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**CHAPTER 221****CABS****ARRANGEMENT OF SECTIONS**

## SECTION

1. Short title.
2. Interpretation.
3. The Cabs Board.

*Cabs*

4. Hackney carriages to be licensed and registered.
5. Who deemed owner.
6. Inspection of hackney carriages.
7. Hackney carriages to be numbered.
8. Production of horse and harness to be used with a hackney carriage.
9. Licensing and registering hackney carriages.
10. Inspection of cabs and cancellation of cab licences.
11. Fares.
12. Table of fares for owners of cabs.
13. Lost, etc., tables.
14. Proof of distances.
15. Who may drive a cab.
16. Drivers' licences.
17. Registration of drivers.
18. Driver's badge.
19. Cancellation of drivers' licences.
20. Cancelled licence to be delivered to the Controller.

*General rules*

21. Licensed drivers to drive to any place within ten miles of Rawson Square.
22. Rest periods for horses.
23. Shelter for horses.
24. Number of persons that may be carried.
25. Use of unregistered hackney carriages.
26. Penalty for refusing to pay fare.
27. Compensation for injury to cabs.

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*Miscellaneous*

28. Disputed fares.
29. Extracts from cab register or drivers' register to be received as evidence.
30. Procedure.
31. Property left in cabs.
32. Amends.
33. Cabs and their drivers subject to the rules made under the Penal Code.
34. Rules.
35. Expenses of Act.
36. Extent of application.

FIRST SCHEDULE — Rates to be Paid in respect of Cab and Drivers' Licences.

SECOND SCHEDULE — Table of Fares.

## CHAPTER 221

## CABS

**An Act for the registration of hackney carriages and licensing of drivers in The Bahamas.***[Commencement 23rd August, 1909]**13 of 1909**2 of 1918**16 of 1946**11 of 1955**43 of 1964**78 of 1965**24 of 1968**S.I. 66/1968**E.L.A.O., 1974**S.I. No. 43 of**1974**26 of 1994**25 of 1995**32 of 1996*

1. This Act may be cited as the Cabs Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
- “board” means the Cabs Board established under section 3; *26 of 1994, s. 2.*
- “cab” means a hackney carriage licensed and registered under this Act;
- “Controller” has the same meaning as is given to that word under section 2(1) of the Road Traffic Act; *43 of 1964, Third Sch. Ch. 220.*
- “hackney carriage” means any vehicle of two or more wheels drawn by animal power, used or intended to be used for the conveyance of passengers for hire; but does not include a vehicle hired from a livery stable in respect of which the owner has paid a rate or assessment under some other Act; *78 of 1965, Sch.*
- “horse” includes mules and ponies;
- “licensed driver” means a driver licensed and registered under this Act;
- “Minister” means the Minister responsible for Motor Vehicles, Cabs and Carriages; *E.L.A.O., 1974.*
- “registered” means registered under this Act.
3. (1) There shall be established for the purposes of the this Act a board, to be called the Cabs Board. The Cabs Board.  
*26 of 1994, s. 2.*
- (2) The board shall consist of not more than seven persons appointed from time for a period not exceeding three years by the Governor-General by notice in the *Gazette* as a licensing committee for any area in The Bahamas specified in the notice. *25 of 1995, s. 2 and Sch.*
- (3) The members of the board appointed under subsection (2) shall include —

- (a) one representative of the Road Traffic Department, the Humane Society, the Royal Bahamas Police Force and the Ministry of Tourism, respectively; and
- (b) one person registered as a veterinary surgeon under the provisions of the Veterinary Surgeons Act.

Ch. 245.

*Cabs*

Hackney carriages to be licensed and registered.  
*32 of 1996, s. 2.*

**4.** (1) Every hackney carriage shall be licensed and registered under this Act.

(2) A hackney carriage shall not be licensed to carry at any one time more than four passengers of whom no more than two shall be over the age of fourteen years.

Who deemed owner.

**5.** For the purposes of this Act the person in whose name a cab is registered shall be deemed the owner thereof:

Provided that where there shall be more than one owner it shall be sufficient in any proceedings under this Act to name one of such owners without reference to any other of them, and to describe and proceed against him as if he were sole owner.

Inspection of hackney carriages.

**6.** Every hackney carriage before being licensed shall be submitted for the inspection of the board, and the board shall decide whether such carriage is fit and proper to be licensed.

Hackney carriages to be numbered.  
*78 of 1965, Sch.*

**7.** Every hackney carriage approved of by the board shall be allotted a number by the board, and the number so allotted shall be marked, at the expense of the person submitting such carriage for inspection, on the back of such carriage to the satisfaction of the board.

