

BERMUDA STATUTORY INSTRUMENT

SR&O 13A/1950

**PUBLIC CARRIAGE (OPERATION AND CONDITIONS OF HIRE)
REGULATIONS 1950**

*[made under section 3 of the Public Carriage Act 1949 [title 21 item 9] and
brought into operation on 27 May 1950]*

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Citation

1 These Regulations may be cited as the Public Carriage (Operation and Conditions of Hire) Regulations 1950.

Interpretation

2 In these Regulations, unless the context otherwise requires, "legal charge" has the meaning assigned to that expression in regulation 3.

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Legal charge

3 (1) The driver of a public carriage shall prior to the hiring of his carriage agree with the hirer the charge for the hire of the carriage which charge shall be based on the time the driver calculates the carriage will take to reach its destination and return to the place from which it was hired. No greater charge shall be made if the time taken is longer than that agreed.

(2) In agreeing the charge with the hirer the driver shall not agree a greater charge than a charge calculated on the basis of the scale set out in the Schedule. Such charge is referred to hereafter as the "legal charge".

(3) Notwithstanding anything in paragraph (2), nothing in these Regulations shall be construed so as to prevent the charging of any charge lower than as indicated in paragraph (2).

(4) It shall not be lawful for any person (whether or not the driver, owner or operator of a public carriage) either directly or indirectly to demand or extract or require the payment of any charge in respect of the hire of the public carriage—

(a) in excess of the legal charge; or

(b) where a charge lower than the legal charge has been agreed upon in connection with the hiring, in excess of that lower charge.

(5) For the purposes of this regulation the hire of a public carriage shall be deemed to commence when the carriage is first made immediately available to the hirer at the time and place appointed by him.

(6) No time during which a public carriage is on a journey not connected with the hiring shall be taken into account in determining the amount of the legal charge.

(7) A copy of the Schedule shall be carried and clearly displayed in every public carriage.

Compensation when hiring not taken up

4 (1) Where a public carriage after being hired in respect of any journey is duly made immediately available to the hirer at the time and place appointed by him, and the hirer, not having cancelled the hiring within a reasonable time before it is due to commence, refuses, or fails within a reasonable time, to avail himself of the use of the carriage—

(a) the driver of the carriage shall be entitled to abandon the hiring; and

(b) if the hiring is so abandoned, the hirer shall be liable to pay (in lieu of any legal charge incurred in respect of the hiring) a sum of two dollars by way of compensation to the person operating the carriage, and any such sum may, if not otherwise recovered, be recovered summarily before a court of summary jurisdiction in the manner provided by the Magistrates Act 1948 [*title 8 item 15*].

(2) For the purposes of this regulation, where an employee of a hotel, guest house, club, restaurant or similar organization hires a public carriage on behalf of a guest or customer, the owner or manager of the organization shall be deemed to be the hirer of the carriage.

Offences in respect of hiring

5 (1) No person —

(a) shall hire a public carriage, knowing or having reason to believe that he cannot pay the legal charge and with intent to avoid the payment of the legal charge; or

(b) shall fraudulently endeavour to avoid payment of a legal charge lawfully due from him; or

(c) shall, having failed or refused to pay the charge demanded by the driver of a public carriage, either —

(i) refuse to give the driver an address at which he can be found; or

(ii) give, with intent to deceive, a false address.

(2) The whole or any part of any fine imposed in respect of a breach of this regulation may be applied in compensation to the driver.

Passengers' baggage and animals

6 (1) Without prejudice to anything in the succeeding provisions of this regulation, passengers' baggage and animals shall be carried free of charge in a public carriage.

(2) It shall be in the discretion of the driver of a public carriage—

(a) to refuse to carry any article of baggage —

(i) in any case where the nature or condition of the article makes it likely that damage will be caused to the carriage or its furnishings; or

(ii) in any case where the article cannot be conveniently or safely carried; and

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- (b) to refuse to carry any animal whether or not the animal is carried in a cage, crate or basket.

Obligation of driver to accept passengers

7 The driver of a public carriage shall not, while the carriage is standing or plying for hire, refuse to accept a passenger for a lawful journey.

Maximum number of passengers

8 (1) It shall not be lawful to carry passengers in a public carriage in excess of the number of passengers authorized to be carried by virtue of the public carriage licence relating to that carriage.

(2) For the purpose of this regulation—

- (a) a child in arms shall not be counted as a passenger;
(b) any two children below the age of 12 (not being children in arms) shall be counted as one passenger.

No advertising matter

9 No advertising matter of any description whatsoever shall be displayed in or on any public carriage.

Lost property

10 (1) Any person who finds property accidentally left in a public carriage shall immediately hand it in the state in which he finds it to the driver of the carriage, who shall deal with it in accordance with this regulation.

(2) On the termination of any journey the driver shall as far as practicable search the public carriage for any property accidentally left therein and shall as soon as may be and in any case within 24 hours, hand any such property together with any property handed to him in accordance with paragraph (1), to the police officer in charge of a police station:

Provided that if, before such property is handed to a police officer in charge of a police station, it is claimed by a person who satisfies the driver that he is the owner, it shall be returned to that person forthwith, without fee or reward, on his giving his name and address to the driver who shall, as soon as may be, report the facts and give the claimant's name and address and a description of the property to the

police officer in charge of a police station.

Dress and deportment of driver

11 The driver of a public carriage while in charge thereof—

- (a) shall be polite and respectful in conduct, be neat and clean in appearance and be correctly dressed. A driver shall only be deemed to be correctly dressed if his dress complies with the following:—
 - (i) a shirt (or blouse for women drivers) with collar and sleeves, made of closely woven material, shall be worn. The shirt (or blouse) must not be worn outside trousers or skirt unless designed for that purpose;
 - (ii) a sweater and a jacket and tie may be worn if desired;
 - (iii) trousers or Bermuda shorts shall be worn with socks or solid colour knee-length stockings respectively;
 - (iv) skirts or dresses of or near knee-length may be worn by women drivers;
 - (v) headgear if worn shall be restricted to derbies, pith helmets or felt hats;
 - (vi) articles of dress made of dungarees or denim or which are multicoloured may not be worn;
 - (vii) work boots, sandals, sneakers or casual slippers shall not be worn; dress boots shall only be worn under long trousers;
- (b) shall not be deemed to be neat and clean in appearance if his hair is braided or, in the case of a woman driver, if curlers or rollers are worn in the hair;
- (c) shall wear in a prominent position on his clothing a badge of a design approved by the Board and bearing a number allotted by the Board;
- (d) shall refrain from smoking whilst any passenger is in his carriage;
- (e) shall not drive or attempt to drive the carriage except from the seat provided for that purpose.

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SCHEDULE

LEGAL CHARGES

	One-horse carriage	Two-horse carriage (1 to 4 passengers)	Two-horse carriage (5 or more passengers)
For the first thirty minutes or part thereof	\$40	\$40	\$10 per passenger
For each succeeding thirty minutes or part thereof	\$40	\$40	\$10 per passenger

The rates for a two-horse carriage may only be charged when two horses are used to pull a double carriage.

[Schedule amended by BR 11/1993 effective 1 April 1993; revoked and substituted by BR 21/2000 effective 1 April 2000; and by BR 14/2005 effective 1 April 2005]

[Amended by:

1968 : 222	BR 21/2000
SR&O 41/1967	BR 14/2005]
BR 53/1980	
BR 89/1988	
BR 11/1993	