



Plymouth City Council Act 1975

CHAPTER XX

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SCHEDULE—Repeals.

ELIZABETH II



1975 CHAPTER XX

An Act to confer further powers on the Council of the city of Plymouth in relation to hackney carriages and private hire vehicles; and for other purposes.

[1st August 1975]

WHEREAS—

(1) The city of Plymouth (hereinafter referred to as “the city”) is under the management and local government of the Council of the city (hereinafter referred to as “the Council”):

(2) It is expedient to make further provision with reference to hackney carriages and private hire vehicles in the city, and that the powers of the Council in relation thereto should be enlarged and extended:

(3) It is expedient that the other provisions contained in this Act should be enacted:

(4) The objects of this Act cannot be attained without the authority of Parliament:

1972 c. 70. (5) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the Plymouth City Council Act 1975.

Interpretation. 2.—(1) In this Act, unless the subject or context otherwise requires—

1847 c. 89. “the Act of 1847” means the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages;

1915 c. lxix. “the Act of 1915” means the Plymouth Corporation Act 1915;

1936 c. 49. “the Act of 1936” means the Public Health Act 1936;

1972 c. 20. “the Act of 1972” means the Road Traffic Act 1972;

“appointed day” has the meaning assigned to it by section 34 (The appointed day) of this Act;

“authorised officer” means any officer of the Council authorised in writing by the city solicitor and secretary for the purposes of this Act;

“the city” means the city of Plymouth;

“the city solicitor and secretary” means the city solicitor and secretary of the city and includes any person appointed by the Council to discharge temporarily the duties of that officer;

“contravene” includes fail to comply;

“the Council” means the Council of the city;

“daily fine” means a fine for each day during which an offence continues after conviction thereof;

“driver's badge” means, in relation to the driver of a hackney carriage, any badge issued by the Council under bye-laws made under section 68 of the Act of 1847 and, in relation to the driver of a private hire vehicle, any badge issued by the Council under section 12 (Issue of drivers' badges) of this Act;

“ driver’s licence ” means, in relation to the driver of a hackney carriage, a licence under section 46 of the Act of 1847 and, in relation to the driver of a private hire vehicle, a licence under section 9 (Licensing of drivers of private hire vehicles) of this Act;

“ hackney carriage ” has the same meaning as in the Act of 1847 but does not include a public service vehicle;

“ hackney carriage byelaws ” means the byelaws for the time being in force in the city relating to hackney carriages;

“ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act 1952;

1952 c. 55.

“ operate ” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;

“ operator’s licence ” means a licence under section 13 (Licensing of operators of private hire vehicles) of this Act;

“ private hire vehicle ” means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers;

“ proprietor ” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

“ public service vehicle ” has the same meaning as in section 117 of the Road Traffic Act 1960;

1960 c. 16.

“ street ” has the same meaning as in section 343 of the Act of 1936;

“ taximeter ” means any device, approved for the time being for the purpose by the Council, for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both; and

“ vehicle licence ” means in relation to a hackney carriage a licence under sections 37 to 45 of the Act of 1847 and in relation to a private hire vehicle means a licence under section 5 (Licensing of private hire vehicles) of this Act.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

Vehicle,
drivers' and
operators'
licences.

3.—(1) As from the appointed day—

- (a) no person being the proprietor of any vehicle, not being a hackney carriage in respect of which a vehicle licence is in force, shall use or permit the same to be used in the city as a private hire vehicle without having for such vehicle a current licence under section 5 (Licensing of private hire vehicles) of this Act;
- (b) no person shall in the city act as driver of any private hire vehicle licensed in pursuance of this Act without having a current licence under section 9 (Licensing of drivers of private hire vehicles) of this Act;
- (c) no person being the proprietor of a private hire vehicle licensed under this Act shall employ as the driver thereof for the purpose of any hiring any person who does not have a current licence under the said section 9;
- (d) no person shall in the city operate any vehicle as a private hire vehicle without having a current licence under section 13 (Licensing of operators of private hire vehicles) of this Act;
- (e) no person licensed under the said section 13 shall in the city operate any vehicle as a private hire vehicle—
 - (i) in respect of which a current licence under the said section 5 is not in force; or
 - (ii) the driver of which does not have a current licence under the said section 9.

