

CHAPTER 294

OMNIBUS AND CARRIAGES

1900-3

This Act came into operation on 9th November, 1900.

Amended by:

1946-28

1958-55

1977-19

1957-35

1966-5

1981-40

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1979

1985

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 294

OMNIBUS AND CARRIAGES 1900-3

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

LICENSING AND INSPECTION

3. Licensing
4. Carriages to be inspected periodically
5. Inspectors of carriages
6. Letting carriages for hire without licence or after being declared unfit

PART III

FARES

7. Hackney carriage fares
8. Table of fares to be exhibited in carriage

- 9. Livery carriage fares
- 10. Omnibus fares

PART IV

LICENSING OF DRIVERS

- 11. Driver to be licensed

PART V

CARRIAGE OF BAGGAGE

- 12. Reasonable baggage to be carried without extra charge
- 13. Disposal of property left in hackney carriages

PART VI

OMNIBUS AND HACKNEY CARRIAGE STANDS

- 14. Stands for carriages to be fixed by Chief Technical Director

PART VII

OFFENCES

- 15. Offences by drivers of omnibuses, livery carriages and hackney carriages
- 16. Offences by drivers of hackney carriages
- 17. Offences by drivers of livery carriages
- 18. Offences by drivers of omnibuses

19. General penalty
20. Recovery of penalties
21. Jurisdiction of magistrates
22. Regulations
23. Act not to apply to motor vehicles

FIRST SCHEDULE

SECOND SCHEDULE

Fares

**BARBADOS****OMNIBUS AND CARRIAGES
1900-3**

An Act to provide for the licensing and use of omnibuses, livery carriages, and hackney carriages.

[Commencement: 9th November, 1900]

**PART I
PRELIMINARY****Short title**

1. This Act may be cited as the *Omnibus and Carriages Act*.

Interpretation

2. For the purposes of this Act

“hackney carriage” means any carriage, whether propelled by mechanical power or drawn by horses, for the conveyance of passengers which plies for hire and is not an omnibus or a livery carriage;

“horse” includes mule;

“livery carriage” means any carriage, whether propelled by mechanical power or drawn by horses, starting from, and previously hired for the particular passengers thereby carried at any garage whereat carriages propelled by mechanical power are let for hire, or any livery stable yard whereat horses are stabled and carriages let for hire, such carriage starting from the garage or stable yard and being *bona fide* the property of the owner thereof and not standing or plying for hire but does not include any omnibus or hackney carriage;

“omnibus” means every omnibus, wagonette, brake, stage coach and other carriage, whether propelled by mechanical power or drawn by horses, plying or standing for hire by, or used to carry, passengers at separate fares to or from or in any part of Barbados but does not include any livery or hackney carriage.

PART II

LICENSING AND INSPECTION

Licensing

3.(1) Any person who wishes to obtain a licence to keep, use and let to hire any carriage as an omnibus, livery, or hackney carriage shall apply in writing to the Commissioner of Police.

(2) The Commissioner of Police may cause an inspection to be made of such carriage and if it is found to be in a fit and proper condition for public use he shall grant a certificate to that effect, and shall specify in such certificate the number of persons to be carried in and by such carriage and the number of horses, if any, by which such carriage is to be drawn, in the form in the First Schedule.

(3) Upon the production of such certificate to the Accountant-General, and upon payment of the fee hereinafter specified, a licence in writing shall be granted by the Accountant-General to keep, use and let to hire, for the 12 months next ensuing, the carriage mentioned in the certificate.

- (4) Every such licence shall be numbered, and the description of the carriage, and the number of persons to be carried, and the number of horses, if any, by which the carriage is to be drawn shall be set forth in every such licence.
- (5) The fees to be paid for licences shall be at the following rates, namely
- (a) for a carriage propelled by mechanical power, \$3.50;
 - (b) for a carriage to be drawn by 2 or more horses, \$2.40; and
 - (c) for a carriage to be drawn by 1 horse, \$1.20.

