

THE RANGOON HACKNEY CARRIAGES ACT.

[BURMA ACT IV, 1917.] (19th May, 1917.)

1. This Act extends to the City and Cantonment of Rangoon. Extent:

2. The President of the Union may, by notification, extend all or any of the provisions of this Act, with such modifications as to him may seem necessary, to any other local area in the Union of Burma. Power to extend.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
 - (a) "Commissioner of Police" means the officer appointed a Commissioner of Police for Rangoon Town and includes any person authorized by him to exercise or perform any power or duty imposed or conferred on the Commissioner of Police by this Act ;
 - (b) "hackney carriage" means any horse-drawn vehicle used for the conveyance of passengers, which plies for hire, or is kept or offered for the purpose of plying for hire ;
 - (c) "horse" includes mule ;
 - (d) "owner" includes an agent or trustee .
 - (e) "rickshaw" means a vehicle drawn or propelled by one or more men, and used for the conveyance of passengers, which plies for hire, or is kept or offered for the purpose of plying for hire ;
 - (f) "to drive" means to drive a hackney carriage or to draw or propel a rickshaw ;
 - (g) "vehicle" means a hackney carriage or a rickshaw.

4. No vehicle shall be let to hire, or taken to ply, or offered for hire, except under a licence duly granted to the owner thereof in that behalf by the Commissioner of Police. Vehicles to be licensed.

5. No person shall drive a vehicle except under a licence granted in that behalf by the Commissioner of Police. Drivers of vehicles to be licensed.

6. (1) The owner of any vehicle which is let to hire, or taken to ply, or offered for hire, in contravention of section 4 shall be punished with fine which may extend to fifty rupees for each day on which such vehicle is so let to hire, or taken to ply or offered for hire. Penalty for breach of section 4.
 - (2) When any change takes place in the ownership of a vehicle and the vehicle is let to hire, or taken to ply or offered for hire, without the licence granted for such vehicle having been transferred to the new owner, the new owner shall be punished with fine which may extend to twenty-five rupees for each day on which such vehicle is so let to hire, or taken to ply or offered for hire.

Seizure of
and disposal
of vehicle or
horse plying
in contraven-
tion of
section 4.

7. Any police-officer may seize a vehicle, together with any horse drawing the same, which is let to hire, or taken to ply, or offered for hire, in contravention of section 4. Any vehicle or horse so seized shall be detained in such manner as the President of the Union may prescribe by any rule or rules framed in this behalf.

If the vehicle or horse so seized be not claimed within one month from the date of such seizure, or if any fine imposed together with all costs and charges incurred in respect thereof and of the detention be not paid within one month from the date of the imposition of such fine, such vehicle or horse may be sold by public auction and the proceeds applied to the payment of the fine, if any, and of all costs and charges in respect thereof and of the detention and sale. The surplus, if any, if not claimed by the owner or keeper within a further period of three months, shall be credited to Government.

Penalty for
breach of
section 5.

8. Any person who drives a vehicle without a licence in contravention of section 5 shall be punished with fine which may extend to fifty rupees if the vehicle be a hackney carriage or to ten rupees if the vehicle be a rickshaw.

Penalty for
suffering
person to
drive a
vehicle with-
out a licence.

9. Any person who, having himself a licence to drive a vehicle, or being himself the owner of a vehicle, knowingly suffers any person, who has not a licence as required by section 5, to drive such vehicle shall be punished with fine which may extend to fifty rupees if the vehicle be a hackney carriage or to ten rupees if the vehicle be a rickshaw.

Penalty for
use of false
badge or
number.

10. Any person who, for the purposes of deception, uses or wears any badge resembling or intended to resemble a badge granted under the authority of this Act, or uses or wears any badge granted under the authority of this Act when not entitled thereto, or attaches to a vehicle a number resembling or intended to resemble a number granted under the authority of this Act, or brands or marks any horse with intent that it may be thought that the horse has been branded or marked under the authority of this Act, shall be punished with fine which may extend to fifty rupees, and in case of a subsequent conviction under this section with fine which may extend to one hundred rupees.

Penalty for
misconduct
on part of
driver or
attendant of
vehicle.

