

HACKNEY CARRIAGE ORDINANCE, 1877.

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No. 13.—1877.

1st November.

AN ORDINANCE to regulate Hackney Carriages in
the town of Port of Spain.

(L.S.) G. WILLIAM DES VŒUX.

14th November, 1877.

BE it enacted by His Excellency the Governor, with
the advice and consent of the Legislative Council,
as follows:—

Preliminary.

Short title.

1. This Ordinance may be cited for all purposes as
"The Hackney Carriage Ordinance, 1877."

58 2. In this Ordinance, if not inconsistent with the Interpreta-
 context, the following terms have the meanings herein- tion of terms.
 59 after respectively assigned to them, that is to say:—

60 “Hackney carriage” means any carriage for the
 61 conveyance of passengers which stands on hire
 or plies for hire at any place within the limits of
 this Ordinance :

62 “Proprietor” includes a part proprietor and every
 63 person who, either alone or in partnership with
 any other person, is the owner of or otherwise
 concerned than as a driver, in employing for hire
 any hackney carriage :

64 “Driver” means any person engaged in driving a
 65 hackney carriage :

36 “The Inspector Commandant” means the Inspector
 Commandant of Police :

37 “Passenger” means every person carried by any
 38 hackney carriage except one driver :

39 “Limits of this Ordinance” means the limits of the
 borough of Port of Spain, as defined by the Ordi-
 nance Number 10 for 1853, intituled “An
 Ordinance for the regulation of Municipal Corpo-
 rations in this Island,” and a circuit of one mile
 from any part of such limits :

“Horse” includes every mare, gelding or other beast
 of draught.

Licenses for Carriages.

n 3. It shall not be lawful for any person to employ for Hackney car-
 or let to hire any hackney carriage within the limits of riage to be
 this Ordinance unless he has a license in force for the licensed, and
 same, nor unless there is distinctly painted on the outside number of
 of such carriage, in the manner hereinafter provided, the license and
 number of number of
 number of such license, and the number of persons to be
 1 be carried by
 carried by such carriage. Every person offending painted there-
 against this section shall be liable to a penalty not on
 exceeding twenty shillings for each day that he so employs
 for or lets to hire any such carriage.

4. Before any such license is granted a requisition for Requisition
 the same, in such form as the Inspector Commandant for license.
 from time to time provides, shall be made and signed by

the proprietor or one of the proprietors of the carriage in respect of which such license is applied for; or, in case of a body corporate or public company by a public officer thereof: and in every such requisition shall be set forth the Christian name and surname of every proprietor of such carriage; or in case of a body corporate or public company the title thereof; and in the case of a partnership the firm thereof; and in every case the place of residence or office of business of every such proprietor, body corporate, company or firm; and such requisition shall be left at the chief office of police in Port of Spain.

Penalty for making false requisition.

5. Every such requisition shall be received as evidence and be deemed proof of all matters therein contained as against the party serving such requisition; And every person who, on applying for a license, does not set forth truly in such requisition any of the particulars hereby required to be set forth shall be liable to a penalty not exceeding forty shillings; and it shall be lawful for the Inspector Commandant to revoke any license issued on a false requisition.

Inspector Commandant to grant license.

6. Upon such requisition being left at such police office the Inspector Commandant shall cause an inspection to be made of the carriage in respect of which such license is applied for and of the horses and harness intended to be used therewith, and if such carriage, horses and harness are found to be in a fit condition for public use he shall endorse upon such requisition his approval of the application thereby made, and shall, on payment of the duty chargeable for such license, grant to the person applying for the same a license under his hand to keep, use and let to hire the carriage in respect of which such license is applied for. The inspection shall be made at such place as the Inspector Commandant appoints.

Duration of licenses.

7. Subject to the provisions of this Ordinance every license shall continue in force from the day on which it was granted until the thirty-first of December next thereafter, but every license may, on or before the thirty-first of December on which it expires be renewed without any fresh requisition, and if renewed shall continue in force for the term of one year from the last-mentioned thirty-first of December.

8. The following duties shall be paid to the Inspector Duties on licenses for carriages.
Commandant in respect of licenses for hackney carriages:—

Upon the grant of every license granted on or before the thirtieth of June in any year the sum of one pound and five shillings.

Upon the grant of every license granted after the thirtieth of June in any year the sum of twelve shillings and sixpence.

Upon the renewal of any license the sum of one pound and five shillings.

9. Every license shall be an authority only to the License to be renewed on change of ownership.
person named therein, but

1. On transfer of the property or ownership of any carriage, or

2. On admission of any person as a partner in the ownership of any carriage,

it shall be lawful for the Inspector Commandant to grant, in lieu of the license then in force for such carriage, to the person named in any requisition for that purpose, a license to the like effect, and in such case the new license shall be granted without payment of any fee or duty, for the period then unexpired of the license in lieu of which it was given.

10. Every license shall bear date the day on which it Form of license.
is given and shall have and contain:—

1. A distinguishing number:

2. The Christian name and surname of every proprietor of the carriage in respect of which such license is granted, except in the case of a body corporate or public company, in which case it shall be sufficient to name the public officer thereof:

3. The place of residence or office of business of such proprietor, body corporate, or company.

11. Every license shall be produced to the Inspector License to be produced on order of Inspector.
Commandant whenever and so often as the same is ordered by him to be produced.

