



Metropolitan Public Carriage Act 1869

1869 CHAPTER 115 32 and 33 Vict

An Act for amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District. [11th August 1869]

Modifications etc. (not altering text)

- C1 Act restricted by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\)](#), [s. 64\(1\)](#)
- C2 Functions of Secretary of State as to licensing of hackney carriages now exercisable by an Assistant Commissioner of Police of the Metropolis: [S. R.&O. 1934/1346 \(Rev. XIV, p. 795: 1934 I, p. 1221\)](#) and [S. I. 1955/1853 \(1955 I, p. 1143\)](#)
- C3 Functions of Secretary of State as to licensing of tramcars, light railway cars and trolley vehicles now again exercisable by Secretary of State: [London Passenger Transport Act 1933 \(c. 14\), s. 51](#), [S. R.&O. 1941/654 \(Rev. XV, p. 228: 1941 I, p. 1221\)](#), [1946/375 \(Rev. XV, p. 229: 1946 I, p. 1009\)](#) and [S. I. 1970/1681](#)
- C4 London Hackney Carriages Act 1843 cited or referred to by its short title under authority of [Statute Law Revision Act 1893 \(c. 14\), s. 3](#)

Commencement Information

- II Act wholly in force at Royal Assent

1 Short title.

This Act may be cited for all purposes as “The Metropolitan Public Carriage Act, 1869.”

2 Limits of Act.

The limits of this Act shall be the metropolitan police district, and the city of London . . . ^{F1}.

Textual Amendments

- F1 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [Sch. 1 Pt. X](#)

Changes to legislation: There are currently no known outstanding effects for the Metropolitan Public Carriage Act 1869. (See end of Document for details)

3^{F2}

Textual Amendments

F2 S. 3 repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

4 **Definition of stage carriage and hackney carriage.**

In this Act “stage carriage” shall mean any carriage for the conveyance of passengers which plies for hire in any public street, road, or place within the limits of this Act, and in which the passengers or any of them are charged to pay separate and distinct or at the rate of separate and distinct fares for their respective places or seats therein.

“Hackney carriage” shall mean any carriage for the conveyance of passengers which plies for hire within the limits of this Act, and is [^{F3}neither a stage carriage nor a tramcar].

[^{F4}“London cab order” shall mean an order made by Transport for London.

“Prescribed” shall mean prescribed by London cab order.]

[^{F5}Any power to make a London cab order under this Act includes power to vary or revoke a previous such order.]

Textual Amendments

F3 Words in definition of “hackney carriage” in s. 4 substituted (8.7.1996) by Transport and Works Act 1992 (c. 42), s. 62(1); S.I. 1996/1609, art. 2, Sch.

F4 S. 4: definitions of “London cab order” and “Prescribed” substituted for definition of “Prescribed” (3.7.2000) by 1999 c. 29, s. 253, Sch. 20 Pt. I para. 5(2)(a) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

F5 Paragraph in s. 4 added (3.7.2000) by 1999 c. 29, s. 253, Sch. 20 Pt. I para. 5(2)(b) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

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Textual Amendments

F6 S. 5 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. XVII

Licensing Hackney and Stage Carriages

^{F7}[6 **Grant of hackney carriage licences.**

(1) Transport for London shall have the function of licensing to ply for hire within the limits of this Act hackney carriages, to be distinguished in such manner as may be prescribed.

(2) A licence under this section may—

- (a) be granted on such conditions,
- (b) be in such form,

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- (c) be subject to revocation or suspension in such event, and
 - (d) generally be dealt with in such manner,
- as may be prescribed.
- (3) Subsection (2) of this section is subject to the following provisions of this section.
 - (4) A licence under this section shall, if not revoked or suspended, be in force for one year.
 - (5) A fee of such amount (if any) as Transport for London may determine shall be paid to Transport for London—
 - (a) by any applicant for a licence under this section, on making the application for the licence;
 - (b) by any applicant for the taking or re-taking of any test or examination, or any part of a test or examination, with respect to any matter of fitness, on making the application for the taking or re-taking of the test, examination or part; and
 - (c) by any person granted a licence under this section, on the grant of the licence.
 - (6) In paragraph (b) of subsection (5) of this section “ matter of fitness ” means—
 - (a) any matter as respects which Transport for London must be satisfied before granting a licence under this section; or
 - (b) any matter such that, if Transport for London is not satisfied with respect to the matter, they may refuse to grant a licence under this section.
 - (7) Different amounts may be determined under subsection (5) of this section for different purposes or different cases.
 - (8) Transport for London may remit or refund the whole or part of a fee under subsection (5) of this section.
 - (9) Provision shall be made by London cab order—
 - (a) for the transfer of a licence under this section to the [F8 surviving spouse or surviving civil partner] or to any child of full age of any person to whom such a licence has been granted who may die during the continuance of the licence leaving a [F8 surviving spouse or surviving civil partner] or child of full age; F9 ...
 - F10 (b)]

