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# Town Police Clauses Act 1847

1847 CHAPTER 89 10 and 11 Vict

An Act for consolidating in One Act certain Provisions usually contained in Acts for regulating the Police of Towns. [22nd July 1847]

## Modifications etc. (not altering text)

- C1** Act amended by [Town Police Clauses Act 1889 \(c. 14\)](#); amended (with respect to hackney carriages, as incorporated in any enactment (whenever passed)) by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 16](#); extended by [Public Health Act 1925 \(c. 71, SIF 100:1\)](#), [s. 76](#); extended (E.W.) (as incorporated in Public Health Act 1875) by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 15\(1\)](#); restricted by [London Passenger Transport Act 1933 \(c. 14, SIF 126\)](#), [s. 51\(7\)](#) and restricted by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\)](#), [s. 64\(2\)](#)
- C2** Preamble omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)
- C3** Words of enactment repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)
- C4** This Act is not necessarily in the form in which it has effect in Northern Ireland  
Act: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)  
Act: extended (1.4.2000) by [1999 c. 29, s. 255\(2\)](#), (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801, art. 2\(2\)\(a\)](#), [Sch.](#)

## 1 Extent of Act.

This Act shall extend only to such towns or districts in England or Ireland as shall be comprised in any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the town or district which shall be comprised in such Act, and to the commissioners appointed for improving and regulating the same, so far as such clauses shall be applicable thereto respectively, and shall, with the clauses of every other Act which shall be incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

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*Interpretations in this Act*

And with respect to the construction of this Act, whether incorporated in whole or in part with any other Act, and of any Act incorporated therewith, be it enacted as follows:

**2 “The special Act:” “Prescribed” “The commissioners”**

The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed for the improvement or regulation of any town or district defined or comprised therein and with which this Act shall be incorporated; and the word “prescribed,” used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if, instead of the word “prescribed,” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the commissioners” shall mean the commissioners, trustees, or other persons or body corporate intrusted by the special Act with powers for executing the purposes thereof.

**3 Interpretations in this and the special Act: Number; Gender; “Person;” “Lands;” “Street;” “Month;” “Superior courts;” “County;” “Justice;” “Two justices;” “Cattle.”**

The following words and expressions, in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Words importing the masculine gender shall include females:

The word “person” shall include a corporation, whether aggregate or sole:

The word “lands” shall include messuages, lands, tenements, and hereditaments of any tenure:

The word “street” shall extend to and include any road, square, court, alley, and thoroughfare or public passage within the limits of the special Act:

The word “month” shall mean calendar month:

The expression “superior courts” shall mean Her Majesty’s superior courts of record at Westminster or Dublin, as the case may require . . . <sup>F1</sup>

.....<sup>F2</sup>  
[<sup>F3</sup> T he word “county” shall include riding or other division of a county having a separate commission of the peace, and shall also include county of a city or county of a town:]

The word “justice” shall mean justice of the peace acting for the [<sup>F4</sup>county, city, borough, liberty,] cinque port, [<sup>F4</sup>or other] place where the matter requiring the cognizance of any such justice arises; [<sup>F4</sup>and where any matter shall be authorized or required to be done by two justices, the expression “two justices” shall be understood to mean two or more justices met and acting together:]

.....<sup>F5</sup>  
The word “cattle” shall include horses, asses, mules, sheep, goats, and swine.

**Textual Amendments**

**F1** Words repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)

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- F2** Definition repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1, **Sch. 1 Pt. VIII**
- F3** Definition repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, **Sch. Pt. I**
- F4** Words repealed (N.I.) by virtue of Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, **Sch. Pt. I**
- F5** Definition of “quarter sessions” repealed (E.W.) by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV** and (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, **Sch. Pt. I**

*Citing the Act*

And with respect to citing this Act, or any part thereof, be it enacted as follows:

**4 Short title of the Act.**

In citing this Act in other Acts of Parliament, and in legal instruments, it shall be enough to use the expression “The Town Police Clauses Act, 1847.”

