

## Appendix C

### **Hackney Carriage Driver Licence**

#### **BYELAWS WITH RESPECT TO HACKNEY CARRIAGES IN THE METROPOLITAN BOROUGH OF SANDWELL**

Byelaws made under Section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act, 1875, by Metropolitan Borough of Sandwell with respect to hackney carriages in the Metropolitan Borough of Sandwell.

#### **INTERPRETATION**

- (1) Throughout these byelaws “the Council” means the Council of the Metropolitan Borough of Sandwell and “the District” means the Metropolitan Borough of Sandwell.

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.**

- (2) (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
- (b) A proprietor or driver of a hackney carriage shall: -
- not wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire;
- (i) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.
- (ii) Deleted by Home Office

#### **Provisions regulating how hackney carriages are to be furnished or provided**

- (3) The proprietor of a hackney carriage shall: -
- (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;

- (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher, which shall be carried in such position as to be readily available for use. (Please note: This requirement will no longer be enforced following guidance from the Department of Transport issued in 2023);
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- (4) The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say,
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" with letters at least two inches in height to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed so that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.**

- (5) The driver of a hackney carriage provided with a taximeter shall: -
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act, 1972, and also at any other time at the request of the hirer.
- (6) A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- (7) The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -
- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- (8) A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the service of any other person for the purpose.
- (9) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

- (10) The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- (11) The driver of a hackney carriage when hired to drive any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- (12) A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- (13) If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- (14) The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage.
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**Provisions fixing the stands of hackney carriages.**

- (15) \* **Please see attached list of Hackney Carriage Stands** (not part of the byelaw).

**Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.**

- (16) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

\* **Please see attached current tariff of fares** (not part of the byelaw)

- (17) (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaws in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions 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;**

- (18) The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- (19) The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
  - (a) carry it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to any Police Station;
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5 new pence in the pound of its estimated value (or the fare for the distance from the place of finding to the nearest Police Station, whichever be the greater) but not more than five pounds.
- (20) Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.
- (21) The byelaws with respect to hackney carriages in the County Borough of Warley made by the Warley County Borough Council on the 15<sup>th</sup> day of June, 1973, and confirmed by the Secretary of State on 15<sup>th</sup> day of August, 1973, are hereby revoked.

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**The common Seal of the Borough  
Council of Sandwell was hereunto  
affixed this 15th day of April, 1976  
in the presence of:**

**C. GREEN**  
*Director of Administration  
and Legal Services*

**The foregoing byelaws with the exception of byelaw 2(b) (iii) are hereby confirmed by the Secretary of State and shall come into operation on the 1<sup>st</sup> day of October 1976.**

**Signed by authority of the  
Secretary of State**

Home Office  
Whitehall

20<sup>th</sup> August 1976

**R.F.D.SHUFFREY**

*An Assistant Under Secretary  
of State*

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\* Please note: the provisions for appointing stands for hackney carriages and for fixing the rates or fares have been superseded by the Council making use of the Local Government (Miscellaneous Provisions) Act 1976 sections 63 and 65 respectively, and therefore, no longer form part of the byelaws, but for the stands which were created by the original byelaw.

Please note also that paragraph 11 of the byelaws has been replaced by the provisions of Section 69 of the Local Government (Miscellaneous Provisions) Act 1976 which states

- (1) No person being the driver of a hackney carriage vehicle licensed by the Council shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage vehicle has been hired.
- (2) If any person contravenes the provisions of this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.