
STATUTORY INSTRUMENTS

1986 No. 1386

PUBLIC PASSENGER VEHICLES

The Licensed Taxis (Hiring At Separate Fares) Order 1986

<i>Made</i>	- - - -	<i>6th August 1986</i>
<i>Laid before Parliament</i>		<i>13th August 1986</i>
<i>Coming into Operation</i>		<i>3rd September 1986</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 13(1) of the Transport Act 1985, and of all other enabling powers, hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the Licensed Taxis (Hiring at Separate Fares) Order 1986 and shall come into operation on 3rd September 1986.

Interpretation

2.—(1) In this Order:

“the 1847 Act” means the Town Police Clauses Act 1847;

“authorised place” has the meaning given by section 10(5) of the 1985 Act;

“the 1976 Act” means the Local Government (Miscellaneous Provisions) Act 1976;

“the 1985 Act” means the Transport Act 1985; and

“taxi” means a vehicle licensed under section 37 of the 1847 Act.

(2) Any reference in this Order to the 1847 Act is a reference to that Act as it applies in relation to a vehicle as a part of the taxi code (and accordingly as it so applies as incorporated, extended or applied by or under any enactment).

Application

3.—(1) This Order applies in relation to a taxi:

(1) standing at an authorised place and available for hire under the terms of a scheme for the immediate hiring of taxis at separate fares;

(2) hired under the terms of such a scheme; or

(3) being used for the carriage of passengers at separate fares where the conditions in section 11(2) of the 1985 Act are met.

(2) Article 4(2) of this Order applies in addition to a taxi proceeding to an authorised place.

Modifications of the taxi code

4. In its application as specified in article 3 of this Order, the taxi code shall be modified as follows:

(1) in section 52 of the 1847 Act, the words from “or if the driver” to “every proprietor” shall be omitted;

(2) any requirement in a byelaw made under section 68 of the 1847 Act or in a condition attached to a licence under section 47 of the 1976 Act that an unhired taxi shall proceed to a stand shall be satisfied if the taxi proceeds to an authorised place; and

(3) the following provisions shall not apply:

- (a) any provision in so far as it prohibits the driver from touting orally at an authorised place for passengers to share the taxi with a passenger who has already requested a service at separate fares;
- (b) any byelaws made under section 68 of the 1847 Act or conditions attached to licences under section 47 of the 1976 Act with the purpose in either case of regulating:
 - (i) the rates or fares to be paid;
 - (ii) the use of any taxi meter with which the vehicle is equipped;
 - (iii) the journey which a driver is required to undertake; or
 - (iv) the luggage required to be carried;
- (c) any table of fares having effect pursuant to section 65(5) of the 1976 Act as if included in byelaws made under section 68 of the 1847 Act;
- (d) sections 53 to 59 of the 1847 Act;
- (e) sections 66 and 67 of the 1976 Act; and
- (f) any provisions which have substantially similar purpose and effect to the provisions described in sub-paragraphs (b), (d) or (e) of this paragraph made by or under any local Act.

Signed by authority of the Secretary of State.

6th August 1986

David Mitchell
Minister of State for Transport

EXPLANATORY NOTE

Sections 10 and 11 of the Transport Act 1985 contain provisions for the hiring of taxis at separate fares. This Order modifies the taxi code (defined in section 13(3) of the Act) in its application to taxis licensed under section 37 of the Town Police Clauses Act 1847 while being used subject to those sections. The Order does not apply to London taxis which are licensed under section 6 of the Metropolitan Public Carriage Act 1869 (c. 115), or to taxis licensed in Scotland under section 10 of the Civic Government (Scotland) Act 1982 (c. 45).

The modifications to the taxi code include the disapplication of provisions—

1. in so far as they prohibit the driver from touting orally for passengers to share the taxi with a passenger who has requested a service at separate fares (articles 4(3)(a));
2. regarding fares in section 54-58 of the Town Police Clauses Act 1847, sections 66 and 67 of the Local Government (Miscellaneous Provisions) Act 1976, byelaws, conditions attached to licences, or a table having effect or if included in byelaws (article 4(3)(b)(i), (c), (d) and (e));
3. regarding obligatory hirings in section 53 of the 1847 Act, byelaws or conditions attached to licences (article 4(3)(b)(iii) and (d));
4. regarding the number of passengers to be carried and the hirer's consent to passengers in sections 52 and 59 of the 1847 Act (article 4(1) and (3)(d));
5. regarding use of taxi meters and luggage required to be carried in byelaws and conditions attached to licences (article 4(3)(b)(ii), and (iv)); and
6. contained in, or made under, local Acts which correspond with provisions more specifically disappplied.