



London Hackney Carriages Act 1843

1843 CHAPTER 86

Repeal of 1 & 2 Vict. c. 79.

That an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act for the better Regulation of Hackney Carriages, and of Metropolitan Stage Carriages, and of Waggon, Carts, and Drays used in and near the Metropolis, and of Drivers and Attendants thereof*, shall be repealed:

Licences to continue in force until others are granted.

Provided always, that all Licences and Tickets granted under the said Act shall continue in force for the Time for which they were originally granted (if not sooner suspended or revoked), or until new Licences and Tickets shall be issued instead of them under this Act, and that all Offences against the Provisions of the said Act committed before the passing of this Act may be punished as if this Act had not been passed.

II Meaning of certain Words used in this Act.

And be it enacted, That the Words herein-after mentioned, which in their usual Signification have a more confined or different Meaning, shall in this Act (except where the Nature of the Provisions or the Context of the Act shall exclude such Construction), be interpreted as follows; (that is to say,) the Words " Hackney Carriage " shall include every Carriage (except a Stage Carriage) which shall stand on Hire or ply for a Passenger for Hire at any Place within the Limits of the City of *London* and the Liberties thereof, and Metropolitan Police District; and the Words " Metropolitan Stage Carriage " shall include every Stage Carriage except such as shall on every Journey go to or come from some Town or Place beyond the Limits aforesaid; and the Word " Proprietor " shall include every Person who, either alone or in partnership with any other Person, shall keep any Hackney Carriage or any Metropolitan Stage Carriage, or who shall be concerned otherwise than as a Driver or Attendant in employing for Hire any Hackney Carriage or any Metropolitan Stage Carriage; and the Word " Conductor " shall include every Director or other Person, except the Driver, who shall attend upon the Passengers in any Metropolitan Stage Carriage; and the Word " Waterman " shall include every Person supplying Water to the Drivers of Hackney Carriages at the Standings or Places where Hackney Carriages usually stand or ply for Hire, and every Person assisting the Drivers at such Standings in managing or taking care of the Horses or Carriages, and every Attendant upon any Metropolitan Stage Carriage at Places where such Carriages usually stop or ply for Passengers; and

Status: This is the original version (as it was originally enacted).

the Word " Passenger " shall include every Person carried by any Hackney Carriage, or by any Metropolitan Stage Carriage, except One Driver, and, where there shall be a Conductor to such Metropolitan Stage Carriage, One Conductor; and the Word " Horse " shall include every Mare and Gelding ; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as to one Person or Thing; and every Word importing the Masculine Gender only shall extend to a Female as well as to a Male.

III Certain Provisions of 1 & 2 W.4 c.22 extended to this Act. Proviso.

And be it enacted, That so much of an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act to amend the Laws relating to Hackney Carriages, and to Waggon, Carts, and Drays used in the Metropolis ; and to place the Collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in England under the Commissioners of Stamps*, as relates to Hackney Carriages and to Watermen, and not hereby repealed, and except as to the Appointment of Watermen by the aforesaid Commissioners, shall extend and apply to Hackney Carriages and to Watermen within the Meaning of this Act: Provided always, that nothing in this Act contained shall render liable to the Duties imposed by the said Act of the Second Year of His late Majesty any Hackney Carriage which shall not be used for the Purpose of standing or plying for Hire at any Place within the Distance of Five Miles from the General Post Office in the City of *London*.

IV Title and Place of Abode of a Peer of the Realm painted on any Carriage, &c. to be deemed a Compliance with the Provisions of the Act.

And whereas by the said recited Act passed in the Reign of His late Majesty it was enacted, that the Owner of every Waggon, Cart, Car, Dray, or other Carriage should, before any such Carriage should be driven or used in any public Street or Road, within the Distance of Five Miles from the General Post Office in the City of *London*, paint or cause to be painted in Words at full Length, and in One or more straight Line or Lines, upon some conspicuous Place on the right or off Side of every such Carriage, clear of the Wheel or Wheels thereof, or upon the right or off-side Shaft thereof, the true Christian Name and Surname and Place of Abode of the Owner, or, if there be more than One, of the principal Owner of such Carriage, in the Manner in such Act directed; be it enacted, That in all Cases where the Owner of any such Carriage shall be a Peer of the Realm, or shall be known or usually designated by some Title of Rank, it shall be deemed to be a Compliance with the Provisions of the aforesaid Act that the Title only and Place of Abode of such Peer or other Person shall be painted in the Manner therein described upon any such Waggon, Wain, Cart, or other Carriage.

V Appointment of Registrar, Deputy Registrar, and other Officers.

And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint a fit Person to be the Registrar of Metropolitan public Carriages, and also all such Officers as the said Secretary of State shall deem necessary for the Assistance of such Registrar in the due Execution of this Act; and in the Case of any authorized Absence from his Office, or temporary Inability of the said Registrar, it shall be lawful for the said Secretary of State to appoint such Person as he shall think fit to act as the Deputy of the said Registrar during such Absence or Inability of the Registrar to act, and such Person while he shall so act shall have the same Powers and Authority as the said Registrar ; and the said Secretary of State

may, at his Discretion, remove any such Registrar, Deputy Registrar, or any of the said Officers, and upon any Vacancy occasioned by such Removal or otherwise, appoint some other fit Person to be such Registrar, Deputy Registrar, or Officer: Provided always, that the Registrar and other Officers appointed under the Act hereby repealed shall continue to occupy the same Offices under this Act, without any Appointment, until discharged by due Course of Law.

VI Salaries.

And be it enacted, That the Commissioners of Her Majesty's Treasury shall appoint such Salaries to be paid to the said Registrar, Deputy Registrar, and Officers, as they shall think proper; which Salaries, together with such other Expences in and about the Execution of this Act as the said Commissioners of the Treasury shall direct, shall be paid by the Commissioners of Stamps and Taxes out of any Monies to arise from any of the Duties under their Care and Management.

VII Particulars to be painted on Metropolitan Stage Carriages.

