

Manyame Rural District Council (Taxi) By-laws – 2023

Arrangement of sections

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FIRST SCHEDULE; APPLICATION FORM FOR A LICENCE TO DRIVE A TAXI

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It is hereby notified that the Minister of Local Government and Public Works, in terms Section 90 of the Rural District Councils Act (chapter 29:13) approved the following by laws made by the Manyame Rural District Council.

1. Title

These By-laws will be cited as the Manyame Rural District Council (Taxi) By-laws, 2023b

2. Area of application

These by-laws shall apply to the area under the jurisdiction of Manyame Rural District Council.

3. Interpretation of terms

In these by-laws-

“Council” means Manyame Rural District Council

“taxi” means a public service vehicle having seating accommodation for not more than seven passengers.

Use of Defined Parking places

4. In taking his or her stand upon a parking place which has been designated for the use of taxi, the driver of a taxi shall;
- Take his or her stand in the order of his or her arrival, and
 - Approach such parking space from the rear thereof; and
 - Stop his or her taxi behind the last taxi, if any, already on such parking place

Plying for Hire

5.

- (1) The driver of a taxi shall not ply for hire with such taxi from any place other than a parking place which has been designated for the use of taxis, unless he or she is hailed while in motion, and except when disposing or picking up passengers, the driver of the taxi available for hire shall not stand or park his or her taxi in any street or thoroughfare, except in such a parking place.
- (2) If any person desires to hire a taxi standing on a parking place referred to in subsection (1), the driver thereof who occupies the front position on the parking place shall drive forward unless the hirer selects some other taxi
- (3) Where a taxi leaves a parking referred to in subsection (1) the driver of the taxi immediately behind the taxi which has left shall occupy the place thus vacated, and the drivers of all other taxis on the parking place shall move up their taxis in like order.
- (4) No driver of a taxi shall prevent or seek to prevent any person from engaging any other taxi.

6. Rates and fares

- (1) The rates to be charged in respect of taxis shall not be higher than those prescribed by Taxi Association
- (2) The driver of every taxi shall at all times display conspicuously within or upon his or her taxi a tariff of fares.
- (3) No person shall charge, demand or attempt to obtain from a passenger in or a hirer of, or a person desiring to engage a taxi, any fare higher than appropriate fare prescribed.
- (4) Any person hiring or using a taxi shall become liable for the due payment of a fare according to the tariff of fares displayed in such taxi.

7. Use of taximeters

- (1) A taxi shall be fitted: -
 - With a sign which is illuminated at night, and which clearly indicates to the public the word “**FOR HIRE**” when the taxi is available for hire; and
 - With a taxi metre.
- (2) The driver of a taxi shall, as soon as he/she leaves the passenger’s starting point, and not sooner, set the taximeter in motion, and shall, upon termination of the hiring period, immediately stop the taximeter from recording.
- (3) Upon the occurrence of any stoppage not caused by traffic congestion or by any action or request of the passenger, the driver shall, for the duration of such stoppage, stop the taximeter from recording.
- (4) Every taxi metre shall be constructed that –

- a) When the taximeter is in the “NO HIRE” position, it records the fare; and
- b) It records separately the fare for waiting time.
- (5) Every taximeter shall correctly indicate to the hirer, by mechanical means only. The fare and charge for waiting time, which may be charged by the driver in accordance with the tariff of fares.
- (6) The taximeter shall be fitted on the near side or on the inside of the taxi in such a way that the face or side upon which charges to be paid by the passenger are indicated shall be plainly visible from the rear seat of the taxi, and such face shall be lighted at night time, so as to be visible to the passenger at all times.
- (7) Any seals affixed to any taximeter shall at all times be kept intact and undamaged, and, if the seals should accidentally be broken or defaced, the driver of the taxi shall forthwith, before such taxi is used for the conveyance of passengers, cause such seals to be replaced or renewed.
- (8) No person shall destroy, break, or temper with seals affixed to any taximeter, and no person shall adjust, interfere, or tamper with any taximeter so as to cause or to allow the taximeter to register an amount higher or lower than the true fare chargeable by the driver of the taxi in accordance with the tariff of fares.
- (9) No driver or owner of a taxi shall use, or allow to be used such a taxi affixed thereto a taximeter which fails to register the true fares payable or having affixed thereto tyres of a size other than those which were on the taxi at the time when the taximeter was attested and sealed.

8. Taxi without taximeters

Where a taxi does not have a taximeter, the taxi may only operate if it has a functional odometer and charges shall be made according to the distance travelled. The taxi shall also have a sign that can be displayed in the front window to indicate whether the taxi is for hire or not.

9. Payment of waiting Time

- (1) When any taxi is on hire, the driver may, if required to wait at any place, decline to do so unless the hirer first pays the fare for driving to the places where it is required to wait, and also deposits a sum for which the hirer shall be provided with a receipt, reckoned at the waiting time rate charged for the period during which the hirer may desire to keep such taxi waiting, such deposit to be accounted for when such taxi is finally discharged,
- (2) No driver, having received a deposit in accordance with the provisions of subsection (1), shall deposit before the expiration of the time for which such deposit has been paid, or neglect or refuse duly to account for such deposit on the final discharge of the taxi.

