

Status: Point in time view as at 01/10/2006.

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SCHEDULES

SCHEDULE 20

Section 253.

HACKNEY CARRIAGES

PART I

TRANSFERS OF FUNCTIONS AND AMENDMENTS

The London Hackney Carriages Act 1843

- 1 (1) All the jurisdiction, powers, authorities, privileges, interests and duties which, immediately before the coming into force of this paragraph, were vested in or exercisable by the Commissioners of Police of the Metropolis by virtue of section 2 of the ^{M1}London Hackney Carriages Act 1850 (transfer of functions of registrar of metropolitan public carriages to Commissioners of Police of the Metropolis) are transferred to and vested in Transport for London by this sub-paragraph.
- (2) The ^{M2}London Hackney Carriages Act 1843 shall accordingly be amended as follows.
- (3) For “the registrar” and “the said registrar”, wherever occurring, there shall be substituted “Transport for London”.
- (4) In section 18 (licences and tickets to be delivered up on discontinuance of licence) for “him” there shall be substituted “Transport for London”.
- (5) In section 19 (new tickets to be delivered instead of defaced or lost tickets) for “for the use of Her Majesty” there shall be substituted “to Transport for London”.

Marginal Citations

M1 1850 c. 7.

M2 1843 c. 86.

The London Hackney Carriages Act 1850

- 2 (1) The ^{M3}London Hackney Carriages Act 1850 shall be amended as follows.
- (2) In section 4 (standings for hackney carriages to be appointed and regulated by the Commissioners of Police of the Metropolis)—
- (a) for “the said Commissioners of Police” and, where first and second occurring, “the said commissioners” there shall be substituted “Transport for London”;
- (b) for “signed by one of the said commissioners” there shall be substituted “signed by a person authorised for the purpose by Transport for London”;

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- (c) for “the office of the Commissioners of Police in the City of Westminster” there shall be substituted “ the offices of Transport for London ”;
- (d) for “the signature of the said commissioner” there shall be substituted “ the aforesaid signature ”.

Marginal Citations

M3 1850 c. 7.

The London Hackney Carriage Act 1853

- 3 (1) The ^{M4}London Hackney Carriage Act 1853 shall be amended as follows.
- (2) In section 2 (powers of inspection of carriages etc) for—
- (a) “the said Commissioners of Police”, and
 - (b) “the said commissioners”, in both places where those words occur, there shall be substituted “ Transport for London ”.
- (3) In section 17 (penalties for offences) in paragraph 1 (excessive fares and refusal to carry authorised number of passengers or reasonable quantity of luggage) for “the said Commissioners of Police” there shall be substituted “ Transport for London ”.
- (4) In section 20 (powers of Commissioners of Police etc) for the words from the beginning to “appoint; and” there shall be substituted “ In this Act ”.

Marginal Citations

M4 1853 c. 33.

The London Hackney Carriage (No. 2) Act 1853

^{F14}

Textual Amendments

F1 Sch. 20 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

The Metropolitan Public Carriage Act 1869

- 5 (1) The ^{M5}Metropolitan Public Carriage Act 1869 shall be amended as follows.
- (2) In section 4 (interpretation)—
- (a) for the definition of “Prescribed” there shall be substituted the following definitions—
 - ““London cab order” shall mean an order made by Transport for London.
 - “Prescribed” shall mean prescribed by London cab order.”;
 - (b) at the end of the section there shall be added the following paragraph—

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“Any power to make a London cab order under this Act includes power to vary or revoke a previous such order.”

(3) For section 6 (grant of hackney carriage licences) there shall be substituted—

“6 Grant of hackney carriage licences.

- (1) Transport for London shall have the function of licensing to ply for hire within the limits of this Act hackney carriages, to be distinguished in such manner as may be prescribed.
- (2) 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.
- (3) Subsection (2) of this section is subject to the following provisions of this section.
- (4) A licence under this section shall, if not revoked or suspended, be in force for one year.
- (5) 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.
- (6) In paragraph (b) of subsection (5) 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.
- (7) Different amounts may be determined under subsection (5) of this section for different purposes or different cases.
- (8) Transport for London may remit or refund the whole or part of a fee under subsection (5) of this section.
- (9) Provision shall be made by London cab order—
 - (a) for the transfer of a licence under this section to the widow or to any child of full age of any person to whom such a licence has been granted who may die during the continuance of the licence leaving a widow or child of full age; and

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- (b) for the transfer of a licence under this section to the husband of any woman to whom such a licence has been granted and who marries during the continuance of the licence.”
- (4) In section 7 (penalty on use of unlicensed carriage) the words “by the said Secretary of State” shall cease to have effect.
- (5) For section 8 (hackney carriage to be driven by licensed drivers) there shall be substituted—

