



THE STAGE-CARRIAGES ACT, 1861



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¹[THE STAGE-CARRIAGES ACT, 1861]

²Act No. XVI OF 1861

[7th July, 1861]

An Act for licensing and regulating Stage-Carriages

Preamble. WHEREAS it is expedient to license and to regulate stage-carriages in ³[Pakistan]; it is enacted as follows :—

1. Definition of stage-carriage. Every carriage drawn by one or more ⁴horses which shall ordinarily be used for the purpose of conveying passengers for hire to or from any place in ³[Pakistan] shall, without regard to the form or construction of such carriage, be deemed to be a stage-carriage within the meaning of this Act :

¹Short title given by the Short Titles Act, 1897 (14 of 1897).

Cf. "The Stage-Carriages Act, 1832" (2 & 3 Wm IV, c. 120); "The London Hackney Carriages Act, 1833" (3 & 4 Wm. IV, c. 48); "The Railway Passenger Duty Act, 1842" (5 & 6 Vict., c. 79); "The Railway Passenger Duty Act 1847" (10 & 11 Vict., c. 42); "The Excise Act, 1848" (11 & 12 Vict., c. 118), s. 2.

This Act as amended by the Stage-Carriages Act (1861) Amendment Act, 1898 (1 of 1898), has been declared to apply to all the Provinces and the Capital of the Federation, but not so as to supersede or contravene provisions of local laws dealing with the same subject—see s. 22. For local laws, see the Bombay Public Conveyance Act, 1920 (Bom. 7 of 1920) C.f. also the Hackney Carriage Act, 1879 (14 of 1879).

It has been declared in force in Baluchistan under s. 3 of the British Baluchistan Laws Resulation, 1913 (2 of 1913).

²The Act has been declared in force in British Baluchistan by Baluchistan Regulation II of 1913, s. 3.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gaz. of India, 1937, Pt. I, p. 1499.

This Act has been repealed to the extent of Islamabad Capital Territory, see Ordinance No. 27 of 1981, s. 4 and 3rd sch.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) s. 3. and 2nd Sch. (with effect from the 14th October, 1955), for" the Provinces and the Capital of the Federation" which was subs. for" British India" by A. O. 1949, Arts. 3 (2) and 4.

⁴All expressions and provisions in this Act applied to horses, also apply to all other animals employed in drawing stage-carriages, see section 21, infra.

2. Carriage to be licensed. No carriage shall be used as a stage-carriage unless licensed by a²Magistrate³* * *.

3. Power to refuse license. The Magistrate⁴* * * to whom the application for a license of stage-carriage is made may refuse to license the same if he shall be of opinion that such stage-carriage is unserviceable or is unsafe or unfit for public accommodation or use.

Particulars of license. If a Magistrate⁴* * * as aforesaid shall grant a license, the license shall set forth the number thereof, the name and residence of the proprietor of the stage-carriage, the place at which his head office is held, the largest number of passengers and the greatest weight of luggage to be carried in or on such carriage, the number of horses by which such carriage is to be drawn, and the name of the place at which such carriage is licensed.

4. Charge for and duration of license.⁵[For every such license there shall be paid by the proprietor of the stage-carriage the sum of five rupees or such less sum as the⁶[Provincial Government] may fix, and such license shall be in force for one year from the date thereof.]

When a licensed stage-carriage is transferred to a new proprietor within the year, the name of such new proprietor shall, on application to that effect, be substituted in the license for the name of the former proprietor without any further payment for that year ; and every person who appears by the license to be the proprietor shall be deemed to be such proprietor for all the purposes of this Act.

5. Particulars to be painted on conspicuous part of carriage. On any stage-carriage being licensed the proprietor thereof shall cause the number of the license and all the other particulars of the license to be distinctly painted in the English language and character upon a conspicuous part of such stage-carriage.

¹Proviso to s.1 which read:- "Provided that this Act shall not apply to carriages not ordinarily used for journeys of a greater distance than twenty miles" rep. by s.2 of the Stage-Carriages Act, (1861) Amendment Act, 1898 (1 of 1898).

²For definition of "Magistrate", see s. 21, infra.

³The words "or by the *Commissioner of Police of a Presidency-town" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3 and II Sch. The word "Chief" was previously rep. by the Repealing and Amending Act, 1914 (10 of 1914), s. 3 and Sch. II.

⁴The words "or *Commissioner of Police" rep. by Act 26 of 1951, s. 3 and Sch. II. The word "Chief" was previously rep. by Act 10 of 1914, s. 3 and Sch. II.

⁵Subs. by Act 1 of 1898, s. 3, for the original paragraph.

⁶Subs. by A.O., 1937, for "L.G".

6. Penalty for letting carriage without having particulars painted. The proprietor of any licensed stage-carriage who shall let such stage-carriage for hire without the particulars specified in section 3 being painted on such carriage in the manner directed in the last preceding section shall be liable to a fine not exceeding one hundred rupees.

7. Penalty for letting for hire unlicensed carriage. Whoever lets for hire any stage-carriage without the same being licensed as provided by this Act, shall be liable, on a first conviction, to a fine not exceeding one hundred rupees, and on any subsequent conviction, to a fine which may extend to five hundred rupees.

8. Penalty for allowing carriage to be drawn by fewer animals or more passengers, etc., to be carried than provided by license. Any proprietor, or agent of a proprietor, or any driver of a licensed stage-carriage, who knowingly permits such carriage to be drawn by a less number of horses, or who knowingly permits a larger number of passengers, or a greater weight of luggage, to be carried by such stage-carriage than shall be provided by the license, shall be liable on a first conviction to a fine not exceeding one hundred rupees, and on any subsequent conviction, to a fine which may extend to five hundred rupees.

In every case where such stage-carriage shall be proved to have been drawn by a less number of horses, or to have carried a larger number of passengers or a greater weight of luggage, than shall be provided by the license, the proprietor of such carriage shall be held to have knowingly permitted such offence, unless he shall prove that the offence was not committed with his connivance, and that he had taken every reasonable precaution and had made reasonable provision to prevent the commission of the offence.

9. Penalty for ill-treating animals. Any person who shall cruelly beat, ill-treat, over-drive, abuse, torture or cause or procure to be cruelly beaten, ill-treated, over-driven, abused or tortured, any horse employed in drawing or harnessed to any stage-carriage, or who shall harness to or drive in any stage-carriage any horse which from sickness, age, wounds or other cause is unfit to be driven in such stage-carriage, shall for every such offence be liable to a fine not exceeding one hundred rupees.

10. Revocations of license. Any Magistrate ¹* * * within the local limits of whose jurisdiction any stage-carriage shall ply, or who has granted the license of any stage-carriage may cancel the license of such stage-carriage if it shall appear to him that such stage-carriage or any horse or any harness used with such carriage is unserviceable or unsafe or otherwise unfit for public accommodation or use.

11. Penalty for not conforming to provisions of section 5. In any station or place in which a Magistrate shall reside and be, any police-officer may, in any place within two miles of the office of such Magistrate, seize any stage-carriage with the horse harnessed thereto, if the full particulars of the license of such stage-carriage be not distinctly painted on such stage-carriage in the manner provided in section 5 of this Act.

¹The words "or*Commissioner of Police" omitted by A. O., 1949, Sch.
The word "Chief" was previously rep. by the Repealing and Amending Act, 1914 (10 of 1914), s. 3 and Sch. II.