminal Law Act 1977, s 31 (6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37,46.

Modification

Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/1386, art 4.

53 Penalty on driver for refusing to drive A driver of a hackney carriage standing at any of the stands for hackney carriages appointed by the commissioners, or in any street, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within the prescribed distance, or the distance to be appointed by any byelaw of the commissioners, not exceeding the prescribed distance, to which he is directed to drive by the person hiring or wishing to hire such carriage, shall for every such offence be liable to a penalty not exceeding [level 2 on the standard scale].

Amendment

Maximum penalty increased and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 39,46, Sch 3.

Modification

Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/1386, art 4.

54 Penalty for demanding more than the sum agreed for If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree beforehand with any person hiring such hackney carriage to take for any job a sum less than the fare allowed by this or the special Act, or any byelaw made thereunder, such proprietor or driver shall be liable to a penalty not exceeding [level 1 on the standard scale] if he exact or demand for such job more than the fare so agreed upon.

Amendment

Maximum penalty increased by the Criminal Law Act 1977, s 31(6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37,46.

Modification

Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI1986/1386, art 4.

55 Agreement to pay more than the legal fare No agreement whatever made with the driver, or with any person having or pretending to have the care of any such hackney carriage, for the payment of more than the fare allowed by any byelaw made under this or the special Act, shall be binding on the person making the same; and any such person may, notwithstanding such agreement, refuse, on discharging such hackney carriage, to pay any sum beyond the fare allowed as aforesaid; and if any person actually pay to the driver of any such hackney carriage, whether in pursuance of any such agreement or otherwise, any sum exceeding the fare to which such driver was entitled, the person paying the same shall be entitled, on complaint made against such driver before any justice of the peace, to recover back the sum paid beyond the proper fare, and moreover such driver shall be liable to a penalty for such exaction not exceeding [level 3 on the standard scale]; and in default of the repayment by such driver of such excess of fare, or of payment of the said penalty, such justice shall forthwith commit such driver to prison, there to remain for any time not exceeding one month, unless the said excess of fare and the said penalty be sooner paid.

Amendment

Maximum penalty increased and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 39,46, Sch 3. Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/1386, art 4.

56 Agreements to carry passengers a discretionary distance for a fixed sum

If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree with any person to carry in or by such hackney carriage persons not exceeding in number the number so painted on such carriage as aforesaid, for a distance to be in the discretion of such proprietor or driver, and for a sum agreed upon, such proprietor or driver shall be liable to a penalty not exceeding [level 1 on the standard scale] if the distance which he carries such persons be under that to which they were entitled to be carried for the sum so agreed upon, according to the fare allowed by this or the special Act, or any byelaw made in pursuance thereof.

Amendment

Maximum penalty increased by the Criminal Law Act 1977, s 31(6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 46.

Modification

Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/13 86, art 4.

57 Deposit to be made for carriages required to wait When any hackney carriage is hired and taken to any place, and the driver thereof is required by the hirer there to wait with such hackney carriage, such driver may demand and receive from such hirer his fare for driving to such place, and also a sum equal to the fare of such carriage for the period, as a deposit over and above such fare, during which he is required to wait as aforesaid, or if no fare for time be fixed by the byelaws, then the sum of [7p] for every half hour during which he is so required to wait, which deposit shall be accounted for by such driver when such hackney carriage is finally discharged by such hirer; and if any such driver who has received any such deposit as aforesaid refuses to wait as aforesaid, or goes away or permits such hackney carriage to be driven or taken away without the consent of such hirer, before the expiration of the time for which such deposit was made, or if such driver on the final discharge of such hackney carriage refuse duly to account for such deposit, every such driver so offending shall be liable to a penalty not exceeding [level 1 on the standard scale].

Amendment

First sum in square brackets substituted by the Decimal Currency Act 1969, s 10, rounded down to 7p in consequence of the abolition of the halfpenny, by Proclamation dated 31 December 1984; maximum penalty increased by the Criminal Law Act 1977, s 31(6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 46.

Modification

Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/13 86, art 4.

58 Penalty on proprietors, etc convicted of overcharging Every proprietor or driver of any such hackney carriage who is convicted of taking as a fare a greater sum than is authorized by any byelaw made under this or the special Act shall be liable to a penalty not exceeding [level 3 on the standard scale], and such penalty may be recovered before one justice; and in the conviction of such proprietor or driver an order may be included for payment of the sum so overcharged, over and above the penalty and costs; and such overcharge shall be returned to the party aggrieved...

Amendment

Maximum penalty increased and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 39,46, Sch 3; words omitted repealed by the Statute Law Revision Act 1894.

Modification

Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/1386, art4.

59 Penalty for permitting persons to ride without consent of hirer Any proprietor or driver of any such hackney carriage which is hired who permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the express consent of the person hiring the same, shall be liable to a penalty not exceeding [level 1 on the standard scale]. *Amendment*

Maximum penalty increased by the Criminal Law Act 1977, s 31(6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 46.

Modification

Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/1386, art4.