10. Shortest route to be used

The driver of any taxi on hire shall drive to his or her destination by the shortest route, unless otherwise directed by the hirer.

11. Luggage, goods and lost property

The driver of a taxi: -

- a) May refuse to carry luggage totalling to more than 100 kilograms, or any article likely to damage his or her taxi or to hinder the progress thereof;
- b) Who has received any goods for the purpose of conveyance to any specified address shall deliver such goods at such address within a reasonable time.
- c) Shall transmit to the nearest police station all property left in the taxi, within twenty-four hours of its discovery therein, if such property is not sooner claimed by the owner thereof.

12. Conveyance of dirty or intoxicated passengers

- (1) No driver of a taxi shall knowingly convey therein any person in a state of filth
- (2) Every driver of a taxi may, and, at the request of any other passenger, shall refuse to convey therein any person in a state of intoxication

13. Conveyance of persons suffering from communicable diseases

No person shall make use of a taxi at a time when he or she knows that he/she is suffering from any infectious disease, or arrange for a taxi to convey any other person at a time when he or she knows that such a person who is suffering from an infectious or contagious disease.

14. Conveyance of animals

A driver of a taxi may refuse to carry any animal in his or her taxi.

15. Cleanliness and condition of taxi and appliances

Any police officer or duly authorised official of the council may order the driver of any taxi which is not in a clean and sanitary condition, or in every respect in a state of good repair, to cease from plying for hire until such defects have been remedied, to the satisfaction of such officer or authorised person.

16. Conduct of drivers

Every driver of a taxi shall be cleanly decently clothed, and shall conduct himself or herself in a proper, civil and decorous manner.

17. Drivers to be licenced

- (1) No person shall drive a taxi unless he or she is licensed by the Council in terms of these by-laws.
- (2) The owner, driver or person having control or charge of a taxi shall not allow any person who is not licenced under these by-laws to drive or to be in control of such taxi.
- (3) Nothing in this section shall apply to any taxi, which does not ply for hire within the Council area.

18. Application for a licence

- (1) Any person desiring to obtain a licence to drive a taxi, or renewal thereof (hereafter in these by-laws referred to as "a licence") shall make applications to the Council in the form prescribed in the schedule.
- (2) The complete form of application for a licence with two testimonials as to the applicant's character, in the form prescribed in the schedule, and two copies of his photograph, recently taken, shall be lodged with the Council, and the applicant's driver's licence shall be produced for examination.

- (3) Each sponsor of the testimonials referred to in subsection (2) shall certify one photograph as a true likeness of the applicant as at the date of signature by such sponsor, and shall date the certificate.
- (4) In the case of an initial application for renewal, and, if so required by the council, an application for renewal, the applicant shall submit himself or herself to an oral test in the English language in order to determine whether or not he/she has a sound working knowledge of these by-laws.
- (5) No application for a licence will be considered by the Council until requirements of this section have been complied with.
- (6) Medical examination report and a police clearance
- (7) VID clearance

19. Refusal of licence

- (1) Where the provisions of section 17 have been complied with, the Council shall consider the application, and shall grant or refuse it.
- (2) The council may refuse to grant an application for a licence or renewal thereof on the grounds that the applicant-
 - a) Is not, in terms of Road Traffic Act, [Chapter 13:11], the holder of licence to drive an appropriate class of motor vehicle; or
 - b) Has been convicted of any offence under-
 - i. The Road Traffic Act [chapter 13:11]; or
 - ii. The Liquor Act [Chapter 14:12]; or
 - iii. The Harmful Liquids Act [Chapter 9:10]; or
 - iv. The Traditional Beer Act [Chapter 14:24]; or
 - v. These by-laws or the taxi by-laws of any other local authority.
 - c) Has been convicted of any crime of theft or violence; or
 - d) Is of bad character or repute; or
 - e) Is suffering from an infectious disease or an affliction which renders him or her incapable of driving or controlling efficiently a taxi; or
 - f) Does not have a sound working knowledge of the area or of these by-laws.
- (3) For the purpose of paragraph (b) of subsection (2), a conviction for an offence under an Act repealed by an Act referred to in that part of the paragraph, or under taxi by-laws replaced by these by-laws, shall be treated as a conviction under the repealing Act or under these by-laws, as the case may be.
- (4) In the event of the Council granting an application in terms of subsection (1), the council shall, on payment of the appropriate fees fixed by the council –
 - a) In the case of an application for a licence, issue to the applicant a licence, which shall be such form as the council may determine, and a taxi driver's badge bearing the number of the licence;
 - b) In the case of an application for renewal of a licence, renew the licence.

20. Terms of licence

A licence or renewal thereof shall be done annually and council to review licences quarterly.

21. Cancellation or suspension of licence

The council may cancel or, for such period as it may think fit, suspend a licence on any of the grounds for which an application might have been refused in terms of section 18, whether it is later established that such grounds existed at the time when the licence was issued or renewed, or whether, and in addition to any other penalty which may have been inflicted, such grounds have arisen thereafter.

