

# **Abstract of Laws**

**General guidance on hackney  
carriage law for London's  
licensed taxi drivers**

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## Introduction

1. This Abstract of the laws relating to London taxi drivers is issued as required by s8 of the London Hackney Carriages Act 1843. The Abstract is not an exhaustive or definitive statement of the laws governing the use of taxis and has itself no force of law. Reference should be made to the text of the statutes, etc. quoted. The Abstract should be used for general guidance only. The law as expressed is correct on 1 January 2013. All penalties shown are maximum penalties. With a few exceptions, fines are referred to as being at a certain level on the standard scale of fines introduced by s37 of the Criminal Justice Act 1982 as amended. The scale is as follows:

Level 1 = £200

Level 2 = £500

Level 3 = £1,000

Level 4 = £2,500

Level 5 = £5,000

You are reminded that the Courts have the ultimate power to pass a sentence of imprisonment upon those who fail to pay court fines. Where, in the London Hackney Carriage Acts, it is provided that a person guilty of an offence shall 'forfeit' a particular sum of money, such sum is in practice treated as a maximum fine which may be imposed. References to legislation now out of date but unrepealed have been omitted, as have local details such as parking regulations, traffic regulations, theatre regulations, restricted streets, local byelaws and the like.

2. In addition to the special Acts, etc. relating to taxis, taxi drivers are also subject in common with other road users to the general laws and regulations affecting drivers of mechanically propelled vehicles; other general laws with particular application are noted in the text where appropriate in abridged form.

3. Taxis in London are regulated by the direct provisions of Acts of Parliament and by the London Cab Order 1934, (SR & O No 1346 of 1934) as amended, made by the Secretary of State under the Metropolitan Public Carriage Act 1869 and the London Cab and Stage Carriage Act 1907, as amended by the Licensing Authority, Transport for London under various statutory powers.

**References to taxis in this Abstract are references to hackney carriages or cabs as distinguished from private hire vehicles or minicabs.**

4. In this Abstract, 'The Licensing Authority' means Transport for London (TfL) which will exercise the duties imposed by the London Cab Order 1934 as amended by the Greater London Authority Act 1999.

TfL has delegated its licensing functions to officers within London Taxi and Private Hire (LTPH) under paragraph 24 of TfL's Standing Order No 2.

### **Legislation**

5. A list of the principal Acts, etc. is given below together with the abbreviations used when referring to them in this Abstract. All references are assumed to encompass any amendments to the Acts or regulations in question.

Every word imparting the singular number shall be taken to include plurality and every word imparting masculine gender shall be taken to include the female gender.

<b>Title</b>	<b>Abbreviation</b>
London Hackney Carriage Act 1831	Act of 1831
London Hackney Carriages Act 1843	Act of 1843
London Hackney Carriages Act 1850	Act of 1850
London Hackney Carriage Act 1853	Act of 1853
Metropolitan Public Carriage Act 1869	Act of 1869
London Cab Act 1896	Act of 1896
London Cab and Stage Carriage Act 1907	Act of 1907
London Cab Order 1934	Order of 1934
London Cab Act 1968	Act of 1968
Vehicle Excise Act 1971	Excise Act 1971
London Cab Order 1972	Order of 1972
Public Passenger Vehicle Act 1981	PPV Act of 1981
Transport Act 1981	Tpt Act of 1981
Public Health (Control of Disease) Act 1984	PH Act of 1984
Transport Act 1985	Tpt Act 1985
London Taxis (Licensing Appeals) Regulations 1986	Appeals Regs 1986
London Taxi Sharing Scheme Order 1987	Order of 1987
London Cab Order 1996	Order of 1996
Greater London Authority Act 1999	GLA Act 1999
Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc) England and Wales) Regulations 2000	DDA Regs 2000
London Taxi Sharing Scheme Order 2005	Order of 2005
London Cab Order 2007	Order of 2007
Taxi Sharing Order 2008	Fares Order 2008
Transport for London Act 2008	TfL Act 2008
Equality Act 2010	Equality Act

## **Taxi Drivers' Licences and Badges**

### **6. Taxi drivers to be licensed, wear badge and display identifiers (Act of 1843 s10 and s17; Act of 1869 s8; Order of 1934 paras. 28 and 28A; TfL Act 2008 s11)**

Every taxi driver in the Metropolitan Police District and the City of London must hold a licence issued to him by TfL, and he must at all times when working as a taxi driver wear a numbered badge issued by TfL (see para. 20) and have in his possession a copy of his licence (see para. 17).

When plying for hire a taxi driver must display on the cab his badge details and licensed area identifier in the form prescribed by the TfL (Penalty Level 1). The identifier is the notice representing the licensed area in which a taxi driver is allowed to ply for hire.

### **Offences**

- (a) Acting as a taxi driver without a licence and badge.
- (b) Transferring or lending a licence to another person.
- (c) Permitting any other person to use or wear a badge.
- (d) Plying for hire without a licence
- (e) Failing to display badge number and licensed area identifier when plying for hire.

NOTE - In addition to the licence issued by TfL, taxi drivers must also hold an ordinary driving licence issued by the DVLA or a licence issued by a European Community/European Economic Area country.

The TfL Act 2008 provides for some of the offences here to be dealt with by way of fixed penalty notices. These provisions will come into force at a date yet to be appointed at the time of printing.