And be it enacted, That the Proprietor of every Metropolitan Stage Carriage shall keep distinctly painted, both on the Outside and Inside of the same, in such a Manner and in such a Position as shall from Time to Time be directed by the Registrar, the Words " Metropolitan Stage Carriage," or such other Words as the Registrar shall direct, together with the Number of the Stamp Office Plate relating to such Carriage; and shall also, on the Inside of every such Carriage, keep distinctly painted in a conspicuous Manner a Table of Fares to be demanded of Passengers by such Carriage; and the Fares therein specified shall be deemed to be the only lawful Fares, and may be recovered by the Driver or Conductor as in the Case of Hackney Carriages, in a summary Way, before any Justice of the Peace; and every Proprietor making default in the Premises shall forfeit the Sum of Twenty Shillings for every Offence.

VIII Registrar to grant Licences. At the time of granting any Licence an Abstract of the Laws and a Ticket to be given.

And be it enacted, That it shall be lawful for the Registrar to grant a Licence to act as Driver of Hackney Carriages, or as Driver or as Conductor of Metropolitan Stage Carriages, or as Waterman, (as the Case may be,) to any Person who shall produce such a Certificate as shall satisfy the said Registrar of his good Behaviour and Fitness for such Situation respectively: Provided always, that no Person shall be licensed as such Driver as aforesaid who is under Sixteen Years of Age ; and in every such Licence shall be specified the Number of such Licence, and the proper Name and Surname, and Place of Abode, and Age, and a Description of the Person to whom such Licence shall be granted, and, in the Case of a Waterman, of the Standing or Place at which he shall be thereby authorized to act as a Waterman, and the Nature of his Duties; and every such Licence shall bear Date on the Day on which the same shall be granted, and shall continue in force until and upon the First Day of June next after the Date thereof, or if granted in the Month of May in any Year, then to continue in force until and upon the First Day of June in the Year next following that in which the same shall be granted, except in either Case the same shall be sooner revoked, and except the Time (if any) during which any such Licence shall be suspended ; and on every Licence of a Driver or Conductor the Registrar shall cause proper Columns to be prepared, in which every Proprietor employing the Driver or Conductor named in such Licence shall enter his own Name and Address, and the Days on which such Driver or Conductor shall enter

and shall quit his Service respectively ; and in case any of the Particulars entered or endorsed upon any Licence in pursuance of this Act shall be erased or defaced every such Licence shall be wholly void and of none effect; and the said Registrar shall, at the Time of granting any Licence, deliver to the Driver, Conductor, or Waterman to whom the same shall be granted, an Abstract of the Laws in force relating to such Driver, Conductor, or Waterman, and of the Penalties to which he is liable for any Misconduct, and also a Metal Ticket, upon which there shall be marked or engraved his Office or Employment, and a Number corresponding with the Number which shall be inserted in such Licence.

IX A Stamp Duty of Five Shillings on every Licence granted under this Act.

And be it enacted, That there shall be charged upon and in respect of every Licence to be granted under the Authority of this Act, except as herein-after provided, a Duty of Five Shillings, and that the same shall be under the Care and Management of the Commissioners of Stamps and Taxes, and shall be deemed to be a Stamp Duty, and shall be within the Provisions of all Acts for raising, levying, or securing the Stamp Duties, or any of them ; and the said Commissioners, upon Application for that Purpose made by the said Registrar, shall issue to him Vellum, Parchment, or Paper for such Licences, duly stamped, for denoting the Duties charged by this Act, either upon the present Payment of the Duties payable on such Licences, or upon giving such Security for the Payment thereof, and upon such Terms and subject to such Regulations as the said Commissioners shall think proper: Provided always, that in case any Person shall apply for a new Licence who shall have been previously licensed, and shall either not have returned his Metal Ticket on the Expiration of his former Licence, or, if such Licence be still in force, shall not have returned the Requisition for a new Licence on the Day appointed for that Purpose by the Registrar, or shall not apply for his new Licence on the Day in like Manner appointed for that Purpose, it shall be lawful for the Registrar to charge him any additional Sum for his Licence not exceeding Five Shillings.

X Penalty on Persons acting as Drivers, &c. without Licences and Tickets, 5l.; on Proprietors suffering Drivers or Conductors so to do, 10l.

And be it enacted, That it shall not be lawful for any Person to act as Driver of any Hackney Carriage, or as Driver or Conductor of any Metropolitan Stage Carriage, whether such Person shall or shall not be the Proprietor of such Carriage, or for any Person to act as a Waterman, within the Limits of this Act, unless in each Case such Person shall have a Licence so to do, and a numbered Ticket granted to him under the Authority of this Act, and remaining in force; and every Person who shall act as such Driver or Conductor or Waterman without such Licence and Ticket, and every licensed Waterman acting at any other Standing or Place than those mentioned in his Licence, and also every Person to whom a Licence and Ticket shall have been granted, who shall, except in compliance with the Provisions of this Act, transfer or lend such Licence, or permit any other Person to use or wear such Ticket, shall for every such Offence forfeit the Sum of Five Pounds ; and every Proprietor who shall knowingly suffer any Person not duly licensed under the Authority of this Act to act as Driver of any Hackney Carriage, or as Driver or as Conductor of any Metropolitan Stage Carriage, of which he shall be the Proprietor, shall for every such Offence forfeit the Sum of Ten Pounds : Provided always, that nothing herein-before contained shall subject to any Penalty any Proprietor who shall employ any unlicensed Person to act as such Driver or Conductor as aforesaid for any Time not exceeding Twenty-

four Hours, or any unlicensed Person who shall be so employed for the said Time, upon Proof being adduced by the Proprietor, to the Satisfaction of the Justice of the Peace before whom such Proprietor, Driver, or Conductor shall be required to attend to answer for such Offences respectively, that such Employment was occasioned by unavoidable Necessity; and that every Proprietor who shall so employ such unlicensed Driver or Conductor, and every such unlicensed Driver or Conductor shall be subject to all the Powers, Provisions, and Proceedings of and under this Act or the said recited Act of His late Majesty for any Act done by such Driver or Conductor during such Employment, in like Manner as if such Driver or Conductor had been duly licensed.

XI Watermen may be removed to other Standings.