**5 Form in which portions of this Act may be incorporated with other Acts.**

For the purpose of incorporating part only of this Act with any Act hereafter to be passed it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act, with the exception of the clauses so described, shall be incorporated with such Act; and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

**6—14. .... F6**

.....

**Textual Amendments**

**F6** Ss. 6–14, 16 repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**

**15 ..... F7**

.....

**Textual Amendments**

**F7** S. 15 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I**

**16 ..... F8**

.....

**Textual Amendments**

**F8** Ss. 6–14, 16 repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**

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17— ..... F9  
19.

**Textual Amendments**  
F9 Ss. 17–19 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), s. 132, [Sch. 6](#)

20 ..... F10

**Textual Amendments**  
F10 S. 20 repealed by [Police Act 1964 \(c. 48\)](#), [Sch. 10 Pt. I](#)

*Obstructions and nuisances*

And with respect to obstructions and nuisances in the streets, be it enacted as follows:

**21 Power to prevent obstructions in streets during public processions, &c.**

The commissioners may from time to time make orders for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of streets, within the limits of the special Act, in all times of public processions, rejoicings, or illuminations, and in any case when the streets are thronged or liable to be obstructed, and may also give directions to the constables for keeping order and preventing any obstruction of the streets in the neighbourhood of theatres and other places of public resort; and every wilful breach of any such order shall be deemed a separate offence against this Act, and every person committing any such offence shall be liable to a penalty not exceeding [<sup>F11</sup>level 3 on the standard scale].

**Textual Amendments**  
F11 Words substituted (E.W.) by virtue of [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#), ss. 39, 46, [Sch. 3](#)

22 ..... F12

**Textual Amendments**  
F12 S. 22 (including that section as incorporated in any other Act) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. VI](#)

**23 Power to stage carriages to deviate from route under order free from penalty.**

No proprietor of any stage carriage duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the route or line of route specified in his licence which the driver of such stage carriage makes in consequence of any regulation or direction made or given by the commissioners.

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**24 Power to impound stray cattle.**

If any cattle be at any time found at large in any street within the limits of the special Act, without any person having the charge thereof, any constable or officer of police, or any person residing within the limits of the special Act, may seize and impound such cattle in any common pound within the said limits, or in such other place as the commissioners appoint for that purpose, and may detain the same therein until the owner thereof pay to the commissioners a penalty not exceeding forty shillings, besides the reasonable expences of impounding and keeping such cattle.

**25 Power to sell stray cattle for penalty and expences.**

If the said penalty and expences be not paid within three days after such impounding, the pound-keeper, or other person appointed by the commissioners for that purpose, may proceed to sell or cause to be sold any such cattle; but previous to such sale seven days notice thereof shall be given to or left at the dwelling house or place of abode of the owner of such cattle, if he be known, or if not, then notice of such intended sale shall be given by advertisement, to be inserted seven days before such sale in some newspaper published or circulated within the limits of the special Act; and the money arising from such sale, after deducting the said sums, and the expences aforesaid, and all other expences attending the impounding, advertising, keeping, and sale of any such cattle so impounded, shall be paid to the commissioners, and shall be by them paid, on demand, to the owner of the cattle so sold.

**26 Persons guilty of pound-breach to be committed for three months.**

Every person who releases or attempts to release any cattle from any pound or place where the same are impounded under the authority of this or the special Act, or who pulls down, damages, or destroys the same pound or place, or any part thereof, with intent to procure the unlawful release of such cattle, shall, upon conviction of such offence before any two justices, be committed by them to some common gaol or house of correction for any time not exceeding three months.

**27 Power to provide a pound.**

The commissioners may purchase a piece of land within the limits of the special Act for the purpose of a pound for stray animals, and may erect a pound thereon, and such pound when made shall be kept in repair by the commissioners.

**28 Penalty on persons committing any of the offences herein named.**

Every person who in any street, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences, shall be liable to a penalty not exceeding [<sup>F13</sup>level 3 on the standard scale] for each offence, or, in the discretion of the justice before whom he is convicted, may be committed to prison, there to remain for a period not exceeding fourteen days, . . . <sup>F14</sup>; (that is to say.)