Production of horse and harness to be used with hackney carriage.  
*78 of 1965, Sch.*

**8.** The board shall require the production before it of the horse and harness to be used with any hackney carriage submitted for inspection, and if satisfied that any such horse or harness is unfit for use, may refuse to license such carriage.

Licensing and registering hackney carriages.

**9.** (1) The owner of a hackney carriage approved by the board and duly marked as aforesaid shall be granted a licence by the board, and such licence shall bear the

allotted number, and on presentation of such licence to the Controller, and upon payment to him of the prescribed fees the hackney carriage referred to in such licence shall be registered by the Controller in the cab register, and such registration shall remain in force for a term of three months calculated from the first day of any quarter of the year specified in the First Schedule during which such licence is supplied, unless such licence is previously cancelled under this Act.

*43 of 1964, Third Sch.*

First Schedule.

(2) The licence shall be displayed in such conspicuous place on the carriage as may be stipulated by the board.

*78 of 1965, Sch.*

**10.** (1) Every person to whom a licence is granted under section 9 shall submit his cab or cause his cab to be submitted for inspection, by the board or by a person authorised in writing by the board, together with the horse and harness used therewith during the first week of every month at such time and place as the board may appoint by notice in the *Gazette*.

Inspection of cabs and cancellation of cab licences.  
*32 of 1996, s. 3.*

(2) The board may cancel any cab licence if —

- (a) the holder of a licence fails to comply with subsection (1);
- (b) upon inspection by the board, or a person authorised in writing by the board, any horse used to draw the cab is not properly shod, is suffering from illness or injury or is otherwise unfit for use with a hackney carriage;
- (c) the owner of the cab or the driver thereof is guilty of an offence under section 223 or 224 of the Penal Code;
- (d) the owner of the cab or the driver thereof is guilty of an offence under this Act or is in breach of any rule made under this Act; or
- (e) it is in the interest of the public that the licence is cancelled.

Ch. 84.

(3) Where a licence is cancelled under subsection (2) —

- (a) the hackney carriage in respect of which the licence is cancelled shall cease to be a cab from the date of the cancellation of the licence; and
- (b) the board shall notify the Controller immediately who, on receipt of the notice, shall remove the particulars relating to that hackney carriage from the register.

Fares.  
Second Schedule. **11.** (1) The fares only set out in the Second Schedule may be demanded by the owner or driver of a cab:

Provided that nothing in this Act contained shall be deemed to release an owner or driver from any agreement made by him to receive a payment at a lower rate.

78 of 1965, Sch. (2) The Minister may from time to time by order published in the *Gazette* vary or add to the table of fares set out in the Second Schedule.

Table of fares for owners of cabs.  
32 of 1996, s. 4. **12.** (1) The board shall supply, free of cost to the owner of every cab, a table of the prescribed fares, together with an abstract of rules relating to the duties of licensed drivers and the owner shall keep the table in legible condition and affixed inside his cab in a conspicuous place.

(2) Every owner who fails to comply with subsection (1) is guilty of an offence and is liable to a penalty of fifty dollars.

Lost, etc., tables.  
24 of 1968, First Sch. **13.** Lost, mislaid, obliterated or destroyed tables or abstracts may be replaced by the Controller on payment of a fee of ten cents for each copy.

Proof of distances.  
E.L.A.O., 1974. **14.** Tables of distances published by the Minister in the *Gazette* shall, in all cases of dispute as to the legal fare, be conclusive proof of the distances therein stated.

Who may drive a cab. **15.** No person shall drive a cab unless he is licensed and registered under this Act, but nothing in this section contained shall apply to the case of the hirer of a cab by the hour driving such cab himself or authorising any passenger in such cab to drive the same.

Drivers' licences. **16.** All drivers' licences shall be issued by the board, and shall be issued on application to such persons as the board may on examination find competent.

Registration of drivers. **17.** A driver producing his licence to the Controller and paying him the prescribed fee shall be registered as a licensed driver for a period of three months calculated from the first day of any quarter of the year specified in the First Schedule, unless such licence be previously cancelled under this Act. Every driver's licence shall bear a number, and every such number shall appear also on a badge to be supplied by the Controller to a driver on registration as a licensed driver.

First Schedule.