Textual Amendments

- F7** S. 6 substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 5(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F8** Words in s. 6(9)(a) substituted (13.3.2014) by **The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560)**, art. 1(2), **Sch. 1 para. 1(a)(i)**
- F9** Word in s. 6(9)(a) omitted (13.3.2014) by virtue of **The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560)**, art. 1(2), **Sch. 1 para. 1(a)(ii)**
- F10** S. 6(9)(b) omitted (13.3.2014) by virtue of **The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560)**, art. 1(2), **Sch. 1 para. 1(b)**

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7 Penalty on use of unlicensed carriages.

If any unlicensed hackney . . . ^{F11} carriage plies for hire, the owner of such carriage shall be liable to a penalty not exceeding five pounds for every day during which such unlicensed carriage plies. And if any unlicensed hackney carriage is found on any stand within the limits of this Act, the owner of such carriage shall be liable to a penalty not exceeding five pounds for each time it is so found. The driver also shall in every such case be liable to a like penalty unless he proves that he was ignorant of the fact of the carriage being an unlicensed carriage.

Any hackney . . . ^{F11} carriage plying for hire, and any hackney carriage found on any stand without having such distinguishing mark, or being otherwise distinguished in such manner as may for the time being be prescribed ^{F12} . . . , shall be deemed to be an unlicensed carriage.

Textual Amendments

F11 Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. XVII](#)

F12 Words in s. 7 repealed (3.7.2000) by 1999 c. 29, ss. 253, 423, Sch. 20 Pt. 1 para. 5(4), [Sch. 34 Pt. V](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/801, art. 2(2)(c), [Sch. Pt. 3](#)

Modifications etc. (not altering text)

C5 [S. 7](#): by [Criminal Justice Act 1967 \(c. 80, SIF 39:1\), Sch. 3 Pt. 1](#) it was provided that s. 7 should have effect as if the maximum fine which might be imposed on summary conviction for any offence specified in s. 7 were a fine not exceeding £20 for a first offence and £50 for a second or subsequent offence and, as regards s. 7 as so amended, [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 35](#) (in relation to liability on first and subsequent convictions), 39(2) (and Sch. 3) (increase of fines) and 46 (substitution of references to levels on the standard scale) apply

Licensing Drivers of Hackney and Stage Carriages

^{F13}8 Hackney carriage to be driven by licensed drivers.

- (1) Transport for London shall have the function of licensing persons to be drivers of hackney carriages.
- (2) No hackney carriage shall ply for hire within the limits of this Act unless under the charge of a driver having a licence under this section from Transport for London.
- (3) If any hackney carriage plies for hire in contravention of this section—
 - (a) the person driving the carriage, and
 - (b) the owner of the carriage, unless he proves that the driver acted without his privity or consent,
 shall each be liable to a penalty not exceeding level 3 on the standard scale.
- (4) Transport for London may send to the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London—
 - (a) details of a person to whom Transport for London is considering granting a licence under this section, and
 - (b) a request for the Commissioner's observations;
 and the Commissioner shall respond to the request.

