

# TAXI FARE DISPUTES

Making off Without Payment, Obtaining Services Dishonestly and Civil Disputes



Drivers who provide the service of transporting people around the Chesterfield area are always at risk of encountering awkward or dishonest people who will try to evade their duty to pay for the service by any means possible.

This information sheet is intended to offer guidance as to whether an incident will be investigated as a criminal offence by the Police or whether the matter has to be dealt with by way of civil law by a solicitor. As in all cases the facts must be assessed individually at the time of the incident to decide the correct course of action.

It should be noted that for the police to consider prosecution there has to be an element of dishonesty involved in the actions taken by the passenger(s).

Dishonesty has to pass two tests – Firstly, whether a person’s behaviour would be regarded as dishonest by the ordinary standards of reasonable and honest people. Secondly, if the person was dishonest by those standards then whether they were aware that what they were doing was dishonest.

Drunkenness is not a defence to dishonesty.

The following basic examples illustrate the possible criminal offences:-

## **1. A passenger who leaves the vehicle and makes off without paying the fare commits an offence under Section 3 of the Theft Act 1978 - Making off without payment**

In simple terms a person who uses the taxi knowing that payment is required or **DISHONESTLY** makes off without payment, intending that payment shall not be made, commits the offence. The fact that the passenger has run off would satisfy the dishonesty aspect.

The service provided must be lawful therefore an offence cannot be committed if a private hire vehicle or hackney carriage operates outside their respective regulations.

## **2. A passenger who enters the vehicle and has no money in his possession but fails to inform the driver until the journey is complete commits an offence under Section 11 Fraud Act 2006 – Obtaining services dishonestly**

It is an offence for any person, by any **dishonest** act, to obtain services for which payment is required, with intent to avoid payment.

A person is guilty of an offence under this section if he obtains services for himself or another providing;

The person must know that the services are made available on the basis that payment has been, is being, or will be made. It can be committed only where the dishonest act was done with the intent not to pay for the services as expected.

The fact the passenger knowingly uses the service without having the means to pay would satisfy the dishonesty requirement. It can be a defence if a person makes an **honest** mistake as to certain facts causing him/her to take a course of action which, on the surface, appears to be an offence, for example, the person thought they had the money to pay for the taxi but had lost his wallet.

### **3. A Passenger who refuses to pay the fare at the end of the journey commits an offence under Section 11 Fraud Act 2006 – Obtaining services dishonestly**

Provided there is evidence that the passenger entered the cab knowing a fee would be required for the provision of the service with the intent of not paying **and** it can be proved he acted in a **dishonest** manner then an offence contrary to section 11 of the Fraud Act 2006 would be committed.

If the passenger states that he was unhappy with the service and attempts to negotiate part payment and provides his details the matter would become a civil debt and would not be dealt with by police.

#### **Civil Disputes**

The boundary between the civil and criminal law will always be the subject to a degree of interpretation but the following are examples of civil matters that cannot be dealt with by the police:-

- **Passenger disputes the fare but makes an offer of payment.**
- **Passenger soils the vehicle agrees to paying the fare but refuses to pay the soiling charge.**
- **Passenger is dissatisfied with the service and refuses to pay the fare but provides their name and address and then leaves the scene.**
- **Passenger has disputed the fare but makes an offer of payment which is refused by the driver, but provides their name and address and then leaves the scene.**

Where there is a dispute and the driver locks a passenger in the vehicle until payment is made or locks the vehicle and drives to a police station, the driver could leave themselves open to criminal proceedings for false imprisonment and/or counter action under civil law.

Taxi drivers have a duty of care to their customers and should not abandon them in potentially dangerous circumstances, even though it may become apparent during the journey that the passenger may not have the full fare. This is particularly relevant when the weather is bad or the passenger is vulnerable, whether through drink or other circumstances.