CHAP. 115.

An Act for amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District. A.D. 1869.

[11th August 1869.]

WHEREAS it is expedient to amend the law relating to hackney and stage carriages within the metropolitan police district:

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:

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

2. The limits of this Act shall be the metropo[illegible] police district, and the city of London and the liberties thereof. Limits of Act.

3. This Act shall not come into operation till the first of January one thousand eight hundred and seventy. Commencement of Act.

4. 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. Definition of stage carriage and hackney carriage.

"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" shall mean "prescribed by order of one of Her Majesty's Principal Secretaries of State." Meaning of "prescribed."

5. A "stage carriage" which on every journey goes to or comes from some town or place beyond the limits of this Act shall not be deemed to be a carriage plying within the limits of this Act. Exemption of certain carriages from operations of Act.

Licensing Hackney and Stage Carriages.

Grant of hackney carriage licences.

6. 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 and stage carriages, to be distinguished in such manner as he may by order prescribe.

Any licence in respect of a hackney or stage carriage under this section may be granted at such price, 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 or stage 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, such uniform sum, not exceeding two pounds two shillings, as the said Secretary of State may prescribe:

(2.) That in any such order provision shall be made for the transfer of a hackney or stage carriage licence to the widow or to any child of full age of any person to whom a hackney or stage 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 or stage carriage licence to the husband of any woman to whom such licence has been granted and who marries during the continuance thereof.

Penalty on use of unlicensed carriage.

7. If any unlicensed hackney or stage 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 or stage 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.

Licensing Drivers of Hackney and Stage Carriages.

Hackney carriage to be driven by licensed drivers.

8. 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, and no stage carriage shall ply for hire within the limits of this Act unless the conductor and driver of such carriage have respectively licences from the said Secretary of State. If any hackney or stage carriage plies for hire in contravention of this section, the person driving the same, and also the owner of such carriage, unless he proves, in the case of a hackney carriage, that the driver, and in the case of a stage carriage, that the conductor or driver, as the case may require, acted without his privity or consent, shall respectively be liable to a penalty not exceeding forty shillings.

A licence to the driver or conductor of a hackney or stage carriage may be granted at such price, 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 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, such sum not exceeding five shillings as the said Secretary of State may prescribe. This clause shall not repeal the tenth section of an Act of the sixth and seventh years of the reign of Her present Majesty, chapter eighty-six.

Regulations relating to Hackney and Stage Carriages.

Regulations as to hackney and stage carriages.

9. 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 the number of persons to be carried in any hackney or stage 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, and the distances to which they may be compelled to take passengers, 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; provided that it shall not be made compulsory on the driver of any hackney carriage to take passengers at a less fare than the fare payable at the time of the passing of this Act:

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(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 or stage 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 and the liberties thereof the consent of the Court of the Lord Mayor and Aldermen shall be required to any stand appointed by the Secretary of State:

(2.) No hackney carriage shall be compelled to take any passenger a greater distance for any one drive than six miles:

(3.) During such portion of time between sunset and sunrise as from time to time prescribed, no driver shall ply for hire unless the hackney carriage under his charge be provided with a lamp properly trimmed and lighted, and fixed outside the carriage in such manner as is prescribed.

This clause shall not repeal section thirteen of the Act of the fifth and sixth years of the reign of Her present Majesty, chapter seventy-nine, so far as regards existing carriages or any which may be built within one year after the passing of this Act.

Penalties for breach of regulations.

10. Where the Secretary of State is authorized to make any order under this Act, he may annex a penalty not exceeding forty shillings 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.

Licences by whom to be granted.

11. 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.

Powers to carry Act into execution.

12. 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.

Recovery of penalties.

13. All penalties under this Act may be recovered summarily in the manner directed by the Act of the session of the eleventh and twelfth years of Her present Majesty, chapter forty-three, and any Act amending the same; and the term "justice" or "justice of the peace" shall include any metropolitan police magistrate sitting alone at a police court or other appointed place, and the Lord Mayor of the city of London or any alderman of the said city sitting alone or with others at the Mansion House or Guildhall.

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

14. 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.

Existing Acts to continue in force.

15. All the provisions of the Acts relating to hackney carriages and metropolitan stage carriages 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.

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