Metropolitan Public Carriage Act 1869

1869 CHAPTER 115 32 and 33 Vict

An Act for amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District. [11th August 1869]

Modifications etc. (not altering text)

C1 Act restricted by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), **s. 64(1)**

C2 Functions of Secretary of State as to licensing of hackney carriages now exercisable by an Assistant Commissioner of Police of the Metropolis: S. R.&O. 1934/1346 (Rev. XIV, p. 795: 1934 I, p. 1221) and S. I. 1955/1853 (1955 I, p. 1143)

C3 Functions of Secretary of State as to licensing of tramcars, light railway cars and trolley vehicles now again exercisable by Secretary of State: London Passenger Transport Act 1933 (c. 14), **s. 51**, S. R.&O. 1941/654 (Rev. XV, p. 228: 1941 I, p. 1221), 1946/375 (Rev. XV, p. 229: 1946 I, p. 1009) and S. I. 1970/1681

C4 London Hackney Carriages Act 1843 cited or referred to by its short title under authority of Statute Law Revision Act 1893 (c. 14), **s. 3**

Commencement Information

I1 Act wholly in force at Royal Assent

1 Short title.

This Act may be cited for all purposes as "The Metropolitan Public Carriage Act, 1869."

2 Limits of Act.

The limits of this Act shall be the metropolitan police district, and the city of London . . . [F1].

Textual Amendments

F1 Words repealed by Statute Law (Repeals) Act 1989 (c. 43), **Sch. 1 Pt. X**

Status: *Point in time view as at 23/05/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Metropolitan Public Carriage Act 1869. (See end of Document for details)*

3 . . . . . [F2]

Textual Amendments

F2 S. 3 repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

4 Definition of stage carriage and hackney carriage.

In this Act "stage carriage" shall mean any carriage for the conveyance of passengers which plies for hire in any public street, road, or place within the limits of this Act, and in which the passengers or any of them are charged to pay separate and distinct or at the rate of separate and distinct fares for their respective places or seats therein.

"Hackney carriage" shall mean any carriage for the conveyance of passengers which plies for hire within the limits of this Act, and is not a stage carriage.

"Prescribed" shallmean prescribed by order of one of Her Majesty's Principal Secretaries of State.

5 . . . . . [F3]

Textual Amendments

F3 S. 5 repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XVII**

Licensing Hackney and Stage Carriages

6 Grant of hackney carriage licences.

One of Her Majesty's Principal Secretaries of State may from time to time license to ply for hire within the limits of this Act hackney . . . [F4] carriages, to be distinguished in such manner as he may by order prescribe.

Any licence in respect of a hackney . . . [F4] carriage under this section may be granted . . . [F5], on such conditions, be in such form, be subject to revision or suspension in such events, and generally be dealt with in such manner as the said Secretary of State may by order prescribe, subject as follows:

(1) That a hackney . . . [F4] carriage licence shall, if not revoked or suspended, be in force for one year, and there shall be paid in respect thereof to the Receiver of the Metropolitan Police, to be carried to the account of the Metropolitan Police Fund, **[**[F6]such sum as the person granting the licence may, with the approval of the Secretary of State, determine, and different sums may be so determined with respect to different descriptions of vehicle**]**:

(2) That in any such order provision shall be made for the transfer of a hackney . . . [F4] carriage licence to the widow or to any child of full age of any person to whom a hackney . . . [F4] carriage licence has been granted who may die during the continuance of such licence leaving a widow or child of full age, and also for the transfer of a

hackney . . . [F4] carriage licence to the husband of any woman to whom such licence has been granted and who marries during the continuance thereof.

Textual Amendments

F4 Words repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XVII**

F5 Words repealed by Transport Act 1981 (c. 56, SIF 107:1), **Sch. 12 Pt. III**

F6 Words substituted by Transport Act 1981 (c. 56, SIF 107:1), **s. 35(1)**

7 Penalty on use of unlicensed carriages.

If any unlicensed hackney . . . [F7] carriage plies for hire, the owner of such carriage shall be liable to a penalty not exceeding five pounds for every day during which such unlicensed carriage plies. And if any unlicensed hackney carriage is found on any stand within the limits of this Act, the owner of such carriage shall be liable to a penalty not exceeding five pounds for each time it is so found. The driver also shall in every such case be liable to a like penalty unless he proves that he was ignorant of the fact of the carriage being an unlicensed carriage.