“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.
- (7) 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

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- (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.”
- (6) In section 9 (regulations as to hackney and stage carriages)—
 - (a) for “The said Secretary of State may from time to time by order” there shall be substituted “ Transport for London may from time to time by London cab order ”;
 - (b) in paragraph (1) of the restrictions (consents required for stands in the City appointed by the Secretary of State) for “the Secretary of State” there shall be substituted “ Transport for London ”; and
 - (c) at the end of the restrictions there shall be added—
 - “(4) Any power of Transport for London to fix by regulations made by London cab order under this section any rates or fares to be paid for hackney carriages is exercisable subject to and in accordance with any directions given to Transport for London by the Mayor of London as to the basis on which those rates or fares are to be calculated.”
- (7) In section 10 (power of Secretary of State to annex penalty for breach of order) for “Where the Secretary of State is authorised to make any order under this Act, he” there shall be substituted “ Where Transport for London is authorised to make a London cab order under this Act, Transport for London ”.
- (8) For section 11 (other persons by whom licences may be granted) there shall be substituted—

“11 Grant of licences by other persons at direction of TfL.

Any licence which may be granted by Transport for London under this Act may, if Transport for London so directs, be granted by such person as may be appointed for the purpose in the direction.”

- (9) In section 12 (powers to carry Act into execution)—
 - (a) for “The said Secretary of State” there shall be substituted “ Transport for London ”; and
 - (b) for “he”, in both places where it occurs, there shall be substituted “ Transport for London ”.
- (10) In section 14 (power to affix placards etc to lamp posts) for “The Commissioner of the Metropolitan Police” there shall be substituted “ Transport for London ”.

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- (11) In section 15 (existing Acts to continue in force) for “by any order or regulation of the said Secretary of State” there shall be substituted “by any London cab order”.

Marginal Citations

M5 1869 c. 115.

The London Cab and Stage Carriage Act 1907

- 6 (1) The ^{M6}London Cab and Stage Carriage Act 1907 shall be amended as follows.
- (2) In section 1(1) (power of Secretary of State to fix, by order under section 9 of the 1869 Act, fares for cabs fitted with taximeters)—
- (a) for “The Secretary of State” there shall be substituted “Transport for London”;
 - (b) after “regulations made” there shall be inserted “by London cab order”.
- (3) At the end of section 1 there shall be inserted—
- “(3) The power conferred by subsection (1) of this section is subject to paragraph (4) of the restrictions specified in section nine of the said Act of 1869.”
- (4) In section 2 (abolition of privileged cab system)—
- (a) in subsection (1) (charges for admission to railway station not to exceed sum allowed by Secretary of State) for “the Secretary of State” there shall be substituted “Transport for London”; and
 - (b) in subsection (2) (power of Secretary of State by order to suspend or modify the section in relation to a station if satisfied of insufficient supply of cabs at the station)—
 - (i) for “the Secretary of State”, in both places, there shall be substituted “Transport for London”; and
 - (ii) for “by order” there shall be substituted “by London cab order”.
- (5) In section 6 (definitions) in subsection (1)—
- (a) after the definition of the expression “fare” there shall be inserted “the expression “London cab order” has the same meaning as in the Metropolitan Public Carriage Act 1869”; and
 - (b) in the definition of “taximeter” (which requires the device to be approved by or on behalf of the Secretary of State) for “the Secretary of State” there shall be substituted “Transport for London”.
- (6) At the end of that section there shall be added—
- “(4) Any power to make a London cab order under or by virtue of this Act includes power to vary or revoke a previous such order.”

Marginal Citations

M6 1907 c. 55.