Every person who exposes for show, hire, or sale (except in a market or market place or fair lawfully appointed for that purpose) any horse or other animal, or exhibits in a caravan or otherwise any show or public entertainment, or shoes, bleeds, or farries any horse or animal (except in cases of accident), or cleans, dresses, exercises, trains or breaks, or turns loose any horse or animal, or makes

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or repairs any part of any cart or carriage (except in cases of accident where repair on the spot is necessary):

Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal:

F15

Every person who slaughters or dresses any cattle, or any part thereof, except in the case of any cattle over-driven which may have met with any accident, and which for the public safety or other reasonable cause ought to be killed on the spot:

Every person having the care of any waggon, cart, or carriage who rides on the shafts thereof, or who without having reins, and holding the same, rides upon such waggon, cart, or carriage, or on any animal drawing the same, or who is at such a distance from such waggon, cart, or carriage as not to have due control over every animal drawing the same, or who does not, in meeting any other carriage, keep his waggon, cart, or carriage to the left or near side, or who in passing any other carriage does not keep his waggon, cart, or carriage on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation) or who, by obstructing the street, wilfully prevents any person or carriage from passing him, or any waggon, cart, or carriage under his care:

F16

Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle:

Every person who causes any public carriage, sledge, truck, or barrow, with or without horses, or any beast of burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except hackney carriages, and horses and other beasts of draught or burthen, standing for hire in any place appointed for that purpose by the commissioners or other lawful authority), and every person who, by means of any cart, carriage, sledge, truck, or barrow, or any animal, or other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footpath or other public thoroughfare:

Every person who causes any tree or timber or iron beam to be drawn in or upon any carriage, without having sufficient means of safely guiding the same:

Every person who leads or rides any horse or other animal, or draws or drives any cart or carriage, sledge, truck, or barrow upon any footway of any street, or fastens any horse or other animal so that it stands across or upon any footway:

Every person who places or leaves any furniture, goods, wares, or merchandize, or any cask, tub, basket, pail, or bucket, or places or uses any standing-place, stool, bench, stall, or showboard on any footway, or who places any blind, shade, covering, awning, or other projection over or along any such footway, unless such blind, shade, covering, awning, or other projection is eight feet in height at least in every part thereof from the ground:

Every person who places, hangs up, or otherwise exposes to sale any goods, wares, merchandize, matter, or thing whatsoever, so that the same project into or over any footway, or beyond the line of any house, shop, or building at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway:

Every person who rolls or carries any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, or log of wood, upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway:

Every person who places any line, cord, or pole across any street, or hangs or places any clothes thereon:

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F17

.....  
Every person who wilfully and indecently exposes his person:

Every person who publicly offers for sale or distribution, or exhibits to public view any profane, . . . <sup>F18</sup> book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language:

Every person who wantonly discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework:

Every person who wilfully and wantonly disturbs any inhabitant, by pulling or ringing any door bell, or knocking at any door, or who wilfully and unlawfully extinguishes the light of any lamp:

Every person who flies any kite, or who makes or uses any slide upon ice or snow:

Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime:

Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so inclosed as to prevent mischief to passengers):

Every person who beats or shakes any carpet, rug, or mat (except door mats, beaten or shaken before the hour of eight in the morning):

Every person who fixes or places any flower-pot or box, or other heavy article, in any upper window, without sufficiently guarding the same against being blown down:

Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other thing, except snow thrown so as not to fall on any passenger:

Every occupier of any house or other building or other person who orders or permits any person in his service to stand on the sill of any window, in order to clean, paint, or perform any other operation upon the outside of such window, or upon any house or other building within the said limits, unless such window be in the sunk or basement story:

Every person who leaves open any vault or cellar, or the entrance from any street to any cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of any vault or cellar, or who does not sufficiently fence any area, pit, or sewer left open, or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto:

Every person who throws or lays any dirt, litter, or ashes, or nightsoil, or any carrion, fish, offal, or rubbish, on any street, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butcher's shop, or dunghill into any street: Provided always, that it shall not be deemed an offence to lay sand or other materials in any street in time of frost, to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the party laying any such things causes them to be removed as soon as the occasion for them ceases:

Every person who keeps any pigstye to the front of any street, not being shut out from such street by a sufficient wall or fence, or who keeps any swine in or near any street, so as to be a common nuisance.