Any hackney . . . [F7] carriage plying for hire, and any hackney carriage found on any stand without having such distinguishing mark, or being otherwise distinguished in such manner as may for the time being be prescribed by the said Secretary of State, shall be deemed to be an unlicensed carriage.

Textual Amendments

F7 Words repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XVII**

Modifications etc. (not altering text)

C5 S. 7: by Criminal Justice Act 1967 (c. 80, SIF 39:1), **Sch. 3 Pt. I** it was provided that s. 7 should have effect as if the maximum fine which might be imposed on summary conviction for any offence specified in s. 7 were a fine not exceeding £20 for a first offence and £50 for a second or subsequent offence and, as regards s. 7 as so amended, Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 35** (in relation to liability on first and subsequent convictions), 39(2) (and Sch. 3) (increase of fines) and 46 (substitution of references to levels on the standard scale) apply

Licensing Drivers of Hackney and Stage Carriages

8 Hackney carriage to be driven by licensed drivers.

No hackney carriage shall ply for hire within the limits of this Act unless under the charge of a driver having a licence from the said Secretary of State, . . . [F8]. If any hackney . . . [F8] carriage plies for hire in contravention of this section, the person driving the same, and also the owner of such carriage, unless he proves . . . [F8], that the driver . . . [F8], acted without his privity or consent, shall respectively be liable to a penalty not exceeding **[**[F9]£2**]**.

A licence to the driver . . . [F8] of a hackney . . . [F8] carriage may be granted . . . [F10], on such conditions, be in such form, be subject to revocation or suspension in such events, and generally be dealt with in such manner as the said Secretary of State may by order prescribe, subject to this provision, that any such licence shall, if not

revoked or suspended, be in force for **[**[F11]three years**]**, and there shall be paid in respect thereof to the Receiver of the Metropolitan Police, to be carried to the account of the Metropolitan Police Fund, **[**[F12]such sum as the person granting the licence may, with the approval of the Secretary of State, determine, and different sums may be so determined with respect to different descriptions of licence**]**. This clause shall not repeal the tenth section of the [M1]London Hackney Carriages Act, 1843.

Textual Amendments

F8 Words repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XVII**

F9 Words substituted by virtue of Decimal Currency Act 1969 (c. 19, SIF 10), **s. 10(1)**

F10 Words repealed by Transport Act 1981 (c. 56, SIF 107:1), **Sch. 12 Pt. III**

F11 Words substituted by virtue of Road Traffic Act 1934 (c. 50, SIF 107:1), **s.39**; which substitution continues to have effect by virtue of Statute Law (Repeals) Act 1989 (c. 43), s. 1(2), **Sch. 2 Pt. II para. 7**

F12 Words substituted by Transport Act 1981 (c. 56, SIF 107:1), **s. 35(2)**

Modifications etc. (not altering text)

C6 S. 8: by Criminal Justice Act 1967 (c. 80, SIF 39:1), **Sch. 3 Pt. I** it was provided that s. 8 should have effect as if the maximum fine which might be imposed on summary conviction for any offence specified in s. 8 were a fine not exceeding Â£20 for a first offence and Â£50 for a second or subsequent offence and, as regards s. 8 as so amended, Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply

Marginal Citations

M1 1843 c. 86.