Notice of
change of
residence to
be given by
proprietor.

12. As often as the place named in any license as the place of residence or office of business of any proprietor is changed, such proprietor shall, within four days next after such change, give notice thereof in writing signed by him to the Inspector Commandant, and in such notice there shall be specified the new place of residence or office of business of such proprietor, and such proprietor shall at the same time produce such license at the chief office of police in Port of Spain, whereupon the Inspector Commandant shall indorse thereon and sign a memorandum specifying the particulars of such change. Every proprietor not complying with the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Number of
license and
number of
persons to be
carried by
carriage to be
painted
thereon.

13. The proprietor of every hackney carriage shall keep distinctly painted on the outside of such carriage and in such a position as is from time to time directed by the Inspector Commandant

1. The number of the license granted for such carriage in black figures on white ground or white figures on black ground two inches in length and of a proper and proportionate breadth, and
2. In words at length the number of persons to be carried by such carriage.

Inspection of Carriages and Horses.

Power to
Inspector
Commandant
to suspend
license.

14. It shall be lawful for the Inspector Commandant to cause an inspection to be made, as often as he may deem it necessary, of any hackney carriage and of any horse or harness used with any hackney carriage within the limits of this Ordinance, and if any such carriage, horse or harness is in a condition unfit for public use the Inspector Commandant shall give notice in writing accordingly to the proprietor thereof, which notice shall be personally served on such proprietor or delivered at the place of residence or office of business of such proprietor specified in the requisition in respect of such carriage or last indorsed thereon, and if after such notice any proprietor within the limits of this Ordinance, uses or lets to hire such carriage as a hackney carriage, or

uses or lets to hire with any hackney carriage such horse or harness whilst in a condition unfit for public use, the Inspector Commandant shall have power to suspend, for such time as he may deem proper, the license of such carriage, and any person who uses or lets to hire any such carriage, horse or harness, after such notice as aforesaid, shall be liable to a penalty not exceeding twenty shillings for each day that he uses or lets to hire such carriage, horse or harness, and in default of payment may be imprisoned for any time not exceeding one month.

The inspection shall be made at such time and place as the Inspector Commandant appoints, and if the carriage, horse and harness are not produced at the time and place appointed, the Inspector Commandant shall have power to suspend for such time as he deems proper the license of such carriage.

Licenses to Drivers—Badges.

15. It shall be lawful for the Inspector Commandant on payment to him of the duty required by this Ordinance, to grant to any person not being under sixteen years of age, a license to act as driver of hackney carriages: Provided that the Inspector Commandant shall not be bound to grant any such license to any person who within a year before his application for a license has been convicted on indictment or summarily of any offence.

Drivers to be licensed.

16. Subject to the provisions of this Ordinance, every license to a driver shall continue in force from the day on which it was granted until the thirty-first day of December next thereafter.

Duration of licenses to drivers.

17. The following duties shall be paid to the Inspector Commandant in respect of licenses to drivers:

Duties on licenses to drivers.

Where the license is granted on or before the thirtieth of June in any year the sum of five shillings.

Where the license is granted after the thirtieth of June in any year the sum of two shillings and sixpence.

Requisition
for license.

18. Before any license to a driver is granted a requisition for the same in such form as the Inspector Commandant from time to time appoints, shall be made and signed by the person by whom the license is required, and in every such requisition the name and surname of such person and his place of abode shall be truly set forth.

Form of
license.

19. Every license to a driver shall contain

1. A distinguishing number, and
2. The name and surname and place of abode of the driver.

And on every such license there shall be columns in which every proprietor employing the driver named in such license shall enter—

1. His own name and address, and
2. The days on which such driver enters or quits his service.

Badge to be
given to
driver.

20. The Inspector Commandant shall, with every driver's license, deliver to the person to whom such license is granted a metal badge upon which there shall be marked the word "Driver," and a number corresponding with the number in such license.

Notice of
change of
residence to
be given by
driver.

21. As often as any driver changes his place of abode he shall give notice thereof in writing, signed by him, to the Inspector Commandant specifying in such notice his new place of abode and shall, at the same time, produce his license to the Inspector Commandant, who shall thereupon indorse a memorandum specifying the particulars of such change. Every driver failing to comply with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty shillings; and it shall be lawful for the Inspector Commandant or for any person employed by him for that purpose to sue for such penalty at any time during the currency of such license.

No person to
act as driver
without
license and
badge.

22. Except as hereinafter provided no person shall act as driver of any hackney carriage, whether he is or is not the proprietor of such carriage, unless he has a license and badge in force, and every person who acts

as a driver contrary to this section and every driver who, except in compliance with this Ordinance, transfers or lends his license or permits any other person to wear his badge, shall for every such offence be liable to a penalty not exceeding forty shillings.

23. Every proprietor who, except in the case hereinafter provided, knowingly suffers any person not duly licensed to act as driver of any hackney carriage of which he is proprietor, shall for every such offence be liable to a penalty not exceeding forty shillings.

Proprietor not to suffer unlicensed person to act as driver.

