

### Appendix 3

List of additional control measures, omissions or amendments to byelaws

| Proposed New Byelaws  | Current Adopted Byelaws  |
|---|--|
| <p>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 <i>the outside and inside of the carriage, or on plates affixed thereto.</i></p>  | <p>(a) cause the hackney carriage licence plate approved by the Council and showing the number of the licence granted to be displayed in a conspicuous position to be approved by the Council.</p>   |
| <p>3. (c) provide any necessary windows and a means of opening and closing <i>not less than one window on each side;</i></p>  | <p>3. (c) Provide windows in each door with means of opening and closing.</p>  |
| <p>3. (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and <i>in every way fit for public service;</i></p> <p><i>[Officer Comment: Wording has been changed to reflect the Council's statutory duty to ensure that the vehicles it licence' is "fit" to be so licensed by virtue of s.60 of the Local Government (Miscellaneous Provisions) Act 1976.]</i></p>   | <p>3. (f) Cause all fittings and furniture to be clean and adequate for the safety and convenience of persons conveyed in such carriage.</p>   |
| <p>3. (g) provide means for securing luggage <i>if the carriage is so constructed as to carry luggage;</i></p> <p><i>[Officer Comment: Makes provision for Hackney Carriages not constructed to take luggage although the Council will not normally licence such Hackney Carriages as a matter of policy.]</i></p>  | <p>3. (g) Cause means to be provided for carrying and securing luggage.</p>  |
| <p>3. (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.</p>  | <p>Provision not included in the Council's current byelaws.</p>  |
| <p>4. (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 time as well as for distance in pursuance of the <i>tariff fixed by the Council;</i></p> <p><i>[Officer Comment: Hackney Carriage fares are no longer set by way of byelaws. S.65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council powers to set fares.]</i></p> | <p>4. (iii) 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 of 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;</p> |
| <p>4. (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, <i>and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;</i></p>  | <p>4. (v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage.</p>  |

|  |   |
|--|---|
| <p>5. The driver of a hackney carriage provided with a taximeter shall –</p> <p>(a) when standing or plying for hire, <i>keep the key, flag or other device fitted in pursuance of the byelaw</i> in that behalf locked in the position in which no fare is recorded on the face of the taximeter;</p> <p>(b) before beginning a journey for which a fare is charged for distance and time, 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; and</p> <p>(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.</p> | <p>5. Every driver of a hackney carriage provided with a taximeter shall :-</p> <p>(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.</p> <p>(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 key, flag or other device fitted for the purpose, so that the word "HIRED" is legible on the face of the taximeter;</p> <p>(c) At the end of a hiring secure that the fare recorded on the face of the taxi-meter shall remain visible until the hirer shall have reasonable opportunity of observing such fare;</p> <p>(d) 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 determined in Section 1 of the Road Transport Lighting Act, 1927, and also at any other time at the request of the hirer.</p> <p><i>[Officer Comment: The Road Transport Lighting Act 1927 has been repealed]</i></p> |
| <p>7. (a) proceed with reasonable speed to one of the stands appointed by the Council;</p> <p><i>[Officer Comment: The provision of stands or ranks for Hackney Carriages are no longer a matter to be dealt with by way of byelaws. S.63 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council powers to appoint stands for Hackney Carriages.]</i></p>   | <p>7. (a) Proceed with reasonable speed to and station the carriage on one of such stands or the stands provided at any Railway Station if authorised by the Railway Authorities to use such stands.</p>  |
| <p>8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.</p>  | <p>13. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, <i>by calling out or otherwise</i>, importune any person to hire such carriage and shall not make use of the services of any other person for this purpose.</p> <p><i>[Officer Comment: It is an offence for, amongst others, a Hackney Carriage driver "...to solicit persons to hire vehicles to carry them as passengers" under section 167 of the Criminal Justice and Public Order Act 1994 so there is no need for the offence to be maintained in byelaws.]</i></p>  |
| <p>11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons</p>   | <p>Provision not included in the Council's current byelaws.</p>   |