Regulations relating to Hackney and Stage Carriages

9 Regulations as to hackney and stage carriages.

The said Secretary of State may from time to time by order make regulations for all or any of the following purposes; that is to say,

(1) For regulating **[**[F13]the number of persons to be carried in any hackney . . . [F14] carriage, and in what manner such number is to be shown on such carriage, and**]** how such hackney carriages are to be furnished or fitted:

(2) For fixing the stands of hackney carriages, . . . [F15], and the persons to attend at such stands:

(3) For fixing the rates or fares, as well for time as distance, to be paid for hackney carriages, and for securing the due publication of such fares: . . . [F16]

(4) For forming, in the case of hackney carriages, a table of distances, as evidence for the purpose of any fare to be charged by distance, by the preparation of a book, map, or plan, or any combination of a book, map, or plan:

(5) For securing the safe custody and re-delivery of any property accidentally left in hackney . . . [F14] carriages and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time:

Subject to the following restrictions:—

(1) In fixing the stands for hackney carriages within the city of London . . . [F17] the consent of the Court of the Lord Mayor and Aldermen shall be required to any stand appointed by the Secretary of State:

(2) . . . . . [F18]

(3) . . . . . [F19] . . . [F20]

Subordinate Legislation Made

P1 S. 9: power exercised by S.I. 1991/1301. For previous execise of power see the Index to Government Orders

Textual Amendments

F13 Words repealed so far as they relate to tramcars or trolley vehicles by Transport Charges &c. (Miscellaneous Provisions) Act 1954 (c. 64), s. 14(1), Sch. 2 Pt. IV

F14 Words repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XVII**

F15 Words repealed by London Cab Act 1968 (c. 7), **s. 5(2)**

F16 Proviso repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VI**

F17 Words repealed by Statute Law (Repeals) Act 1989 (c. 43), **Sch. 1 Pt. X**

F18 S. 9 restriction (2) repealed by London Cab Act 1968 (c. 7), **s. 5(2)**

F19 S. 9 restriction (3) repealed by Road Transport Lighting Act 1927 (c. 37), **Sch.**

F20 Words repealed by Statute Law Revision Act 1966 (c. 5)

Modifications etc. (not altering text)

C7 S. 9(3) amended by London Cab Act 1968 (c. 7), **s. 1(1)**

10 Penalties for breach of regulations.

Where the Secretary of State is authorised to make any order under this Act, he may annex a penalty not exceeding **[**[F21]level 1 on the standard scale**]** for the breach of such order or of any part or parts thereof, or of any regulation or regulations thereby made; and any penalties under this section shall be deemed to be penalties under this Act, and may be enforced accordingly.

Textual Amendments

F21 Words substituted by virtue of Criminal Justice Act 1967 (c. 80, SIF 39:1), **Sch. 3 Pt. II** and Criminal Justice Act 1982 (c. 48. SIF 39:1), ss. 40, 46

11 Licences by whom to be granted.

Any licence grantable by a Secretary of State under this Act may, if the said Secretary of State so direct, be granted by the Commissioner of the Metropolitan Police, or by such other person as the said Secretary of State appoints for the purpose.

Status: *Point in time view as at 23/05/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Metropolitan Public Carriage Act 1869. (See end of Document for details)*

12 Powers to carry Act into execution.

The said Secretary of State may appoint such officers and constables of the metropolitan police force, and for the city of London of the city police, as he thinks fit to perform any duties required to be performed for the purposes of carrying this Act into execution, and may award such sums by way of compensation for their services out of the monies raised under this Act as he may think just.

Legal Proceedings and Miscellaneous

13 Recovery of penalties.

All penalties under this Act may be recovered summarily . . . [F22].

Textual Amendments

F22 Words repealed by Statute Law (Repeals) Act 1989 (c. 43), **Sch. 1 Pt. X**

14 Placard, &c., may be affixed to lamp post.

The Commissioner of the Metropolitan Police may cause to be attached to any lamp post any placard or signal for the purpose of carrying into effect the provisions of this Act.

15 Existing Acts to continue in force.

All the provisions of the Acts relating to hackney carriages . . . [F23] in force at the time of the commencement of this Act shall, subject to any alteration made therein by this Act or by any order or regulation of the said Secretary of State made in pursuance of this Act, continue in force, and all such provisions of the said Acts as relate to licences granted under those Acts, or any of them, shall, subject to any alteration as aforesaid, apply to licences granted under this Act.

Textual Amendments

F23 Words repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XVII**

Status:
Point in time view as at 23/05/1991.

Changes to legislation:
There are currently no known outstanding effects for the Metropolitan Public Carriage Act 1869.