

THE COUNCIL OF THE BOROUGH OF HAVANT

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847, Section 171 of the Public Health Act 1875, and Section 84 of the Hampshire County Council Act 1972, by the Council of the Borough of Havant with respect to Hackney Carriages and Motor Vehicles let for hire in the Borough of Havant.

Interpretation

1. Throughout these Byelaws “the Council” means the Borough of Havant, “the district” means the Borough of Havant, and “motor vehicles let for hire” means every motor vehicle (within the meaning of the Road Traffic Act 1960) not being a vehicle licensed under the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages which is kept wholly or mainly for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed under the said provisions but does not include:
 - (a) A vehicle which is kept and used wholly or mainly for the purpose of being let out for hire by the day or longer periods of hire.
 - (b) A vehicle kept by any person in connection with any business carried on by him as a funeral director or undertaker and used wholly or mainly in connection with that business.
 - (c) A public service vehicle as defined in Section 117 of the said Act of 1960 or
 - (d) A vehicle belonging to or used by the British Railways Board for the purpose of carrying passengers or their luggage from any of their railway stations, railway or dock premises to any other premises of the Board.

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

2. The proprietor of a hackney carriage shall a) cause a plate provided by the Council and bearing the number of the licence granted to him in respect of the carriage to be conspicuously fixed on the back of such carriage and sealed thereon by the Council; b) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; c) not cause or permit the vehicle to ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulation 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 watertight;

- (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 a position as to be readily available for use;
 - (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. (1) The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE"
 - (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least two inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
 - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter;
 - ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE";-
 - (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
 - ii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is

entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance.

iv) 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.

(v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times 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.

(vi) 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.

The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:

- (a) the sign shall bear the words "FOR HIRE" in plain letters at least two inches in height;
- (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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 shall:-

(i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-

- (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
- (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;

(ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-

- (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw 4 (2) so that

the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;

- (b) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage:
- (c) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose 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;

(iii) 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 Transport Lighting Act, 1957, and also at any other time at the request of the hirer.

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 settings thereof, or with the seals affixed thereto.

Subject to the requirements of the proviso to Byelaw 15 with respect to stands fixed on railway property 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. 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 services of any other person for the purpose.

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 to any particular destination shall, subject to any direction 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 specified on the plate affixed to the outside of the carriage, PROVIDED that for the purpose of this byelaw two children under the age of 12 years shall be regarded as one person and children under the age of 3 years shall not be reckoned.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, 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 or unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take up or set down such person.

Provisions fixing the stands of hackney carriages

15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list, provided that before using stands numbered 2 and 4 the proprietor or driver of a hackney carriage shall first obtain permission from the British Railways Board:-

	Stand	Number of Hackney Carriages
1.	East side of North Street, Havant to junction with Waterloo Road	4
2.	Station approach at Havant Railway Station	7
3.	East side of Dunsbury Way, Leigh Park	2
4.	Station approach at Emsworth Railway Station, adjoining North Street, Emsworth.	3
5.	Northern side of entrance to Sultan Road, Emsworth	2
6.	Adjoining Central Beachlands at Hayling Island	4
7.	Eastern End of Beachlands on South side of Sea Front, Hayling Island	4
8.	Kerbed way adjacent to Beach Club, Southwood Road, Hayling Island	2
9.	Near to new toilet block, Ferry Road,	2

10.	Hayling Island Near to Curzon Rooms, London Road, Waterlooville	1
11.	East side of Leigh Road, Havant, Near Havant Railway Station	4
12.	North end of the lay-by in Milton Road, Cowplain, immediately opposite to the junction with Flag Walk	2
13.	West side of Somborne Drive, Leigh Park outside Tesco supermarket.	3

Provisions fixing the rates or fares, as well for time as distance, to be paid for hackney carriages within the districts, 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 expressed 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.

RATES OF FARE

(i)	<u>Distance</u>	
	If the distance does not exceed half a mile, for the whole journey	25p
	If the distance exceeds half a mile,	
	For the first half a mile	25p
	For each succeeding one sixth of a mile or part thereof	3p
(ii)	<u>Waiting Time</u>	
	For each period of 3 minutes or part thereof	3p
(iii)	<u>Extra Charges</u>	
	(a) For each hiring which commences between midnight and 6.00 a.m. or at any time on Good Friday and Christmas Day	50% of the above rates of fare
	(b) For each article of luggage conveyed OUTSIDE the carriage	3p
	(c) For each dog	3p
	(d) For each person in excess of one for the whole distance	3p

17. (a) The proprietor of a hackney carriage shall:-

- (i) Cause a statement of the fares fixed by the Byelaw in that behalf to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures
- (ii) Renew such letters and figures as often as is necessary to keep them clearly visible.