And be it enacted, That it shall be lawful for the Registrar, if he shall deem it expedient for the good Conduct of any Standing, to remove any Waterman from such Standing, and to appoint him to any other Standing, and to endorse such Removal upon his Licence; and any Waterman neglecting to produce his Licence for the Purpose of making such Endorsement upon it, when required so to do by the Registrar, shall forfeit Forty Shillings, and so from Time to Time until he shall produce the same.

XII Appointment of temporary Watermen.

And be it enacted, That in case of the temporary Inability of any Waterman it shall be lawful for the Registrar to issue to any competent Person an unstamped Licence to act in the Place of such Waterman, for such a Period as the Registrar shall think fit, and to recall the same at his Discretion; and any such temporary Waterman who shall neglect to return his Licence and Ticket to the Registrar, when called upon so to do, shall forfeit the Sum of Five Pounds.

XIII For obtaining Water at Hackney Stands.

And be it enacted, That it shall be lawful for the Registrar, if he shall think fit, on the Application of any Waterman who shall be willing to render himself liable to the Water Rates, to procure Water to be laid on in some convenient Situation, adjacent to any Standing of Hackney Carriages, or at Places where Metropolitan Stage Carriages usually stop or ply for Hire, and to pay the Expences of the Water-cock and other necessary Apparatus for laying on the Water; and the Water supplied at every such Water-cock shall be under the Control of the Registrar; and any Waterman, or Person who has been a Waterman, refusing or neglecting to deliver up the Key of any such Water-cock, when required so to do by the Registrar, shall forfeit Five Pounds, and so from Time to Time until he shall deliver up the same.

XIV Persons applying for Licences to sign a Requisition for the same.

And be it enacted, That before any such Licence as aforesaid shall be granted a Requisition for the same, in such Form as the said Registrar shall from Time to Time appoint for that Purpose, and accompanied with such Certificate as herein-before is required, shall be made and signed by the Person by whom such Licence shall be required; and in every such Requisition all such Particulars as the Registrar shall require shall be truly set forth; and every Person applying for or attempting to procure any such Licence, who shall make or cause to be made any false Representation in regard to any of the said Particulars, or who shall endeavour to obtain a Licence by any forged Recommendations, or who shall not truly answer all Questions which shall be

demanded of him in relation to such Application for a Licence, and also every Person to whom Reference shall be made who shall, in regard to such Application, wilfully and knowingly make any Misrepresentation, shall forfeit for every such Offence the Sum of Five Pounds; and it shall be lawful for the Registrar to proceed for recovering of such Penalty before any Magistrate at any Time within One Calendar Month after the Commission of the Offence, or during the Currency of the Licence so improperly obtained.

XV Notice to be given by Drivers, Conductors, and Watermen of any Change of Abode.

And be it enacted, That as often as any Driver or Conductor or Waterman shall change his Place of Abode he shall give Notice thereof in Writing, signed by him, to the said Registrar, specifying in such Notice his new Place of Abode, and shall at the same Time produce his Licence to the said Registrar, who shall endorse thereon a Memorandum specifying the Particulars of such Change; and every Driver, Conductor, or Waterman who shall change his Place of Abode, and shall neglect for Two Days to give Notice of such Change, and to produce his Licence in order that such Memorandum as aforesaid may be endorsed thereon, shall forfeit for every such Offence the Sum of Twenty Shillings; and it shall be lawful for the Registrar, or for any Person employed by him for that Purpose, to sue for such Penalty at any Time during the Currency of such Licence ; and after the passing of this Act it shall not be necessary for the Proprietor of any Hackney Carriage to give to the Commissioners of Sewers, at the Guildhall in the City of *London*, the Account required by the said recited Act of the Second Year of the Reign of His late Majesty.

XVI Particulars of Licences to be entered in a Book at the Registrar's Office.

And be it enacted, That the Particulars of every Licence which shall be granted as aforesaid shall be entered in Books to be kept for that Purpose at the Office of the said Registrar; and in all Courts, and before any Justice of the Peace, and upon all Occasions whatsoever, a Copy of any Entry made in any such Book, and certified by the Person having the Charge thereof to be a true Copy, shall be received as Evidence, and be deemed sufficient Proof of all Things therein registered, without requiring the Production of the said Book, or of any Licence, or of any Requisition or other Document upon which any such Entry may be founded ; and every Person applying at all reasonable Times shall be furnished with a certified Copy of the Particulars respecting any licensed Person without Payment of any Fee.

XVII Tickets to be worn by Drivers.

And be it enacted, That every licensed Driver, Conductor, and Waterman shall at all Times during his Employment, and when he shall be required to attend before any Justice of the Peace, wear his Ticket conspicuously upon his Breast, in such Manner that the whole of the Writing thereon shall be distinctly legible ; and every Driver, Conductor, or Waterman who shall act as such, or who shall attend when required before any Justice of the Peace, without wearing such Ticket in manner aforesaid, or who, when thereunto required, shall refuse to produce such Ticket for Inspection, or to permit any Person to note the Writing thereon, shall for every such Offence forfeit the Sum of Forty Shillings.

XVIII Licences and Tickets to be delivered up on the Discontinuance of Licences.

And be it enacted, That upon the Expiration of any Licence granted under this Act the Person to whom such Licence shall have been granted shall deliver such Licence and the Ticket relating thereto to the said Registrar; and every such Person who, after the Expiration of such Licence, shall wilfully neglect for Three Days to deliver the same to the said Registrar, and also every Person who shall use or wear or detain any Ticket, without having a Licence in force relating to such Ticket, or who shall for the Purpose of Deception use or wear or have any Ticket resembling or intended to resemble any Ticket granted under the Authority of this Act, shall for every such Offence forfeit the Sum of Five Pounds ; and it shall be lawful for the Registrar, or for any Person employed by him for that Purpose, to prosecute any Person so neglecting to deliver up his Licence or Ticket at any Period within Twelve Calendar Months after the Expiration of the Licence; and it shall be lawful for any Constable or Peace Officer, or any Person employed for that Purpose by the Registrar, to seize and take away any such Ticket, wheresoever the same may be found, in order to deliver the same to the said Registrar.

