

(8) Upon being asked by an intending hirer a question as to the scale or basis of fare chargeable for any specified hiring, state the correct scale or basis of fare for the time being in force applicable to the case.

5. Duty to carry out Hiring.

Neither the licensee nor the driver of a motor-cab shall neglect, fail, or refuse to carry out punctually any contract of hire into which he has entered.

6. Offences by Driver.

The driver of a motor-cab shall not—

- (1) To the annoyance of any person importune any person to hire the motor-cab.
- (2) Leave his motor-cab to tout for passengers or fares.
- (3) Sleep or lounge in his motor-cab or smoke whilst conveying a passenger, or endeavour to attract attention by shouting, whistling, calling, or sounding a horn or other instrument except as permitted under the Traffic Regulations, 1936.
- (4) Permit the motor-cab when in any street or other public place within the borough to stand at any place other than a stand duly appointed for that purpose: Provided that it shall not be a breach of this condition if the motor-cab be permitted to stand as aforesaid but within the limits of time and place created by any by-law or regulation of the Council of the borough whilst loading or unloading goods or taking up or setting down passengers or whilst hired or whilst any private business of its driver is being transacted as if such vehicle were a private vehicle.
- (5) Loiter with the motor-cab. Any such driver who shall in the opinion of any constable or inspector drive his vehicle along a street or thoroughfare at a speed of less than six miles an hour shall *prima facie* be deemed to be loitering with his motor-cab contrary to this provision: Provided that nothing in this paragraph shall apply—
 - (a) In a place where by any statute, regulation, by-law, or resolution of any competent local authority, a motor-cab is required to proceed at a slower pace than six miles an hour.
 - (b) At funeral processions.
- (6) Cause his motor-cab to be drawn up on a stand which is already occupied by the full number of vehicles which the stand is intended to accommodate.
- (7) Allow any person but the hirer and such person or persons as the hirer will admit to ride in or on the motor-cab.
- (8) Place or carry or allow to be placed or carried in or upon the motor-cab any substance of offensive character.

7. Driver's Attendance at Stand.

The driver of a motor-cab shall whilst the motor-cab is waiting on a stand remain constantly either on the driving-seat of the motor-cab or in immediate attendance thereupon, unless absent for some reasonable cause, and, in case of such absence, he shall leave some competent person in charge of the motor-cab, but such person shall in no case act as driver thereof unless he is himself licensed to drive it.

8. Stands.

The driver of a motor-cab when the motor-cab is in any street or other public place within the borough and is not engaged shall take up his station on some stand and shall there wait his turn for hiring and otherwise conduct himself and his vehicle as may be from time to time prescribed under by-laws as to the use of such stand.

9. Permitted Waiting-places of Motor-cabs.

Except in cases mentioned in paragraph (4) of Condition No. 6 hereof and in the following cases no driver of a motor-cab shall when in any street or public place within the borough stand with his motor-cab or permit the same to stand elsewhere than a stand:—

- (1) A driver may wait at any place then open for public amusement or for public assemblance, provided that he waits with his motor-cab as near to the chief entrance to such place as possible (but not nearer than 10 yards) and takes his turn to the front of such place to pick up any passenger who may hail or desire to engage him; but any inspector or any police officer may order any such driver to alter his position and take up such other position as such inspector or police officer may think convenient for the traffic, provided always that this subsection shall not apply to places where stands are provided.
- (2) No such driver shall by virtue of this provision permit his motor-cab to remain on the said street longer than ten minutes after such place of amusement or public assemblance shall have closed, unless he is hired so to remain.

- (3) A driver of a motor-cab who is hired may within the limits of time and place created by any condition of his license wait for his hirer wherever such hirer may direct, but any police constable or other officer or any inspector may direct such driver to move forward or backward to prevent obstruction, and such driver shall obey such direction.
- (4) The proof that he was hired and was asked by his hirer to remain in any place of waiting shall in all cases rest on the driver.

Provided that the foregoing paragraphs (1) to (4) of this condition shall be read subject to any existing by-law or regulation which may be in force affecting the roads or the use thereof and affecting motor-cabs.

10. Touting.

- (1) Neither the licensee nor the driver, nor any other person shall, in connection with a motor-cab in any street or public place or other locality except in manner authorized by these conditions endeavour to induce a person to hire or to ride in such motor-cab.
- (2) Neither the licensee nor driver of a motor-cab nor any other person shall in any street or public place:—
 - (a) In the course of any employment or occupation connected with the business of the hiring out of such motor-cab, by act, words, or conduct tout for, solicit, or hold himself out as available for the carriage of luggage of any person to such motor-cab: Provided that nothing in this condition shall affect the duty of a driver as defined in Condition 4 hereof; or
 - (b) Summon or call up any motor-cab by horn, musical instrument, gong, drum, bell, gramophone, megaphone, loud-speaker, or other noisy means whatsoever; or
 - (c) By act, words, or conduct tout for or solicit fares or hirings for any motor-cab: Provided that nothing herein shall be deemed to render it unlawful for the driver while in or within three feet of the motor-cab which he is in charge of and which is standing as a disengaged motor-cab on a duly appointed stand, by gesture or in a moderate voice, to call attention to the fact that such motor-cab is available to be hired.

11. Driving Hours.

The licensee shall not drive or cause or permit any person employed by him or subject to his orders to drive any motor-cab:—

- (1) For any continuous period of more than five and one-half hours; or
- (2) So that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours; or
- (3) So that the driver would be unable to have for rest the complete twenty-four hours commencing at 1 a.m. on every other Sunday.

For the purposes of this condition:—

- (a) Any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshments;
- (b) Any time spent by a driver on other work in connection with a motor-cab or in driving or other work in connection with any passenger-service or goods-service vehicle or the load carried thereby shall be reckoned as time spent in driving a motor-cab:

Provided that a licensee shall not be liable to be convicted for breach of this condition if he proves to the Court that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

12. Wages.

(1) The licensee shall pay every person employed by him to drive a motor-cab not less than the wages prescribed for such employees in any award or awards from time to time in force and made by order of the Arbitration Court under the Industrial Conciliation and Arbitration Act, 1925, whether the licensee or his employees are parties to the said award or awards or not.

(2) During such time as there may not be in force any award so made, the licensee shall pay every person employed by him to drive a motor-cab, wages at the rate of not less than £4 10s. per week plus an additional 2s. for every hour in excess of ten hours spent in driving a motor-cab within any period of twenty-four hours during that week, but shall not pay such person any additional amount by way of commission on earnings.