24. Nothing hereinbefore contained shall subject to any penalty any proprietor who employs an unlicensed person to act as driver for any time not exceeding twenty-four hours, or any unlicensed person so employed for such time, upon proof to the satisfaction of any Justice of the Peace before whom such proprietor is required to answer for such offence that such employment was occasioned by unavoidable necessity: And every proprietor who so employs such unlicensed driver and every such unlicensed driver shall be subject to all the provisions of this Ordinance for any act done by such driver during such employment in like manner as if he had been duly licensed.

Unlicensed driver may, in cases of unavoidable necessity, be employed for a period not exceeding 24 hours.

25. Every proprietor who permits or employs any licensed person to act as driver shall require to be delivered to him and shall retain in his possession the license of such driver while such driver remains in his service, and every proprietor who fails to comply with the provisions of this section shall be liable for each offence to a penalty not exceeding forty shillings.

License of driver to be retained by proprietor.

26. Whenever any proprietor, in pursuance of the authority hereinafter contained, is summoned to produce any driver before a Justice of the Peace he shall also produce the license of such driver if at the time of receiving the summons such driver is in his service; and if the driver complained of is adjudged guilty of the offence alleged against him, the Justice of the Peace before whom he is convicted shall in every case indorse upon the license of such driver the nature of the offence and the amount of the penalty inflicted; and every proprietor who refuses or neglects to produce

Justice to indorse on driver's license the amount of penalty inflicted for any offence of which such driver is convicted.

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such license as aforesaid shall for every such offence forfeit a sum not exceeding forty shillings.

Proprietor to return license to driver when latter quits his service.

27. When any licensed driver leaves the service of any proprietor, such proprietor shall on demand return to his driver his license: Provided, nevertheless, that if such proprietor has any complaint against the driver it shall be lawful for him to retain such license for any time not exceeding twenty-four hours after the demand thereof (such period of twenty-four hours to be computed exclusive of any day on which the police court does not sit), and within that time to apply to the police court of Port of Spain for a summons against such driver, and the proprietor at the time of applying for such summons shall deposit the license with the clerk of the police court, and in case any proprietor who upon demand thereof has refused or neglected to deliver to any driver his license does not within the time aforesaid apply for such summons and deposit the license as aforesaid, or does not appear to prosecute his complaint at the time mentioned in the summons, it shall be lawful for such driver to apply at the same police court or to some Justice of the Peace for a summons against such proprietor; and the Justice, if he thinks there was no just cause for detaining the license or that there has been needless delay on the part of the proprietor to bring the matter to a hearing, shall have power to order the proprietor to pay such compensation to the driver as the said Justice shall think reasonable; and the Justice shall cause the license to be delivered to the driver, unless any misconduct is proved against him by reason whereof the Justice thinks that such license should be revoked or suspended, and so long as any proprietor neglects to apply for such summons and deposit the license after demand thereof, any Justice of the Peace may in like manner from time to time order compensation to be paid by him to the same driver; and no proprietor shall under any pretence or by virtue of any claim whatever retain beyond the time aforesaid the license of his driver.

License and badge to be delivered up

28. Upon the expiration of any driver's license the person to whom it was granted shall deliver the same

and the badge relating thereto to the Inspector Com-
mandant; and

to Inspector
Commandant
on expiration
of license.

1. Every such person who wilfully neglects for three days so to deliver the same, and
2. Also every person who
 - (a) Uses or detains any badge without having a license in force relating to such badge, or
 - (b) For the purpose of deception uses or wears or has any badge resembling or intended to resemble any badge granted under the authority of this Ordinance,

shall for every such offence forfeit a sum not exceeding forty shillings; and the Inspector Commandant or any person employed by him for that purpose may prosecute any person so neglecting to deliver up his license or badge at any period within twelve months after the expiration of the license; and any constable or peace officer, or any person employed for that purpose by the Inspector Commandant, may seize and take away any such badge wheresoever the same may be found in order to deliver the same to the Inspector Commandant.

How Badges are to be worn.

29. Every licensed driver is hereby required at all times during his employment and when in attendance before any Justice of the Peace to wear his badge conspicuously upon his breast or arm in such manner that the whole of the writing thereon is distinctly legible. Every driver who does not conform to this requirement, or who when thereunto required refuses to produce his badge for inspection or to permit any person to note the writing thereon, shall for every such offence be liable to a penalty not exceeding forty shillings.

How badges
to be worn.

Defaced and lost Badges.

30. Whenever the number on any badge becomes obliterated or so obscured or defaced as not to be distinctly legible, the holder thereof shall on delivery of the same to the Inspector Commandant, be entitled to have a new badge upon payment of such sum of money

Defaced
badges not to
be used.

not exceeding five shillings as the Inspector Commandant from time to time appoints, and every person who uses or wears any badge after the number thereon is obliterated or so obscured or defaced as not to be distinctly legible, shall for every such offence be liable to a penalty not exceeding forty shillings.

If badge be lost, another to be procured from inspector of police.

31. Whenever any badge is proved to the satisfaction of the Inspector Commandant to have been lost or mislaid the person to whom the license relating to such badge has been granted shall, on production of such license to the Inspector Commandant, be entitled to have a new badge upon payment of such sum of money not exceeding five shillings as the Inspector Commandant from time to time appoints : Provided always that if any badge which has been represented to have been lost or mislaid is afterwards found, the same shall forthwith be delivered to the Inspector Commandant, and every person having possession of any such badge as last aforesaid who refuses or neglects for three days to deliver the same to the Inspector Commandant shall for every such offence be liable to a penalty not exceeding forty shillings.