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**Textual Amendments**

- F13** Words in s. 28 substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46, **Sch. 3**
- F14** Words in s. 28 repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), **Sch. 7 Pt. I**
- F15** Words in s. 28 repealed by [Rabies Act 1974 \(c. 17\)](#), **Sch.**
- F16** Words in s. 28 repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. X**
- F17** Words in s. 28 repealed (E.W.) (16.8.1959) by [Street Offences Act 1959 \(c. 57\)](#), **ss.1(5)(b)**, 5(2), Sch, and (N.I) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769\)](#), art. 1(3), **Sch. 1 para. 2(3)**, **Sch. 3** (with [Sch. 2 para. 1](#)); S.R. 2008/510, art. 2.
- F18** Words “indecent or obscene” in s. 28 repealed (E.W.) by virtue of [Indecent Displays \(Control\) Act 1981 \(c. 42, SIF 39:5\)](#), s. 5(2), **Sch.** (the repeal extends to this Act and to this Act as incorporated in any other Act)

*Nuisances*

**29 Penalty on drunken persons, &c. guilty of riotous or indecent behaviour.**

.....<sup>F19</sup> every person guilty of any violent or indecent behaviour in any police office or any police station house, within the limits of the special Act, shall be liable to a penalty not exceeding forty shillings for every such offence, or, in the discretion of the justice before whom he is convicted, to imprisonment for a period not exceeding seven days.

**Textual Amendments**

- F19** Words repealed by [Criminal Justice Act 1967 \(c. 80\)](#), s. 91(2), **Sch. 7 Pt. I**

**Modifications etc. (not altering text)**

- C5** [S. 29](#), as incorporated in any other enactment, amended by [Penalties for Drunkenness Act 1962 \(c. 52\)](#), **s. 1(1)(b)**, (2)(b)

*Fires*

And with respect to fires, be it enacted as follows:

**30** .....<sup>F20</sup>

**Textual Amendments**

- F20** [S. 30](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I**

**31 Penalty for accidentally allowing chimneys to catch fire.**

If any chimney accidentally catch or be on fire within the said limits the person occupying or using the premises in which such chimney is situated shall be liable to a penalty not exceeding ten shillings: Provided always, that such forfeiture shall not be incurred if such person prove to the satisfaction of the justice before whom the case



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is heard that such fire was in nowise owing to omission, neglect, or carelessness of himself or servant.

32 ..... F21

**Textual Amendments**

F21 S. 32 repealed by [Fire Brigades Act 1938 \(c. 72\)](#), **Sch. 3 Pt. I**

33 ..... F22

**Textual Amendments**

F22 S. 33 repealed by [Fire Brigades Act 1938 \(c. 72\)](#), **Sch. 3 Pt. II**

*Places of public resort*

And with respect to places of public resort, be it enacted as follows:

34 ..... F23

**Textual Amendments**

F23 S. 34 repealed by [Licensing Act 1953 \(c. 46\)](#), **Sch. 10**

**35 Penalty on coffee shop keepers harbouring disorderly persons.**

Every person keeping any house, shop, room, or other place of public resort, within the limits of the special Act for the sale or consumption of refreshments of any kind who knowingly suffers common prostitutes or reputed thieves to assemble at and continue in his premises shall, for every such offence, be liable to a penalty not exceeding [F24]level 1 on the standard scale].

**Textual Amendments**

F24 Words “level 1 on the standard scale” substituted (E.W.) for “£20” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

**36 Penalty on persons keeping places for bear-baiting, cock-fighting, &c.**

Every person who within the limits of the special Act keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting, baiting, or worrying any animals shall be liable to a penalty of not more than [F25]level 4 on the standard scale], or, in the discretion of the justices before whom he is convicted, to imprisonment, with or without hard labour, for a time not exceeding one month; and

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the commissioners may, by order in writing, authorize the superintendent constable, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid, and . . . <sup>F26</sup> all persons found therein without lawful excuse, . . . <sup>F26</sup> shall be liable to a penalty not exceeding [<sup>F27</sup>level 4 on the standard scale], and a conviction for this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penal consequence to which he is liable for the nuisance thereby occasioned.

