

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the City of Birmingham with respect to hackney carriages in the City of Birmingham.

INTERPRETATION

1. Throughout these Byelaws:

“authorised officer” means any officer of the Council authorised in writing by the Council for the purposes of the Town Police Clauses Act 1847 (the Act of 1847).

“the Council” means Birmingham City Council.

“driver’s badge” means the badge issued to a driver by the Council in exercise of its powers under section 68 of the Act of 1847.

“driver’s licence” means the licence issued under section 46 of the Act of 1847.

“hackney carriage” has the same meaning as in the Act of 1847.

“Licensing Office” means the Council Office from where the hackney carriage driver and vehicle licences are issued.

“proprietor” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

“stand” means a taxi rank, this being an area of carriageway appointed for use by hackney carriages to wait and pick up passengers.

“taximeter” means a device for calculating the fare to be charged in respect of any journey in a hackney carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

“vehicle identity plate” means the plate issued to a proprietor by the Council and referred to in section 38 of the Act of 1847.

"vehicle licence" means the hackney carriage licence issued by the Council in exercise of its powers under section 37 of the Act of 1847.

DRIVERS' BADGES

2. When issued with a driver's badge by the Council, the driver of a hackney carriage shall at all times when standing, plying for hire or when hired, either wear or display their driver's badge in such a position and manner so that it would be plainly and distinctly visible.
3. The driver of a hackney carriage when standing, plying for hire or when hired, shall not wilfully obstruct any person from taking the number of their badge.

VEHICLE IDENTITY PLATE

4.
 - a) The proprietor of a hackney carriage shall cause the vehicle identity plate issued to him by the Council to be affixed on the outside at the rear of the carriage so as to be plainly and distinctly visible with legible particulars at all times.
 - b) A proprietor or driver of a hackney carriage shall:
 - i) not wilfully or negligently cause or suffer the concealment or removal of the vehicle identity plate; and
 - ii) not cause or permit the vehicle identity plate to be defaced, altered or obliterated.
5. A proprietor or driver of a hackney carriage shall not retain, sell, transfer or otherwise dispose of the vehicle identity plate separately from the carriage in respect of which it has been issued, nor permit such plate to be retained, sold, transferred or otherwise disposed of.

TAXIMETERS

6. The proprietor of a hackney carriage shall ensure:
 - a) that the vehicle is fitted with a taximeter, which has been tested, sealed and certified by an authorised officer;
 - b) that 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 as prescribed by the Council and displayed on the current fare table, and
 - c) that the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly and distinctly visible to any person being conveyed in such carriage, and for that purpose the said letters and figures shall be capable of being suitably illuminated during any period of hiring.

7. a) Subject to the provisions of paragraph (b) of this byelaw, the proprietor or driver of a hackney carriage:
 - i) shall not tamper with or permit any other person to tamper with the taximeter or its fittings or connections after it has been fitted to the carriage and sealed by an authorised officer; and
 - ii) shall not wilfully break or tamper or permit any other person to break or tamper with any seal or mark placed on the taximeter or its connections.

- b) If a taximeter affixed to a hackney carriage is found to be defective or inaccurate the proprietor of the carriage may (or may authorise another person to) break the seals of the taximeter for the purpose of effecting the necessary repairs, provided that:
 - i) the proprietor shall within 72 hours after breaking the seals give or cause to be given notice of the action taken in writing to the Council's Licensing Office (specifying the number of the licence of the carriage, the maker's name and number of the taximeter); and

- ii) nothing in this byelaw shall be deemed to authorise a hackney carriage to be used or continue in use as such after the seals on any taximeter with which the hackney carriage is provided have been broken as aforesaid and before the taximeter has again been tested, sealed and certified as correct by an authorised officer.
8. The driver of a hackney carriage shall only set the taximeter in action when the carriage is hired. Immediately on the completion of a hiring the driver shall cause the taximeter or apparatus to cease recording, but to continue to show the fare recorded until the hirer has had a reasonable opportunity of seeing that fare.
9. The proprietor of a hackney carriage shall not cause or suffer such carriage to be used for the purpose of standing, plying or driving for hire and a driver of a hackney carriage shall not stand, ply or drive for hire if the seal on the taximeter is broken.

