



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

80 Interpretation of Part II.

- (1) In this Part of this Act, unless the subject or context otherwise requires—
- “the Act of 1847” means the provisions of the ^{M1}Town Police Clauses Act 1847 with respect to hackney carriages;
 - “the Act of 1936” means the ^{M2}Public Health Act 1936;
 - ^{F1}
 - “authorised officer” means any officer of a district council authorised in writing by the council for the purposes of this Part of this Act;
 - “contravene” includes fail to comply;
 - ^{F2}“controlled district” means any area for which this Part of this Act is in force by virtue of—
 - (a) a resolution passed by a district council under section 45 of this Act; or
 - (b) section 255(4) of the Greater London Authority Act 1999;]
 - “daily fine” means a fine for each day during which an offence continues after conviction thereof;
 - “the district”, in relation to a district council in whose area the provisions of this Part of this Act are in force, means—
 - (a) if those provisions are in force throughout the area of the council, that area; and
 - (b) if those provisions are in force for part only of the area of the council, that part of that area;
 - “driver’s badge” means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the

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Act of 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of this Act;

“driver’s licence” means, in relation to the driver of a hackney carriage, a licence under section 46 of the Act of 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of this Act;

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

“hackney carriage byelaws” means the byelaws for the time being in force in the controlled district in question relating to hackney carriages;

[^{F3}“London cab” means a vehicle which is a hackney carriage within the meaning of the Metropolitan Public Carriage Act ^{M3}1869;]

“operate” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;

“operator’s licence” means a licence under section 55 of this Act;

“private hire vehicle” means a motor vehicle constructed or adapted to seat [^{F4}fewer than nine passengers], other than a hackney carriage or public service vehicle [^{F5}or a London cab][^{F6}or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers;

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

“public service vehicle” has the same meaning as in [^{F7}the ^{M4} Public Passenger Vehicles Act 1981];

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

“vehicle licence” means in relation to a hackney carriage a licence under sections 37 to 45 of the Act of 1847 [^{F8}in relation to a London cab a licence under section 6 of the Metropolitan Public Carriage Act 1869]and in relation to a private hire vehicle means a licence under section 48 of this Act.

- (2) In this Part of this Act references to a licence, in connection with a controlled district, are references to a licence issued by the council whose area consists of or includes that district, and “licensed” shall be construed accordingly.
- (3) Except where the context otherwise requires, any reference in this Part of this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.
- [^{F9}(4) In this Part of this Act, except where the context otherwise requires, references to a district council shall, in relation to Wales, be construed as references to a county council or county borough council.]

Textual Amendments

- F1** Definition repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3(1)(2), 5, [Sch. 1 Pt. I, Sch. 4 paras. 1, 2](#)
- F2** S. 80(1): Definition of “controlled district” substituted (13.3.2000) by [S.I. 2000/412, art. 7\(3\)](#)
- F3** Definition inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 173\(a\)](#)
- F4** Words substituted by [Transport Act 1980 \(c. 34, SIF 107:1\)](#), s. 43(1), [Sch. 5](#)
- F5** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 17\(3\)\(b\)](#)

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- F6** Words in s. 80(1) inserted (8.7.1996) by Transport and Works Act 1992 (c. 42), s. 62(3); S.I. 1996/1609, art. 2, **Sch.**
- F7** Words substituted by virtue of Transport Act 1980 (c. 34, SIF 107:1), s. 43(1), **Sch. 5** and Public Passenger Vehicles Act 1981 (c.14, SIF 107:1), s. 88(2), **Sch. 7 para. 20**
- F8** Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 17(3)(c)**
- F9** S. 80(4) substituted (7.1.1997) by S.I. 1996/3071, art. 2, **Sch. 1(8)**

Modifications etc. (not altering text)

- C1** Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, 4 Table (with reg. 3)

Marginal Citations

- M1** 1847 c. 89.
- M2** 1936 c. 49.
- M3** 1869 c.115 (107:1)
- M4** 1981 c. 14

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