#### Textual Amendments

- F25** Words “level 4 on the standard scale” substituted (E.W.) for “five pounds” by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(6\)](#), [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and [Protection of Animals \(Amendment\) Act 1988 \(c. 29, SIF 4:5\)](#), [s. 2\(1\)](#)
- F26** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. 1](#)
- F27** Words “level 4 on the standard scale” substituted (E.W.) for “five shillings” by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(6\)](#), [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and [Protection of Animals Act 1988 \(c. 29, SIF 4:5\)](#), [s. 2\(1\)](#)

#### *Hackney carriages*

And with respect to hackney carriages, be it enacted as follows:

#### Modifications etc. (not altering text)

- C6** Functions of commissioners as to licensing of hackney carriages in City of London and Metropolitan Police District now exercisable by an Assistant Commissioner of Police of the Metropolis: [Metropolitan Public Carriage Act 1869 \(c. 115, SIF 107:1\)](#), [ss. 6, 8, 11](#), S.R. & O. 1934/1346 (Rev. XIV, p. 795; 1934 I, p. 1221) and [S.I. 1955/1853 \(1955 I, p.1143\)](#)

### 37 Hackney carriages to be licensed.

The commissioners may from time to time licence 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,) [<sup>F28</sup>such number of]hackney coaches or carriages of any kind or description adapted to the carriage of persons [<sup>F28</sup>as they think fit].

#### Textual Amendments

- F28** Words repealed (E.W.) (*prosp.*) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 16, [Sch. 8](#)

#### Modifications etc. (not altering text)

- C7** [S. 37](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#) and modified (E.W.) by [Transport Act 1981 \(c. 56, SIF 107:1\)](#), [s. 35\(3\)](#)
- C8** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)
- C9** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

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**38 What to be hackney carriages. Proviso as to stage coaches.**

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:

Provision 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.

**Modifications etc. (not altering text)**

- C10** S. 38 excluded by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), s. 4(1)
- C11** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)
- C12** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

**39** ..... <sup>F29</sup>

**Textual Amendments**

- F29** S. 39 repealed (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), [Sch. 12 Pt. III](#)

**40 Persons applying for licence to sign a requisition for the 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 the 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 [<sup>F30</sup>level 1 on the standard scale].

**Textual Amendments**

- F30** Words substituted (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

**Modifications etc. (not altering text)**

- C13** S. 40 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), s. 4(1)(2)

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- C14** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)  
**C15** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

#### **41 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.

##### **Modifications etc. (not altering text)**

- C16** S. 41 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)  
**C17** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)  
**C18** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

#### **42 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.

##### **Modifications etc. (not altering text)**

- C19** S. 42 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)  
**C20** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)  
**C21** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

#### **43 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.

##### **Modifications etc. (not altering text)**

- C22** S. 43 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)  
**C23** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)  
**C24** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

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#### 44 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 by 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 [<sup>F31</sup>level 1 on the standard scale].

##### Textual Amendments

**F31** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

##### Modifications etc. (not altering text)

**C25** [S. 44](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:\)\]](#), [s. 4\(1\)\(2\)](#)

**C26** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C27** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

#### 45 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 hereinafter 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.

##### Modifications etc. (not altering text)

**C28** [S. 45](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:\)\]](#), [s. 4\(1\)\(2\)](#)

**C29** [S. 45](#): by [Criminal Justice Act 1967 \(c. 80, SIF 39:\)\]](#), [s. 92\(1\)](#), [Sch. 3 Pt. I](#) it was provided that the maximum amount of fine imposable on summary conviction in respect of [s. 45](#) instead of the maximum fine of £2 was £20 for a first offence and £50 for a second or subsequent offence and as to the amounts of fine on summary conviction, [Criminal Justice Act 1982 \(c. 48, SIF 39: 1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions) [39\(2\)](#), [46](#), [Sch. 3](#) (substitution of new maximum fine of £500 instead of the old maximum fine of £20 and of references to levels on the standard scale) apply

**C30** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C31** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

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#### 46 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, [<sup>F32</sup>and such fee as the commissioners may determine 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.