(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.

Licensing of
hackney
carriages.

4.—(1) The Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the Council may consider reasonably necessary.

(2) Without prejudice to the generality of the foregoing the Council may require any hackney carriage licensed by the Council under the Act of 1847 to be of such make, design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

Licensing of
private hire
vehicles.

5.—(1) Subject to the provisions of this Act, the Council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that the Council shall not grant such a licence unless they are satisfied—

- (a) that the vehicle is—
 - (i) suitable in type, size and design for use as a private hire vehicle;

(ii) not of such make, design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Act of 1972.

(2) The Council may attach to the grant of a licence under this section such conditions as the Council may consider reasonably necessary.

(3) In every vehicle licence granted under this section there shall be specified—

(a) the name and address of—

(i) the applicant; and

(ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;

(b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;

(c) the conditions attached to the grant of the licence; and

(d) such other particulars as the Council consider reasonably necessary.

(4) Every licence granted under this section shall—

(a) be signed by an authorised officer;

(b) relate to not more than one private hire vehicle; and

(c) remain in force for such period not being longer than one year as the Council may specify in the licence.

(5) Where the Council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.

(6) (a) Subject to the provisions of this Act, no person shall use or permit to be used in the city as a private hire vehicle a vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the Council shall prescribe by condition attached to the grant of the licence.

(b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.

(7) Any person aggrieved by the refusal of the Council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

Roof signs on private hire vehicles.

6.—(1) No operator or proprietor of a private hire vehicle licensed under this Act shall cause or knowingly permit such private hire vehicle to have affixed thereto any roof sign of whatsoever design or nature illuminated or otherwise that would lead the public to suppose that the vehicle was a licensed hackney carriage.

(2) If any person contravenes the provisions of this section he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a daily fine not exceeding ten pounds.

Transfer of hackney carriages and private hire vehicles.

7.—(1) If the proprietor of a hackney carriage or of a private hire vehicle in respect of which a vehicle licence has been granted by the Council proposes to transfer the ownership and possession of the hackney carriage or private hire vehicle to a person other than the proprietor whose name is specified in the licence, he shall within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

(2) If a proprietor knowingly or without reasonable excuse fails to give notice to the Council as provided by subsection (1) of this section he shall be guilty of an offence.

Provisions as to proprietors.

8.—(1) Without prejudice to the provisions of section 26 (Fitness of hackney carriages and private hire vehicles) of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by the Council shall present such hackney carriage or private hire vehicle for inspection by the Council within such period and at such place within the city as the Council may by notice reasonably require:

Provided that the Council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection on more than four separate occasions during any one period of twelve months.

(2) The proprietor of any hackney carriage or private hire vehicle—

(a) licensed by the Council under the Act of 1847 or under this Act; or

(b) in respect of which an application for a licence has been made to the Council under the Act of 1847 or under this Act;

shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such hackney carriage or private hire vehicle is kept when not in use, and shall if the Council so require afford to the Council such facilities as may be reasonably necessary to enable the Council to cause such hackney carriage or private hire vehicle to be inspected there.

(3) Without prejudice to the provisions of section 25 of the Act of 1972, the proprietor of a hackney carriage or of a private hire vehicle licensed by the Council shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.

(4) The proprietor of any hackney carriage or of any private hire vehicle licensed by the Council shall at the request of any authorised officer produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the certificate of the policy of insurance or security required by Part VI of the Act of 1972 in respect of such hackney carriage or private hire vehicle.

(5) If any person knowingly or without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

9.—(1) Subject to the provisions of this Act, the Council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Licensing of drivers of private hire vehicles.

Provided that the Council shall not grant a licence—

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
- (b) to any person who has not for at least twelve months been, and is not at the date of the application for a driver's licence, the holder of a licence granted under Part III of the Act of 1972 (not being a provisional licence) authorising him to drive a motor car.

(2) The Council may attach to the grant of a licence under this section such conditions as the Council may consider reasonably necessary.

Appeals in respect of drivers' licences.

