



# Town Police Clauses Act 1847

## 1847 CHAPTER 89

### *Hackney Carriages*

And with respect to Hackney Carriages, be it enacted as follows:

#### **XXXVI Hackney Carriages to be licensed.**

The Commissioners may from Time to Time license 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.

#### **XXXVII What to be 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.

#### **XXXIX Fee to be paid for Licence.**

For every such Licence there shall be paid to the Clerk of the Commissioners, or other Person appointed by them to receive the same, such Sum as the Commissioners direct, not exceeding Five Shillings.

**XL Persons applying for Licence to sign a Requisition for same.**

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 Ten Pounds.

**XLI 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.

**XLII 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.

**XLIII 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.

**XLIV 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 Forty Shillings.

**XLV 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 herein-after 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 Forty Shillings.

**XLVI 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 a Fee of One Shilling 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.

**XLVII Penalty on Drivers acting without Licence.**

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 Twenty Shillings.

**XLVIII Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned. Justices may endorse Convictions upon Licences. Penalty on Proprietors for Neglect.**

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 the 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 Forty Shillings.

**XLIX Proprietor to return Licence to Drivers when quitting his Service if they behave well, if otherwise, Proprietors to summon them. Compensation in case of Licence being improperly withheld.**

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 of Compensation.

**L Licences to be suspended or revoked for Misconduct.**

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 Bye Law made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

**LI 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.

**LII Penalty for Neglect 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 Forty Shillings.

**LIII Penalty on Driver for refusing to drive.**

Any 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 Bye Law 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 Forty Shillings.

**LIV Penalty for demanding more than the Sum agreed for, though less than the legal Fare.**

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 Bye Law made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

**LV Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.**

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 Bye Law 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 the Sum of Forty Shillings, 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.

**LVI Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.**

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 Forty Shillings 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 Bye Law made in pursuance thereof.

**LVII Deposit to be made for Carriages waiting. Penalty on the Driver refusing to wait, or to account for the Deposit.**

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 Bye Laws, then the Sum of One Shilling and Sixpence 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 Forty Shillings.

**LVIII Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party.**

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 Bye Law made under this or the special Act shall be liable to a Penalty not exceeding Forty Shillings, 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, whose Evidence shall be admissible in Proof of the said Offence.

**LIX Penalty for permitting Persons to ride without Consent of the 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 Twenty Shillings.

**LX No Person to act as Driver of any Carriage without the Consent of the Proprietor.**

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 Forty Shillings for every such Offence.

**LXI Penalty on Drivers misbehaving.**

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 Five Pounds, and in default of Payment thereof the Justice before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months.

**LXII Penalty for, leaving Carriages 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 Liver Stable or other Place of safe Custody ; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings 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.

**LXIII Damage done by Driver may be recovered from the Proprietor.**

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.

**LXIV Improperly standing with Carriage; refusing to give way to, or obstructing any other Driver; or depriving him of his Fare.**

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 Twenty Shillings.

**LXV Justices empowered to award Compensation to Drivers for Loss of Time in 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 Bye Law 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, and in default of Payment of such Compensation, the said Justice may commit such Complainant or Informant to Prison for any Time not exceeding One Month, unless the same shall be sooner paid.

#### **LXVI Penalty for refusing to pay the Fare.**

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 Bye Law made thereunder, such Fare may, together with Costs, be recovered before One Justice as a Penalty.

#### **LXVII Penalty for damaging Carriage.**

Any Person using any Hackney Carriage plying under a Licence granted by virtue of this or the special Act, who wilfully injures the same, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justices before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

#### **LXVIII Commissioners may make Bye Laws for regulating Hackney Carriages.**

The Commissioners may from Time to Time (subject to the Restrictions of this and the special Act) make Bye Laws 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.