##### Textual Amendments

**F32** Words from “and a fee” to “paid” substituted (E.W.) by [Local Government Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(6), **Sch. 6 para. 1**

##### Modifications etc. (not altering text)

**C32** S. 46 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:\)\]](#), **s. 4(1)(2)**; excluded (E. W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 140(2), **Sch. 7 para. 3**

**C33** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), **Sch. 5**

**C34** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), **regs 3, 4**

#### 47 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.

##### Modifications etc. (not altering text)

**C35** S. 47 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:\)\]](#), **s. 4(1)(2)**

**C36** S. 47: by [Criminal Justice Act 1967 \(c. 80, SIF 39:1\)](#), s. 92(1), **Sch. 3 Pt I** it was provided that the maximum amount of fine imposable on summary conviction in respect of s. 47 instead of the maximum of £1 was £20 for a first offence and £50 for a second and subsequent offence and, as to the amounts of fine on summary conviction, [Criminal Justice Act 1982 \(c. 48, SIF39:\)\]](#), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fine) and 46 (substitution of references to levels on the standard scale) apply

**C37** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), **Sch. 5**

**C38** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), **regs 3, 4**

#### 48 Proprietor to retain licences of drivers when in his employ, and to produce the same when summoned.

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 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

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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 [<sup>F333</sup>level 1 on the standard scale].

#### Textual Amendments

**F33** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

#### Modifications etc. (not altering text)

**C39** [S. 48](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)

**C40** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C41** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

### **49 Proprietor to return licence to drivers when quitting his 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 service if they 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.

#### Modifications etc. (not altering text)

**C42** [S. 49](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)

**C43** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C44** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

### **50 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 byelaw made in pursuance thereof, suspend or revoke, as they deem right, the licence of any such proprietor or driver.

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**Modifications etc. (not altering text)**

- C45 S. 50 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)
- C46 Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)
- C47 Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

**51 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.

**Modifications etc. (not altering text)**

- C48 S. 51 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\) \(2\)](#)
- C49 S. 51 repealed so far as it relates to tramcars or trolley vehicles by [Transport Charges &c. \(Miscellaneous Provisions\) Act 1954 \(c. 64, SIF 126\)](#), [s. 14\(1\)](#), [Sch. 2 Pt. IV](#)
- C50 Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)
- C51 Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

**52 Penalty for neglect to exhibit the number, 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 carriage 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 [<sup>F34</sup>level 1 on the standard scale].

**Textual Amendments**

- F34 Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39: 1\)](#), [s. 46](#)

**Modifications etc. (not altering text)**

- C52 S. 52 modified (E.W.) by [S.I. 1986/1386](#), [art. 4\(1\)](#)
- C53 S. 52 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\) \(2\)](#)
- C54 S. 52 repealed so far as it relates to tramcars or trolley vehicles by [Transport Charges &c. \(Miscellaneous Provisions\) Act 1954 \(c. 64, SIF 126\)](#), [Sch. 2 Pt. IV](#)
- C55 Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)
- C56 Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)



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### 53 **Penalty on driver for refusing to drive.**

A 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 byelaw 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 [<sup>F35</sup>level 2 on the standard scale].

#### **Textual Amendments**

**F35** Words substituted (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39, 46, **Sch. 3**

#### **Modifications etc. (not altering text)**

**C57** Ss. 53–59 modified (E.W.) by [S.I. 1986/1386, art. 4\(3\)\(d\)](#)

**C58** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), **Sch. 5**

**C59** Ss. 37–65 applied with modifications by [S.I. 1986/567, regs 3, 4](#)

### 54 **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 [<sup>F36</sup>level 1 on the standard scale]if he exact or demand for such job more than the fare so agreed upon.