11. Every driver or attendant of a vehicle who shall be drunk during his employment ;

or who shall make use of insulting or abusive language or gesture ;

or who shall refuse to give way (when he reasonably and conveniently may do so) to any other carriage ;

or who shall wilfully obstruct or hinder the driver or attendant of any vehicle in taking up or setting down any person into, or from, such other vehicle ;

or who shall wrongfully prevent or endeavour to prevent the driver or attendant of any other vehicle from being hired ;

or who shall demand or exact more than the proper fare to which he is legally entitled ;

or who shall refuse to admit and carry in such vehicle the number of passengers the vehicle is licensed to carry ;

or who shall carry more than such number of passengers ;

or who shall refuse to carry a reasonable quantity of luggage as provided by any rules framed under this Act ;

or who, being hired by time, shall, before he has been discharged by the hirer, wilfully and without due cause desert from the hiring ;

or who, being hired, permits or suffers any person to be carried in or upon or about such vehicle during such hire without the consent of the person hiring the same ;

or who shall ply for hire with any vehicle or animal which shall at the time be unfit for public use ;

or who shall, without such previous disinfection as may be required by any rules framed under this Act, knowingly use for hire any vehicle recently used for the conveyance of any person suffering from any contagious or infectious disease, or the corpse of any person who has died of any such disease ;

shall be punished with fine which may extend to fifty rupees, and in case of a subsequent conviction under this section with fine which may extend to one hundred rupees.

12. When any driver is convicted of an offence under this Act the Magistrate by whom he is convicted shall endorse on his licence the nature of the offence, the date of the conviction and the nature of the penalty inflicted and shall forward the licence to the Commissioner of Police.

Conviction to be endorsed on driver's licence.

13. (1) When a complaint is made before a Magistrate against the driver or attendant of a vehicle for any offence committed by him against the provisions of this Act, such Magistrate may summon the owner of the vehicle personally to appear and to produce the driver or attendant, as the case may be, of such vehicle to answer the complaint.

Owners of vehicles may be summoned to appear and produce drivers or attendants.

(2) If such owner, after being duly summoned, shall, without reasonable excuse, neglect or refuse personally to appear or to produce the driver or attendant according to such summons he shall be liable to a fine not exceeding fifty rupees, and continue to be so from time to time as often as he shall be so summoned until such driver or attendant be produced by him:

On failure Magistrate may proceed with case.

Provided that, if such owner, without reasonable excuse, neglects or refuses to appear and produce such driver on the second or any subsequent summons requiring him to do so, it shall be lawful for the Magistrate to proceed to hear and determine the case in the absence of the owner and driver or attendant, or either of them, in the same manner as if the driver or attendant had been produced, and to adjudge payment by the owner of any penalty awarded against the driver or attendant.

(3) If, when such owner has been summoned, the Magistrate by whom the case is heard discharges or acquits the driver or attendant and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may,

Payment of compensation to owner in case of

frivolous or vexatious complaint. in his discretion, by his order of discharge or acquittal, direct the complainant to pay to the owner compensation not exceeding fifty rupees,

Settlement of disputes.

14. In the case of any dispute as to the amount of fare payable between the hirer and driver of any vehicle the hirer may require the driver to proceed forthwith to the nearest police-station, and the dispute shall be decided by any police-officer present at such station of rank not below that of Inspector.

If either party refuse to accept the decision of such police-officer, the police-officer shall enter the complaint in his diary and require the parties to appear before the Magistrate at his next sitting.

On failure of either party to attend such sitting the Magistrate may, if he think fit, decide the case *ex-parte*.

If any driver shall refuse to obey such requisition of the hirer it shall be lawful for the hirer to give the driver into the custody of the nearest police-officer; such police-officer shall thereupon take the driver and the hirer together with the vehicle and any horse drawing the same to the nearest police-station, where the dispute shall be decided as aforesaid.

Procedure in case of refusing to pay fares.

15. (1) If any person who shall have hired a vehicle shall refuse to pay to the owner, driver or attendant thereof, on demand, the fare payable under this Act, it shall be lawful for the Magistrate who hears the case to order payment of such fare, and also of such compensation for loss of time as shall seem reasonable.

Penalty for fraudulent evasion.

(2) If any hirer who shall have used any such vehicle shall fraudulently attempt to evade payment of his fare, he shall be punished for every such offence with fine which may extend to fifty rupees or with simple imprisonment which may extend to two months, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for destroying table of fares.

16. Every person who shall maliciously or knowingly tear, destroy, deface, obliterate, or remove any table of fares which shall have been put up in any vehicle in accordance with rules made under this Act shall be punished for every such offence with fine which may extend to twenty rupees.

Penalty for wilful injury to vehicle.