10. Any person aggrieved by—

- (1) the refusal of the Council to grant a driver's licence under section 9 (Licensing of drivers of private hire vehicles) of this Act; or
 - (2) any conditions attached to the grant of a driver's licence;
- may appeal to a magistrates' court.

Drivers' licences for hackney carriages and private hire vehicles.

1875 c. 55.
1889 c. 14.

11.—(1) (a) Every licence granted by the Council under the provisions of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period as the Council may specify in such licence.

(b) Notwithstanding the provisions of the Public Health Act 1875 and the Town Police Clauses Act 1889, every licence granted by the Council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period as the Council may specify in such licence.

(2) Notwithstanding the provisions of the Act of 1847, the Council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as the Council consider reasonable with a view to recovering the costs of issue and administration.

(3) The driver of any hackney carriage or of any private hire vehicle licensed by the Council shall at the request of any authorised officer or of any constable produce for inspection his driver's licence.

(4) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

Issue of drivers' badges.

12.—(1) When granting a driver's licence under section 9 (Licensing of drivers of private hire vehicles) of this Act the Council shall issue a driver's badge in such a form as may from time to time be prescribed by the Council.

(2) (a) A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.

(b) If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence.

Licensing of operators of private hire vehicles.

13.—(1) Subject to the provisions of this Act, the Council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles, grant to that person an operator's licence:

Provided that the Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

(2) Every licence granted under this section shall remain in force for such period not being longer than five years as the Council may specify in the licence.

(3) The Council may attach to the grant of a licence under this section such conditions as the Council may consider reasonably necessary.

(4) Any applicant aggrieved by the refusal of the Council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.

14.—(1) For the purposes of this Act every contract for the hire of a private hire vehicle licensed under this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle. Operators of private hire vehicles.

(2) Every licensed operator of a private hire vehicle licensed under this Act shall keep a record in such form as the Council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the Council may by condition prescribe and shall produce such record on request to any authorised officer or to any constable for inspection.

(3) Every licensed operator of a private hire vehicle licensed under this Act shall keep such records as the Council may, by condition attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer or to any constable for inspection.

(4) The licensed operator of any private hire vehicle licensed under this Act shall produce his operator's licence on request to any authorised officer or any constable for inspection.

(5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

15.—(1) The Council may require any applicant for a licence under the Act of 1847 or under this Act to submit to the Council such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. Power to require applicants to submit information.

(2) Without prejudice to the generality of the foregoing—

(a) the Council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle—

(i) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and

(ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Council as to his physical fitness to be the driver of a hackney carriage or a private hire vehicle;

(b) the Council may require an applicant for an operator's licence to submit to the Council such information as to—

(i) the name and address of the applicant;

(ii) the address or addresses whether within the city or not from which he intends to carry on business in connection with private hire vehicles licensed under this Act;

(iii) any trade or business activities he has carried on before making the application;

(iv) any previous application he has made for an operator's licence;

(v) the revocation or suspension of any operator's licence previously held by him;

(vi) any convictions recorded against the applicant; as they may reasonably consider necessary to enable them to determine whether to grant such licence;

(c) in addition to the information specified in paragraph (b) of this subsection, the Council may require an applicant for an operator's licence to submit to the Council—

(i) if the applicant is or has been a director or secretary of a company, information as to any convictions recorded against that company at any relevant time; any trade or business activities carried on by that company; any previous application made by that company for an operator's licence; and any revocation or suspension of an operator's licence previously held by that company;

(ii) if the applicant is a company, information as to any convictions recorded against a director or secretary of that company; any trade or business activities carried on by any such director or secretary; any previous application made by any such director

or secretary for an operator's licence; and any revocation or suspension of an operator's licence previously held by such director or secretary;

(iii) if the applicant proposes to operate the vehicle in partnership with any other person, information as to any convictions recorded against that person; any trade or business activities carried on by that person; any previous application made by that person for an operator's licence; and any revocation or suspension of an operator's licence previously held by him.

(3) If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence.

16.—(1) On—

- (a) the revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle; or
- (b) the suspension of a licence under section 26 (Fitness of hackney carriages and private hire vehicles) of this Act;

Return of identification plate or disc on revocation or expiry of licence, etc.

the Council may by notice require the proprietor of that hackney carriage or private hire vehicle licensed by the Council to return to the Council within seven days after the service on him of that notice the plate or disc identifying that hackney carriage or private hire vehicle and required to be displayed by the Act of 1847 or by this Act.

