



# Elmbridge Borough Council

*... bridging the communities ...*

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## Summary of Offences

The legislation specifies what is an offence and what the maximum penalty is that a court can normally impose. Where the penalty is a fine then it is described as a fine not exceeding a certain level. The court may impose any fine up to this maximum.

These levels are:

- Level 1 - £200
- Level 2 - £500
- Level 3 - £1000
- Level 4 - £2,500
- Level 5 - £5,000

Sometimes an offence can attract a fine and also a prison sentence. In this case the court can impose a fine or a prison sentence or both. The prison sentence specified is a maximum sentence but as with a fine the court can impose any prison sentence up to that maximum.

Where someone is prosecuted and found guilty they may also have to pay all, or a proportion of, the prosecution costs. The offences listed in this document are all criminal offences and anyone found guilty of one of the offences would then have a criminal record.

Continued overleaf ...

**Town Police Clauses Act 1847**  
**Summary of Offences**  
**Hackney Carriage**

<b>Section</b>	<b>Offence</b>	<b>Maximum penalty</b>
40	Giving false information on application for HC proprietor's licence	Level 1
44	Failure to notify change of address of HC proprietor	Level 1
45	Plying for hire without HC proprietor's licence	Level 4
47	Driving a HC without HC driver's licence	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure by HC proprietor to hold HC driver's licence	Level 1
48	Failure by HC proprietor to produce HC driver's licence	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 months' imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent	Level 1
60	Driving HC without proprietor's consent	Level 1
60	Person allowing another to drive HC without proprietor's consent	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving HC unattended	Level 1
64	HC driver obstructing other HCs	Level 1

HC: hackney carriage.

**Local Government (Miscellaneous Provisions) Act 1976**  
**Summary of Offences**  
**Hackney Carriage**

<b>Section</b>	<b>Offence</b>	<b>Maximum penalty</b>
49	Failure to notify transfer of HC proprietor's licence	Level 3 (by virtue of s76)
50(1)	Failure to present HC for inspection as required	Level 3 (by virtue of s76)
50(2)	Failure to inform local authority where HC is stored if requested	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to local authority	Level 3 (by virtue of s76)
50(4)	Failure to produce HC proprietor's licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce HC driver's licence	Level 3 (by virtue of s76)
57	Making false statement or withholding information to obtain HC driver's licence	Level 3 (by virtue of s76)
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3 (by virtue of s76)
64	Permitting any vehicle other than HC to wait on a HC stand	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey	Level 3 (by virtue of s76)
71	Interfering with a taximeter	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3 (by virtue of s76)

HC: hackney carriage.

**Local Government (Miscellaneous Provisions) Act 1976**  
**Summary of Offences**  
**Private Hire**

<b>Section</b>	<b>Offence</b>	<b>Maximum penalty</b>
46(1)(a)	Using an unlicensed PH vehicle	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3 (by virtue of s76)
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver	Level 3 (by virtue of s76)
48(6)	Failure to display PH vehicle plate	Level 3 (by virtue of s76)
49	Failure to notify transfer of PH vehicle licence	Level 3 (by virtue of s76)
50(1)	Failure to present PH vehicle for inspection as required	Level 3 (by virtue of s76)
50(2)	Failure to inform local authority where PH vehicle is stored if requested	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to local authority	Level 3 (by virtue of s76)
50(4)	Failure to produce PH vehicle licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce PH driver's licence	Level 3 (by virtue of s76)
54(2)	Failure to wear PH driver's badge	Level 3 (by virtue of s76)
56(2)	Failure to PH operator to keep records of bookings	Level 3 (by virtue of s76)
56(3)	Failure by PH operator to keep records of PH vehicles operated by him	Level 3 (by virtue of s76)
56(4)	Failure to produce PH operator's licence on request	Level 3 (by virtue of s76)
57	Making false statement or withholding information to obtain PH driver's or operator's licence	Level 3 (by virtue of s76)
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as PH vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey	Level 3 (by virtue of s76)
71	Interfering with a taximeter	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3 (by virtue of s76)

PH: private hire