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- (5) A licence under this section may—
- (a) be granted on such conditions,
 - (b) be in such form,
 - (c) be subject to revocation or suspension in such event, and
 - (d) generally be dealt with in such manner,
- as may be prescribed.
- (6) Subsection (5) of this section is subject to the following provisions of this section.
- (7) [^{F14}Subject to section 8A, a] licence under this section shall, if not revoked or suspended, be in force for three years.
- (8) A fee of such amount (if any) as Transport for London may determine shall be paid to Transport for London—
- (a) by any applicant for a licence under this section, on making the application for the licence;
 - (b) by any applicant for the taking or re-taking of any test or examination, or any part of a test or examination, with respect to any matter of fitness, on making the application for the taking or re-taking of the test, examination or part; and
 - (c) by any person granted a licence under this section, on the grant of the licence.
- (9) In paragraph (b) of subsection (8) of this section “matter of fitness” means—
- (a) any matter as respects which Transport for London must be satisfied before granting a licence under this section; or
 - (b) any matter such that, if Transport for London is not satisfied with respect to the matter, they may refuse to grant a licence under this section.
- (10) Different amounts may be determined under subsection (8) of this section for different purposes or different cases.
- (11) Transport for London may remit or refund the whole or part of a fee under subsection (8) of this section.]

Textual Amendments

F13 S. 8 substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 5(5)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F14 Words in s. 8(7) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 3** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i)

[^{F15}8A Drivers' licences for persons subject to immigration control

- (1) Subsection (2) applies if—
- (a) a licence under section 8 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
 - (b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
 - (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.

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- (2) Transport for London must grant the licence for a period which ends at or before the end of the leave period.
- (3) Subsection (4) applies if—
 - (a) a licence under section 8 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
 - (b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) Transport for London must grant the licence for a period that does not exceed six months.
- (5) A licence under section 8 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from driving a hackney carriage.
- (6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return to Transport for London—
 - (a) the licence,
 - (b) the person's copy of the licence (if any), and
 - (c) the person's driver's badge.
- (7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return to Transport for London—
 - (a) the licence,
 - (b) the person's copy of the licence (if any), and
 - (c) the person's driver's badge.
- (8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence and liable on summary conviction—
 - (a) to a fine not exceeding level 3 on the standard scale, and
 - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (9) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (8)(b).
- (10) Regulations under subsection (9) may make transitional, transitory or saving provision.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (12) For the purposes of this section a person is disqualified by reason of the person's immigration status from driving a hackney carriage if the person is subject to immigration control and—
 - (a) the person has not been granted leave to enter or remain in the United Kingdom, or
 - (b) the person's leave to enter or remain in the United Kingdom—
 - (i) is invalid,

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- (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing the person from driving a hackney carriage.
- (13) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—
- (a) the person is to be treated for the purposes of this section as if the person had been granted leave to enter the United Kingdom, but
 - (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.
- (14) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.]

Textual Amendments

F15 S. 8A inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 5 para. 4](#) (with [Sch. 5 para. 54](#)); [S.I. 2016/1037](#), reg. 5(i) (with reg. 6)

Regulations relating to Hackney and Stage Carriages

9 Regulations as to hackney and stage carriages.

[^{F16}Transport for London may from time to time by London cab order] make regulations for all or any of the following purposes; that is to say,

- (1) For regulating [^{F17}the number of persons to be carried in any hackney . . . ^{F18}carriage, and in what manner such number is to be shown on such carriage, and] how such hackney carriages are to be furnished or fitted:
- (2) For fixing the stands of hackney carriages, . . . ^{F19}, and the persons to attend at such stands:
- (3) For fixing the rates or fares, as well for time as distance, to be paid for hackney carriages, and for securing the due publication of such fares: . . . ^{F20}
- (4) For forming, in the case of hackney carriages, a table of distances, as evidence for the purpose of any fare to be charged by distance, by the preparation of a book, map, or plan, or any combination of a book, map, or plan:
- (5) For securing the safe custody and re-delivery of any property accidentally left in hackney . . . ^{F18}carriages and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time:

Subject to the following restrictions:—

- (1) In fixing the stands for hackney carriages within the city of London . . . ^{F21} the consent of the Court of the Lord Mayor and Aldermen shall be required to any stand appointed by [^{F22}Transport for London]:

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- (2) F23
(3) F24

[^{F25}(4) Any power of Transport for London to fix by regulations made by London cab order under this section any rates or fares to be paid for hackney carriages is exercisable subject to and in accordance with any directions given to Transport for London by the Mayor of London as to the basis on which those rates or fares are to be calculated.]

F26 . . .