### **7. Application for a taxi driver's licence and fee payable (Act of 1843 s14; Order of 1934 para. 23; GLA Act 1999 schedule 20)**

An applicant for a taxi driver's licence must complete an application (furnished by TfL on demand) and must supply thereon the personal particulars and details of any convictions, cautions, charges or summonses before any Court as required by TfL. A medical certificate of fitness in the prescribed form must also be supplied. The necessary forms for these purposes may be obtained from the London Taxi and Private Hire, Palestra, 197 Blackfriars Road, London SE1 8NJ. A fee may be payable on submission of application (details of current fees are available on application to London Taxi and Private Hire). Applicants will be required, before a licence is granted, to pass examinations as to their Knowledge of London and their ability to drive a taxi. The applicant will also be required to supply photographs for use on his taxi driver's licences.

## **8. Offences in relation to application for a taxi driver's licence (Act of 1843 s14)**

- (1) A person applying for/or attempting to procure a taxi driver's licence commits an offence if he:
- (a) makes or causes to be made any false representation in regard to any particulars, or
  - (b) does not truly answer all questions demanded of him.

It is also an offence for any person to whom reference shall be made in regard to such application, wilfully and knowingly to make any misrepresentation. (Penalty Level 3 in each case).

- (2) Any person who obtains a taxi driver's licence by dishonest deception or who attempts to do so or procures one for another commits an offence of failing to disclose information under the Fraud Act 2006 punishable by an unlimited fine and imprisonment for up to ten years (Fraud Act 2006 s3).

## **9. Minimum age for drivers (Order of 1934 para. 24)**

Taxi driver's licences shall not be granted to persons under 21 years of age. A licence, if granted to a person under 21, is void.

## **10. Grounds for refusal, and appeal options (Order of 1934 para. 25; Tpt. Act 1985 s17; Appeal Regs 1986)**

- (1) TfL may refuse to grant a taxi driver's licence if the applicant:
- (a) fails to satisfy the Licensing Authority that he is of good character and fit to act as a taxi driver, or
  - (b) has within three years immediately preceding his application held a taxi driver's licence and has, otherwise than by reason of illness or other unavoidable cause, failed to act as a taxi driver during any considerable part of the period for which the licence was granted.

Where the applicant has held more than one licence during this three-year period the Licensing Authority may refuse a further licence if the applicant has failed (as above) to act as a driver during the currency of the last of the licences issued to him.

- (2) An applicant may invite the Licensing Authority to reconsider a decision to refuse a licence or appeal the decision direct to City of London Magistrates' Court or any other magistrates' court as may be notified by LTPH (a request for reconsideration or appeal must be made within 28 days of the date of the letter notifying the refusal).

## **11. Fee for and duration of taxi driver's licence (Act of 1869 s8; Order of 1934 paras. 26 & 27)**

The maximum period during which a taxi driver's licence may be in force is three years and this is the period for which it is normally granted and during which it will remain in

force unless sooner revoked or suspended. A fee is payable on the issue of the licence. (Details of current fees are available on application to LTPH).

## **12. Limitations on taxi driver's licence (Order of 1934 paras. 27 & 31).**

(1) A licence may be limited as to the types of taxis the holder may drive and as to the area in which the holder may ply for hire. It is an offence to fail to observe these conditions.

(2) A licence normally covers the whole of the Metropolitan Police District and the City of London but where the Licensing Authority is not satisfied that the applicant has an adequate knowledge of any part or parts of the area it may attach a condition to the licence prohibiting the licence holder from plying for hire in such part or parts. (Details of suburban sectors are available on application to LTPH).

(Penalty for breach of any of the above conditions, Level 1).

## **13. Copy licence, abstract of laws and badge (Act of 1843 s8; Act of 1869 s9; Order of 1934 para. 27, TfL Act 2008 s11)**

At the time of granting a licence the Licensing Authority shall deliver to the licence holder a copy of the licence, a numbered badge, and an abstract of the laws in force relating to taxi drivers and of the penalties to which they are liable for any misconduct.

## **14. Licence and copy to be signed (Order of 1934 para. 27)**

A taxi driver must sign his licence and the copy immediately after receipt (Penalty Level 1).

## **15. Custody of taxi driver's licence (Act of 1843 s8, s21 and s24; Order of 1934 paras 16 and 29 as amended by Order of 2007)**

(1) The taxi owner must demand delivery of the licence to him and on receipt of such demand the licence holder must hand over the licence to the owner (Act of 1843 s21).

(2) The taxi owner must enter his own name and address on the licence and he must retain the licence as long as the licence holder remains in his service (Act of 1843 s8 and s21); but the taxi owner must produce the licence when lawfully required to do so, e.g., on suspension or revocation by a justice (see para. 18 below).

(3) Where the licence holder is required by the Licensing Authority to deliver the licence to them, the taxi owner must return the licence to the licence holder for that purpose (Order of 1934 para. 29) (Penalty Level 1).

(4) The taxi owner must record on the licence the date when the licence holder enters, and the date when he leaves, his service (Act of 1843 s 8).

(5) The taxi owner must on demand by the licence holder return his licence to him when he leaves his service, unless he (the owner) has a complaint against the licence



holder. In the latter event, the taxi owner may retain the licence for not more than 24 hours after the demand provided that he applies for a summons against the licence holder within the 24 hours. If the owner acts unreasonably in this, a Justice may in certain circumstances award compensation to the licence holder (Act of 1843 s 24).

(6) If a licensed taxi is granted a new licence which takes effect upon the expiry of the current licence, it may ply for hire whilst displaying plates and notices which relate to the new licence rather than the current licence.