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The London Cab Act 1968

- 7 (1) The ^{M7}London Cab Act 1968 shall be amended as follows.
- (2) In section 1(1) (which extends the power of the Secretary of State to set fares under the Acts of 1869 and 1907) for “the Secretary of State” there shall be substituted “Transport for London”.
- (3) After subsection (1) of section 1 there shall be inserted—
- “(1A) The power conferred by subsection (1) of this section is subject to paragraph (4) of the restrictions specified in section 9 of the said Act of 1869.”
- (4) In section 2 (power to increase length of obligatory journeys)—
- (a) in subsection (1) (the power)—
- (i) for “The Secretary of State” there shall be substituted “Transport for London”;
- (ii) for “by order” there shall be substituted “by London cab order”; and
- (iii) for “him” there shall be substituted “Transport for London”;
- (b) in subsection (2) (power to limit application of order) for “An order” there shall be substituted “A London cab order”;
- (c) in subsection (3) (power includes power to vary or revoke previous orders and is exercisable by statutory instrument subject to negative parliamentary procedure)—
- (i) for “orders” there shall be substituted “London cab orders”;
- (ii) after “previous” there shall be inserted “such”; and
- (iii) the words from “and shall be exercisable” to the end of the subsection shall cease to have effect; and
- (d) in subsection (4) (duty to consult before making order)—
- (i) for “any order” there shall be substituted “any London cab order”;
- (ii) for “the Secretary of State” there shall be substituted “Transport for London”; and
- (iii) for “him” and “he” there shall be substituted “Transport for London”.
- (5) In section 4A (power of Secretary of State by order to prohibit signs etc on private hire cars)—
- (a) in subsection (1)—
- (i) for “The Secretary of State” there shall be substituted “Transport for London”; and
- (ii) for “by order” there shall be substituted “by London cab order”;
- (b) in subsection (2), for “by an order” there shall be substituted “by a London cab order”;
- (c) in subsection (3) (power includes power to vary or revoke previous orders and is exercisable by statutory instrument subject to negative parliamentary procedure)—
- (i) for “orders” there shall be substituted “London cab orders”;
- (ii) after “previous” there shall be inserted “such”; and
- (iii) the words from “and shall be exercisable” to the end of the subsection shall cease to have effect;

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- (d) in subsection (4) (duty to consult before making order)—
 - (i) for “order” there shall be substituted “ London cab order ”;
 - (ii) for “the Secretary of State” there shall be substituted “ Transport for London ”; and
 - (iii) for “him” and “he” there shall be substituted “ Transport for London ”; and
 - (e) in subsection (5) (relationship to section 4) for “an order” there shall be substituted “ a London cab order ”.
- (6) After section 4A there shall be inserted—

“4B London cab orders.

- (1) In this Act, “London cab order” means an order made by Transport for London.
- (2) Any power to make a London cab order under or by virtue of this Act includes power to vary or revoke a previous such order.”

Marginal Citations

M7 1968 c. 7.

The Transport Act 1985

- 8 (1) The ^{M8}Transport Act 1985 shall be amended as follows.
- (2) In section 10 (immediate hiring of taxis at separate fares)—
- (a) in subsection (3)(a) (meaning of “licensing authority” in relation to the London taxi area) for “the Secretary of State”, in both places, there shall be substituted “ Transport for London ”;
 - (b) in subsection (5)(c), the words “if made otherwise than by the Secretary of State” shall cease to have effect;
 - (c) in subsection (8), the words “Except in the case of a scheme made by the Secretary of State,” shall cease to have effect; and
 - (d) subsection (10) (power of Secretary of State to make scheme exercisable by order) shall cease to have effect.
- (3) In section 17 (London taxi and taxi driver licensing: appeals)—
- (a) in subsections (2), (5), (8)(a) and (b) and (9) (which relate to reconsideration or appeal within the prescribed period) for “prescribed period”, in each place, there shall be substituted “ designated period ”;
 - (b) in subsection (10), after the definition of “the appropriate court” there shall be inserted the following definitions—
 - ““designated period” means such period as may be specified for the purpose by London cab order;
 - “London cab order” means an order made by Transport for London”;
 - and
 - (c) after subsection (10) there shall be added—

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“(11) Any power to make a London cab order under this section includes power to vary or revoke a previous such order.”

Marginal Citations

M8 1985 c. 67.

PART II

TRANSITIONAL PROVISIONS

Saving

- 9 This Part of this Schedule is without prejudice to the provision that may be made under any power conferred on a Minister of the Crown by this Act to make subordinate legislation, within the meaning of the ^{M9}Interpretation Act 1978.

Marginal Citations

M9 1978 c. 30.

The London Hackney Carriages Act 1843

- 10 (1) Any licence to act as driver of hackney carriages—
- (a) which was issued under section 8 of the ^{M10}London Hackney Carriages Act 1843 by or on behalf of the Commissioner of Police of the Metropolis, and
 - (b) which is in force immediately before the coming into force of paragraph 1 above,
- shall have effect as from the coming into force of that paragraph as if it had been issued by Transport for London.
- (2) Any metal ticket—
- (a) which was issued under that section by or on behalf of the Commissioner of Police of the Metropolis, and
 - (b) which is in force immediately before the coming into force of paragraph 1 above,
- shall have effect as from the coming force of that paragraph as if it had been issued by Transport for London.

Marginal Citations

M10 1843 c. 86.

The London Hackney Carriages Act 1850

- 11 Any regulations made or other thing done under section 4 of the ^{M11}London Hackney Carriages Act 1850 by or on behalf of a Commissioner of Police of the Metropolis

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and in force or otherwise having effect immediately before the coming into force of paragraph 2 above shall have effect as from the coming into force of that paragraph as if made or done by or, in the case of a signature, by a person authorised for the purpose by, Transport for London.