Forging or Counterfeiting a License or Badge.

Penalty for forging or counterfeiting license or badge.

32. Every person who does any one or more of the acts following, that is to say :—

1. Forges or counterfeits or causes to be forged or counterfeited any license (whether for a hackney carriage or for a driver) or any badge,
 2. Sells or exchanges or exposes for sale or utters any such forged or counterfeited license or badge,
 3. Knowingly and without lawful excuse (the proof whereof shall lie on the person accused) has or is possessed of any forged or counterfeited license or badge, knowing the same to be forged or counterfeited, or
 4. Knowingly and wilfully aids or abets any person in committing any of the several offences aforesaid,
- shall be guilty of an offence punishable on summary conviction, and on conviction thereof before any Stipen-

diary Justice of the Peace shall be liable to imprisonment either with or without hard labour for any period not exceeding six months; and it shall be lawful for any constable or peace officer or any person employed for that purpose by the Inspector Commandant to seize and take away any such license or badge in order that the same may be produced in evidence against such offender or be disposed of as the Inspector Commandant thinks proper.

Evidence with regard to Licenses.

33. The particulars of every hackney carriage license and of every driver's license and of all indorsements thereupon respectively shall be entered in such manner and form as the Inspector Commandant may from time to time direct, in a book or books to be kept at the chief office of police in Port of Spain; and in all Courts and before any Justice of the Peace and upon all occasions whatsoever a copy of any entry made in any such book, and purporting to be certified as a true copy by the person having the charge thereof, shall be received as evidence and be deemed sufficient proof of all things therein registered without requiring the production of any such book or of any license or of any requisition, notice or other document upon which any such entry may be founded. Every person shall on application at any reasonable time be furnished with a certified copy of the particulars respecting any license or licensed person without payment of any fee.

Evidence with regard to licenses.

Proprietor may be summoned to produce Driver.

34. When any complaint is made before any Justice of the Peace against the driver of any hackney carriage for any offence against this Ordinance or of any order or regulation made in pursuance of this Ordinance it shall be lawful for such Justice, if he thinks proper, forthwith to summon the proprietor of such carriage to produce at a specified time before him or such other Justice of the Peace as may then be present the driver by whom such offence is alleged to have been committed to answer such complaint; and in case such proprietor

Proprietor may be summoned to produce driver.

fails to produce the driver it shall be lawful for the Justice of the Peace before whom such driver ought to be produced (if he thinks fit) to proceed in the absence of such driver to hear and determine the case and to adjudge payment by the proprietor of any penalty or sum of money and costs in which the driver is convicted, and any such sum of money paid by the proprietor shall be recoverable in a summary way from the driver in consequence of whose default such sum is paid, upon proof of payment thereof pursuant to the order of the Justice and upon proof of the service of the notice hereinafter mentioned: Provided that if the Justice of the Peace deems it proper it shall be lawful for him when such proprietor fails to produce his driver without sufficient excuse to be allowed by such Justice, to impose a fine not exceeding forty shillings upon such proprietor and so from time to time as often as he is summoned in respect of such complaint until he produces his driver.

Penalty on driver for refusing to attend before Justice.

35. Every proprietor who is summoned to produce his driver shall cause to be given to such driver or to be left at the abode specified in his license, or (if such licence expires after the offence committed and before the hearing of the complaint) at his usual place of abode a written notice of the time and place when and where such driver is required to attend: and if such driver does not attend according to such notice it shall be lawful for a Justice of the Peace to issue a warrant for his apprehension, and if after such notice any driver without a reasonable cause to be allowed by the Justice, neglects or refuses to attend at the time and place therein mentioned, or (having previously left the service of the proprietor so summoned as aforesaid) does not at the time and place of his attendance produce his license, he shall forfeit the sum of forty shillings and so from time to time as often as he so neglects or refuses.

Forms of summons, &c.

36. Every summons or warrant against the proprietor of a hackney carriage for the default of the driver thereof may be according to the forms in the Schedule B to this Ordinance.

Complaints between Proprietors and Drivers.

37. It shall be lawful for any Justice of the Peace to determine all matters of complaint between any proprietor and driver, and to order payment of any sum of money that appears to be due to either party for wages or for the earnings in respect of any hackney carriage, or on account of any deposit of money and to order compensation to the proprietor in respect of any damage or loss, arising through the neglect or default of any driver, to the property of his employer intrusted to his care or in respect of any sum of money which such proprietor may have been lawfully ordered by a Justice of the Peace to pay and which has been actually paid pursuant to such order, on account of the negligence or wilful misconduct of his driver, and to order such compensation to either party in respect of any other matter of complaint between them as to such Justice seems proper: Provided that it shall not be lawful either in any court of law or before any Justice of the Peace to enforce the payment of any sum of money claimed from any driver by any proprietor on account of the earnings of any hackney carriage, unless under an agreement in writing signed by such driver in the presence of a competent witness.

Complaints between proprietors and drivers to be determined by Justice.

Standings for Hackney Carriages.

38. The Inspector Commandant may from time to time

1. Appoint, and at his discretion alter, the standings or places where hackney carriages may stand and ply for hire; and
2. Make orders for regulating the number of carriages to be allowed at any standing and for the enforcement of order thereat, and from time to time alter or repeal any such orders:

Power to inspector of police to appoint standings and to make orders for regulating number of carriages to be allowed at any standing.