**16. Defacement or loss of taxi driver's licence** (Act of 1843 s8; Order of 1934 paras 16 and 29 as amended by Order of 2007)

The licence becomes void if any of the particulars on it are erased or defaced. The taxi owner must preserve it undamaged and undefaced and make no unauthorised mark on it. If the licence becomes defaced or lost, he must furnish the Licensing Authority with a statement of the circumstances in which it was defaced or lost. If the licence is defaced the owner must return it to the Licensing Authority (Penalty Level 1).

**17. Copy of licence to be available** (Order of 1934 para. 28)

A taxi driver must have the copy of his licence with him at all times during his employment or when appearing before a court, and must produce it for inspection on demand to a police constable or authorised officer or any officer of a Court (Penalty Level 1).

**18. Suspension and revocation, and appeal options** (Act of 1843 s25; Order of 1934 para. 30; Tpt Act of 1985 s 17; Appeals Regs 1986).

(1) A licence may be revoked or suspended by any justice of the peace before whom a driver is convicted of any offence under any Act, and such justice may for that purpose require the employer or driver to deliver up the licence and badge. It is an offence in these circumstances to refuse or neglect to deliver up the licence and badge to the Licensing Authority for cancellation, or for custody during the period of suspension.

(2) The Licensing Authority may revoke or suspend a taxi driver's licence if it is satisfied, by reason of any circumstances arising or coming to their knowledge after the licence is granted, that the licence holder is not a fit person to hold such a licence.

(3) In the event of the revocation or suspension of a licence, the Licensing Authority is required to give notice thereof to the licence holder personally or by registered post or recorded delivery service at the address shown on his licence, and the licence holder must within five days of the receipt of such notice send or deliver his licence and his copy thereof and his badge to the Licensing Authority (Penalty Level 1).

(4) A taxi driver may invite the Licensing Authority to reconsider a decision to suspend or revoke his licence or appeal against the decision direct to City of London Magistrates' Court or any other magistrates' court as may be notified by LTPH. (A

request for reconsideration or appeal must be made within 28 days of the date of the letter notifying the suspension or revocation).

(5) If on removal of the suspension the licence has not expired the Licensing Authority must return it with the copy and the badge to the licence holder. (The licence holder will be invited to collect these personally from LTPH).

#### **19. Change of address (Order of 1934 para. 32)**

If during the currency of a licence, the holder changes his address, he must, within seven days, notify LTPH of the change and send or deliver his licence and copy to the Licensing Authority for endorsement (Penalty Level 1).

#### **20. Badge to be worn (Act of 1843 s17; TfL Act 2008 s11)**

Every licensed taxi driver must at all times during his employment and when required to attend before any justice, wear his badge conspicuously upon his breast, in such manner that the whole of the writing on it is distinctly legible, and must when required, produce it for inspection, and permit any person to note the writing on it (Penalty Level 1).

#### **21. Licence and badge to be surrendered on expiry (Act of 1843 s 18; TfL Act 2008 s11)**

Upon the expiration of his licence every driver must within three days deliver his licence and badge to the Licensing Authority (Penalty Level 1).

#### **22. Prohibition against using unauthorised badge (Act of 1843 s18, TfL Act 2008 s11)**

No person may use or wear or retain any badge without a licence in force relating to it or, for the purpose of deception, use or wear or have any badge resembling or intended to resemble any badge granted under lawful authority (Penalty Level 1). Any constable or any person employed for that purpose by the Licensing Authority may seize and take away such badge, wherever found, in order to deliver it to the Licensing Authority.

#### **23. Replacement of lost badges (Act of 1843 s 19; TfL Act 2008 s11 and s13)**

(1) A taxi driver who can satisfy the Licensing Authority that his badge has been lost or mislaid is entitled, on production of his licence to the Licensing Authority, to receive a new badge on payment of a sum as TfL shall consider reasonable.

(2) If the lost or mislaid badge is subsequently found it must be delivered forthwith to the Licensing Authority.

#### **24. Defaced badges (Act of 1843 s 19; TfL Act 2008 s11 and s13)**

(1) A defaced badge is a badge on which the writing has become obliterated so that it is not distinctly legible.

(2) A taxi driver whose badge has become defaced must deliver it to the Licensing Authority. On production of his licence to the Licensing Authority he is entitled to a new badge on payment of a sum as TfL shall consider reasonable.

(3) A taxi driver who uses or wears a defaced badge is liable to a Penalty Level 1.

**25. Persons into whose possession any lost or defaced badge comes** (Act of 1843 s 19; TfL Act 2008 s 11)

Any person into whose possession a lost or mislaid or defaced badge comes is liable to a Penalty Level 1 if he refuses or neglects for three days to deliver it to the Licensing Authority.

**26. Forged licences, badges and identifiers** (Fraud Act 2006; Forgery and Counterfeiting Act 1981)

It is a criminal offence to:

- (a) forge any licence, badge or identifier,
- (b) use a forged licence, badge or identifier with intent to induce another to accept it as genuine to his prejudice or the benefit of the offender, or
- (c) aid, abet, counsel or procure such an offence.

(Penalty – unlimited fine and imprisonment for 10 years on indictment.)

## **Taxi Licences, Plates, Notices and Marks**

### **27. Taxi to be licensed (Act of 1869 s6 and s7; GLA Act 1999 schedule 20)**

A taxi licence issued by TfL, as well as a driver's licence, is required to enable the driver lawfully to ply for hire in the Metropolitan Police District and the City of London (as to plying for hire generally, see paras. 32 – 35 below). A taxi licence is valid for one year and a fee may be payable on application (details of current fees can be obtained on application to LTPH).

