



London Hackney Carriages Act 1843

1843 CHAPTER 86

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

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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.