

MAYO COUNTY COUNCIL
BYE-LAWS REGULATING THE
OPERATION OF
HORSE DRAWN HACKNEY
CARRIAGES IN THE TOWN OF WESTPORT
2018

Adopted on the 22nd day of October 2018

**BYE LAWS
REGULATING THE OPERATION OF
HORSE DRAWN HACKNEY CARRIAGES
IN THE TOWN OF WESTPORT 2018**

Mayo County Council, in exercise of the powers conferred on it by Part 19 (Sections 198 to 211) Local Government Act 2001; Local Government Act 2001 (Byelaws) Regulations 2006 and part 1 of Schedule 14A of the Local Government Act 2001, as inserted by Sch.3 to the Local Government Reform Act 2014, hereby makes the following bye-laws in relation to the control, regulation, supervision and administration of Horse Drawn Hackney Carriages in Westport Town, County Mayo.

**Part 1
Preliminary and General**

- 1 These Bye-Laws may be cited as Westport Jarvey Bye Laws 2018.
- 2 These Bye-laws apply to the administrative area of Westport in the County of Mayo.
- 3 These Bye-Laws shall come into operation on the 1st day of January 2019.
- 4 In these Bye-Laws

“Council” means Municipal District of West Mayo.

“designated hiring stand” means a public place specified in the Schedule to these Bye-Laws.

“driver” means the driver of a hackney carriage.

“hackney carriage” means a horse drawn hackney carriage, jarvey car or jaunting car.

“carriage licence” means a licence issued by the Council to a proprietor authorizing the operation of a hackney carriage bearing a specific identification number.

“operate” means having, standing or plying a hackney carriage for hire and use of same in a public place or on a public road.

“operating hours” means that period of each day Monday to Saturday commencing at 4pm and all day on Sunday which is not lighting up time as defined by the Road Traffic (Lighting of Vehicles) Regulations 1963 between 1st day of April and 30th day of September in each year.

“proprietor” means the owner of a hackney carriage.

“public place” means any place to which the public have a right of access.

“public road” means a road over which a public right-of-way exists and the responsibility for the maintenance of which lies with the Council.

Part 2 Licence

- 5 Licences may be issued by the Council at its discretion. If it is determined that it is appropriate to allocate licences these may be granted by the Council, subject to the annual determination in Bye-law 5 and provided that the requirements in Bye-law 10 are satisfied.
- 6 The Council shall determine annually the number of licences to be issued, if any. In the event that an existing licence holder should cease to hold his/her licence, then it shall automatically revert to the Council. In re-issuing such licences or in issuing fresh licences the Council shall have regard to the provisions of Bye-Laws no. 9, 10, 11 of these Bye-laws.
- 7 Licences shall be valid for a period of twelve months from the date of their issue.
- 8 The fee for a licence shall be €100.00 or as prescribed from time to time by the Council. The fee that is charged by the Council may be revised from time to time by the Council at its discretion and may be increased or reduced or waived by the Council at its absolute discretion.
- 9 Licences shall state whether the Hackney Carriage to which they relate may be stood

for hire at private property or at a designated hiring stand.

- 10 Subject to the Council being satisfied that the holder of a licence has complied with the provision of these Bye-Laws such person shall have an option for a period of 2 months from the date of expiration of the licence to renew it.
- 11 A licence shall be granted only where
 - (a) The applicant has paid the Council the appropriate Licence Fee.
 - (b) The Council is satisfied that the applicant will comply with the provisions of these Bye-Laws.
 - (c) The Council is satisfied that the applicant has full insurance cover to operate the hackney carriage during the period of the licence and provides evidence of Public Liability Insurance covering the operation of the hackney carriage, with an indemnity limit of not less than €6,500,000.00 and noting an indemnity to the Council.
 - (d) The applicant provides Certificate of Compliance from the Revenue Commissioner [and Garda clearance from the Garda Síochána].
- 12 Where the number of applications for a licence exceeds the number of licences determined by the Council, the allocation of licences shall, subject to Bye-Laws nos. 9 and 10, be determined by lot.
- 13 A proprietor shall not operate or permit to be operated his/her hackney carriage without holding a current licence in respect of it.
- 14 A proprietor shall not operate or permit to be operated his/her hackney carriage except in accordance with the terms of the licence applicable to it and the provisions of these Bye-Laws

Part 3 **Horses**

- 15 Horses used to draw hackney carriages shall have a temperament and be in a physical condition and of an age suitable for such work.
- 16 Horses used to draw hackney carriages shall be cared for and treated in a manner which does not cause them unnecessary suffering.