Marginal Citations

M11 1850 c. 7.

The London Hackney Carriage Act 1853

12 Any notice given under section 2 of the ^{M12}London Hackney Carriage Act 1853 and having effect immediately before the coming into force of sub-paragraph (2) of paragraph 3 above shall have effect as from the coming into force of that sub-paragraph as a notice given by Transport for London.

Marginal Citations

M12 1853 c. 33.

The London Hackney Carriage (No. 2) Act 1853

^{F2}13

Textual Amendments

F2 Sch. 20 para. 13 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 14](#)

The Metropolitan Public Carriage Act 1869

- 14 (1) Any order—
 - (a) made by or on behalf of the Secretary of State under or by virtue of any enactment contained in the ^{M13}Metropolitan Public Carriage Act 1869, and
 - (b) in force immediately before the coming into force of any provision of paragraph 7 above in relation to that enactment,
 shall, to the extent that the provision made by the order could be made by Transport for London, have effect as from the coming into force of that provision in relation to that enactment as a London cab order, but with the substitution for references to the Secretary of State of references to Transport for London.
- (2) Any licence granted under section 6 or 8 of that Act and in force immediately before the coming into force of sub-paragraph (3) or (5) of paragraph 5 above in relation to that section shall have effect as from the coming into force of that sub-paragraph in relation to that section as a licence granted under that section by Transport for London.
- (3) Any suspension or revocation of a licence under section 6 or 8 of that Act having effect immediately before the coming into force of sub-paragraph (3) or (5) of paragraph 5 above shall have effect as from the coming into force of that sub-

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paragraph in relation to that section as the suspension or revocation of the licence by Transport for London.

- (4) Any appointment made under section 12 of that Act by the Secretary of State and in force immediately before the coming into force of sub-paragraph (9) of paragraph 5 above shall have effect as from the coming into force of that sub-paragraph as an appointment made by Transport for London.

Marginal Citations

M13 1869 c. 115.

The London Cab and Stage Carriage Act 1907

- 15 (1) Any regulations made by the Secretary of State by order by virtue of section 1 of the ^{M14}London Cab and Stage Carriage Act 1907 and in force immediately before the coming into force of sub-paragraph (2) of paragraph 6 above shall have effect as from the coming into force of that paragraph as regulations made by London cab order by virtue of that section.
- (2) Any sum for the time being allowed by the Secretary of State under subsection (1) of section 2 of that Act immediately before the coming into force of paragraph (a) of sub-paragraph (4) of paragraph 6 above shall have effect as from the coming into force of that paragraph as the sum for the time being allowed under that subsection by Transport for London until such time as Transport for London allow a different sum.
- (3) Any order made by the Secretary of State under section 2 of that Act and in force immediately before the coming into force of paragraph (b) of sub-paragraph (4) of paragraph 6 above shall have effect as from the coming into force of that paragraph as a London cab order.
- (4) Any approval given by or on behalf of the Secretary of State for the purposes of the definition of “taximeter” in section 6(1) of that Act and in force immediately before the coming into force of the amendment made by paragraph (b) of sub-paragraph (5) of paragraph 6 above shall have effect as from the coming into force of that amendment as an approval given by Transport for London.

Marginal Citations

M14 1907 c. 55.

The London Cab Act 1968

- 16 (1) Any order made by the Secretary of State under section 2 of the ^{M15}London Cab Act 1968 and in force immediately before the coming into force of paragraph (a) of sub-paragraph (4) of paragraph 7 above shall have effect as from the coming into force of that paragraph as a London cab order.
- (2) Any order made by the Secretary of State under section 4A of that Act and in force immediately before the coming into force of paragraph (a) of sub-paragraph (5) of paragraph 7 above shall have effect as a London cab order as from the coming into force of that paragraph.

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Marginal Citations

M15 1968 c. 7.

The Transport Act 1985

- 17 (1) Any scheme made under section 10 of the Transport Act 1985 by the Secretary of State and in force immediately before the coming into force of paragraph (a) of sub-paragraph (2) of paragraph 8 above shall have effect as from the coming into force of that paragraph as a scheme made by Transport for London.
- (2) Any regulations prescribing a period for the purposes of a provision of that Act specified in paragraph (a) of sub-paragraph (3) of paragraph 8 above and in force immediately before the coming into force of that paragraph shall, until such time as a period is specified by London cab order for the purposes of that provision, continue in force and have effect as if the period so prescribed were the period specified for the purposes of that provision by London cab order.

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