(2) If any proprietor fails without reasonable excuse to comply with the terms of a notice under subsection (1) of this section—

- (a) he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and to a daily fine not exceeding ten pounds; and
- (b) any authorised officer or constable shall be entitled to remove and retain the said plate or disc from the said hackney carriage or private hire vehicle.

17.—(1) Notwithstanding anything in the Act of 1847 the Council shall not grant a licence to drive a hackney carriage—

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
- (b) to any person who has not for at least twelve months been, and is not at the date of the application for a driver's licence, the holder of a licence granted under Part III of the Act of 1972 (not being a provisional licence) authorising him to drive a motor car.

Qualifications for drivers of hackney carriages.

(2) Any applicant aggrieved by the refusal of the Council to grant a driver's licence on the ground that he is not a fit and proper person to hold such licence may appeal to a magistrates' court.

Suspension
and
revocation of
vehicle
licences.

18.—(1) Notwithstanding anything in the Act of 1847 or in this Act, the Council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 5 (Licensing of private hire vehicles) of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Act by the operator or driver; or
- (c) any other reasonable cause.

(2) Where the Council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of the Council under this section may appeal to a magistrates' court.

Suspension
and
revocation of
drivers'
licences.

19.—(1) Notwithstanding anything in the Act of 1847 or in this Act, the Council may suspend or revoke, or (on application therefor under section 46 of the Act of 1847 or section 9 (Licensing of drivers of private hire vehicles) of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

- (a) that he has since the grant of the licence—
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Act; or
- (b) any other reasonable cause.

(2) (a) Where the Council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the Council the driver's badge issued to him in accordance with section 12 (Issue of drivers' badges) of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

(3) Any driver aggrieved by a decision of the Council under this section may appeal to a magistrates' court.

20.—(1) Notwithstanding anything in this Act the Council may suspend or revoke, or (on application therefor under section 13 (Licensing of operators of private hire vehicles) of this Act) refuse to renew, an operator's licence on any of the following grounds:—

Suspension and revocation of operators' licences.

(a) any offence under, or non-compliance with, the provisions of this Act;

(b) any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence;

(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or

(d) any other reasonable cause.

(2) Where the Council suspend, revoke or refuse to renew any licence under this section they shall give to the operator notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal.

(3) Any operator aggrieved by a decision of the Council under this section may appeal to a magistrates' court.

21.—(1) For the purposes of their functions under the Act of 1847, the Council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any street in the city and, with the consent of the owner, on any land not forming part of a street and may from time to time vary the number of hackney carriages permitted to be at each stand.

Stands for hackney carriages.

(2) Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, the Council shall give notice to the chief officer of police for the city and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the city and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

(3) Nothing in this section shall empower the Council to appoint any such stand—

(a) so as unreasonably to prevent access to any premises;

(b) so as to impede the use of any points authorised to be used in connection with a road service licence granted

1960 c. 16.
1968 c. 73.

under section 134 of the Road Traffic Act 1960, or permit granted under section 30 of the Transport Act 1968, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;

- (c) on any highway except with the consent of the highway authority;
- (d) in any station, station yard or approach of the British Railways Board except with the consent of that board;
- (e) on any property of the British Transport Docks Board except with the consent of that board; or
- (f) on any part of the estate of The Sutton Harbour Improvement Company except with the consent of that company;

and in deciding the position of stands the Council shall have regard to the position of any bus stops for the time being in use.

(4) Any hackney carriage byelaws made by the Council before the passing of this Act for fixing stands for hackney carriages shall cease to have effect, but any stands fixed by such byelaws or under section 179 of the Act of 1915 shall be deemed to have been appointed under this section.

(5) The power to appoint stands for hackney carriages under subsection (1) of this section shall include power to revoke such appointment and to alter any stand so appointed and the expressions "appointing" and "appoint" in subsections (2) and (3) of this section shall be construed accordingly.

Prohibition
of other
vehicles on
hackney
carriage
stands.

22.—(1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed, or is deemed to have been appointed, by the Council under the provisions of section 21 (Stands for hackney carriages) of this Act.

