

# **LEGISLATION RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The following information is intended to provide a guide to the main provisions of the legislation relating to Hackney Carriage and Private Hire. This should not be taken as a comprehensive and authoritative statement of the law for which reference should be made to the appropriate legislation.

## **LEGISLATION APPLICABLE TO DRIVERS**

### **a) Hackney Carriage Drivers**

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Bylaws
- Greater Manchester Act 1981 Section 166 (1-4)
- Health Act 2006
- Equality Act 2010

### **b) Licensed Hire Car (Private Hire) Drivers**

- Local Government (Miscellaneous Provisions) Act 1976
- Licence Conditions
- Greater Manchester Act 1981 Section 166-167
- Health Act 2006
- Equality Act 2010

## **REQUIREMENTS TO DRIVE A LICENSED VEHICLE**

Before a person can drive a Hackney Carriage or Private Hire Vehicle, they must obtain a Licence to drive a licensed vehicle from the Council. A Licence will be issued provided the applicant fulfils all of the Councils requirements.

## **SUSPENSION OR REVOCATION OF DRIVER'S LICENCE**

The Council has the power to suspend, revoke or refuse to renew a driver's Licence if the driver has been convicted of an offence under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976, or for any other reasonable cause.

## **DRIVER'S BADGE**

When a Licence is issued the driver will be provided with a Badge which must be worn at all times whilst engaged in licensed hire work, in a position where it can be clearly visible when driving for hire. It is a criminal offence for drivers not to wear their badge whilst working.

## **PROLONGATION OF JOURNEYS**

It is an offence for any driver of a Hackney Carriage or Private Hire vehicle without reasonable cause to unnecessarily prolong in time or distance a journey for which the vehicle has been hired.

## SMOKING IN A LICENSED VEHICLE

It is a criminal offence to smoke in a smoke free place, this includes smoke free premises and smoke free vehicles. Hackney Carriages and Private Hire vehicles are classed as smoke free vehicles.

The penalties and fines for the smoke free offences set out in the Health Act 2006 are:

Smoking in a smoke free premises or vehicle: a fixed penalty notice of £50 (discounted to £30 if paid within 15 days from the issue of a notice) or a fine by a court not exceeding level 1 on the standard scale (up to £200)

Failure to display no smoking signs in smoke free premises and vehicles as required by the new law: a fixed penalty notice of £200 (discounted to £150 if paid within 15 days from the issue of a notice) or a fine by a court not exceeding level 3 on the standard scale (up to £1000)

Failing to prevent smoking in a smoke free premises or vehicle: a fine by a court not exceeding level 4 on the standard scale (up to £2500)

## FARES FOR LONG JOURNEYS – HACKNEY CARRIAGE VEHICLES

Any driver of a Hackney Carriage/Taxi undertaking a journey outside of the Stockport boundary which ends at a point within the County but outside the district and less than 4 miles from the nearest boundary of Stockport (known as the regulated distance) the driver is compelled to undertake the hire and shall not require a fare greater than that recorded on the taximeter plus any allowable extras.

All journeys going beyond this area are not compelled and the driver can negotiate a fare with the passenger, but must do so before the start of the journey. If he fails to negotiate a fare he must not require a fare greater than that recorded on the taximeter. If he endeavours to demand a greater fare in either case he shall be guilty of an offence.

## HACKNEY CARRIAGE USED FOR PRIVATE HIRE

No Hackney Carriage can be used within the regulated distance under a contract or purported contract for private hire except at a rate of fare no greater than the fares fixed by the Council for Hackney Carriages. The fare should be charged from the point the hirer commences his journey to their destination. Any person who knowingly contravenes these provisions will be guilty of an offence.

## TAXIMETERS

Applicants are advised that it is an offence to tamper with any seal on a taximeter or alter the taximeter with intent to mislead.

## ILLEGAL PLYING FOR HIRE

It is a criminal offence for any Private Hire driver to take any passengers for hire or reward without the journey first being booked through a Licensed Private Hire Operator. This also renders the vehicle insurance invalid.

It is also a criminal offence for a Hackney Carriage driver to pick up passengers for hire or reward outside of the boundaries of Stockport, without prior booking.

## OBSTRUCTION OF AUTHORISED OFFICERS AND CONSTABLES

It is an offence for any person to willfully obstruct any authorised Officer of the Council. This includes the failure to comply with any requirement of the Officer or failing to give them any assistance or information they may reasonably require.