- 17 Horses shall not be left unattended at designated hiring stands.
- 18 Compliance with Articles 14 to 16 shall be the responsibility of the licence holder and the granting of a licence under these Bye Laws by the Municipal District of West Mayo shall not be construed as confirmation by the Council that Articles 14 to 16 have been complied with by a licence holder.
- 19 No person shall keep or have charge or control of a horse without a current licence issued by Mayo County Council or any other local authority, as required by Bye-laws made under the Control of Horses Act 1996.

Part 4
Hackney Carriages

- 20 Subject to compliance with the provisions of the Planning and Development Act 2000 or any amendments thereof and Regulations made thereunder a proprietor may operate a hackney carriage from private property.
- 21 A proprietor shall not stand or cause or permit a hackney carriage to be stood for hire in a public place other than at a designated hiring stand.
- 22 A proprietor shall not stand or cause or permit a hackney carriage to be stood for hire at a designated hiring stand unless the licence issued in respect of the carriage so authorises.
- 23 Hackney carriages shall be driven at a reasonable speed which shall not exceed that which enables its driver to bring it to a halt within a distance, which the driver can see to be clear
- 24 The Council shall assign a number to each hackney carriage in respect of which it issues a licence and such number shall be clearly displayed on both sides of the carriage.
- 25 A licence granted in respect of a hackney carriage shall be prominently displayed on it.
- 26 A hackney carriage shall not be left unattended at a designated hiring stand.

- 27 A hackney carriage shall not be operated during lighting up time.
- 28 Hackney carriages shall not be operated without a suitable dung catcher being installed. The dung catchers shall only be emptied in the bins provided for this purpose.
- 29 The Council shall from time to time fix the fare to be charged for specific jarvey car journeys.
- 30 A proprietor, his driver or agent, shall not charge in excess of the current jarvey car journey fare fixed by the Council.
- 31 A Schedule of current jarvey car journey fares shall be displayed by the Council at the designated hiring stands.
- 32 Drivers of hackney carriages shall be aged not less than 18 years, shall not be under the influence of alcohol or any other substance and shall behave in a courteous manner.
- 33 A proprietor or driver of a hackney carriage when standing or plying for hire shall not by calling out or otherwise by himself or any other person employed by him accost any person to hire the carriage to the annoyance of such person or any other persons.
- 34 Hackney carriages at designated hiring stands shall stand in an orderly fashion available for hire.

Obstruction of Authorised Person

- 35 An authorised person may request any person who appears to be contravening or to have contravened a provision of these Bye-laws to refrain from that activity.
- 36 A person who obstructs or impedes or refuses to comply with a request of an authorized person acting in the exercise of the functions conferred on an authorised person by these Bye-laws is guilty of an offence.
- 37 Where an authorised person is of the opinion that a person is committing or has

committed an offence under these Bye-laws, the authorised person may demand the name and address of such person and if that demand is refused or if the person gives a name and /or address which is false and /or misleading, that person is guilty of an offence.

- 38 Where a member of An Garda Síochána is of the opinion that a person is committing or has committed an offence under these Bye-laws, that member may arrest the person without warrant.

Offences

- 39 A person who contravenes any provision of these Bye-laws shall be guilty of an offence and liable on conviction to a fine not exceeding €1,900.00
- 40 If a contravention of any provision of these Bye-laws is continued after conviction, the person causing that contravention shall be guilty of an offence on each day on which that contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €125.00

Revocation

- 41 The Mayo County Council Non – Motorised Passenger Transporter Bye-Laws 2014 are hereby revoked.

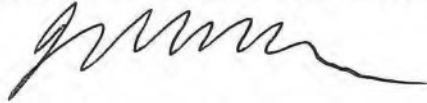
SCHEDULE **(Designated Hiring Stands)**

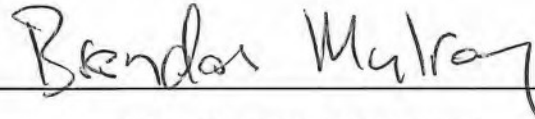
Designated hiring stands are those as shown colored yellow and labelled J on the maps attached to these bye-laws.

Made and adopted under the common Seal of Mayo County Council
this 22nd day of October 2018
which Seal was affixed hereto in the presence of:



HEAD OF MUNICIPAL DISTRICT





NOMINATED MEMBER