If a driver knowingly plies for hire with an unlicensed taxi or is on any stand with an unlicensed taxi, he commits an offence (Penalty Level 4).

### **28. Application for a taxi licence and fee payable (Order of 1934 para. 7 as amended by Order of 2007)**

An applicant for a taxi licence must be made in such form and include such declaration and information as required by TfL.

Where the taxi is jointly owned or owned by a partnership, or a limited liability company, the application must be made in the name of one of the joint owners or by a senior partner of the firm, or a secretary, manager or other duly authorised officer of a company. The person who makes the application is regarded as the applicant for this purpose and the licence if granted, is issued in his name.

TfL may in its discretion require an applicant to provide different information depending on whether or not an applicant has previously held or currently holds a taxi licence.

The necessary forms for these purposes may be obtained from LTPH, Palestra, 197 Blackfriars Road, London SE1 8NJ. A fee may be payable on submission of application (details of current fees are available on application to LTPH).

### **29. Taxi unfit for public use and testing requirements (Act of 1853 s 17)**

It is an offence to ply for hire with a taxi which is unfit for public use (Penalty Level 3).

### **30. Change of ownership of taxi and transfer of taxi licence (Order of 1934 paras. 14 and 14A as amended by Order of 2007)**

If, during the currency of a taxi licence the licence holder ceases to be the owner of the taxi to which the licence relates, he must within 14 days of the change of ownership inform TfL and return the licence to TfL for cancellation.

Before delivering the taxi to its new owners, he must also remove and deliver up to TfL or an authorised officer, the plates affixed to the taxi.

The licence holder must also apply jointly with the new owner to TfL to have the licence transferred to the new owner.

TfL will transfer a taxi licence from a previous vehicle owner to a new owner upon an application if the application is made in such form and include such declaration and information as required by TfL.

The new owner must satisfy TfL that he is a fit and proper person to hold a taxi licence.

**31. Driver not to use taxi with unauthorised or counterfeit plate or mark (Order of 1934 paras. 16 and 18)**

On every taxi licensed by TfL a plate is fixed on the outside at the rear of the vehicle bearing the following particulars:

Taxi No.....

Licensed to carry ..... persons

- (1) Another plate bearing the taxi number is fixed inside the passenger compartment of the vehicle.
- (2) If any person uses or has in his possession without lawful authority any altered or irregular plate, notice or mark required for the purposes of the Order of 1934, or any counterfeit of any such plate, notice or mark he shall be guilty of a breach of the Order as well as an offence under the Forgery and Counterfeiting Act 1981.
- (3) It is an offence for any person
  - (a) without lawful authority to remove, conceal, obliterate or alter any plate, notice or mark (Order of 1934 para. 16);
  - (b) to use or have in his possession any altered, or irregular taxi licence, plate, notice or mark (Order of 1934 para. 18).

(Penalty for (a) or (b) above Level 1)

## Plying for Hire

**32.** The Hackney Carriage Acts contain a number of provisions relating to plying for hire, including provisions which prohibit the driver of a taxi from plying for hire except at certain places, and provisions which determine the circumstances in which a taxi driver is under a duty to accept a fare.

### **33. Restrictions on plying on hire (Act of 1843 s33)**

A taxi driver may not ply for hire elsewhere than at some standing or place appointed for that purpose (Penalty Level 1).

A taxi driver is thus prohibited from taking up a position in any other place and remaining there for the purpose of plying for hire.

### **34. Duty of taxi driver to accept a fare (Act of 1831 s35 and s36; Act of 1853 s7 and s17; Act of 1968, s3; Order of 1972 para. 3)**

A taxi driver, unless required by the hirer to drive more than 12 miles, or more than 20 miles in respect of a journey which begins at Heathrow Airport, London, or for a longer time than one hour, is under a duty to accept a fare:

- (a) when his taxi is on a standing or rank appointed for that purpose; or
- (b) when his taxi is found standing in any street or place not being a parking place (whether on a rank or not) and is not actually hired.

Refusal by the driver to accept a fare when his taxi is so found is an offence (Penalty Level 1). If the driver is summoned for such a refusal he will not be liable if he proves that he was actually hired at the time. Further, if he also proves that he so informed the would-be-hirer in civil and explicit terms, the justice before whom he appears may award him compensation for loss of time in attending to make his defence (Act of 1831 s35 and s36).

(The Courts have considered what plying for hire means and what follows is a digest: An unhired taxi passing along a street is not legally bound to stop when hailed as it is not legally plying for hire when it is in motion. It is deemed to be in motion for these purposes even when actually stationary, providing it becomes stationary due to prevailing traffic conditions or, for example, to comply with traffic signs or signals, or the directions of a traffic warden or constable. If a taxi driver stops his vehicle in response to a signal from an intending hirer and speaks with him he is then technically 'found standing in the street' and must accept a lawful hiring or he commits the above offence. The 'for hire' sign does not legally affect this position whatever it indicates).

### **35. Duty of taxi driver in respect of distance or period of hire (Act of 1853 s7 and s17; Order of 1934 para. 34; Order of 1972 para. 3)**

A taxi driver is under a duty to drive the hirer of his taxi to any place within the Metropolitan Police District or the City of London not exceeding 12 miles from the

place where he was hired; or more than 20 miles in respect of a journey which begins at Heathrow Airport, London, or for any period up to one hour from the time when he was hired. Refusal to do so is an offence (Penalty Level 3). He is not compelled to accept a hiring for a distance of more than 12 miles, or more than 20 miles in respect of a journey which begins at Heathrow Airport, London, or a duration of more than one hour (Order of 1934 para. 34; Order of 1972 para. 3).