All such orders and every alteration or repeal thereof respectively shall be advertised in the *Royal Gazette* and a copy thereof be hung up for public inspection outside the chief office of police in Port of Spain for a period of fourteen days before the same come into operation.

As to what shall be deemed sufficient evidence of the publication of orders, &c.

39. In all Courts of Justice a copy of the *Royal Gazette* purporting to be printed by the Government printer for the time being and a certificate under the hand of the Inspector Commandant, that the requirements of this Ordinance with regard to the publication of any orders or regulations which have been made by him under the authority of this Ordinance have been complied with, shall be conclusive evidence of the due making and publication of any orders or regulations which may be found in such Gazette.

As to Fares.

As to fares to be allowed.

40. The driver of any hackney carriage within the limits of this Ordinance shall be entitled to demand for the hire of such carriage the fares set forth in Schedule A. to this Ordinance: Provided that when the driver of any carriage to be paid a fare calculated according to distance is required by the hirer to stop such carriage for fifteen minutes or for any longer time, it shall be lawful for the driver to demand and receive from the hirer a further sum (above the fare to which he is entitled calculated according to distance) of sixpence for every fifteen minutes completed that he has been so stopped, and no driver shall demand or receive over and above the said fare any sum for or by way of back fare for the return of such carriage from the place at which such carriage is discharged.

Tables of distances and fares, &c., to be placed at several standings.

41. In case of dispute as to the fare to be calculated according to the distance, any table or book signed by the Inspector Commandant shall on proof of such signature be deemed to be conclusive evidence of all the distances therein stated to have been measured by authority of the said Inspector Commandant, and it shall be lawful for the Inspector Commandant to cause to be placed at the several standings for hackney carriages, or elsewhere within the borough of Port of Spain as he may deem convenient, tables of distances and fares, and such information as may be useful to persons hiring such carriages.

Plying for Hire.

42. Every hackney carriage standing in any street or place shall, unless actually hired, be deemed to be plying for hire, although such carriage is not on any place appointed as a standing for hackney carriages plying for hire, and the driver of every such carriage not actually hired shall be obliged and compellable to go with any person desirous of hiring such carriage; and upon the hearing of any complaint against any driver for refusing to go with any person desirous of hiring such carriage, the proof of such carriage having been hired at the time of such refusal shall rest with the driver, and in case such driver fails to produce sufficient evidence of having been so hired, he shall forfeit a sum not exceeding forty shillings.

Carriage, if not actually hired, to be deemed to be plying for hire.

43. Provided that if the driver of any hackney carriage in civil and explicit terms declares to any person desirous of hiring such carriage that it is actually hired, and afterwards, notwithstanding such reply, is summoned to answer for his refusal to carry such person in his carriage, and upon the hearing of the complaint produces sufficient evidence to prove that such carriage was at the time actually and *bona fide* hired, and it does not appear that he used uncivil language or that he improperly conducted himself towards the person by whom he is summoned, the Justice before whom such complaint is heard may order the person who summoned such driver to make him such compensation for his loss of time in attending to make his defence to such complaint as such Justice deems reasonable, and in default of payment thereof may commit such person to prison for any time not exceeding one month unless the same shall be sooner paid.

Justice may order compensation to driver for loss of time on being needlessly summoned before such Justice to answer for his refusal to carry any person.

44. Every driver who either verbally or in writing contracts with any person to let or hire any carriage at a time and place certain, and fails to attend with such carriage at such time and place or otherwise fails to perform such contract without reasonable excuse to be allowed by the Justice before whom the matter is brought in question, the proof of which excuse shall be

Driver bound under penalty to keep any engagement he may make.

upon such driver, shall forfeit and pay a sum not exceeding forty shillings.

As to Distance driver may be required to Drive.

Distance driver may be required to drive.

45. The driver of every hackney carriage shall (unless he has a reasonable excuse, to be allowed by the Justice before whom the matter is brought in question) drive the carriage within the limits of this Ordinance to any place to which he is required by the hirer thereof to drive the same, or for any time not exceeding one hour from the time when hired: Provided that when any carriage is hired by time the driver may be required to drive at any rate not exceeding five miles per hour, and need not drive at any greater rate.

When Driver may require Deposit.

When driver may require deposit.

46. Where any hackney carriage is hired and taken to any place of public resort or elsewhere, and the driver is required there to wait with such carriage, it shall be lawful for such driver to demand a reasonable sum as a deposit over and above the fare to which he is entitled for driving thither, which sum shall be accounted for when such carriage is finally discharged; and if any such driver having received any such deposit

1. Refuses to wait with such carriage at the place where he is required to wait, or
2. Goes away or permits such carriage to be driven or taken away, without the consent of the person making such deposit, before the expiration of the time for which the sum so deposited would be a sufficient compensation according to the legal rates and fares, or
3. On the final discharge of such carriage refuses duly to account for such deposit:

Every such driver so offending shall forfeit a sum not exceeding forty shillings.

Agreement to pay more than Fare.

Agreement to pay more than fare not binding.