1967 c. 76.

(2) Notice of the prohibition in this section shall be indicated by such traffic signs as may be authorised for the purpose by the Secretary of State in pursuance of his powers under sections 54 and 55 of the Road Traffic Regulation Act 1967.

(3) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

(4) In any proceedings under this section against the driver of a public service vehicle it shall be a defence to show that, by reason of obstruction to traffic or for other compelling reason, he caused his vehicle to wait on a stand or part thereof and that

he caused or permitted his vehicle so to wait only for so long as was reasonably necessary for the taking up or setting down of passengers.

23.—(1) The Council may fix the rates or fares within the city as well for time as distance, and all other charges in connection with the hire of a vehicle or with arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section. Fixing of fares for hackney carriages.

(2) (a) When the Council make or vary a table of fares they shall publish in at least one local newspaper circulating in the city a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the office of the city solicitor and secretary and shall at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(4) If objection is duly made as aforesaid and is not withdrawn, the Council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modification as decided by the Council after consideration of the objections.

(5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.

(6) On the coming into operation of a table of fares or variation under this section, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section, as the case may be, shall cease to have effect.

(7) Section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section as it applies to byelaws made by the Council. 1972 c. 70.

Fares for long
journeys.

24.—(1) No person, being the driver of a hackney carriage licensed by the Council, and undertaking for any hirer a journey ending outside the city and in respect of which no fare was agreed before the hiring was effected, shall require for such journey a fare greater than that indicated on the taximeter with which the hackney carriage is equipped.

(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.

Hackney
carriages used
for private
hire.

25.—(1) No hackney carriage shall be used under a contract or purported contract for private hire except at the same rate of fares or charges as may be prescribed from time to time in a table of fares made or varied by the Council under section 23 (Fixing of fares for hackney carriages) of this Act, and, when any such hackney carriage is so used, the fare or charge shall be calculated from the point at which the hirer commences his journey.

(2) Any person who knowingly contravenes this section shall be guilty of an offence.

Fitness of
hackney
carriages and
private hire
vehicles.

26. Any authorised officer or any constable shall have power at all reasonable times to inspect, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle, licensed by the Council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied:

Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section, be deemed to have been revoked and subsections (2) and (3) of section 18 (Suspension and revocation of vehicle licences) of this Act shall apply with any necessary modifications.

Prolongation
of journeys.

27.—(1) No person being the driver of a hackney carriage or of a private hire vehicle licensed by the Council shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private hire vehicle has been hired.

(2) If any person contravenes the provisions of this section, he shall be guilty of an offence.

Fees for
vehicle
and operators'
licences.

28.—(1) Subject to the provisions of subsection (2) of this section, the Council may charge such fees for the grant of vehicle and operators' licences as may be resolved by the Council from

time to time and as may be sufficient in the aggregate to cover in whole or in part—

- (a) the reasonable cost of the carrying out by or on behalf of the Council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
- (b) the reasonable cost of providing hackney carriage stands; and
- (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

- (a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
- (b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and
- (c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sum as the Council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If the Council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the city a notice setting out the variation proposed and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the office of the city solicitor and secretary and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the Council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the Council after consideration of the objections.

Taximeters.

29.—(1) As from the appointed day, no private hire vehicle equipped with any form of taximeter shall be used for hire in the city unless such taximeter has been tested and approved by or on behalf of the Council.

(2) Any person who without lawful excuse—

(a) tampers with any seal on any taximeter; or

(b) alters any taximeter with intent to mislead;

shall be guilty of an offence.

Offences due to fault of other person.

30. Where an offence by any person under this Act is due to the act or default of another person, then, whether proceedings are taken against the first-mentioned person or not, that other person may be charged with and convicted of that offence, and shall be liable on conviction to the same punishment as might have been imposed on the first-mentioned person if he had been convicted of the offence.

Offences by bodies corporate.

31.—(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent and connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members the provisions of subsection (1) of this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Power of entry.

32.—(1) Any authorised officer or any constable may, after giving not less than forty-eight hours' notice to the owner or occupier of any premises and on production of his authority if required, enter the premises at any time between the hours of nine in the forenoon and six in the afternoon for the purpose of any inspection necessary for enforcing and carrying into effect any of the provisions of this Act.