|   |   |
|---|---|
| than the number of persons specified on the plate affixed to the outside of the carriage.   |   |
| Provision not included in the updated byelaws.  | 11. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person, shall, immediately thereafter, notify the fact to the Medical Officer of Health of the Council.  |
| <i>[Officer Comment: Rules with regards to advertising on windows for vehicles have been relaxed subject to the provisions of the Construction &amp; Use regulations 1986.]</i>   | 12. The proprietor or driver of a hackney carriage shall not suffer any printed, written or other matter to appear on any window of such carriage, with the exception of the Road Fund Licence and of one Association badge which may be carried on the near side of the windscreen.  |
| <i>[Officer Comment: Remitted from updated byelaws. Unnecessarily prolonging a journey is now an offence under s.69 of the Local Government (Miscellaneous Provisions) Act 1976.]</i>   | 14. Every driver of a hackney carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to such destination by the shortest available route.   |
| <i>[Officer Comment: ]</i>  | 15. The driver or proprietor of a motor hackney carriage shall take all reasonable precautions to prevent the discharge therefrom in any street or public place of oil or spirit, and shall not repair such carriage in any street or public place so as to cause any such discharge, except where such repairs are essential to secure the continued safe functioning of the vehicle and shall not wash such carriage in any street or public place. |
| <i>[Officer Comment: Remitted from updated byelaws. Littering is now an offence under Environmental Protection Act 1990.]</i>   | 16. No driver of a hackney carriage shall during the time that such carriage is standing at one of the stands referred to in these Byelaws deposit litter thereon.  |
| <i>[Officer Comment: Remitted from updated byelaws. Smoking in a licensed Hackney Carriage is now an offence under the provisions of the Health Act 2006.]</i>  | 18. A driver of a hackney carriage shall not, at any time when driving for hire, smoke tobacco or any other like substance except with the consent of the hirer.  |
| <i>[Officer Comment: The provision of stands or ranks for Hackney Carriages are no longer a matter to be dealt with by way of byelaws. S.63 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council powers to appoint stands for Hackney Carriages.]</i>      | Entire section <b>"19. Provisions for fixing the stands of such hackney carriages"</b> remitted from updated byelaws.   |
| <i>[Officer Comment: Remitted from updated byelaws. Hackney Carriage fares are no longer set by way of byelaws. S.65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council powers to set fares.]</i>  | Entire section <b>"Fares for Distance"</b> , <b>"Additional Charges"</b> and <b>"Fares for Time Hirings"</b> remitted from updated byelaws.   |
| 14. (ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which | 20. Provided always that where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record  |

|   |  |
|---|--|
| <p>it may not be possible to record on the face of the taximeter.</p> <p><i>[Officer Comment: Hackney Carriage fares are no longer calculated in the way suggested by the latter part of para. 20 of the existing byelaws. As a result that section has been remitted in the updated byelaws.]</i></p>  | <p>on the face of the taximeter, <i>together with any-permitted additional charge except where the hiring commences between midnight and 6 a.m. when the recorded fare for the distance travelled, or time spent in waiting shall be increased by a sum equivalent to fifty cent thereof.</i></p>  |
| <p>15. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.</p> <p>(ii) 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.</p>   | <p>21. (1) Every proprietor of a hackney carriage plying for hire for which any fares are fixed by any byelaw in that behalf shall</p> <p>(a) Cause a statement of such fares which shall be provided by the Council to be carried in a position accessible and visible to the hirer inside the carriage.</p> <p>(b) Renew such statement as often as is necessary to keep the same clearly visible.</p> <p>(2) 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 statement to be altered, concealed or rendered illegible at any time while the carriage is plying or being used for hire.</p>                                       |
| <p>17. 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 –</p> <p>(a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and</p> <p>(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 the office of the Council, whichever be the greater) but not more than five pounds.</p> | <p>23. Every 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,</p> <p>(1) Carry it within twenty-four hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it.</p> <p>(2) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to one shilling in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater, but not more than five pounds.</p> |
| <p>18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale 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 therefor.</p>   | <p>24. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding five pounds and in the case of a continuing offence to a further fine not exceeding forty shillings for each day during which the offence continues after conviction therefor.</p>   |