- 18.** Every licensed driver shall wear his badge in such manner as may be directed by any rule in force at all times while acting as a licensed driver, or while attending before the board or a magistrate. Driver's badge.
- 19.** (1) The board may cancel any driver's licence whenever in the opinion of the board a licensed driver has ceased to be a fit and proper person to hold a licence, or has become incompetent or illtreats his horse, or is a drunkard, or whenever he commits an offence against this Act. Cancellation of drivers' licences.  
16 of 1946, s. 2.
- (2) The board may order to be mercifully killed any horse which in the opinion of the board is suffering from pain due to old age or serious injury or illness or is in a generally deplorable and unfit condition.
- (3) The board shall give seven days' notice in writing to the owner of any horse of the order directing such horse to be mercifully killed.
- (4) The owner of any horse in respect of which an order has been made under subsection (2) of this section may, within seven days of receipt by him of a notice from the board under subsection (3) of this section, by notice in writing appeal against the making of the order to a stipendiary and circuit magistrate, and the making of such appeal shall, until the appeal is determined by the magistrate or abandoned, suspend the operation of the order. 24 of 1968, s. 4.
- (5) The stipendiary and circuit magistrate shall determine any such appeal either by affirming the order made by the board under subsection (2) of this section or by reversing it, and every such determination shall be final. 24 of 1968, s. 4.
- 20.** Upon the expiration or cancellation of any cab or driver's licence the owner of the cab, or the driver, as the case may be, shall forthwith deliver to the Controller such licence, and a driver shall also deliver up to the Controller his badge. Cancelled licence to be delivered to the Controller.

### *General Rules*

- 21.** Every licensed driver shall, unless he has a reasonable excuse, to be allowed by the magistrate before whom the matter shall be brought in question, drive his cab to any place, within a radius of ten miles from Rawson Square in New Providence, or an equivalent area in any Licensed drivers to drive to any place within ten miles of Rawson Square when required to do so.  
78 of 1965, Sch.

town or settlement in the case of an Out Island, to which he shall be required by the hirer thereof to drive.

Rest periods for horses.

*32 of 1996, s. 5.*

**22.** (1) No owner of a cab or licensed driver shall allow any horse for which he is responsible to draw a cab during the following periods —

- (a) from 1 p.m. to 2 p.m. from the first day of November to the thirtieth day of April, both days included; and
- (b) from 1 p.m. to 3 p.m. from the first day of May to the thirty-first day of October, both days included.

(2) Every licensed driver who fails to comply with subsection (1) is guilty of an offence and liable to a penalty of fifty dollars.

Shelter for horses.

*32 of 1996, s. 5.*

**23.** (1) A licensed driver shall supply every horse used to draw his cab with fresh and sufficient drinking water and shall keep such horse under a shelter during the periods specified in section 22 or at any other time when that horse is not drawing a cab.

(2) Every licensed driver who fails to comply with subsection (1) is guilty of an offence and liable to a penalty of fifty dollars.

Number of persons that may be carried.

**24.** Every licensed driver shall carry in and by his cab the number of persons which the cab is licensed to carry, or any less number of persons as may be required by the hirer thereof.

Use of unregistered hackney carriages.

*78 of 1965, Sch.;  
24 of 1968, First  
Sch.*

**25.** (1) Every person being the owner of a hackney carriage required by this Act to be licensed and registered, who shall omit to have such hackney carriage so licensed and registered, and any person being the owner of a cab, the licence for which and the registration whereof has been cancelled or has expired, who shall use or let the same to hire shall be liable to a penalty of thirty dollars; and any member of the board or a peace officer may seize and remove to a police station or pound any such hackney carriage or cab as aforesaid, together with the horse drawing the same if such hackney carriage or cab be not employed at the time of seizing in the conveyance of any passenger. If such hackney carriage so seized be not claimed, and if any penalty imposed be not paid within ten days, such cab, together with the horse and harness seized



with it, may be sold by auction, and the proceeds applied to the payment of the penalty and of all costs and charges incurred on account of the detention and sale, and the surplus (if any) if not claimed by the owner within a further period of sixty days, shall be forfeited.

(2) Every person being the owner of a cab who shall allow such cab to be used or let to hire not having the number allotted to it marked in the same manner prescribed by this Act or any rule shall be liable to a penalty of fifteen dollars.

Penalty for using a cab without a number.  
*78 of 1965, Sch.; 24 of 1968, First Sch.*

(3) Every person being the owner of a cab who on the expiration or cancellation of any licence issued under this Act shall omit, for three days, to remove the allotted number from such cab, or shall omit to deliver his licence or who being a driver shall omit to deliver his licence and badge to the Controller as required by section 20 of this Act shall be liable to a penalty of fifteen dollars.