### **Offences Relating to the Conduct of Drivers and Management of Taxis**

**36. (a) Causing obstruction by loitering, etc. in any public street (Act of 1843 s 33)** It is an offence for a taxi driver to cause obstruction by loitering or misbehaviour in any public street or place (Penalty Level 1).

(b) A person who without lawful authority or excuse in any way wilfully obstructs the free passage along a highway is guilty of an offence (Highways Act 1980) (Penalty Level 3).

**37. Obstructing other vehicles (Act of 1831 s 51)**

A taxi driver must not:

- (a) obstruct or hinder the driver of another taxi in taking up or setting down a passenger;
- (b) take away from another taxi hirer his legitimate fare. In any such case the Justice before whom the complaint is heard is to decide whether the other driver was fairly entitled to the fare.

(Penalty Level 1 for each of the above offences).

**38. Acting or allowing any person to act as driver without owner's consent (Act of 1843 s 27)**

A taxi driver must not allow any other person to act as driver without the taxi proprietor's consent (Penalty Level 1). Any other person, whether licensed or not, acting as driver without such consent is liable to a penalty (Level 1). A driver charged with allowing another driver to drive must, if so required by a Justice of the Peace, give the other person's name and address and badge number (if licensed) (Penalty Level 1).

**39. Various acts of misbehaviour by taxi driver (Act of 1843 s28; Act of 1831 s 56)**

(1) The following offences are punishable by penalty (Level 1) or two months imprisonment:

- (a) Wanton or furious driving.

- (b) Causing hurt or damage to any person by carelessness or wilful misbehaviour.
- (c) Drunkenness during employment.
- (d) Use of insulting or abusive language during employment.
- (e) Use of insulting gestures during employment.
- (f) Any misbehaviour during employment.

(Act of 1843 s28)

(2) The following offences are punishable by penalty (Level 1):

- (a) Injuring or endangering the life, limbs or property of any persons by intoxication, wanton or furious driving or any other wilful misconduct.
- (b) Using abusive or insulting language or rude behaviour towards any person.
- (c) Assaulting or obstructing any police officer in the execution of his duty.

(Act of 1831 s56)

(3) This type of behaviour is also contrary to laws of general application, for example the Public Order Act 1986, carrying where appropriate heavy fines and/or imprisonment.



## Taxi Ranks

### 40. Appointment of and Regulations for taxi ranks (Act of 1850 s4)

TfL may appoint taxi ranks and make regulations as to the limits of the ranks, the number of taxis to be allowed to ply for hire there, the time during which they may ply for hire and also for enforcing order at the ranks, and removing any person unnecessarily loitering there.

All orders and regulations as above are advertised in the London Gazette.

The regulations in regard to individual ranks are exhibited at the ranks concerned.

### 41. Taxi Rank Regulations (Act of 1853 s19 and s21)

TfL has made the following regulations for enforcing order at taxi ranks:

- (1) **Drivers to be with taxis** (Reg. 1): The drivers of the first two taxis on a standing or any portion thereof must be with their taxis and available for hiring immediately.
- (2) **Drivers to be willing to be hired** (Reg. 2): A taxi must not be left on a standing or portion thereof unless the driver is willing to be hired.
- (3) **Drivers to move up** (Reg. 3): Drivers must move up on ranks to fill vacancies as they occur and vacancies must not be filled in any other manner.
- (4) **Disabled taxis** (Reg. 4): Disabled taxis must not be left on a standing longer than reasonably necessary to effect removal unless such disablement is temporary and is remedied without delay.
- (5) **Drivers not to cause annoyance, etc.** (Reg. 5): Drivers must not obstruct the carriageway or footway to cause annoyance or disturbance to residents or persons in the vicinity.

(Penalty in each of the above cases Level 1)

## **Taximeters**

The following is a description of the operation of the general pattern of the taximeter approved by TfL.

The dial of the taximeter must be illuminated throughout a hiring during the hours of darkness and at any time when a hirer so requests (Order of 1934 para. 38).

When the meter is not recording, the words 'For Hire' must be shown in illuminated letters on a panel on the side of the meter opposite the fare dial. The words 'For Hire' 'Taxi for Hire' or the 'Taxi' sign on the roof must be clearly visible at all times when the taxi is plying for hire.

As soon as the taxi is hired the driver must set the meter in the 'Hired' position. This is indicated by the appearance of a light which illuminates a blue panel on the meter and, simultaneously, the illuminated 'For Hire' panel and the canopy sign are extinguished.

### **42. Taximeter to be fitted and sealed (Order of 1934 para. 37)**

The driver of a taxi must not ply for hire

- (i) if a taximeter is not fitted;
- (ii) if the taximeter is not sealed and marked in accordance with the directions of TfL;
- (iii) if the seal or mark is broken, altered, defaced, or otherwise tampered with.

Where the seal or mark has become defective, then, as soon as practicable and in any event within 24 hours, the taxi must be taken or sent to any of LTPH's approved installers in order that a new seal or mark may be placed on the taximeter (Penalty Level 1).

### **43. Unauthorised seals, etc. (Order of 1934 paras. 35 and 36)**

No unauthorised person shall seal or mark a taximeter or remove or tamper with a taximeter or its mechanism, or break, alter, deface or otherwise tamper with the seal or mark of a taximeter (Penalty Level 1).