[1957-35]

Carriages to be inspected periodically

- 4.(1) It shall be lawful for the Commissioner of Police to cause an inspection to be made once in every 3 months, or oftener if he deem it necessary, of every licensed omnibus, livery, and hackney carriage, and of any horse or horses used in drawing the same.
- (2) Where any such carriage, or any horse or horses used in drawing the same, are at any time in a condition unfit for public use, the Commissioner of Police shall give notice in writing to the proprietor thereof in the form in the First Schedule.
- (3) The notice shall be personally served on such proprietor or delivered at his usual place of residence.
- (4) Where, after such notice any proprietor uses or lets to hire such carriage as an omnibus, livery or hackney carriage, or uses or lets to hire any such horse or horses, whilst in a condition unfit for public use, the Commissioner of Police may suspend, for such time as he may deem proper, the licence of the proprietor of such carriage.
- (5) The proprietor of any omnibus, livery or hackney carriage who neglects or refuses to submit for inspection his carriage, and any horse or horses used in drawing the same, at such times and in such manner as aforesaid, shall for each neglect or refusal be liable to a penalty of five dollars and in addition to such

penalty the Commissioner of Police may suspend the licence of such proprietor until the carriage, and horses, if any, are submitted for inspection.

Inspectors of carriages

5.(1) The Commissioner of Police is hereby empowered to appoint for each parish some competent person to be inspector of carriages and horses under this Act.

(2) The following fees shall be payable to the inspector, that is to say, one dollar for the inspection to obtain a licence for a carriage, and one dollar for each subsequent inspection of such carriage during the continuance of the licence, such fees to be paid by the proprietors of carriages and horses at the time of inspection.

[1977-19]

(3) Where the inspector is a member of the Police Force, all fees received by him under this section shall be paid into the Consolidated Fund.

[1946-28]

Letting carriages for hire without licence or after being declared unfit

6. Any proprietor of an omnibus, livery or hackney carriage who—

- (a) uses or lets the same to hire without having obtained a licence for that purpose, as required by this Act; or
- (b) having obtained such licence, but after notice given to him by the Commissioner of Police under section 4 that such carriage or any horse or horses used in drawing the same are no longer in a fit and proper condition for public use, uses or lets the same to hire,

shall be liable to a penalty of five dollars for each day during which he so uses or lets to hire such carriage, or horse or horses, or, in default of payment, to imprisonment for three months.

PART III

FARES

Hackney carriage fares

7.(1) The proprietor or driver of any licensed hackney carriage drawn by horses shall, subject to subsections (2) and (3) and (4), be entitled to demand and take for the hire of such carriage the fares set out in the Second Schedule.

(2) Where the proprietor or driver of any such hackney carriage to be paid a fare calculated according to the distance is required by the hirer thereof to stop such carriage for fifteen minutes, or for any longer time, it shall be lawful for the proprietor or driver to demand and receive from the hirer, so requiring him to stop, a further sum (above the fare to which he is entitled calculated according to the distance) of twenty-four cents for every fifteen minutes completed that he has so stopped.

(3) No proprietor or driver shall demand or receive over and above the said fare any sum for or by way of back fare for the return of the carriage from the place at which the carriage is discharged.

(4) No driver shall be compelled to let to hire his carriage for a fare to be paid according to time at any time after eight o'clock in the evening and before six in the morning; but if after the hour of eight o'clock in the evening any such hackney carriage is found on a stand provided for carriages, the driver thereof may be compelled to hire it at the rate of thirty-six cents per mile or part of a mile not exceeding two miles, and if exceeding two miles at the rate of seventy-two cents per mile or part of a mile after the first two miles, for each adult person and children under ten years of age, half price.

Table of fares to be exhibited in carriage

8.(1) The Accountant-General shall furnish, with every licence granted under this Act, to the proprietor of any hackney carriage a card on which shall be printed the name of the owner, the number of the licence, the number of persons

to be carried, the number of horses, if any, by which the carriage is to be drawn, and the appropriate schedule of fares.

(2) Every such proprietor shall, under a penalty of ten dollars, have the card affixed on the inside of the carriage so as to be seen distinctly at all times by the persons travelling in such carriage.

(3) The owner of every hackney carriage shall, under a penalty of ten dollars, cause the number of every such hackney carriage to be legibly painted in black figures of one and a half inches on white circular ground of two and a half inches diameter on the back of such carriage.

Livery carriage fares

9. The fare to be charged for the use of a livery carriage shall be such as shall be agreed upon by the owner and the passenger but shall not exceed forty-eight cents per mile or one dollar and ninety-two cents per hour, at the option of the hirer.

Omnibus fares

10.(1) The fare to be charged by the owner or driver of an omnibus shall not exceed four cents for each passenger for each mile or part of a mile.