*24 of 1968, First Sch.*

(4) Every person who shall, for the purpose of deception, use or have any badge resembling or intended to resemble any badge issued under this Act, and any person to whom a badge has been issued under this Act who shall transfer or attempt to transfer the same to any other person shall be liable to a penalty of thirty dollars.

Penalty for fraudulent use of a badge.

*24 of 1968, First Sch.*

(5) Subject to the provisions of section 15 of this Act, every person who drives a cab without being duly licensed, or who shall knowingly suffer any person not so licensed to act as such driver shall for every such offence be liable to a penalty of thirty dollars.

Penalty for driving a cab without having a licence.  
*78 of 1965, Sch.; 29 of 1968, First Sch.*

(6) Every licensed driver who shall be guilty of wanton or furious driving, or who, by carelessness or wilful misbehaviour, shall cause any hurt or damage to any person or property, or who, during his employment shall be drunk, or shall make use of any insulting or abusive language, or shall be guilty of any insulting gesture or any misbehaviour, or illtreat any horse drawing a cab shall for every such offence be liable to a penalty of thirty dollars; or the magistrate may, instead of inflicting such penalty, forthwith sentence the offender to two months' imprisonment; and in every case where any such hurt or damage shall have been caused, the magistrate, upon hearing of the complaint, may adjudge, as and for compensation to the party aggrieved as aforesaid, a sum of fifteen dollars, and may order the owner of the cab, the driver of which shall

Penalty for furious driving, etc.

*78 of 1965, Sch.; 24 of 1968, First Sch.*

*24 of 1968, First Sch.*

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have caused such hurt or damage, forthwith to pay such sum and also such costs as shall have been incurred; and payment thereof shall be recoverable from such owner as a fine; and any sum which shall be so paid by the owner shall in like manner be recovered before a magistrate, from the driver through whose default such sum shall have been paid, upon proof of the payment thereof, or the magistrate may in the first instance adjudge the amount of such compensation to be paid by such driver to the party aggrieved, and the amount shall be recoverable as a fine.

Miscellaneous  
offences.  
*24 of 1968, First  
Sch.*

(7) Every licensed driver who shall commit any of the following offences shall be liable to a penalty of fifteen dollars —

- (a) while acting as a driver or attending before any magistrate, appears not decently dressed, or omits to wear exposed to view his badge;
- (b) suffers his cab to stand across any street, or alongside any other vehicle;
- (c) refuses to give way (when he reasonably and conveniently may do so to any other vehicle;
- (d) wilfully obstructs or hinders the driver of any other vehicle in taking up or setting down any person into or from such other vehicle;
- (e) wrongfully prevents or endeavours to prevent the driver of any other cab from being hired or taking up passengers;
- (f) leaves his cab without some proper person to take care of it in any street or at any place of public resort or entertainment;
- (g) demands more than the legal fare;
- (h) refuses to admit and carry in his cab the number of persons for which such cab is licensed;
- (i) carries more than the proper number of passengers;
- (j) does not drive his cab at a reasonable and proper speed, that is to say, not less than five miles an hour, except in cases of unavoidable delay, or when required by the hirer thereof to drive at a slower pace;
- (k) plies for hire with any cab or horse or harness which shall be at the time unfit for use;
- (l) refuses or omits to drive his cab to any place within the limits laid down in section 21 of this

Act to which he may be required to drive by the hirer;

- (m) wilfully obscures the number of his cab;
- (n) wilfully obscures the table of rates and fares.

**26.** Subject to the provisions of section 28 of this Act if any person hires a cab and refuses to pay on demand, on completion of the course, to the owner or driver thereof the legal fare, he shall be liable, in addition to the payment of the fare, to a penalty of fifteen dollars, which fine or any part thereof the magistrate may adjudge to be paid to the owner of such cab, as compensation for any loss of time he may have suffered.

Penalty for refusing to pay fare.  
78 of 1965, Sch.;  
24 of 1968, First Sch.

**27.** Any person using a cab who shall through negligence cause any injury to such cab, shall, on conviction, pay to the owner thereof such compensation as the magistrate may determine; and if such injury shall be caused wilfully, the offender shall, in addition, be liable to a penalty of fifteen dollars.

Compensation for injury to cabs.  
24 of 1968, First Sch.

#### *Miscellaneous*

**28.** In case of any dispute between the hirer and driver or owner of a cab, the hirer may require the driver to drive to the nearest police station where the case shall be entered, together with the substance of the dispute, and if the dispute shall be as to the proper fare the hirer shall lodge the amount demanded of him with the officer in charge of the station, who shall pay the same over to the Commissioner of Police, to be by him retained until the matter in dispute shall be decided:

Disputed fares.