### **44. Lighting of taximeter (Order of 1934 para. 38)**

- (1) The owner is under a duty to provide a lamp so as to render the readings on the dial of the taximeter easily legible at all times.
- (2) The taxi driver must keep the taximeter lamp properly alight throughout a hiring during the hours of darkness, or at any other time when so requested by the hirer so as to enable the hirer to read the dial of the taximeter.

(3) The taxi driver must keep the flag and/or the 'Taxi' sign on top of the cab (if one has been fitted with the approval of TfL) illuminated when plying for hire during the hours of darkness.

(Penalty in each case Level 1).

**45. Setting taximeter in motion (Order of 1934 para. 39)**

A taxi driver must set the taximeter mechanism in motion as soon as the taxi is hired and no sooner and stop it as soon as the hiring is terminated and no sooner (Penalty Level 1).

## **Fares**

**46. Scale of fares (Order of 1934 paras. 40-42)**

Fares are fixed by TfL. Details of current fares may be obtained from LTPH or viewed on the TfL web site.

**47. Demanding more than proper fare (Act of 1853 s 17)**

It is an offence for a driver to demand or take more than the proper fare (Penalty Level 3).

**48. Deposit to be paid for waiting (Act of 1831, s 47)**

A driver required to wait may demand and receive from the hirer a reasonable sum as deposit, over and above the fare, but must account for such deposit when finally discharged. A driver accepting a deposit must not go away, or permit his taxi to be taken away without the hirer's consent, before expiration of the waiting period covered by the deposit (Penalty Level 1).

**49. Provision of receipt on request (London Cab Order 1934 para. 41 as amended by the London Cab Order 2007)**

The driver of a taxi must if requested by a passenger during or immediately after a journey, provide the passenger with a receipt for the fare paid by the passenger for that journey.

## Taxi Sharing

**50. Sharing of taxis** (PPV Act of 1981 s 1(b); Order of 1987 and Order of 2005 as amended by Fares Order 2008)

(1) A taxi driver may render himself liable to a penalty for using his taxi as a 'Stage Carriage' or 'Express Carriage' without a licence for that purpose if he carries passengers under an agreement initiated by him whereby any of them is to pay a separate fare (Penalty Level 3).

(2) A taxi driver may however make the taxi available for hire at separate fares at any place where a taxi can lawfully ply for hire by displaying a sign saying 'Shared taxi'. The maximum fare payable by each passenger is to be calculated from the metered fare using a conversion table which must be carried in the taxi.

(3) The London Taxi Sharing Scheme Order 2005 sets out a number of arrangements for sharing with fixed fares between specific places and destinations. A sign will be displayed at authorised places describing the arrangement, and a taxi driver can make the taxi available for hire at an authorised place by displaying a sign saying 'Fixed-fare shared taxi'. The maximum fare payable by each passenger is defined in the Order.

(4) If a taxi is available for hire under a sharing scheme and a person wants to hire the taxi for an exclusive service that the driver would normally be obliged to accept, the driver must withdraw from the shared scheme and accept the exclusive hiring unless another passenger is already waiting with the taxi for someone else to share with.

## Carrying Guide Dogs and other Assistance Dogs

**51. Provisions to ensure that a taxi driver must carry assistance dogs (Equality Act s168, 169 and 173; DDA Regs 2000)**

The driver of a taxi that has been hired has a duty to:

- (a) carry an assistance dog and allow it to remain with the passenger; and
- (b) not to make an additional charge for doing so.

A driver failing to comply with these requirements is committing an offence and is liable to a fine (Level 3).

Assistance dog is defined in s173(1) of the Equality Act as a dog which:

- (a) has been trained to guide a blind person;
- (b) has been trained to assist a deaf person;
- (c) has been trained by a prescribed charity to assist a disabled person who has a disability that:
  - consists of epilepsy; or
  - otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects.
- (d) is of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

It is however possible for a taxi driver to apply to TfL for a certificate of exemption from this requirement under s169 of the Equality Act on medical grounds.

If such a certificate is granted, it must be displayed in accordance with Regulation 2 of the DDA Regs 2000.

## Bilking by Hirers

**52. Non-payment of fare; injury to cab** (Act of 1831 s41; Act of 1843 s38 as amended by TfL Act 2008)

- (1) If a hirer
  - (a) refuses or omits to pay the fare, or
  - (b) defaces or injures the cab

the driver may within 28 days complain to a justice, who may grant a summons against the hirer.

On proof of such complaint the justice may award compensation (with costs) to the complainant for his fare or his damages and for his loss of time in attending to establish his complaint.

If a hirer refuses to pay the amount awarded the justice may commit him to prison for one calendar month.

(2) A person who dishonestly obtains services, (e.g. hiring of a taxi), by deception is guilty of an offence (Unlimited fine and five years imprisonment) (Theft Act 1978 s. 3 and Fraud Act 2006 s11)

(3) A person who knows that payment on the spot for a service done is required from him, but dishonestly makes off without paying, intending never to pay, is guilty of an offence (Unlimited fine and two years imprisonment) (Theft Act 1978 s 3 and Fraud Act 2006 s11).

(4) Any person who without lawful excuse destroys or damages property belonging to another intending to do so or being reckless as to the likely consequences of his actions commits an offence (Unlimited fine and imprisonment of 10 years) (Criminal Damage Act 1971 s1).

(5) A person other than a constable may arrest without warrant anyone who is in the act of committing an indictable offence or anyone whom he has reasonable ground for suspecting to be committing an indictable offence. Where an indictable offence has already been committed, a person may also arrest anyone who may be guilty or whom he suspects to be guilty of the offence. (s24A Police and Criminal Evidence Act 1984 as amended by the Serious Organised Crime and Police Act 2005 s110).