47. No agreement made with any driver for the payment of more than the legal fare shall be binding, and

in case any person pays to any driver, whether in pursuance of an agreement or not, any sum exceeding the legal fare demanded or required by such driver, the person paying the same shall be entitled, on complaint made before any Justice of the Peace, to recover back the sum paid beyond the legal fare, and moreover such driver shall forfeit as a penalty for such exaction any sum not exceeding forty shillings.

48. When any person shall make request to the driver of a hackney carriage to be carried in such carriage in a direction then specified for the distance for which a sum then stated is the proper fare, the driver is bound to comply with such request computing the distance according to the best of his judgment: and if the driver shall refuse to comply or shall wilfully drive a distance substantially less than the distance for which the sum stated is the proper fare or shall wilfully diverge from the specified direction or shall exact or demand more than the sum so stated, he shall forfeit and pay a sum not exceeding forty shillings.

Driver not to charge more than sum agreed for, when the distance stated shall be exceeded without direction..

Refusing to Pay Fare or Injuring Carriage.

49. If any person refuses or omits to pay to any driver his legal fare or defaces or in any manner injures any hackney carriage, it shall be lawful for any Justice of the Peace to grant a summons, or if it appears to him necessary a warrant for bringing before him or any other Justice such defaulter or offender, and any such Justice may award reasonable satisfaction to the party complaining for his fare or for his damages and costs, and also a reasonable compensation for his loss of time in attending to make and establish such complaint; and upon the refusal of such defaulter or offender to pay or make such satisfaction, it shall be lawful for such Justice to commit him to prison there to remain for any time not exceeding one month with or without hard labour, unless the amount of such satisfaction together with the costs of the proceeding and of conveying the party to prison (the total amount being stated in the warrant of commitment) be sooner paid.

Refusing to pay fare or injuring carriage.

Number of Persons to be Carried.

Number of persons to be carried.

50. Every driver of any hackney carriage shall if required by the hirer thereof carry in or upon such carriage the number of persons painted or marked thereon, or any less number of persons.

Luggage.

Luggage.

51. The driver of any hackney carriage within the limits of this Ordinance shall carry in or upon such carriage a reasonable quantity of luggage for any person hiring such carriage without any additional charge, except as provided in Schedule A. to this Ordinance.

Property Left in Carriages.

Property left in carriages to be taken to police office.

52. The driver of every hackney carriage wherein any property is left, shall within twenty-four hours carry such property if not sooner claimed, in the same state in which he finds it, to the chief office of police in Port of Spain, and there deposit the same with the proper officer. Every such driver making default herein shall forfeit any sum of money not exceeding twenty pounds.

Particulars in respect of property so deposited to be entered in a book.

53. The officer with whom any such property is left shall forthwith enter in a book to be kept for that purpose,

1. The description of such property ;
2. The name and address of the driver who brings the same ;
3. The number of the carriage in which the same was left ;
4. The day on which it is brought.

Disposal of property.

54. Such property shall be returned to the person who proves to the satisfaction of the Inspector Commandant that the same belongs to him, such person previously paying all expenses incurred together with such reasonable sum to the driver who brought

the same as, with reference to the value of the property in question, the Inspector Commandant awards: Provided always, that if such property is not claimed by and proved to belong to some person within one year after the same is deposited (the same having been advertised in such manner as the Inspector Commandant may direct), such property shall be sold or otherwise disposed of and the proceeds thereof, after deducting such sum as the Inspector Commandant may award to the person who having found the property deposited the same as hereinbefore directed, shall be paid to the Receiver General.

Miscellaneous.

55. Every person authorised by any proprietor to act as driver of any hackney carriage who suffers any other person to act as driver of such carriage without the consent of the proprietor thereof, and also every person who acts as driver of any such carriage without the consent of the proprietor thereof shall forfeit the sum of forty shillings, and every driver charged with such offence who, when required by a Justice of the Peace so to do, shall not truly make known the name and place of abode of the person so suffered by him to act as driver, shall be liable to a further penalty of forty shillings, and it shall be lawful for any police constable without any warrant for that purpose to take into custody any person unlawfully acting as a driver and to convey him before any Justice of the Peace to be dealt with according to law, and also if necessary to take charge of the carriage and every horse in charge of such person and to deposit the same in some place of safe custody until the same can be applied for by the proprietor.

Driver not to permit any other person to act for him without consent of proprietor.

56. Every driver who

1. Permits any hackney carriage to stand or to ply for hire within the limits of this Ordinance in any place not appointed for a standing;

Penalty for commission by driver of offences herein mentioned.

2. Does not conform to any order for regulating the

number of carriages to be allowed at any standing or for the enforcement of order at any such standing ;

3. Refuses to go with any person desirous of hiring his carriage for the legal fare ;
4. Demands more than his legal fare ;
5. Refuses to carry in or upon his carriage the number of persons painted or marked on such carriage, or specified in the license granted in respect of such carriage, or any less number ;
6. Refuses to carry in or upon such carriage reasonable quantity of luggage for any person hiring or intending to hire such carriage ;
7. Refuses to drive his carriage to any place within the limits of this Ordinance :
8. Refuses to drive his carriage within the limits of this Ordinance for any time not exceeding one hour for any person hiring or intending to hire such carriage ;
9. Does not drive his carriage at a reasonable and proper speed, not less than five miles an hour, except in cases of unavoidable delay, or when required by the hirer to drive at a slower pace ;
- ~~#~~ 10. By loitering or any wilful misbehaviour causes any obstruction in or upon any public street, road or place ;
11. Smokes whilst driving in his carriage any passenger after an objection taken by such passenger :
12. During his employment is drunk, or makes use to any passenger of any insulting gesture or insulting or abusive language ;
13. After objection taken by any hirer of his carriage allows any person besides himself to ride on the driving box,

shall for every such offence forfeit and pay any sum not exceeding forty shillings.