(2) Any authorised officer or any constable to whom admission is refused may apply to a justice after giving to the owner or occupier of the premises reasonable notice of his intention to make the application, and the justice may by order under his hand require that person to admit the authorised officer or constable into the premises during the hours aforesaid.

(3) If the owner or occupier of the premises cannot be found the justice shall, on oath made before him of that fact, by order under his hand authorise any authorised officer or any constable to enter the premises during the hours aforesaid.

(4) Any such order made by a justice shall continue in force until the purposes for which admittance was required have been fulfilled or executed.

(5) Any person who refuses to obey an order of a justice under this section shall be guilty of an offence.

33.—(1) Any person who—

(a) wilfully obstructs an authorised officer or constable acting in pursuance of this Act or the Act of 1847; or

(b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable under this Act; or

(c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Act or the Act of 1847;

Obstruction
of authorised
officers.

shall be guilty of an offence.

(2) If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.

34.—(1) In this Act “ appointed day ” means such day as may be fixed by resolution of the Council subject to and in accordance with the provisions of this section.

The appointed
day.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Council shall cause to be published in a local newspaper circulating in the city notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

(a) a copy of any such newspaper containing any such notice; or

(b) a photostatic or other reproduction certified by the city solicitor and secretary to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing of a person carrying on any business, or of any vehicle used by a person in connection with any business, it shall be lawful for any person who—

- (a) immediately before that day was carrying on that business; and
- (b) had before that day duly applied for the licence required by that provision;

to continue to carry on that business until he is informed of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 37 (Appeals) of this Act.

Saving for
certain
vehicles.

35. Nothing in this Act shall—

- (1) apply to a vehicle used for bringing passengers or goods within the city in pursuance of a contract for the hire of the vehicle made outside the city if the vehicle is not made available for hire within the city;
- (2) apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of such vehicle by the week or for longer periods of hire;
- (3) apply to a vehicle of a funeral director used wholly or mainly for the purpose of funerals;
- (4) require the display of any plate, disc or notice in or on any private hire vehicle licensed by the Council under this Act during such period that such vehicle is used for carrying passengers for hire or reward—
 - (a) in connection with the business of a funeral director or owner of funeral vehicles if notice that it is so used has been given by the proprietor to the Council; or
 - (b) to, from or in connection with any wedding ceremony; or
 - (c) under a contract for the hire of such vehicle by the day or for longer periods of hire.

Penalties.

36. Any person who commits an offence against any of the provisions of this Act in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Appeals.

37.—(1) Sections 300 to 302 of the Act of 1936, which relate to appeals, shall have effect as if this Act were part of that Act.

(2) If any requirement, refusal or other decision of the Council against which a right of appeal is conferred by this Act—

(a) involves the execution of any work or the taking of any action; or

(b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision;

then, until the time for appealing has expired, or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work, or take the action; and

(ii) that person may carry on that business.

38. Subsection (1) of section 283 and sections 286, 304 and 328 of the Act of 1936 shall have effect as if references therein to that Act included a reference to this Act. Application of provisions of Act of 1936.

39. Notwithstanding anything in section 43 of the Act of 1847, any vehicle licence or driver's licence granted by the Council under that Act, or any licence granted by the Council under this Act, shall not be required to be under the common seal of the Council, but if not so sealed shall be signed by the city solicitor and secretary or by an authorised officer. Authentication of licences.

40. The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule. Repeal of enactments.

41. Section 265 of the Public Health Act 1875 shall apply to the Council as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority. Protection of members and officers of Council from personal liability.
1875 c. 55.

Section 40.

SCHEDULE**REPEALS**

Chapter	Short title	Extent of repeal
5 & 6 Geo. 5 c. lxxix	The Plymouth Corporation Act 1915	Section 178 (Prescribed distance for hackney carriages) Section 179 (Corporation may appoint stands and number of carriages at each)
13 & 14 Geo. 5 c. lxxvii	The Plymouth Corporation Act 1923	Section 140 (Inspection and certification of taximeters) Section 141 (As to hackney carriages)

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