XIX New Tickets to be delivered instead of defaced or lost Tickets.

And be it enacted; That whenever the Writing on any Ticket shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any Ticket shall be proved to the Satisfaction of the said Registrar to have been lost or mislaid, the Person to whom the Licence relating to any such Ticket shall have been granted shall deliver such Ticket (if he shall have the same in his Possession), and shall produce such Licence to the said Registrar, and such Person shall then be entitled to have a new Ticket delivered to him, upon Payment, for the Use of Her Majesty, of such Sum of Money, not exceeding Three Shillings, as the Registrar shall from Time to Time appoint: Provided always, that if any Ticket which shall have been proved, as aforesaid, or represented to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the said Registrar; and every Person into whose Possession any such Ticket, as last aforesaid, shall be or come, who shall refuse or neglect for Three Days to deliver the same to the said Registrar, and also every Person licensed under the Authority of this Act who shall use or wear the Ticket granted to him after the Writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall for every such Offence forfeit the Sum of Forty Shillings.

XX Forgery of Licence or Ticket, or knowingly uttering a forged Licence or Ticket, a Misdemeanor.

And be it enacted, That every Person who shall forge or counterfeit, or who shall cause or procure to be forged or counterfeited, any Licence or Ticket by this Act directed to be provided for the Driver of a Hackney Carriage, or for the Driver or the Conductor of a Metropolitan Stage Carriage, or for any Waterman, and also every Person who shall sell or exchange, or expose to Sale, or utter, any such forged or counterfeited Licence or Ticket, and also every Person who shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have or be possessed of such forged or counterfeited Licence or Ticket, knowing such Licence or Ticket to be forged or counterfeited, and also every Person knowingly and wilfully aiding and abetting any Person in committing any such Offence as aforesaid, shall be guilty of a Misdemeanor, and, being thereof convicted, shall be liable to be punished by Fine or Imprisonment, or by both, such Imprisonment to be in the Common Gaol or House of Correction,

and either with or without hard Labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such Licence or Ticket, or for any Constable or Peace Officer, or any Person employed for that Purpose by the said Registrar, to seize and take away any such Licence or Ticket, in order that the same may be produced in Evidence against such Offender, or be disposed of as the said Registrar shall think proper.

XXI Proprietor to retain the Licence of Drivers or Conductors employed by him, and produce them in case of Complaint.

And be it enacted, That every Proprietor of a Hackney Carriage and of every Metropolitan Stage Carriage, who shall permit or employ any licensed Person to act as the Driver or Conductor thereof, shall require to be delivered to him, and shall retain in his Possession, the Licence of such Driver or Conductor while such Driver or Conductor shall remain in his Service; and in all Cases of Complaint where the Proprietor of a Hackney Carriage or of a Metropolitan Stage Carriage shall be summoned to produce the Driver or Conductor of such Carriage before a Justice of the Peace, he shall also produce the Licence of such Driver or Conductor, if at the Time of receiving the Summons such Driver or Conductor shall be in his Service ; and if any Driver or Conductor complained of shall be adjudged guilty of the Offence alleged against him, the Justice of the Peace before whom he shall be convicted shall in every Case endorse upon the Licence of such Driver or Conductor the Nature of the Offence, and the Amount of the Penalty inflicted ; and every Proprietor who shall neglect to require to be delivered to him, and to retain in his Possession, the Licence of any Driver or Conductor during such Period as such Driver or Conductor shall remain in his Service, or who shall refuse or neglect to produce such Licence as aforesaid, shall for every such Offence forfeit the Sum of Three Pounds.

XXII Magistrates to hear and determine Disputes.

And be it enacted, That it shall be lawful for any Justice of the Peace to hear and determine all Matters of Complaint between any Proprietor of a Hackney Carriage or Metropolitan Stage Carriage and the Driver or Conductor of the same respectively, and to order Payment of any Sum of Money that shall appear to be due to either Party for Wages or for the Earnings in respect of any such Carriage, or on account of any Deposit of Money, and to order Compensation to the Proprietor in respect of Damage or Loss which shall have arisen through the Neglect or Default of any Driver or Conductor to the Property of his Employer intrusted to his Care, or in respect of any Sum of Money which such Proprietor may have been lawfully ordered by a Justice of the Peace to pay, and which has been actually paid pursuant to such Order, on account of the Negligence or wilful Misconduct of his Driver or Conductor, and to order such Compensation to either Party in respect of any other Matter of Complaint between them as to such Justice shall seem proper.

XXIII Agreements between Drivers, &c. and Proprietors to be in Writing.

Provided always, and be it enacted, That it shall not be lawful, either in any Court of Law or before any Justice of the Peace, to enforce the Payment of any Sum of Money claimed from any Driver or Conductor by any Proprietor on account of the Earnings of any Hackney Carriage or Metropolitan Stage Carriage, unless under an Agreement in Writing, which shall have been signed by such Driver or Conductor in the Presence of a competent Witness; and no such Agreement shall be liable to any Stamp Duty.

XXIV Proceedings with respect to Licences on quitting Service.