#### **Textual Amendments**

**F36** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31** and [Criminal Justice Act 1982 \(c. 48, SIF 39: 1\)](#), **s. 46**

#### **Modifications etc. (not altering text)**

**C60** Ss. 53–59 modified (E.W.) by [S.I. 1986/1386, art. 4\(3\)\(d\)](#)

**C61** [S. 54](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107: 1\)](#), **s. 4 (1)(2)**

**C62** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), **Sch. 5**

**C63** Ss. 37–65 applied with modifications by [S.I. 1986/567, regs 3, 4](#)

### 55 **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 byelaw 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

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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 [<sup>F37</sup>level 3 on the standard scale]; 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 fare and the said penalty be sooner paid.

#### Textual Amendments

**F37** Words substituted (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39, 46, [Sch. 3](#)

#### Modifications etc. (not altering text)

**C64** Ss. 53–59 modified (E.W.) by [S.I. 1986/1386, art. 4\(3\)\(d\)](#)

**C65** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C66** Ss. 37–65 applied with modifications by [S.I. 1986/567, regs 3, 4](#)

### 56 **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 [<sup>F38</sup>level 1 on the standard scale] 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 byelaw made in pursuance thereof.

#### Textual Amendments

**F38** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

#### Modifications etc. (not altering text)

**C67** Ss. 53–59 modified (E.W.) by [S.I. 1986/1386, art. 4\(3\)\(d\)](#)

**C68** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C69** Ss. 37–65 applied with modifications by [S.I. 1986/567, regs 3, 4](#)

### 57 **Deposit to be made for carriages required to wait. 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 byelaws, 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

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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 [<sup>F39</sup>level 1 on the standard scale]

#### Textual Amendments

**F39** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

#### Modifications etc. (not altering text)

**C70** [Ss. 53–59](#) modified (E.W.) by [S.I. 1986/1386](#), [art. 4\(3\)\(d\)](#)

**C71** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C72** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

### 58 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 byelaw made under this or the special Act shall be liable to a penalty not exceeding [<sup>F40</sup>level 3 on the standard scale], 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, . . . <sup>F41</sup>

#### Textual Amendments

**F40** Words substituted (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 39, 46](#), [Sch. 3](#)

**F41** Words repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

#### Modifications etc. (not altering text)

**C73** [Ss. 53–59](#) modified (E.W.) by [S.I. 1986/1386](#), [art. 4\(3\)\(d\)](#)

**C74** [S. 58](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)

**C75** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C76** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

### 59 Penalty for permitting persons to ride without consent of 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 [<sup>F42</sup>level 1 on the standard scale].

#### Textual Amendments

**F42** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#) s. 46

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#### Modifications etc. (not altering text)

- C77 Ss. 53–59 modified (E.W.) by S.I. 1986/1386, [art. 4\(3\)\(d\)](#)  
 C78 Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)  
 C79 Ss. 37–65 applied with modifications by S.I. 1986/567, [regs 3, 4](#)

### 60 No person to act as driver of any carriages 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 [<sup>F43</sup>level 1 on the standard scale]for every such offence.

#### Textual Amendments

- F43 Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39: 1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#) s. 46

#### Modifications etc. (not altering text)

- C80 S. 60 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\) \(2\)](#)  
 C81 Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)  
 C82 Ss. 37–65 applied with modifications by S.I. 1986/567, [regs 3, 4](#)

### 61 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 [<sup>F44</sup>level 1 on the standard scale]; [<sup>F45</sup>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.]

#### Textual Amendments

- F44 Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39: 1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#) s. 46  
 F45 Words repealed (E.W.) by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I](#) Group 2

#### Modifications etc. (not altering text)

- C83 S. 61 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:\)\]](#), [s. 4\(1\) \(2\)](#)  
 C84 Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)  
 C85 Ss. 37–65 applied with modifications by S.I. 1986/567, [regs 3, 4](#)

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## 62 Penalties in case of carriages being unattended at places of public resort.

If the driver of any 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 livery stable or other place of safe custody; and such driver shall be liable to a penalty not exceeding [F46]level 1 on the standard scale]for such offence; and in default of payment of the said penalty upon conviction, and of the expenses 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 expenses, 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 g.,aid produce shall be paid to the proprietor of such hackney carriage.