There is power for the court to award appropriate compensation to the taxi driver in such a case as 2, 3 and 4 above.

NB: A wrongful arrest may render the person arresting liable for a civil claim and where possible you should seek police assistance.

**53. Penalty for defrauding cabmen (Act of 1896 s1)**

Any person who

- (a) hires a taxi when he has reason to believe he cannot pay the fare, or
- (b) hires a taxi with intent to avoid payment, or
- (c) after hiring a taxi fraudulently endeavours to avoid payment, or
- (d) having failed or refused to pay the fare, after hiring the taxi, refuses to give his address or with intent to deceive gives a false address,

is liable, in addition to the fare, to a penalty (Level 1) or imprisonment not exceeding fourteen days. The whole or part of the fine may be given as compensation to the driver.

## **Carriage of Extra Persons, Luggage, etc.**

### **54. Refusing to carry, etc. (Act of 1853 s9, s10 and s17)**

It is an offence for a taxi driver

- (a) to refuse to carry the number of persons painted or marked on his cab, or
- (b) to refuse to carry a reasonable quantity of luggage.

(Penalty Level 3)

### **55. Excess passengers (Order of 1934 para. 33)**

It is an offence to carry in a taxi persons in excess of the number for which the taxi is licensed. (An infant in arms does not count as a person, and two children under 10 years count as one person). (Penalty Level 1).

NOTE – If seat belts are fitted the number of passengers must not exceed the number of seat belts fitted in the passenger compartment.

*In view of safety considerations, the Department for Transport recommends that a passenger should not be allowed to carry an infant in their lap whilst in a taxi. Babies and children under three must travel in a child restraint where provided or available in a taxi*

*Where child restraints are not available, children under three may travel at the back of a taxi unrestricted. Children three years and above must however use an adult seatbelt where provided.*

### **56. Passengers on driving box (Order of 1934 para. 33)**

It is an offence for any person, other than the driver, without the authority of the Licensing Authority, to be carried on the driving box or platform of a taxi (Penalty Level 1).

**57. Luggage on roof (Order of 1934 para. 33).** It is an offence to carry luggage on the roof of a taxi unless the taxi is fitted for that purpose and is licensed to carry luggage on the roof (Penalty Level 1).

### **58. Persons not to be carried without hirer's consent (Act of 1831 s50)**

A taxi driver must not permit any person to be carried in, upon or about the taxi without the express consent of the hirer (Penalty Level 1)

### **59. Hirings for luggage and/or animals alone (Order of 1934 paras. 41(4) and 42)**

A driver is not compelled to accept a hiring for luggage and/or animals unaccompanied by a passenger, or to carry articles or animals likely to cause damage to the taxi or its fittings.



## Lost Property

### **60. Taxi to be searched (Order of 1934 para. 51)**

Immediately after the termination of the hiring of his taxi the driver must carefully search his taxi to ascertain whether any property has been accidentally left there. If this is not practicable he must at least look inside his taxi for this purpose. In any event he must make a careful search as soon as practicable after the hiring (Penalty Level 1).

### **61. Disposal of property found in taxi (Order of 1934 para. 51)**

(1) Any person finding any property accidentally left in a taxi must hand it immediately to the taxi driver (Order of 1934 para. 51(1)).

(2) A taxi driver finding property left in a taxi or having such property handed to him must deposit it in the state in which it was found by or handed to him at a police station in the Metropolitan Police District or the City of London within 24 hours and truly state particulars of such finding, unless it is sooner claimed by the owner to whom it shall be restored forthwith on satisfactory proof of ownership (Penalty Level 1).

### **62. Scale of awards (Order of 1934 para 52)**

Lost property deposited at a police station and not claimed within three months of the last day of the month in which the property reaches the police station may be returned to the driver or sold and an award made to him of 15p in the £ for money, gold, silver, jewellery, watch or clock not exceeding £10 in value. If the driver fails to satisfy TfL that he has complied fully with the regulations he shall not be entitled to receive any such award, but TfL may award such sum as it may consider reasonable.

**63.** If the property is claimed within the period mentioned in para. 61 the driver may be awarded a reasonable sum to be decided by TfL. This award shall not be less than 5p or more than a sum calculated in accordance with the scale set out in para 62.

## Conveyance of Infected Persons

**64.** (1) In paras. 64 and 65 the phrase 'notifiable disease' means the list following, or any other disease made notifiable by the Secretary of State under Regulations to be made under section 13 PH Act of 1984.

Cholera, Plague, Smallpox, Typhus, Relapsing Fever, Paratyphoid Fever, Typhoid Fever, Lassa Fever, Scarlet Fever, Yellow Fever, Viral Haemorrhagic Fever, Acute Encephalitis, Acute Meningitis, Acute Poliomyelitis, Anthrax, Diphtheria, Dysentery, Leprosy, Leptospirosis, Infective Hepatitis, Malaria, Marburg Disease, Measles, any Food Poisoning, Tetanus, Tuberculosis, Rabies, Ophthalmia Neonatorum and Whooping Cough.

(2) No person who knows he is suffering from a notifiable disease shall enter a taxi without previously notifying the owner or driver of his condition. No person having the care of such a person shall permit him to be carried in a taxi without previously informing the owner or driver (Penalty Level 1). In addition, the Court may order compensation to be paid to the owner or driver to cover any loss or expense incurred in the disinfection of his vehicle under para. 65 (PH Act of 1984 s 33).