17. Every person using a vehicle who shall wilfully injure the same shall be punished for every such offence with fine which may extend to twenty rupees or with simple imprisonment which may extend to one month, and shall also pay to the owner such compensation for the injury as the Magistrate may direct.

Prosecution to be instituted before Magistrate.

18. (1) Every prosecution under this Act may be instituted before any Magistrate having local jurisdiction, who may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person does not appear, the Magistrate may, upon proof of service of the summons and if no sufficient cause be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

(2) If such person do appear, then the procedure for the trial of summons cases laid down in the Code of Criminal Procedure shall be followed. Procedure in case of prosecutions.

19. (1) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within three months next after the commission of such offence. Liability to prosecutions when incurred.

(2) The omission to take out a licence for a vehicle or a licence as a driver or to register a horse used for drawing a hackney carriage shall, when such omission is an offence, be deemed to be a continuing offence.

20. In any case in which a Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, it shall be lawful for such Magistrate to direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit, and the sum so awarded shall be recoverable as if it were a fine. Compensation for groundless prosecutions.

21. Any police-officer or constable may arrest without warrant any person who is not licensed under this Act and who commits in his view any offence against this Act, and may seize and detain in any place of safety until judgment is pronounced in the case any vehicle, harness or animal which it may be necessary so to seize and detain. Power of arrest and seizure without a warrant by police.

22. All fees collected and fines imposed under the provisions of this Act shall be credited to Government, and all charges incurred in the administration of this Act shall be met from such fees and fines. At the end of each year the balance of fees and fines collected and imposed during the year, after all such charges have been met, shall be paid to the Rangoon Municipal Fund. Disposal of fees and fines under the Act.

23. (1) The President of the Union may from time to time make rules for carrying into effect the objects of this Act. Power to make rules.

(2) Rules under this section may provide for the following among other matters, namely :—

- (a) the conditions under which licences may be issued to the owners of vehicles ;
- (b) the conditions under which such licences may be transferred, renewed, suspended or cancelled ;
- (c) the period for which such licences shall be valid ;
- (d) the fees to be paid for the issue, transfer or renewal of such licences ;
- (e) the numbering of, and affixing of a list of fares in or on, vehicles ;
- (f) the lights to be carried on vehicles after sunset and before sunrise ;
- (g) the description of hackney carriages which may be licensed and of the horses, harness and other things to be used with such hackney carriages, the condition in which such hackney carriages, horses, harness and other things shall be kept, and inspection of the premises in which they are kept ;

- (h) the registration of horses used for drawing hackney carriages and the prohibition of the use of horses which by reason of not being broken or by reason of illness or otherwise are unfit to draw a hackney carriage ;
- (i) the description of rickshaws which may be licensed and the condition in which such rickshaws shall be kept ;
- (j) the conditions under which licences may be issued to drivers ;
- (k) the conditions under which such licences may be renewed, suspended or cancelled ;
- (l) the period for which such licences shall be valid ;
- (m) the fees to be paid for the issue of or renewal of such licences ;
- (n) the examination of applicants for such licences ;
- (o) the wearing of badges by drivers ;
- (p) the surrender by owners or drivers and the seizure by the police of licences which have expired or been suspended or cancelled and the surrender by drivers and the seizure by the police of badges worn in contravention of the rules ;
- (q) the furnishing of copies of licences to owners or drivers and the fee to be paid therefor ;
- (r) the production of licences, badges and certificates of registration of horses for inspection or any other purpose ;
- (s) the times at which and the circumstances in which any person keeping a vehicle shall be bound to let or shall or may refuse to let such vehicle to any person requiring the same ;
- (t) the appointment of places as stands for vehicles, the prohibition of such vehicles waiting for hire except at such places, and the manner of taking up or setting down any passenger or of waiting for such purposes ;
- (u) the rates of fares, as well for time as for distance, which may be demanded for the hire of any vehicle, and the speed at which hackney carriages when hired by time shall be driven ;
- (v) the number of persons and the weight of property which may be conveyed by a vehicle ;
- (w) the deposit of property found in any vehicle, and the payment of a fee by the owner of such property on the delivery thereof to him ; and
- (x) the disinfection of vehicles.

(3) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with fine which may extend to one hundred rupees, or with simple imprisonment which may extend to fourteen days, or with any less fine or period of imprisonment.

(4) The power to make rules under this section is subject to the condition of the rules being made after previous publication.