Subordinate Legislation Made

- P1** S. 9: power exercised by [S.I. 1991/1301](#). For previous exercise of power see the Index to Government Orders

Textual Amendments

- F16** Words in [s. 9](#) substituted (3.7.2000) by [1999 c. 29, s. 253, Sch. 20 Pt. I para. 5\(6\)\(a\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801, art. 2\(2\)\(c\), Sch. Pt. 3](#)
- F17** Words repealed so far as they relate to tramcars or trolley vehicles by Transport Charges &c. (Miscellaneous Provisions) Act 1954 (c. 64), s. 14(1), Sch. 2 Pt. IV
- F18** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. XVII](#)
- F19** Words repealed by [London Cab Act 1968 \(c. 7\), s. 5\(2\)](#)
- F20** Proviso repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. VI](#)
- F21** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), Sch. 1 Pt. X](#)
- F22** S. 9: words in para. (1) of the restriction substituted (3.7.2000) by [1999 c. 29, s. 253, Sch. 20 Pt. I para. 5\(6\)\(b\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801, art. 2\(2\)\(c\), Sch. Pt. 3](#)
- F23** S. 9 restriction (2) repealed by [London Cab Act 1968 \(c. 7\), s. 5\(2\)](#)
- F24** S. 9 restriction (3) repealed by [Road Transport Lighting Act 1927 \(c. 37\), Sch.](#)
- F25** S. 9: restriction para. (4) added (3.7.2000) by [1999 c. 29, s. 253, Sch. 20 Pt. I para. 5\(6\)\(c\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801, art. 2\(2\)\(c\), Sch. Pt. 3](#)
- F26** Words repealed by [Statute Law Revision Act 1966 \(c. 5\)](#)

10 Penalties for breach of regulations.

[^{F27}Where Transport for London is authorised to make a London cab order under this Act, Transport for London] may annex a penalty not exceeding [^{F28}level 1 on the standard scale] for the breach of such order or of any part or parts thereof, or of any regulation or regulations thereby made; and any penalties under this section shall be deemed to be penalties under this Act, and may be enforced accordingly.

Textual Amendments

- F27** Words in [s. 10](#) substituted (3.7.2000) by [1999 c. 29, s. 253, Sch. 20 Pt. I para. 5\(7\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801, art. 2\(2\)\(c\), Sch. Pt. 3](#)
- F28** Words substituted by virtue of [Criminal Justice Act 1967 \(c. 80, SIF 39:1\), Sch. 3 Pt. II](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 40, 46](#)

Changes to legislation: There are currently no known outstanding effects for the Metropolitan Public Carriage Act 1869. (See end of Document for details)

[^{F29}11 **Grant of licences by other persons at direction of TfL.**

Any licence which may be granted by Transport for London under this Act may, if Transport for London so directs, be granted by such person as may be appointed for the purpose in the direction.]

Textual Amendments

F29 S. 11 substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 5(8)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

12 Powers to carry Act into execution.

[^{F30}Transport for London] may appoint such officers and constables of the metropolitan police force, and for the city of London of the city police, as [^{F31}Transport for London] thinks fit to perform any duties required to be performed for the purposes of carrying this Act into execution, and may award such sums by way of compensation for their services out of the monies raised under this Act as [^{F31}Transport for London] may think just.

Textual Amendments

F30 Words in s. 12 substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 5(9)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
F31 Words in s. 12 substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 5(9)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

Legal Proceedings and Miscellaneous

13 Recovery of penalties.

All penalties under this Act may be recovered summarily . . . ^{F32}.

Textual Amendments

F32 Words repealed by **Statute Law (Repeals) Act 1989 (c. 43)**, **Sch. 1 Pt. X**

14 Placard, &c., may be affixed to lamp post.

[^{F33}Transport for London] may cause to be attached to any lamp post any placard or signal for the purpose of carrying into effect the provisions of this Act.

Textual Amendments

F33 Words in s. 14 substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 5(10)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

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15 Existing Acts to continue in force.

All the provisions of the Acts relating to hackney carriages . . . ^{F34} in force at the time of the commencement of this Act shall, subject to any alteration made therein by this Act or [^{F35}by any London cab order] made in pursuance of this Act, continue in force, and all such provisions of the said Acts as relate to licences granted under those Acts, or any of them, shall, subject to any alteration as aforesaid, apply to licences granted under this Act.

Textual Amendments

F34 Words repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XVII**

F35 Words in s. 15 substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 5(11)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

Changes to legislation:

There are currently no known outstanding effects for the Metropolitan Public Carriage Act 1869.