57. Where any driver is convicted on indictment or summarily of any offence, the Inspector Commandant may, if he thinks fit, within one week from such conviction suspend or revoke the license of such driver.

Revocation and suspension of driver's license.

58. The person suspending or revoking the license of a driver may require any person having possession of the license or badge of such driver to deliver the same respectively to the Inspector Commandant, and the Inspector Commandant shall cancel such license if it is revoked, or if it is suspended re-deliver it at the expiration of the period of suspension, together with the badge, to the person to whom such license was granted.

Delivery up of suspended or revoked license.

Any person required under this section to deliver a license or a badge to the Inspector Commandant who refuses or neglects so to do, shall be guilty of an offence punishable on summary conviction before a Stipendiary Justice of the Peace, and liable to a penalty not exceeding five pounds.

59. If any driver is summoned or brought before any Justice of the Peace to answer any complaint concerning any offence alleged to have been committed by him against this Ordinance, and such complaint is afterwards withdrawn, or quashed, or dismissed, or if the defendant is acquitted, it shall be lawful for the Justice, if he thinks fit, to order and award that the complainant pay to the driver such compensation for his loss of time in attending the said Justice concerning such complaint as to the said Justice seems reasonable, and in default of payment of such compensation it shall be lawful for the said Justice by his warrant which may be executed by any constable to order the amount of such compensation to be levied by distress and sale of the complainant's goods.

Justice may order compensation to driver for loss of time in attending before him to answer groundless complaints.

By whom Complaints are to be determined.

60. It shall be lawful for any Stipendiary or other Justice of the Peace, at the police court in the town of Port of Spain, to hear and determine in a summary

By whom complaints are to be determined.

emp: |||

manner all complaints for offences against this Ordinance, or any order or regulation made in pursuance thereof, and also all claims, disputes, and causes of complaint that may arise out of the same, and to adjudge the payment of any penalty or of any sum of money under this Ordinance, or the said orders and regulations, and to order payment of the same, with or without costs, either immediately or at such time and place, and by such instalments as he thinks fit, and in case of the non-payment of the sum so ordered to be paid, or of any instalment thereof, to order the party making default, where no other term of imprisonment is fixed by this Ordinance, to be imprisoned in the Royal Gaol for a term not exceeding two months with or without hard labour, such imprisonment to cease on payment of the sum so adjudged or ordered to be paid, together with the costs of conveying the party to prison, the total amount being specified in the warrant of commitment.

As to offences for which no special penalty is appointed.

61. For every offence for which no special penalty is in this Ordinance appointed, the offender shall be liable to a penalty not exceeding forty shillings, or in default of payment to be imprisoned for any time not exceeding one month.

Form of procedure to be regulated by Ordinance 5 of 1868.

62. The form and manner of procedure in all cases arising under the provisions of this Ordinance, and not otherwise expressly provided for by this Ordinance, shall be as nearly as practicable the form and manner of procedure prescribed by the Ordinance No. 5, for 1868, intituled "An Ordinance respecting the summary administration of Justice," and in any proceeding under the provisions of this Ordinance the fees set forth in the Schedule to the said Ordinance No. 5, for 1868, shall be allowed and taken.

In cases of joint proprietorship, one proprietor may be proceeded against as if he were sole proprietor.

63. In every case where there is more than one proprietor of any hackney carriage, it shall be sufficient in any information, summons, order, conviction, warrant or other proceeding under this Ordinance, to name one of such proprietors without reference to any other or others of them, and to proceed as if he were sole proprietor.

64. In case of any dispute between the hirer and the driver of any hackney carriage, the hirer may require the driver forthwith to drive to the police office in Port of Spain, where complaint may be made to the Justice of the Peace then sitting, who shall hear and determine the same without requiring any summons to be issued for that purpose, and if no Justice of the Peace is then sitting the complaint shall be entered and notice given to both parties that the matter in dispute will be heard by a Justice of the Peace at the next sitting of the police court at such office.

Hirer may require driver to proceed at once to police court for determination by sitting Justice of any dispute.

65. Upon the hearing of any complaint under this Ordinance or any order or regulation made in pursuance thereof, it shall be lawful for the Justice by whom such complaint is to be determined, if in his discretion he thinks fit so to do, to admit the respondent or party accused to be examined upon oath and give evidence.

Evidence of accused to be received in all cases.

66. All complaints under this Ordinance, or any order or regulation made in pursuance thereof, except in cases where some other term of limitation is specially provided by this Ordinance, shall be made within seven days next after the day on which the cause of complaint arose, and not later.

Complaints to be made within seven days from date of commission of offence.