**65.** (1) The owner or driver of a taxi may refuse to convey in it any person suffering from a notifiable disease until he has paid a sufficient sum to cover any loss or expense incurred in the disinfection of the vehicle.

(1) Any owner or driver of a taxi who conveys in it any person suffering from a notifiable disease, shall as soon as practicable give notice of the fact to the local authority for the district in which the vehicle is usually kept and shall cause the taxi to be disinfected before permitting any other person to enter it (Penalty Level 1).

(2) The local authority if so requested by an owner or driver of a taxi in which a person suffering from a notifiable disease has been carried shall provide for the vehicle's disinfection at no charge except where the owner or driver carried such a person with knowledge of his condition.

(3) Any owner or driver of a taxi may recover as a civil debt by summary proceedings in a Magistrates' Court a sum sufficient to cover loss or expense incurred by him in relation to these paragraphs (particularly 64 (1)) from any person suffering from a notifiable disease who is carried, or any person who permits him to be carried whilst so suffering in the manner already mentioned (PH Act of 1984 s34).

## Legal Proceedings

### **66. Complaints to be made within 28 days (Act of 1843 s38, as amended by TfL Act 2008 s14)**

Complaints under the provisions of the Acts of 1831, 1843, 1850, 1853 and Orders and Regulations made under them must, except where some other limitation of time is specially provided, be made within 28 days next after the day on which the cause of complaint has arisen.

## Taxis at Railway Stations

**67.** The Train Operating Companies (TOCs) and Transport for London operating the various railways and underground stations have provided in their respective private Acts that their railway stations, the precincts thereof and the approaches thereto, which are situated within the Metropolitan Police District and the City of London are deemed for the purpose of s35 of the Act of 1831 to be a street or place, except any part of the premises set aside by the Board concerned as a parking place for vehicles. Drivers of unhired motor taxis on any railway station premises in London are therefore subject to the law as regards hiring in the same way as when they are on a parking place set aside by the TOC concerned.

### **68. Regulations (Act of 1907 s2)**

The TOCs may make regulations as to the number of taxis to be admitted at any one time, for rejecting taxis and drivers unfit for admission, and for the expulsion of any taxi driver who has been guilty of misconduct or of a breach of the TOCs' byelaws or regulations.

### **69. Privileged taxi system (Act of 1907 s2; Secretary of State's Orders)**

In London there are no privileged taxi ranks at railway stations where taxi ranks are provided.

## Heathrow Airport – London

### Byelaws 2012

#### Taxis – Byelaw 9

- (1) No person shall cause or permit a taxi to ply for hire or load passengers unless;-
  - (a) he is authorised to do so by the airport company, and
  - (b) he does so from an authorised standing provided that it shall not be an offence to load passengers in a public car park or at a distance of more than half a mile from the nearest such authorised standings or, with the consent of a constable, traffic warden in uniform, or an airport official at any distance from such authorised standings.
- (2) No person shall cause or permit any vehicle other than a taxi to stand on an authorised standing.
- (3) No person shall cause or permit a taxi to stand on an authorised standing in excess of the maximum permitted number of taxis as indicated by a sign at the head of the authorised standing.
- (4) Taxi drivers on an authorised standing shall be with their taxis and be available and willing to be hired immediately.
- (5) Disabled taxis shall not be left by their drivers on an authorised standing or taxi feeder park longer than is reasonably necessary to effect removal unless such disablement is temporary and is remedied without delay.
- (6) Taxi drivers shall not obstruct the carriageway, footpath or buildings or cause annoyance or disturbance to persons in the vicinity.
- (7) No person shall wash down or clean out a taxi on an authorised standing.
- (8) Taxi drivers shall on arrival at the authorised standing display their badge to a constable, traffic warden in uniform, the airport company or an airport official when requested to do so.
- (9) Taxi drivers shall not subsequently transfer their taxis to any other authorised standing unless the consent of a constable or traffic warden in uniform, the airport company or an airport official has first been obtained.
- (10) No person shall drive a taxi onto an authorised standing without having first driven through a taxi feeder park unless at the direction or with the consent of a constable, a traffic warden in uniform, an airport official or the airport company.
- (11) No person shall bring a taxi into the taxi feeder park unless he has been permitted to do so by the airport company and displays a ticket issued for that purpose in the windscreen of the taxi.

(12) No person who has driven a taxi onto the airport shall, while that taxi remains on the airport, drive another taxi onto the airport.

(13) No person shall without the permission of the airport company leave a taxi on a taxi feeder park unless willing to be despatched immediately to an authorised standing.

(14) Drivers shall move up their taxis on an authorised standing or taxi feeder park by filling vacancies as they occur.

(15) Taxi drivers who are for the time being in a taxi feeder park shall comply with such directions for ensuring good order and an orderly movement of traffic within that taxi feeder park as may be given by a constable, a traffic warden in uniform, an airport official or the airport company.

(16) Taxi drivers who are for the time being in a taxi feeder park shall:

(a) leave the taxi feeder park by an exit for the time being designated for that purpose and in the order in which they entered immediately they are required to do so by a constable, traffic warden in uniform or an airport official; and

(b) proceed directly and without delay to the authorised standing provided that nothing in this byelaw shall apply to anything to the contrary done at the direction of, or with the consent of a constable, traffic warden in uniform, the airport company or an airport official.

(17) No person shall deface, alter or amend any ticket issued for the purpose referred to in byelaw 9 (11).

(Penalty Level 3 in each case).