22. Licence to be produced on demand

- (1) Every person licensed under these by-laws shall, while in control or charge of a taxi, carry his/her licence on his or her person.
- (2) Any police officer or duly authorised official of the Council may at all reasonable times demand from any person in control or charge of a taxi the production of his or her licence, and such person shall comply with such demand forthwith.

23. Drivers to wear badges

Every person licensed in terms of these by-laws shall, while in control or charge of a taxi, wear, in some conspicuous position on his or her person, the taxi driver's badge issued to him or her by the Council.

24. Surrender of licence and badge

Upon any licensed person ceasing to carry on the occupation of a taxi driver, or in the event of his or her licence being suspended or cancelled he or she shall, within fourteen days of ceasing to carry on the occupation, or within fourteen days of the suspension or cancellation of his or her licence, surrender his or her licence and badge, and shall deliver them to the Council.

25. Duplicate licence or badge

On satisfying the Council that a badge has been lost or destroyed, and on payment of the appropriate fees fixed by the Council, shall issue a duplicate licence or taxi driver's badge bearing the number of the licence.

26. Offences

Any person who contravenes any provision of these by laws shall be guilty of an offence and liable to a fine as prescribed by council.

FIRST SCHEDULE

APPLICATION FORM FOR A LICENCE TO DRIVE A TAXI

I.....(Insert Full name)

residing at.....

Hereby apply for the grant and issue to me of a licence to drive a taxi,

I annex-

- a) Two testimonials as to my character;
- b) Two passport size copies of my photograph, recently taken;
- c) Two driver's licence described below.
- d) medical report
- e) Police clearance

I submit the following information

1. Date of birth.....
2. Place of birth.....
3. Date of entry into Zimbabwe.....
4. Port of entry.....
5. Registration certificate number.....Issued at.....
6. Nationality.....
7. I am a holder of the enclosed Zimbabwean driver's licence to drive an appropriate class of motor vehicle
(a) Number and Date of Issue.....
(b)By whom issued.....

8. I have/ have not been refused a driver's licence for a motor vehicle in Zimbabwe or elsewhere.

If you have been refused please give reason.....

9.I am/ am not the owner of the taxi for which I am now applying for a licence

If not, give the name of the owner.....

1. I have/ have not been convicted of any of the crimes or offences set forth or specified in section 18 of the by-laws.
If you have been convicted, give details.....
2. This is/is not a first application for a licence to drive a taxi

If _____ not, _____ state _____ the _____ previous
Badge Number.....

Year of issue.....or reason for refusal of
application..... as the case may be

Date.....Place.....

Signature of applicant.....

Notes

1. The applicant must produce testimonial of good conduct from two persons who have known him personally. The testimonials must be completed in the form prescribed.
2. Sponsors are warned against misrepresentation in the testimonials.
3. Each sponsor is required to certify one photograph as a true likeness of the applicant as at the date of signature, and to date the certificate.

Testimonials

We, _____ the _____ undersigned, _____ hereby _____ certify
that.....

.....
(full names)

Whose photographs are annexed hereto, has been known to us personally and that we have observed his or her conduct during the period stated below our respective names. We know nothing to his or her prejudice and we recommend him/her as a fit person to hold a licence as a driver of taxis.

a) Name and Address of person recommending

.....
.....
.....
.....

Period during which the applicant has been known to me:

From the year.....To the year.....

Date.....Place.....

Signature.....

(ii) Name and address of person recommending

.....
.....
.....

Period during which the applicant has been known to me:

From the year.....To the year.....

Date.....Place.....

Signature.....

SECOND SCHEDULE

FEES

ITEM	Section	DESCRIPTION	FEE \$
1	18(1)	Application to operate a taxi	As per budget
2	18(1)	application for renewal of taxi driving licence	As per budget
3	23	Taxi driver's badge	As per budget
4	25	Replacement of a lost or destroyed badge or licence	As per budget

THIRD SCHEDULE

OFFENCE AND PENALTIES

ITEM	SECTION	Description of offence	Fixed Penalty
	5(1)	Plying for hire with such taxi from any place other than a parking place which has been designated for the use of taxis	As per budget
	5(4)	Preventing or seeking to prevent any person from engaging any other taxi.	As per budget
	6(2)	Failure to display conspicuously within or upon his or her taxi a tariff of fares.	As per budget
3	7(1)(a)(b)	Operating a taxi without an illuminated sign at night, and which clearly indicates to the public the word "FOR HIRE" when the taxi is available for hire; and With a taxi metre.	As per budget
4	7(7)	Driving a taxi with a non-functional or broken taximeter	As per budget

5	8	Operating without a taxi meter	As per budget
6	12(1)	Operating a filthy taxi	As per budget
7	17(1)	Operating a taxi without a council licence	As per budget
	17(2)	Allowing any person who is not licenced under these by-laws to drive or to be in control of such taxi.	As per budget
	20	Late renewal of taxi licence	As per budget
	22	Failure to produce a license upon request by an authorized person or officer whilst in control or charge of a taxi	As per budget
	23	Failure of taxi driver to wear a driver's badge whilst in control or charge of the taxi	As per budget