And be it enacted, That when any licensed Driver or Conductor shall leave the Service of any Proprietor, such Proprietor shall, upon Demand thereof, return to him his Licence : Provided always, that if the said Proprietor shall have any Complaint against the said Driver or Conductor, it shall be lawful for such Proprietor to retain the Licence for any Time not exceeding Twenty-four Hours after the Demand thereof, and within that Time to apply to the Police Court of the District in which the said Proprietor shall dwell, or if he shall dwell in the City of *London* or the Liberties thereof, then to some Justice of the said City, for a Summons against him; and the said Proprietor, at the Time of applying for the Summons, shall deposit the Licence with the Clerk of such Police Court or Justice ; and in case any Proprietor, who, upon Demand thereof, shall have refused or neglected to deliver to any Driver or Conductor his Licence, shall not within Twenty-four Hours, exclusive of Sunday or any Day on which the Police Court shall not sit, apply for such Summons, and deposit the Licence as aforesaid, or shall not appear to prosecute his Complaint at the Time mentioned in the Summons, it shall be lawful for such Driver or Conductor to apply at the same Police Court, or to some Justice as aforesaid, for a Summons against such Proprietor; and upon hearing and deciding the Case the Justice, if he shall think there was no just Cause for detaining the Licence, or that there has been needless Delay on the Part of the Proprietor in bringing the Matter to a hearing, shall have Power to order the said Proprietor to pay such Compensation to the said Driver or Conductor as the said Justice shall think reasonable; and Payment of such Compensation shall be enforced in the same Manner as any Penalty may be enforced under this Act by such Justice ; and the Justice shall cause the Licence to be delivered to the said Driver or Conductor, unless any Misconduct shall be proved against him, by reason whereof the Justice shall think that such Licence should be revoked or suspended ; and so long as any Proprietor shall neglect to apply for such Summons and deposit the Licence, after Demand thereof, any Justice of the Peace may in like Manner from Time to Time order Compensation to be paid by him to the same Driver or Conductor; and no Proprietor shall, under any Pretence or by virtue of any Claim whatever, retain beyond the Time aforesaid the Licence of his Driver or Conductor.

XXV Licences may be revoked or suspended.

And be it enacted, That it shall be lawful for any Justice of the Peace before whom any Driver, Conductor, or Waterman shall be convicted of any Offence, whether under this Act or any other Act, if such Justice in his Discretion shall think fit, to revoke the Licence of such Driver, Conductor, or Waterman, and also any other Licence which he shall hold under the Provisions of this Act, or to suspend the same for such Time as the Justice shall think proper, and for that Purpose to require the Proprietor, Driver, Conductor, or Waterman in whose Possession such Licence and the Ticket thereunto belonging shall then be to deliver up the same; and every Proprietor, Driver, Conductor, or Waterman, who, being so required, shall refuse or neglect to deliver up such Licence and any such Ticket, or either of them, shall forfeit, so often as he shall be so required and refuse or neglect as aforesaid, the Sum of Five Pounds ; and the Justice shall forthwith send such Licence and Ticket to the Registrar, who shall cancel such Licence if it has been revoked by the Justice, or, if it has been suspended, shall, at the End of the Time for which it shall have been suspended, re-deliver such Licence, with the Ticket, to the Person to whom it was granted.

XXVI Hackney Carriage Plates may be seized where the Licence is discontinued or revoked, or where the same are used without Licence. Penalty for obstructing Officer, 5l. Licences may be revoked in certain Cases.

And be it enacted, That in any Case where any Hackney Carriage Licence shall have been discontinued or revoked, and the Stamp Office numbered Plate in respect of the same shall not have been delivered up to the Commissioners of Stamps and Taxes or their proper Officer, or where any Hackney Carriage Plate shall have been recalled, under the said Act of the Second Year of the Reign of His late Majesty, by such Commissioners or Officer, and the same shall not have been delivered up as by Law required, and in any Case where any Hackney Carriage Plate shall be in the Possession of or be used by any Person who shall not have a Licence in force relating to the same, it shall be lawful for any Officer of Stamp Duties, or any Constable or other Peace Officer, to seize and take away any such Plate wheresoever the same may be found, in order to deliver the same to the said Commissioners; and for the Purpose of seizing and taking away any such Plate, or any forged or counterfeit Plate, it shall be lawful for any such Officer of Stamp Duties, Constable, or Peace Officer to stop any Carriage in or upon which the same may be ; and any Person who shall molest, obstruct, or hinder any such Officer of Stamp Duties, Constable, or Peace Officer in seizing or endeavouring to seize or take away any such Plate shall forfeit the Sum of Five Pounds ; and if in any such Case where any such Plate shall be found in the Possession of any Person who shall not have a Licence in force relating to the same, it shall appear to the Satisfaction of the said Commissioners that the said Plate is or was so possessed by such Person for the Purpose of being used with the Consent of the Person to whom the Licence relating to the same shall have been granted, or that such licensed Person had parted with the same for the Purpose of being used by any other Person, and also in any Case where any Plate shall have been recalled as aforesaid and not delivered up, it shall be lawful for the said Commissioners, if they shall think proper, to revoke the Licence to which such Plate shall relate.

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

And be it enacted, That every Driver or Conductor authorized by any Proprietor to act as Driver of any Hackney Carriage, or as Driver or Conductor of any Metropolitan Stage Carriage, who shall suffer any other Person to act as Driver of such Hackney Carriage, or as Driver or Conductor of such Metropolitan Stage Carriage, without the Consent of the Proprietor thereof, and also every Person, whether duly licensed or not, who shall act as Driver or as Conductor of any such Carriage without the Consent of the Proprietor thereof, shall forfeit the Sum of Forty Shillings; and every Driver or Conductor charged with such Offence, who, when required by a Justice of the Peace so to do, shall not truly make known the Name and Place of Abode of the Person so suffered by him to act as Driver or Conductor without Consent of the Proprietor, and also the Number of the Ticket of such Person (if licensed), shall be liable to a further Penalty of Forty Shillings ; and it shall be lawful for any Police Constable, without any Warrant for that Purpose, to take into Custody any Person unlawfully acting as a Driver or as a Conductor or as Waterman, and to convey him before any Justice of the Peace, to be dealt with according to Law, and also, if necessary, to take charge of the Carriage and every Horse in charge of such Person, and to deposit the same in some Place of safe Custody until the same can be applied for by the Proprietor.

XXVIII Punishment for furious driving, and wilful Misbehaviour.