67. The Inspector Commandant shall keep a true account of all moneys paid to him for licenses and badges and of all expenses of inspecting horses and carriages, or otherwise of or incident to the execution of this Ordinance, including in such expenses any reasonable remuneration paid for clerical assistance, and shall, on the first day of the months of January and July in every year, or within thirty days thereafter, transmit to the Town Clerk and Treasurer of the Borough of Port of Spain a transcript of such account made up to the last day of the preceding month, and shall hold the balance of such moneys upon trust to pay the same to such Town Clerk and Treasurer, after deducting thereout such expenses as aforesaid: Provided that the Inspector Commandant shall be entitled to be allowed any sum actually and in good faith paid in respect of the

Fees for licenses and badges, after deducting expenses, to be paid to Town Clerk.

expenses aforesaid, and shall not be responsible for any loss or misapplication unless the same happened through his wilful act or omission.

Appropriation
of penalties.

68. All penalties or sums of money ordered or adjudged to be paid under this Ordinance, and not otherwise appropriated, shall be payable to the Stipendiary Magistrate for the Town of Port of Spain for the use of Her Majesty.

Repeal of Enactments.

Repeal of
Ordinance 4
of 1872.

69. The Hackney Carriage Ordinance, 1872, is hereby repealed: Provided that

- (1.) Any license under the said Ordinance in force at the time of the passing of this Ordinance shall for the residue of the term of such license enure as a license granted under this Ordinance, but shall not be renewed under the said Ordinance at the expiration thereof; and
- (2.) Save as aforesaid this repeal shall not affect any right accrued or any offence committed, or any liability, penalty or forfeiture incurred before the passing of this Ordinance, or any remedy or proceeding in respect of any such right, offence, liability, penalty or forfeiture.

Passed in Council the first day of November, in the year of our Lord, one thousand eight hundred and seventy-seven.

A. C. ROSS,
Clerk of the Council.

SCHEDULE A.

RATES AND FARES TO BE PAID FOR ANY HACKNEY CARRIAGE HIRED AT ANY PLACE WITHIN THE LIMITS OF THE

Description of Carriage.	Fares by Distance.		Fares by time.	
For any distance not exceeding one mile.	For any distance exceeding one mile.	For every quarter of a mile and for every fraction of a quarter of a mile over and above any number of miles completed, Between six o'clock in the morning and eight o'clock at night, Threepence.	Between six o'clock in the morning and eight o'clock in the evening.	Between eight o'clock in the evening and six o'clock in the morning.
With four or two wheels drawn by one horse.	Between six o'clock in the morning and eight o'clock at night, One Shilling.	Between eight o'clock at night and six o'clock in the morning, Fourpence and one half-penny.	For any time not exceeding one hour, Four Shillings. For any longer time than one hour, Ninepence for every 15 minutes and for every portion of 15 minutes not completed above one hour.	For any time not exceeding one hour, Four Shillings. For any longer time than one hour, One Shilling for every 15 minutes and for every portion of 15 minutes not completed, above one hour.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement not otherwise expressed, the fare to be paid according to distance. Provided that no driver shall be compellable to hire his carriage paid according to time at any time after eight o'clock in the evening and before six o'clock in the morning. Whenever more than carried inside any carriage drawn by one horse only, a sum of sixpence for each person above the number of two to be paid for the addition to the above fares. Two children under ten years shall be considered as one adult person.
When two or more persons are carried inside any Hackney Carriage with more baggage than can be carried inside the carriage of fourpence for every package carried outside the said carriage is to be paid by the hirer in addition to the above fares.

SCHEDULE B.

No. 1.—FORM OF A SUMMONS TO THE PROPRIETOR OF A HACKNEY CARRIAGE TO PRODUCE THE DRIVER THEREOF TO ANSWER A COMPLAINT.

To E. F., of &c., Proprietor of the Hackney Carriage number
Whereas Complaint hath been made by C. D., against the driver of the Hackney Carriage number on the day of now last past (or instant), charging that the said driver on the day of now last past (or instant), you being then the Proprietor of the said carriage, at or about the hour of did [*here state the alleged offence*]: These are therefore to require you to produce the said driver before me or such other Justice of the Peace as may be present at the police office in Port of Spain on the day of at of the Clock in the noon, then and there to answer the said Complaint.

Dated the day of 18
(Signed)

No. 2.—FORM OF WARRANT OF COMMITMENT OF THE PROPRIETOR OF A HACKNEY CARRIAGE FOR NON-PAYMENT OF A PENALTY IN WHICH THE DRIVER OF SUCH CARRIAGE HAS BEEN CONVICTED.

To A. B. of &c., and to the keeper of the Royal Gaol.
Whereas C. D, the Driver of the Hackney Carriage number on the day of was duly convicted of a certain offence, for that [*here state the offence*], and hath been adjudged to forfeit the sum of over and above the sum of for costs, making together the sum of which last-mentioned sum hath not been paid by the said Driver nor by any person on his behalf: And whereas according to the Ordinance in this behalf made, the said E. F., the Proprietor of the said Carriage, hath been required to pay the said last-mentioned sum of which he hath neglected and refused to do;

Therefore I command you the said A. B. to apprehend and take the said E. F. and safely to convey him to the Royal Gaol and there to deliver him to the keeper thereof, together with this warrant. And I do hereby command you the said keeper to receive into your custody in the said Gaol the said E. F. and him therein safely to keep for the space of unless the said sum of together with the costs of conveying the said E. F. to prison making together the sum of be sooner paid.

Given under my hand the day of 18
(Signed)