Provided that if any magistrate be sitting, the hirer may require the driver to drive to the court of such magistrate, who shall hear and determine, the dispute forthwith, or as soon as conveniently possible.

**29.** Any extract from the cab register or drivers' register, certified by the Controller to be a true extract, shall be received in evidence in all courts, and upon all occasions whatsoever, and shall be deemed *prima facie* proof of things therein registered, without requiring the production of the said registers or of any licence or other document upon which any such entry may be found, and every person applying to the Controller shall be furnished with a certified extract of such particulars free of charge.

Extracts from cab register or drivers' register to be received as evidence.

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Procedure.

**30.** (1) All proceedings under this Act shall be taken summarily.

(2) When a complaint is made before a magistrate against the driver of a cab for any offence committed by him against the provisions of this Act or any rule, such magistrate may forthwith summon the owner of the cab personally to appear and to produce the driver of such cab to answer the complaint. If such owner, being duly summoned, shall without a reasonable excuse, to be allowed by the magistrate before whom the matter shall be brought in question, neglect or refuse personally to appear or to produce the driver according to such summons he shall be liable to a penalty of fifteen dollars, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him:

*24 of 1968, First Sch.*

Provided that if such owner shall, without reasonable excuse, to be allowed by the magistrate, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him to do so, the magistrate may proceed to hear and determine the complaint in the absence of the owner and driver or either of them.

Property left in cabs.

**31.** All property left in any cab shall, if not claimed by the owner, be immediately deposited by the driver at the nearest police station. Such property shall be returned to the person who shall prove to the magistrate or to the Commissioner of Police that the same belongs to him, on payment of all expenses reasonably incurred, and of such reasonable sum to the driver as such magistrate or Commissioner of Police shall award; and any driver of a cab who shall neglect so to deposit all property left in any such cab shall be liable to a penalty of fifteen dollars.

*24 of 1968, First Sch.*

Amends.

**32.** In every case in which any complaint of any offence under this Act shall be laid or made before any magistrate, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the magistrate by whom the case shall be heard that there was not sufficient ground for making the complaint, the magistrate shall have power to award such amends, not exceeding fifteen dollars, to be paid by the complainant to the person complained against, or to the owner of a cab, or to both, for their loss of time and expenses in the matter, as to the magistrate shall seem meet, and such amends may be recovered as a fine.

*24 of 1968, First Sch.*

**33.** All cabs and the persons engaged in driving them shall be subject to the rules with respect to vehicles (other than bicycles) made under the Penal Code, as if they had been specifically mentioned so far as the same are not inconsistent with the provisions of this Act.

Cabs and their drivers subject to the rules made under the Penal Code.  
Ch. 84.

**34.** The Minister may make rules for carrying out the objects of this Act.

Rules.  
*43 of 1964, Third Sch.; 24 of 1968, s. 5.*  
Expenses of Act.

**35.** The expenses of and incidental to the carrying out and administration of this Act shall be paid out of the Consolidated Fund by warrant in the usual manner.

**36.** This Act shall not apply to carts, waggons, drays and other vehicles licensed under the Carts and Drays Act, and while any licence for a cab is in force the person holding the same shall in respect of such cab and the horse used therewith be exempt from the payment of any taxes imposed on horses and carriages by any other Act.

Extent of application.  
20 of 1946.

#### **FIRST SCHEDULE (Sections 9 and 17)**

*24 of 1968  
Second Sch.*

#### **RATES TO BE PAID IN RESPECT OF CAB AND DRIVERS' LICENCES**

	Period	Cab Licences	Drivers' Licences
Quarter from	January 1st to March 31st	\$2.00	\$1.00
	April 1st to June 30th	\$2.00	\$1.00
	July 1st to September 30th	\$2.00	\$1.00
	October 1st to December 31st	\$2.00	\$1.00

#### **SECOND SCHEDULE (Section 11)**

*S.I. No. 66 of  
1968*

#### **TABLE OF FARES**

(A) HIREAGE BY DISTANCE	\$	c
For the conveyance of each passenger one mile or under:	—	50
For the conveyance of each passenger every additional mile or part thereof —	—	50

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(B) HIREAGE BY TIME

For one hour, for the use of the whole cab: 6 00

For every additional half-hour or part thereof: 2 00

*S.L.No. 43 of  
1974.*

(C) CHILDREN

- (i) under three years old shall not be charged for;
- (ii) three years or over and under ten years shall be charged at one-half of the rates specified at paragraphs (A) and (B) above.