And be it enacted, That every Driver of a Hackney Carriage, or Driver or Conductor of a Metropolitan Stage Carriage, who shall be guilty of wanton or furious driving, or who by Carelessness or wilful Misbehaviour shall cause any Hurt or Damage to any Person or Property being in any Street or Highway, and also every Driver, Conductor, or Waterman who during his Employment shall be drunk, or shall make use of any insulting or abusive Language, or shall be guilty of any insulting Gesture or any Misbehaviour, shall for every such Offence forfeit the Sum of Three Pounds; or it shall be lawful for the Justice before whom such Complaint shall be; brought, if in his Discretion he shall think proper, instead of inflicting such Penalty, forthwith to commit the Offender to Prison for any Period not exceeding Two Calendar Months, with or without hard Labour, as the Justice shall direct; and in every Case where any such Hurt or Damage shall have been caused the Justice, upon the hearing of the Complaint, may adjudge, as and for Compensation to any Party aggrieved as aforesaid, a Sum not exceeding Ten Pounds, and may order the Proprietor of the Hackney Carriage or Metropolitan Stage Carriage, the Driver or Conductor of which shall have caused such Hurt or Damage, forthwith to pay such Sum, and also such Costs as shall have been incurred, and Payment thereof may be enforced against such Proprietor as any Penalty or Sum of Money may be recovered under and by virtue of this Act; and any Sum which shall be so paid by the Proprietor shall in like Manner be recovered in a summary Way before a Justice of the Peace from the Driver or Conductor through whose Default such Sum shall have been paid, upon Proof of the Payment thereof, pursuant to the Order of the Justice, or it shall be lawful for the Justice in the first instance to adjudge the Amount of such Compensation to be paid by such Driver or Conductor to the Party aggrieved.

XXIX Standings for Hackney Carriages to be appointed.

And be it enacted, That it shall be lawful for the Commissioners of Police of the Metropolis from Time to Time to appoint Standings for Hackney Carriages at such Places as they shall think convenient within the Metropolitan Police District, except the Borough of *Southwark*, and at their Discretion to alter the same, and from Time to Time to make Regulation concerning the Boundaries of the same, and the Number of Carriages to be allowed at any such Standing, and also to make Regulations for enforcing Order at the Places at which Metropolitan Stage Carriages shall call or ply for Passengers, and for fixing the Time during which each such Carriage shall be allowed to remain at any such Place; and every Driver of a Hackney Carriage, and also every Driver or Conductor of a Metropolitan Stage Carriage, who shall wilfully disregard or not conform himself to such Regulations, shall for every such Offence forfeit the Sum of Forty Shillings.

XXX Standings to be in the Centre of Streets.

And be it enacted, That no Standing shall be appointed for Hackney Carriages, either within the Metropolitan Police District or within the City of *London*, by virtue of this Act or of any other Act, except in the Centre Part of the Street, unless in the Case of a Street with Houses only on One Side of such Street.

XXXI Hackney Carriages not to ply opposite General Post Office.

And be it enacted, That nothing herein or in any other Act contained shall be deemed or construed to authorize any Hackney Carriage to stand or ply for Hire opposite to the General Post Office in *Saint Martins le Grand, London*, or any Part thereof.

XXXII Lord Mayor and Aldermen to make Regulations with respect to Carriages, &c. in the City and the Borough.

And be it enacted, That it shall be lawful for the Court of Mayor and Aldermen of the City of *London*, within the City of *London* and the Liberties thereof, and the Borough of *Southwark*, to make Regulations for enforcing Order at the Places at which Metropolitan Stage Carriages shall call or ply for Passengers, and for fixing the Time during which each such Carriage shall be allowed to remain at any such Place; and every Driver or Conductor of a Metropolitan Stage Carriage who shall wilfully disregard or not conform himself to such Regulations shall forfeit the Sum of Forty Shillings.

XXXIII Penalty on Drivers of Hackney Carriages, or Drivers or Conductors of Metropolitan Stage Carriages, for loitering or causing any Obstruction, or plying for Hire by making any Noise, &c.

And be it enacted, That every Driver of a Hackney Carriage who shall ply for Hire elsewhere than at some Standing or Place appointed for that Purpose, or who by loitering or by any wilful Misbehaviour shall cause any Obstruction in or upon any public Street, Road, or Place, and also every Driver or Conductor of any Metropolitan Stage Carriage who by loitering or any wilful Misbehaviour shall cause any Obstruction in or upon any public Street, Road, or Place, or shall improperly delay such Carriage on any Journey, or wilfully deceive any Person in respect to the Route or Destination thereof, or who shall refuse to admit and carry at the lawful Fare any Passenger for whom there is Room, and to whose Admission no reasonable Objection is made, or who shall demand more than the legal Fare for any Passenger, or who, for the Purpose of taking up or setting down a Passenger, or, except in case of Accident or other unavoidable Necessity, shall stop such Carriage opposite to the End of any Street, or upon any Place where Foot Passengers usually cross the Carriageway, or who shall ply for Hire or Passengers by blowing a Horn, or by using any other noisy Instrument within the Limits of the Metropolis as defined by the said Act of the Second Year of the Reign of His late Majesty, and every Conductor of a Metropolitan Stage Carriage who shall allow any Person beside himself to ride upon the Steps or in the Place provided for him, and every Driver of a Hackney Carriage, whether hired or unhired, allowing any Person besides himself, not being the Hirer or a Person employed by such Hirer, to ride on the Driving Box, and every Driver or Conductor of any Metropolitan Stage Carriage who shall smoke whilst acting in such Capacity, after an Objection taken by any Person riding in or upon such Carriage, shall for every such Offence forfeit the Sum of Twenty Shillings.

XXXIV Property left in Stage Carriages.

And be it enacted, That all Property left by any Passenger in any Metropolitan Stage Carriage shall be given up to the Conductor of such Carriage, or, if there be no Conductor, to the Driver, upon pain of a Penalty of Twenty Pounds, to be paid by any Person refusing or neglecting to give up any such Property belonging to another Person; and the Conductor or Driver of every such Carriage to whom any such

Property shall be given up, or who shall himself find it in the Carriage, shall, within Four Days next after the same shall have been left, carry the Property, in the State in which he shall find the same, to the Head Office for Stamps in the City of *Westminster*, and shall there deposit and leave the same with the proper Officer to be appointed by the Commissioners of Stamps and Taxes for that Purpose, upon pain that every such Conductor making default herein shall forfeit Twenty Pounds ; and the Property so deposited by any Conductor or Driver shall be dealt with in the same Manner as Property left in Hackney Carriages and deposited by the Drivers of such Carriages.

XXXV Proprietors may be summoned to appear, and to produce the Driver or Conductor. In case of Proprietors failing to do so.