(2) The owner or driver of every omnibus shall, under a penalty of ten dollars, have affixed on the inside of the omnibus, so as to be clearly visible to the passengers, a card or board on which shall be stated in legible characters the name of the owner, the number of the licence, the number of passengers to be carried, the number of horses, if any, by which the omnibus is to be drawn and the fares to be charged.

(3) The owner of every omnibus shall, under a penalty of ten dollars, cause the number of the licence for such omnibus to be legibly painted on the outside of the right and left sides of such omnibus.

PART IV
LICENSING OF DRIVERS

Driver to be licensed

11.(1) No person shall act as a driver of an omnibus, livery carriage or hackney carriage until he has obtained a licence from the Commissioner of Police authorising him to do so, and any person acting in contravention of this subsection shall be liable to a penalty of two dollars for every day during which he acts as such driver.

(2) Any person desiring to obtain a licence to drive an omnibus, livery carriage or hackney carriage shall apply to the Commissioner of Police who shall grant such licence if he is satisfied that the applicant is of good character, competent and not suffering from any loathsome, infectious or contagious disease.

(3) The licence granted to any driver by the Commissioner of Police shall be made terminable on the fifteenth day of January in the year next succeeding the year in which it was issued, and shall be in the form in the First Schedule.

(4) Where any licensed driver is convicted of a third or subsequent offence under this Act, the magistrate may, in addition to any other punishment which he may impose, order the licence to be forfeited.

(5) The Commissioner of Police shall keep a record of all licensed drivers, and of the convictions of such drivers for breaches of the Laws of this Island.

(6) The clerk of every magistrate shall forward to the Commissioner of Police a copy of every conviction of a licensed driver and the Commissioner of Police shall furnish such clerks with the names of licensed drivers.

PART V
CARRIAGE OF BAGGAGE

Reasonable baggage to be carried without extra charge

12. The driver of every livery and hackney carriage shall carry in or upon such carriage a reasonable quantity of luggage for every person hiring such carriage, without any additional charge.

Disposal of property left in hackney carriages

13.(1) The driver of every omnibus, livery or hackney carriage wherein any property is left by any person shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, in the state in which he finds the same, to the police station of the district in which he resides and shall there deposit and leave the same with the officer on duty.

(2) Every such driver acting in contravention of subsection (1) shall be liable to a penalty of forty-eight dollars.

(3) The officer with whom any such property is deposited shall forthwith enter in a book to be kept for that purpose the description of such property and name and address of the driver who brought the same and the number of his carriage and the day on which it is brought.

(4) The property so entered shall be returned to the person who proves to the satisfaction of the Commissioner of Police that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver who brought the same, not exceeding five per cent of the estimated value, as the Commissioner of Police awards.

(5) Where such property is not claimed by and proved to belong to some person within one month after the same has been so deposited, the Commissioner of Police shall cause such property to be sold or otherwise disposed of and the proceeds thereof to be paid over to the Consolidated Fund, all expenses incurred

about such property, together with such reasonable sum to the driver who brought the same as the Commissioner of Police awards, being first paid therefrom.

PART VI

OMNIBUS AND HACKNEY CARRIAGE STANDS

Stands for carriages to be fixed by Chief Technical Director

14. It shall be the duty of the Chief Technical Director to fix and appoint stands in convenient places in the different parts of the Island for the omnibuses and hackney carriages plying for fares and to report the same to the Commissioner of Police whose duty it shall be, by aid of the police, to enforce conformity with the regulation.

[1966-5]

PART VII

OFFENCES

Offences by drivers of omnibuses, livery carriages and hackney carriages

15. Every driver of an omnibus, livery carriage or hackney carriage who—

- (a) demands more than the proper fare or the fare agreed upon; or
- (b) refuses to carry the number of persons allowed to be carried; or
- (c) carries more than the number of persons allowed to be carried; or
- (d) is drunk while in the discharge of his duty as such driver; or
- (e) smokes when carrying passengers; or
- (f) is improperly clothed; or

- (g) makes use of any improper or insulting or disrespectful language to any person applying to him to be carried, or to any passenger, or while driving any passenger, or to any passenger whom he has set down; or
- (h) refuses to show his licence when required to do so by any passenger, intending passenger or police constable; or
- (i) lets to hire, or plies for hire with, a vehicle or horse which is unfit for use; or
- (j) drives a smaller number of horses than the number specified in the licence,

shall be liable to a penalty of ten dollars.