### Textual Amendments

**F46** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39: 1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#) s. 46

### Modifications etc. (not altering text)

**C86** [S. 62](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107: 1\)](#), [s. 4\(1\) \(2\)](#)

**C87** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C88** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

## 63 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.

### Modifications etc. (not altering text)

**C89** [S. 63](#) extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)

**C90** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

**C91** [Ss. 37–65](#) applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

## 64 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

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any other hackney carriage from being hired, shall be liable to a penalty not exceeding [<sup>F47</sup>level 1 on the standard scale].

**Textual Amendments**

**F47** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

**Modifications etc. (not altering text)**

- C92** S. 64 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)
- C93** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)
- C94** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

**65 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 byelaw 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; [<sup>F48</sup>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.]

**Textual Amendments**

**F48** Words repealed (E.W.) by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. I](#) Group 2

**Modifications etc. (not altering text)**

- C95** S. 65 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\)\(2\)](#)
- C96** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)
- C97** Ss. 37–65 applied with modifications by [S.I. 1986/567](#), [regs 3, 4](#)

**66 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 byelaw made thereunder, such fare may, together with costs, be recovered before one justice as a penalty.

**Modifications etc. (not altering text)**

- C98** S. 66 extended by [Town Police Clauses Act 1889 \(c. 14, SIF 107:1\)](#), [s. 4\(1\) \(2\)](#)
- C99** Ss. 37–66, 68 repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

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**Textual Amendments**

**F49** S. 67 (including that section as applied or incorporated in any other Act) repealed by [Criminal Damage Act 1971 \(c. 48, SIF 39:6\)](#), s. 11(8), Sch. Pt. I and [S.I. 1977/426 \(N.I. 4\)](#), s. 13(6), [Sch. 2](#)

**68 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 byelaws 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 [<sup>F50</sup>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 cheek 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.

**Textual Amendments**

**F50** Words repealed so far as they relate to tramcars or trolley vehicles by [Transport Charges &c. \(Miscellaneous Provisions\) Act 1954 \(c. 64, SIF 126\)](#), Sch. 2 Pt. IV

**Modifications etc. (not altering text)**

**C100** Function of confirming byelaws made under s. 68 by reason of its incorporation with [Public Health Act 1875](#) now exercisable by Secretary of State: [Public Health Act 1875 \(c. 55, SIF 100:1\)](#), [s. 171](#), [Public Health \(Confirmation of Byelaws\) Act 1884 \(c. 12\)](#), [Ministry of Health Act 1919 \(c. 21, SIF 57\)](#), [s. 3\(1\)](#) (a) and [S.R. & O. 1946/1757 \(Rev. XV, p. 112: 1946 I, p. 1012\)](#)

**C101** S. 68 extended (E. W.) by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), [s. 65\(5\)](#)

**C102** [Ss. 37–66, 68](#) repealed as to public service vehicles by [Road Traffic Act 1930 \(c. 43, SIF 108\)](#), [Sch. 5](#)

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**Textual Amendments**

**F51** Ss. 69–71 (including those sections as incorporated in any other Act) repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. VIII**

72 ..... F52

**Textual Amendments**

**F52** S. 72 repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

73 ..... F53

**Textual Amendments**

**F53** S. 73 (including that section as incorporated in any other Act) repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. VIII**

74 ..... F54

**Textual Amendments**

**F54** S. 74 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

75 ..... F55

**Textual Amendments**

**F55** S. 75 repealed (E.W.) by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I Gp. 2**

76 ..... F56

**Textual Amendments**

**F56** S. 76 repealed (E.W.) by [Perjury Act 1911 \(c. 6, SIF 39:3\)](#), **Sch.** and (N.I.) by [Perjury \(Northern Ireland\) Act 1946 \(c. 13\)](#), s. 16(3), **Sch.**

77, 78. .... F57



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**Textual Amendments**

**F57** Ss. 77, 78 repealed (E.W.) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

**79** ..... **F58**

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**Textual Amendments**

**F58** S. 79 repealed by Statute Law Revision Act 1875 (c. 66)

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