And be it enacted, That when any Complaint shall be made before any Justice of the Peace against the Driver of any Hackney Carriage, or the Driver or the Conductor of any Metropolitan Stage Carriage, for any Offence committed by him against the Provisions of this Act, or of the recited Act of His late Majesty, or of any Order or Regulations made in pursuance of this Act, it shall, be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Carriage to produce before him, or such other Justice of the Peace as shall be then present, the Driver or Conductor by whom such Offence was committed, to answer such Complaint; and in case such Proprietor, after being duly summoned, shall fail to produce the Driver or Conductor, it shall be lawful for the Justice of the Peace before whom such Driver or Conductor should be produced (if he shall think fit) to proceed, in the Absence of such Driver or Conductor, to hear and determine the Case in the same Manner as if he had been produced, and to adjudge Payment by the Proprietor of any Penalty or Sum of Money and Costs in which, the Driver shall be convicted ; and any Sum of Money which shall be so paid by the Proprietor shall be recovered in a summary Way from the Driver or Conductor by whose Default such Sum shall have been paid upon Proof of Payment thereof, pursuant to the Order of the Justice, and upon Proof of Service of the Notice herein-after mentioned: Provided always, that if the Justice of the Peace shall deem it proper, it shall be lawful for him when such Proprietor shall fail to produce his Driver or Conductor, without any satisfactory Excuse to be allowed by such Justice, to impose a Fine of Forty Shillings upon such Proprietor, and so from Time to Time as often as he shall be summoned in respect of such Complaint until he shall produce his Driver and Conductor; and every Proprietor so summoned to produce his Driver or Conductor shall cause to be given to such Driver or Conductor, or to be left, at the Abode specified in his Licence, or (if such Licence shall expire after the Offence committed and before the hearing of the Complaint) at his usual Place of Abode, a written Notice of the Time and Place when and where such Driver or Conductor shall be required to attend; and if such Driver or Conductor shall not attend according to such Notice, it shall be lawful for a Justice of the Peace to issue a Warrant for his Apprehension, and if after such Notice any Driver or Conductor shall, without a reasonable Excuse to be allowed by the Justice, neglect or refuse to attend at the Time and Place therein mentioned, or (having previously left the Service of the Proprietor so summoned as aforesaid) shall not at the Time and Place of his Attendance produce his Licence, he shall forfeit the Sum of Forty Shillings, and so from Time to Time as often as he shall so neglect or refuse.

XXXVIMagistrates empowered to hear and determine Complaints.

And be it enacted, That it shall be lawful for any Magistrate specially appointed under the Authority of the said Act of the Reign of His late Majesty for the Purpose of

Status: This is the original version (as it was originally enacted).

hearing and determining Offences against the Provisions of that Act, or for such other Magistrate as shall be in attendance at the Office appointed in that Behalf, to hear and determine any Complaint for any Offence against the Provisions of this Act, or of any Act now in force or hereafter to be in force, wheresoever the Cause of Complaint may arise, within the City of *London* or the Liberties thereof, or elsewhere within the Limits of this Act, so far as the same shall relate to Hackney Carriages or to Metropolitan Stage Carriages, or to Watermen, in like Manner as if such Provisions had been included in the aforesaid Act.

XXXVIEvidence of Complainant to be taken.

And be it enacted, That upon the hearing of any Complaint made under the Provisions of this Act or the recited Act passed in the Reign of His late Majesty, or of the Orders and Regulations aforesaid, it shall be lawful for the Justice of the Peace by whom the same shall be heard to examine and take the Evidence of the Informant or Complainant in any Dispute concerning the Amount of Fare paid or demanded by either Party, or in any Dispute between the Proprietor and Driver or Conductor of any Hackney Carriage or Metropolitan Stage Carriage concerning the Wages of such Driver or Conductor, or in any Complaint of personal Injury done to the Complainant by the Driver of any Hackney Carriage or Metropolitan Stage Carriage, or in any Case in which the Informant or Complainant shall be entitled to no pecuniary Advantage besides his Costs and Expences, or, being entitled to some Compensation or pecuniary Advantage, shall either give up all Claim to the same, or shall not be the only Witness in- the Case.

XXXVIComplaints to be made within Seven Days.

And be it enacted, That all Complaints under the Provisions of the said recited Act of the Reign of His late Majesty or of this Act, or of the Orders and Regulations made in pursuance of either of them, except such as shall be made by the Direction of the Commissioners of Stamps and Taxes, and except in Cases where some other Term of Limitation is specially provided by this Act, shall be made within Seven Days next after the Day on which the Cause of Complaint shall have arisen.

XXXIXPenalties may be awarded to be paid by Instalments. In case of Nonpayment the Party may be imprisoned. Proviso.

And be it enacted, That it shall be lawful for any Justice of the Peace to hear and determine all Complaints under the Provisions of this Act or of the said recited Act of the Reign of His late Majesty, and to adjudge the Payment of any Penalty or of any Sum of Money under either of the said Acts, or of the Orders and Regulations made pursuant to either of them, and to order Payment of the same, with or without Costs, either immediately, or at such Time and Place, and by such Instalments, as he shall think fit; and in case of Nonpayment of the Sum so ordered to be paid, or of any One Instalment thereof, to adjudge the Party making default to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Two Calendar Months, with or without hard Labour, such Imprisonment to cease on Payment of the Sum so adjudged or ordered to be paid, or to issue his Warrant for the levying of any such Sum of Money, together with the Costs and Expences of such Warrant or of levying the same, on the Goods of the Party making default, and to cause Sale to be made of such Goods in case they shall not be redeemed within Five Days, rendering to the Party the Overplus (if any), and where Goods of such Party making default cannot be found sufficient to answer the Penalty or Sum ordered to be paid, and all

such Costs and Expences, to commit such Party to Prison, there to remain for any Time not exceeding Two Calendar Months, unless such Penalty or Sum of Money, and all such Costs and Expences, shall be sooner paid; and every such Imprisonment shall be with or without hard Labour as such Justice shall direct: Provided always, that no Imprisonment for Nonpayment of any Sum ordered to be paid on account of Wages, or the Earnings of any Carriage, or of any Deposit of Money, shall be for a longer Period than One Calendar Month, or with hard Labour; and all Proceedings whatsoever before any Justice of the Peace under any of the Provisions of this Act or the recited Act of the Reign of His late Majesty, and the Judgment of the said Justice thereon, shall be final and conclusive between the Parties, and shall not be quashed or vacated for Want of Form, and shall not be removed by Certiorari, or any other Writ, or Process, into any Superior Court.

