

THE HACKNEY CARRIAGE ACT.¹

[INDIA ACT XIV, 1879.] (5th September, 1879.)

Saving.

1. Nothing herein contained shall affect any power conferred by any law relating to municipalities, or any rule made in exercise of any such power.

Interpretation clause.

2. In this Act—

“hackney-carriage” means any wheeled vehicle drawn by animals and used for the conveyance of passengers, which is kept or offered, or plies, for hire; and

“committee” means a municipal committee, or a body of municipal commissioners, constituted under the provisions of any enactment for the time being in force.

Application of Act to municipalities.
Power of committees to make rules.

3. The President of the Union may, by notification, apply this Act to any municipality in the Union of Burma.

When this Act has been so applied to any municipality, the committee of such municipality may from time to time make rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the law for the time being in force, it makes rules or bye-laws for the regulation and control of other matters within such limits.

Confirmation and publication of rules.

Every rule made under this section shall, when confirmed by the Commissioner and published for such time and in such manner as the Commissioner may from time to time prescribe, have the force of law :

Provided that the Commissioner may at any time rescind any such rule.

Power to make rules for cantonments.

4. The President of the Union may, by notification, make rules for the regulation and control of hackney-carriages in any cantonment in the Union of Burma.

All rules made under this section, when published for such time and in such manner as the authority making the same may from time to time prescribe, shall have the force of law.

Power to extend operation of rules beyond limits of municipality or cantonment.

5. The authority making any rules under this Act may extend their operation to any railway-station or specified part of a road, not more than six miles from the local limits of the municipality or cantonment concerned.

¹ There is a special Act for Rangoon *see the Rangoon Hackney Carriages Act, post*

Provided that such extension shall be made, in the case of a municipality, with the sanction of the Commissioner and, in the case of a cantonment, subject to the control of the President of the Union.

When any rules have been made under this Act for any municipality, the President of the Union may extend the operation of such rules to any cantonment the boundary of which is not more than six miles distant from the boundary of such municipality.

6. The rules to be made under section 3 or section 4 may, among other matters,—

What rules under sections 3 and 4 may provide for.

- (a) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, except under a licence granted in that behalf ;
- (b) direct that no person shall act as driver of a hackney-carriage except under a licence granted in that behalf ;
- (c) provide for the issue of the licences referred to in clauses (a) and (b), prescribe the conditions (if any) on which such licences shall be granted, and fix the fees (if any) to be paid therefor ;
- (d) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise ;
- (e) provide for the inspection of the premises in which any such carriages, animals, harness and other things are kept ;
- (f) fix the time for which such licences shall continue in force, and the events (if any) upon which within such time they shall be subject to revocation or suspension ;
- (g) provide for the numbering of such carriages ;
- (h) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let such carriage to any person requiring the same ;
- (i) appoint places as stands for hackney-carriages and prohibit such carriages waiting for hire except at such places ;
- (j) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage ; and prescribe the minimum speed at which such carriages when hired by time shall be driven ;
- (k) limit the number of persons, and the weight of property, which may be conveyed by any such carriage ;
- (l) require the owner or person in charge of any such carriage to keep a printed list of fares in [Burmese]¹ and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list ;

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

- (m) require drivers to wear a numbered badge or ticket, and to produce their licences when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licences and badges ; and
- (n) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for
breach of
rules.

7. Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

Disposal of
fees and
payment of
expenses.

8. The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall, in any municipality, be credited and debited, respectively, to the municipal fund, and, in any cantonment where there is a cantonment fund, to such fund.

Power of
Magistrate
to decide
disputes
regarding
fares.

9. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen ; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of any Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

In case of
dispute hirer
may require
driver to
take him to
Court.

10. If, at the time any dispute mentioned in section 9 arises, any Magistrate or Bench of Magistrates having jurisdiction in respect of such dispute is sitting within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or Bench for the purpose of making an application under that section.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees. or with both.