(c) 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.

Provision 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 within twenty-four hours, if not sooner claimed by or on behalf of its owner, to the nearest Police Station, and leave it in the custody of the officer in charge of such Police Station on his giving a receipt for it;
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to such Police Station, whichever be the greater) but not more than five pounds.

PENALTIES

- 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 two pounds for each day during which the offence continues after conviction therefore.

Provisions of the Town Police Clauses Act 1847, applicable to motor vehicle let for hire

21 The following provisions of the Town Police Clauses Act 1847, shall apply to motor vehicles let for hire as if they were in terms applicable thereto (that is to say):-

- Section 37 (Commissioners may license hackney carriages).
- Section 40 (Persons applying for licence to sign a requisition).
- Section 41 (What shall be specified in the licences).
- Section 42 (Licences to be registered).

- Section 43 (Licence to be in force for one year only).
- Section 44 (Notice to be given by Proprietors of any change of abode).
- Section 45 (Penalty for plying for hire without a licence).
- Section 46 (Drivers not to act without first obtaining a licence).
- Section 47 (Penalty on drivers acting without licence, or proprietors employing unlicensed drivers).
- Section 48 (Proprietor to retain licence of driver while in his employ and to produce it before justices on complaint).
- Section 49 (Proprietor to return licence to driver when leaving his service unless guilty of misconduct, in which case proprietor to summon driver).
- Section 50 (Licences of proprietors or drivers may be suspended or revoked on a second conviction).
- Section 51 (Number of persons to be carried in a hackney carriage to be painted thereon).
- Section 52 (Penalty for neglect to exhibit the number or for refusal to carry prescribed number).
- Section 59 (Penalty for permitting persons to ride without consent of hirer).
- Section 67 (Penalty and compensation for damaging carriage).

Provisions of these Byelaws applicable to motor vehicles let for hire.

- 22 The following provisions of these byelaws shall apply to motor vehicles let for hire, as if they were in terms applicable thereto (that is to say) :-
- Byelaw 2 (Regulating the display of the number of each carriage corresponding with the number of its licence).
 - Byelaw 3 (Regulating how hackney carriages are to be furnished or provided).
 - Byelaw 8 (Persons not to be solicited to hire carriage).
 - Byelaw 9 (Driver to behave in a civil and orderly manner).
 - Byelaw 10 (Driver to attend punctually at appointed time and place).
 - Byelaw 11 (Driver to proceed to destination by shortest available route, subject to any direction of hirer).
 - Byelaw 12 (Regulating the number of persons permitted to be carried).
 - Byelaw 13 (Driver to wear badge if provided by the Council).
 - Byelaw 14 (Driver to assist with reasonable quantity of luggage).
 - Byelaw 18 (Carriage to be searched after each hiring for any property accidentally left therein).
 - Byelaw 19 (Disposal of property accidentally left in carriage).
 - Byelaw 20 (Penalties for offence against these byelaws).

REPEAL OF BYELAWS

- 23 The Byelaws relating to hackney carriages which were made by the Council on the
- (a) 10th November 1959 and confirmed by one of Her Majesty's Principal Secretaries of State on the 8th January 1960.
 - (b) 11th March 1971 and confirmed by one of Her Majesty's Principal Secretaries of State on the 2nd June, 1971.

(c) 17th March, 1975 and confirmed by one of Her Majesty's Principal Secretaries of State on the 16th May 1975, are hereby repealed.

THE COMMON SEAL of THE COUNCIL OF
THE BOROUGH OF HAVANT was hereunto
Affixed on the 23rd day of
September 1975

(Sgd.) J.Forder

L.S

Borough Secretary

The foregoing byelaws are hereby confirmed by
the Secretary of State and shall come into
operation on the 18th day of June 1976

(Sgd.) R.F.D. SHUFFREY

An Assistant Under Secretary
Of State

Signed by authority of the
Secretary of State

Home Office, Whitehall – 18th June 1976

L.S