XL In what Manner Goods distrained under this Act shall be sold.

And be it enacted, That in all Cases where any Goods or Chattels distrained or otherwise seized or taken under any of the Provisions of this Act or the recited Act of the late Reign, are directed to be sold, the same shall be sold by public Auction, and Notice of the Time and Place of such Sale shall be given to the Owner of such Goods or Chattels, or left at his usual Place of Abode, Three Days at least prior to such Sale: Provided always, that if the Owner of any such Goods or Chattels shall give his Consent in Writing to the Sale thereof at an earlier Period than is by this Act or shall be by any such Notice appointed for such Sale, or in any other Manner than is by this Act directed, it shall be lawful to sell such Goods or Chattels according to such Consent: Provided also, that if the Owner of such Goods or Chattels shall, at any Time before the Sale thereof, pay or tender to the Person who by any Warrant or other Process shall be directed or authorized to cause such Goods or Chattels to be sold the Sum which he shall by such Warrant or Process be directed to levy or raise by the Sale of such Goods or Chattels, together with all reasonable Costs and Expences incurred, no Sale of such Goods or Chattels shall be made.

XLI Service of Summonses and other Notices.

And be it enacted, That for the Purpose of serving Summonses and other Notices required by this or the recited Act of His late Majesty the usual Place of Abode of any Driver, Conductor, or Waterman, or of any Person who, having been licensed as a Driver, Conductor, or Waterman, has neglected to return his Metal Ticket at the Expiration of his Licence, shall be deemed to be the Place specified in the Licence ; and that it shall be lawful for any Justice of the Peace in all Cases, upon Complaint being made in respect of any Matter within the Meaning of this or of the recited Act of His late Majesty, or of the Orders and Regulations made in pursuance thereof, to issue his Summons to require the Attendance of the Person complained of before the said Justice, or any other Justice, at a Time and Place to be appointed for that Purpose, or to issue a Warrant for the Apprehension of such Person, either in the first instance, or after the issuing and Service of such Summons and the Non-appearance of the Party summoned; and every Summons or other Notice required by this Act shall be deemed to be duly served, provided the same, or a Copy thereof, shall be either personally served or left at the usual Place of Abode of the Party to whom it shall be directed, or if he shall be a Party licensed under this or the recited Act of His late Majesty, then at the Place of Abode specified in his Licence.

XLII Penalty on Witnesses refusing to attend or to give Evidence.

And be it enacted, That every Person summoned as a Witness to give Evidence touching any Matter to be heard under this Act or the recited Act of His late Majesty, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed by any Justice of the Peace, without a reasonable Excuse to be allowed by such Justice, or who shall appear but refuse to be examined or give Evidence, shall forfeit the Sum of Five Pounds.

XLIII Certain Proceedings to be drawn up according to the Forms in the Schedule.

And be it enacted, That every Summons or Warrant of Distress which shall be had or taken against the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage, for the Default of the Driver or Conductor thereof, for the Recovery of any Penalty, Compensation, or Costs under the Provisions of this Act, or such Rules, Orders, and Regulations as aforesaid, may be drawn or made out according to the several Forms contained in the Schedule hereunto annexed, or to the Effect thereof, with such Changes as the Case may require; and that every Order, Conviction, Warrant, or other Proceeding which shall be drawn, had, or issued under the Provisions of this Act or of the recited Act of the Reign of His late Majesty, or of such Rules, Orders, and Regulations as aforesaid, shall be good and effectual without stating the Facts in Evidence, or more than the Matter or Offence in respect whereof such Order, Conviction, or other Proceeding as aforesaid shall have been had, made, or issued.

XLIV Providing for Cases where there are more Proprietors than One.

And be it enacted, That in every Case where there shall be more than One Proprietor of any Hackney Carriage or Metropolitan Stage Carriage, it shall be sufficient, in any Information, Summons, Order, Conviction, Warrant, or any other Proceeding under the Provisions of this Act or of the said recited Act of the Reign of His late Majesty, to name One of such Proprietors without reference to any other or others of them, and to describe proceed against him as if he were sole Proprietor.

XLV Power to mitigate Penalties.

And be it enacted, That it shall be lawful for any Justice of the Peace by whom any Person shall be convicted of any Offence under this Act, or under the recited Act of His late Majesty, to lessen the Penalty or Term of Imprisonment in such Manner as he may think fit.

XLVI Appropriation of Penalties.

And be it enacted, That all Penalties or Sums of Money ordered and adjudged within the Metropolitan Police District to be paid under this Act or the recited Act of His late Majesty, and not otherwise appropriated, shall be payable to Her Majesty, and that all Penalties or Sums of Money ordered and adjudged within the City of *London* or the Liberties thereof to be paid under this Act or the recited Act of His late Majesty, and not otherwise appropriated, shall be payable to the Chamberlain of the City of *London*, in aid of the Expences of the Police of the said City.

XLVII Limitation of Actions. Venue. Notice of Action. Tender of Amends.

And be it enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done under the Authority of this Act, or of such Orders and Regulations as aforesaid, shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the City of *London* or the County of *Middlesex*, and not elsewhere ; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Calendar Month at least before the Commencement of the Action ; and if the Cause of Action shall appear to arise from any Matter or Thing done by the Authority of this Act, or of any such Orders and Regulations as aforesaid, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced, by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become nonsuit, or shall discontinue any such Action, or if, on Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Costs of Suit in other Cases of Law; and although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall at the Time of such Trial certify in Writing his Approbation of the Action, and of the Verdict obtained thereupon.

XLVIII Act may be amended this Session.

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.