FARE TABLE

10. The proprietor of a hackney carriage shall ensure that the Fare Table provided by the Council, bearing a number corresponding with the number of the licence of such carriage setting forth the rate or fare fixed for the use of such carriage by the Council, is displayed in a prominent position within the vehicle so as to be plainly and distinctly visible and the particulars legible.
11. The proprietor or driver of a hackney carriage shall not wilfully or negligently cause or suffer the concealment or removal of the Fare Table, nor alter or obliterate any letters or figures on the Fare Table.

HIRING OF A HACKNEY CARRIAGE

12. a) The proprietor of a hackney carriage shall ensure the vehicle is fitted with a roof sign at the front of the vehicle bearing the word "TAXI" in plain letters and such a sign shall be capable of being suitably illuminated indicating that the vehicle is available for hire.

- b) The driver of a hackney carriage shall ensure that the roof sign bearing the word "TAXI" is illuminated when the vehicle is available for hire and extinguished whilst a hiring is taking place or if the vehicle is not available for hire.
13. 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 Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
14. 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 on the face of the taximeter.

CARRIAGE OF PASSENGERS

15. The proprietor or driver of a hackney carriage shall not suffer or allow any person to ride in the front of the carriage, if the design does not permit such use.
16. 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 vehicle identity plate displayed at the rear of the carriage.

CARRIAGE OF LUGGAGE

17. 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; and

- 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.

REPORTING CONVICTIONS, CAUTIONS & ENDORSEMENTS

18. If a proprietor or driver of a hackney carriage is found guilty, cautioned or convicted of any offence, or he receives an endorsement for a motoring offence, including a fixed penalty, he must report the details, in writing to the Licensing Office within 7 days. In case of a motoring endorsement he does not need to wait for the return of his licence from the DVLA, Swansea.

PUNCTUAL ATTENDANCE WHEN PREVIOUSLY HIRED

19. 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 he has reasonable excuse, punctually attend with such carriage at such appointed time and place.

HACKNEY CARRIAGES TO BE KEPT IN GOOD ORDER

20. 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 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; and
- 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.

APPOINTED STANDS AND ORDER OF WORKING.

21. A driver of a hackney carriage shall, when plying for hire and not actually hired:
- a) proceed to and station the carriage on one of the stands appointed by the Council;
 - 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 to occupy it, station the carriage immediately behind the carriage(s) on the stand and so as to face in the same direction; and
 - d) when the carriage(s) immediately in front drive off or move forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

LOST PROPERTY TO BE SEARCHED FOR

22. 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.

23. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein be found by or handed to him, as soon as possible and in any event within 72 hours either -
- a) return the property to its owner or someone acting on behalf of the owner and obtain a receipt for such property; or
 - b) deposit the property at a West Midlands police station and obtain a receipt for such property.

COMPLIANCE WITH AND THE PRODUCTION OF THE BYELAWS

24. The driver of a hackney carriage shall not knowingly or recklessly drive a hackney carriage for hire which does not comply with any of the requirements of these byelaws.
25. The driver of a hackney carriage shall at all times have a clean copy of these byelaws in good order ready to produce and upon request produce the same for perusal and inspection to any person who shall hire such carriage or to any authorised officer or Police Officer.

PENALTIES

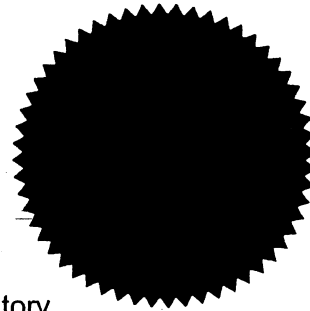
26. Every proprietor or driver of a hackney carriage vehicle who shall offend against any of the foregoing byelaws shall be liable upon summary conviction for every such offence to a fine not exceeding level 2 of the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

REPEAL

27. These Byelaws shall be known as the Birmingham City Council Hackney Carriage Byelaws 2008 and shall repeal:

- a) The Byelaws relating to Motor Hackney Carriages, which were made by the Council on the third day of July 1925 and confirmed by the Minister of Health on the eighth day of September 1925, and
- b) the Byelaws relating to Motor Hackney Carriages, which were made by the Council on the twentieth day of March 1951 and confirmed by one of His Majesty's Principal Secretaries of State on the twenty-fifth day of May 1951.

THE COMMON SEAL of)
 BIRMINGHAM CITY COUNCIL)
 Was hereunto affixed in the)
 presence of)



Authorised signatory

90606

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the ~~27~~ day of ~~1951~~ 26 June 2002.

29/5/02

Signed by authority of the Secretary of State.