



Metropolitan Public Carriage Act 1869

1869 CHAPTER 115 32 and 33 Vict

Licensing Drivers of Hackney and Stage Carriages

^{F1}[8] **Hackney carriage to be driven by licensed drivers.**

- (1) Transport for London shall have the function of licensing persons to be drivers of hackney carriages.
- (2) No hackney carriage shall ply for hire within the limits of this Act unless under the charge of a driver having a licence under this section from Transport for London.
- (3) If any hackney carriage plies for hire in contravention of this section—
 - (a) the person driving the carriage, and
 - (b) the owner of the carriage, unless he proves that the driver acted without his privity or consent,shall each be liable to a penalty not exceeding level 3 on the standard scale.
- (4) Transport for London may send to the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London—
 - (a) details of a person to whom Transport for London is considering granting a licence under this section, and
 - (b) a request for the Commissioner's observations;and the Commissioner shall respond to the request.
- (5) A licence under this section may—
 - (a) be granted on such conditions,
 - (b) be in such form,
 - (c) be subject to revocation or suspension in such event, and
 - (d) generally be dealt with in such manner,as may be prescribed.
- (6) Subsection (5) of this section is subject to the following provisions of this section.

Changes to legislation: There are currently no known outstanding effects for the Metropolitan Public Carriage Act 1869, Cross Heading: Licensing Drivers of Hackney and Stage Carriages. (See end of Document for details)

- (7) [^{F2}Subject to section 8A, a] licence under this section shall, if not revoked or suspended, be in force for three years.
- (8) A fee of such amount (if any) as Transport for London may determine shall be paid to Transport for London—
- (a) by any applicant for a licence under this section, on making the application for the licence;
 - (b) by any applicant for the taking or re-taking of any test or examination, or any part of a test or examination, with respect to any matter of fitness, on making the application for the taking or re-taking of the test, examination or part; and
 - (c) by any person granted a licence under this section, on the grant of the licence.
- (9) In paragraph (b) of subsection (8) of this section “matter of fitness” means—
- (a) any matter as respects which Transport for London must be satisfied before granting a licence under this section; or
 - (b) any matter such that, if Transport for London is not satisfied with respect to the matter, they may refuse to grant a licence under this section.
- (10) Different amounts may be determined under subsection (8) of this section for different purposes or different cases.
- (11) Transport for London may remit or refund the whole or part of a fee under subsection (8) of this section.]

Textual Amendments

- F1** S. 8 substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 5(5)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F2** Words in s. 8(7) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 3** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i)

[^{F3}8A Drivers' licences for persons subject to immigration control

- (1) Subsection (2) applies if—
- (a) a licence under section 8 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
 - (b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
 - (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.
- (2) Transport for London must grant the licence for a period which ends at or before the end of the leave period.
- (3) Subsection (4) applies if—
- (a) a licence under section 8 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
 - (b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).

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- (4) Transport for London must grant the licence for a period that does not exceed six months.
- (5) A licence under section 8 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from driving a hackney carriage.
- (6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return to Transport for London—
 - (a) the licence,
 - (b) the person's copy of the licence (if any), and
 - (c) the person's driver's badge.
- (7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return to Transport for London—
 - (a) the licence,
 - (b) the person's copy of the licence (if any), and
 - (c) the person's driver's badge.
- (8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence and liable on summary conviction—
 - (a) to a fine not exceeding level 3 on the standard scale, and
 - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (9) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (8)(b).
- (10) Regulations under subsection (9) may make transitional, transitory or saving provision.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (12) For the purposes of this section a person is disqualified by reason of the person's immigration status from driving a hackney carriage if the person is subject to immigration control and—
 - (a) the person has not been granted leave to enter or remain in the United Kingdom, or
 - (b) the person's leave to enter or remain in the United Kingdom—
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing the person from driving a hackney carriage.
- (13) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—
 - (a) the person is to be treated for the purposes of this section as if the person had been granted leave to enter the United Kingdom, but

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- (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.

(14) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.]

Textual Amendments

F3 S. 8A inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 4** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)

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