Offences by drivers of hackney carriages

16. Every driver of a hackney carriage who—

- (a) refuses to hire such carriage to any person desiring to hire the same; or
- (b) refuses to drive such carriage to any place to which he is required to drive any person hiring, or intending to hire, such carriage; or
- (c) does not drive the same at a speed of not less than 6 miles an hour, except in cases of unavoidable delay; or
- (d) refuses to drive at a slower pace when required by the hirer to do so; or
- (e) refuses to carry for a passenger a reasonable quantity of luggage; or
- (f) plies for fares other than at and on the stands allotted for hackney carriages,

shall be liable to a penalty of \$10.

Offences by drivers of livery carriages

- 17.** Every proprietor or driver of a livery carriage who
- (a) refuses to carry for a passenger a reasonable quantity of luggage; or
 - (b) refuses, without sufficient cause, to let to hire any such carriage, to any person desiring to hire the same; or
 - (c) stands or plies for hire on any highway, street, road or public place or at any place other than the garage or stable at which such carriage is kept,

shall be liable to a penalty of \$10.

Offences by drivers of omnibuses

- 18.** The driver of an omnibus shall not, under a penalty of \$10, ply for fares except at his allotted stand.

General penalty

- 19.** For every offence against this Act, for which no special provision is made, the offender shall be liable to a penalty of \$10.

Recovery of penalties

- 20.** Where not otherwise provided for, all offences and penalties under this Act may be prosecuted and recovered in a summary manner before a magistrate on the information of any person and shall be paid one-half to the informant.

Jurisdiction of magistrates

- 21.(1)** It shall be lawful for any of the magistrates of District “ A ” to hear and determine all offences under this Act, whether committed within or without the limits of his jurisdiction, and also all disputes or causes of complaint that may arise out of the same.

(2) Nothing in this section shall deprive any other magistrate of his jurisdiction where the information is lodged before him.

Regulations

22.(1) The Minister may make regulations concerning any of the matters and things contained in this Act, and such regulations when they have been published in the *Official Gazette* shall have the force of law.

(2) Any person who infringes any of such regulations shall be liable to a penalty of \$10.

Act not to apply to motor vehicles

23. From and after the 1st June 1981* this Act and any regulations made thereunder cease to apply to motor vehicles.

**[Date of commencement of Road Traffic Act, 1981, (Cap. 295).]*

[1981-40]

FIRST SCHEDULE

Form of Certificate

(s. 3(2))

I do hereby certify that on application of
now living at I have caused the carriage known by the
following marks or description (*here state marks or description by which the
carriage may be identified*) to be inspected, which the said
desires to use and let to hire as (*here state whether as an omnibus, livery or
hackney carriage*), and I certify that the said carriage is in a fit and proper
condition for public use, that persons are to be carried thereby (and
that it is to be drawn by horses).

(Signed)

Commissioner of Police.

Form of Notice

(s. 4(2))

I do hereby certify that I have caused the carriage now used and let to hire as a (*here state whether as an omnibus, livery or hackney carriage*) and known by the following marks (*here state marks or description by which the carriage may be identified*), (and the horses used in drawing the same) to be inspected, and find the said carriage (and horses) not to be in a fit and proper condition for public use (*here state the defect*); and I do hereby suspend the licence granted to _____ to keep and use the said carriage until the defects are remedied.

(Signed)

Commissioner of Police.

Licence

(s. 11 (3))

You.....of.....
in the parish of.....are hereby authorised to drive an omnibus,
hackney carriage, or livery carriage until the 15th day of January.....

Dated this.....day of....., 19

.....
Commissioner of Police.

SECOND SCHEDULE

(s.7)

Fares

Description of Carriage	Fare by distance		Fare by time	
For any hackney carriage with four or two wheels drawn by one horse.	For any distance not exceeding two miles: Twenty-four cents for each adult person and twelve cents for each child under ten years of age for each or any part of a mile within the first two miles.	For any distance exceeding two miles: At the rate of forty-eight cents for each adult person and twenty-four cents for each child under ten years of age for every mile or part of a mile beyond the first two miles.	For any time within and not exceeding one hour: ninety-six cents for one adult person, and if more than one adult person, forty-eight cents for each additional person; children under ten years of age, half fare.	And for every hackney carriage drawn by two horses one half above the rates and fares hereinbefore mentioned.

The above fares are to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare is to be paid according to distance.