60 No unauthorized person to act as driver No person authorized by the proprietor of any hackney carriage to act as driver of such carriage shall suffer any other person to act as driver of such carriage without the consent of the proprietor thereof; and no person, whether licensed or not, shall act as driver of any such carriage without the consent of the proprietor; and any person so suffering another person to act as driver, and any person so acting as driver without such consent as aforesaid, shall be liable to a penalty not exceeding [level 1 on the standard scale] for every such offence. *Amendment*

Maximum penalty increased by the Criminal Law Act 1977, s 31(6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 46.

61 Penalty on drivers for drunkenness, furious driving, etc If the driver or any other person having or pretending to have the care of any such hackney carriage be intoxicated while driving, or if any such driver or other person by wanton and furious driving, or by any other wilful misconduct, injure or endanger any person in his life, limbs, or property, he shall be liable to a penalty not exceeding [level 1 on the standard scale];...*Amendment*
Maximum penalty increased by the Criminal Law Act 1977, s 31 (6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 3 7,46; words omitted repealed by the Statute Law (Repeals) Act 1989.

62 Penalties in case of carriages being unattended at places of public resort

If the driver of any such hackney carriage leave it in any street or at any place of public resort or entertainment, whether it be hired or not, without some one proper to take care of it, any constable may drive away such hackney carriage and deposit it, and the horse or horses harnessed thereto, at some neighbouring livery stable or other place of safe custody; and such driver shall be liable to a penalty not exceeding [level 1 on the standard scale] for such offence; and in default of payment of the said penalty upon conviction, and of the expences of taking and keeping the said hackney carriage and horse or horses, the same, together with the harness belonging thereto, or any of them, shall be sold by order of the justice before whom such conviction is made, and after deducting from the produce of such sale the amount of the said penalty, and of all costs and expences, as well of the proceedings before such justice as of the taking, keeping, and sale of the said hackney carriage, and of the said horse or horses and harness, the surplus (if any) of the said produce shall be paid to the proprietor of such hackney carriage.

Amendment

Maximum penalty increased by the Criminal Law Act 1977, s 31 (6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37,46.

63 Compensation for damage done by driver In every case in which any hurt or damage has been caused to any person or property as aforesaid by the driver of any carriage let to hire, the justice before whom such driver has been convicted may direct that the proprietor of such carriage shall pay such a sum, not exceeding five pounds, as appears to the justice a reasonable compensation for such hurt or damage; and every proprietor who pays any such compensation as aforesaid may recover the same from the driver, and such compensation shall be recoverable from such proprietor, and by him from such driver, as damages.

64 Penalty on drivers obstructing other drivers Any driver of any hackney carriage who suffers the same to stand for hire across any street or alongside of any other hackney carriage, or who refuses to give way, if he conveniently can, to any other carriage, or who obstructs or hinders the driver of any other carriage in taking up or setting down any person into or from such other carriage, or who wrongfully in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage from being hired, shall be liable to a penalty not exceeding [level 1 on the standard scale].

Amendment

Maximum penalty increased by the Criminal Law Act 1977, s 31(6), and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37,46.

65 Compensation to drivers attending to answer complaints not substantiated

If the driver of any such hackney carriage be summoned or brought before any justice to answer any complaint or information touching or concerning any offence alleged to have been committed by such driver against the provisions of this or the special Act, or any byelaw made thereunder, and such complaint or information be afterwards withdrawn or quashed or dismissed, or if such driver be acquitted of the offence charged against him, the said justice, if he think fit, may order the complainant or informant to pay to the said driver such compensation for his loss of time in attending the said justice touching or concerning such complaint or information as to the said justice seems reasonable;...

Amendment

Words omitted repealed by the Statute Law (Repeals) Act 1989.

66 Fare unpaid may be recovered as a penalty If any person refuse to pay on demand to any proprietor or driver of any hackney carriage the fare allowed by this or the special Act, or any byelaw made thereunder, such fare may, together with costs, be recovered before one justice as a penalty.

Amendment

Repealed by the Criminal Damage Act 1971, s 11(8), Schedule, Pt I, and SI 1977/426, art 13(6), Sch2.

68 Byelaws for regulating hackney carriages The commissioners may from time to time (subject to the restrictions of this and the special Act) make byelaws for all or any of the purposes following; (that is to say,)

For regulating the conduct of the proprietors and drivers of hackney carriages plying within the prescribed distance in their several employments, and determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For regulating the manner in which the number of each carriage, corresponding with the number of its licence, shall be displayed:

For regulating the number of persons to be carried by such hackney carriages, and in what manner such number is to be shown on such carriage, and what number of horses or other animals is to draw the same, and the placing of check strings to the carriages, and the holding of the same by the driver, and how such hackney carriages are to be furnished or provided:

For fixing the stands of such hackney carriages, and the distance to which they may be compelled to take passengers, not exceeding the prescribed distance:

For fixing the rates or fares, as well for time as distance, to be paid for such hackney carriages within the prescribed distance, and for securing the due publication of such fares;

For securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

Modification

Modified, in relation to the taxi code, by the Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/13 86, art 4.