

# Taxis and Private Hire Vehicles Bill

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**B I L L**

TO

Make provision for the licensing and regulation of taxis and private hire vehicles, the drivers of those vehicles and people who dispatch drivers of those vehicles; and for connected purposes

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**PART 1**

INTRODUCTORY

**1 Meaning of “using a vehicle as a hire vehicle” and related terms**

- (1) This section applies for the purposes of this Act.
- (2) A vehicle is “used as a hire vehicle” if it is used to carry a passenger in circumstances where the vehicle, together with the services of the driver, have been hired for that purpose; but this is subject to subsections (3) and (4).
- (3) A vehicle used to carry a passenger is not to be treated as being “used as a hire vehicle” if the carriage of the passenger is ancillary to, or an incidental part of, another service provided to, or in respect of, the passenger.
- (4) A vehicle is not to be treated as being “used as a hire vehicle” at any time when it is being used in connection with a wedding or a funeral.
- (5) A “hire-vehicle booking” is a booking for the hire of a regulated vehicle, together with the services of a driver, for the purpose of carrying a passenger.
- (6) A person (A) dispatches another person (“the driver”) to fulfil a hire-vehicle booking if—
  - (a) A instructs or requests the driver to use a vehicle to fulfil the booking, and
  - (b) the driver accepts the instruction or request.

**2 Meaning of “regulated vehicle” and “opt-in vehicle”**

- (1) Subject to subsection (5), a vehicle is a “regulated vehicle” for the purposes of this Act if it is within subsection (2), (3) or (4).
- (2) A vehicle is within this subsection if it is a motor vehicle constructed or adapted to carry no more than 8 passengers.
- (3) A vehicle is within this subsection if—
  - (a) it is a motor vehicle constructed or adapted to carry more than 8 passengers but fewer than 17, and
  - (b) it is a stretch limousine or other novelty vehicle.
- (4) A vehicle is within this subsection if—
  - (a) it is not a motor vehicle, but
  - (b) it is constructed or adapted for use on roads.
- (5) A vehicle within subsection (2), (3) or (4) is not a “regulated vehicle” for the purposes of this Act if—
  - (a) it is a public service vehicle;
  - (b) it is a vehicle constructed or adapted for use as part of a transport system to which section 1 of the Transport and Works Act 1992 applies (railways, tramways etc).
- (6) A vehicle is to be treated as a “regulated vehicle” for the purposes of this Act if it is an opt-in vehicle in respect of which a taxi licence or a private hire vehicle licence granted under section 16 in force.
- (7) A vehicle is an “opt-in vehicle” for the purposes of this Act if—
  - (a) it is a motor vehicle constructed or adapted to carry more than 8 passengers but fewer than 17, and
  - (b) it is not a stretch limousine or other novelty vehicle.
- (8) “Motor vehicle” means a mechanically propelled vehicle constructed or adapted for use on roads.
- (9) “Stretch limousine” means a vehicle of a description specified in regulations.
- (10) “Novelty vehicle” means a vehicle of a description specified in regulations.
- (11) Regulations under subsection (9) or (10) may specify a description of vehicle by reference, in particular, to one or more of the following—
  - (a) the physical characteristics of the vehicle;
  - (b) a type of event or occasion in connection with which the vehicle is used as a hire vehicle;
  - (c) a type of service provided to passengers when the vehicle is used as a hire vehicle (such as the provision of alcohol).
- (12) In determining for the purposes of this section the number of passengers that a vehicle is constructed or adapted to carry, a space within the vehicle is not to be disregarded by reason only of the fact that it is located next to the driver’s seat or is separated by a partition from the rest of the vehicle.

**3 Meaning of “licensing authority”**

- (1) In this Act “licensing authority” means—
  - (a) Transport for London;

- (b) the council of a district in England;
  - (c) the council of a county in England in which there are no district councils;
  - (d) the council of a county in Wales;
  - (e) the council of a county borough in Wales.
- (2) References in this Act to the area of a licensing authority are –
- (a) in the case of Transport for London, to Greater London;
  - (b) in any other case, to the area for which the authority acts.

## PART 2

### ACTIVITIES PROHIBITED WITHOUT LICENCES ETC

#### **4 Prohibition on using a regulated vehicle as a hire vehicle without licences**

- (1) A regulated vehicle must not be used as a hire vehicle unless the condition in subsection (2) or subsection (3) is met.
- (2) The condition in this subsection is that –
- (a) the driver of the vehicle holds a taxi driver’s licence, and
  - (b) a taxi licence granted by the same licensing authority that granted the taxi driver’s licence is in force in respect of the vehicle.
- (3) The condition in this subsection is that –
- (a) the driver of the vehicle holds a PHV driver’s licence, and
  - (b) a private hire vehicle licence is in force in respect of the vehicle.
- (4) Subsection (1) does not apply to a regulated vehicle –
- (a) which is of a description specified in regulations;
  - (b) while it is being used to carry a passenger in circumstances or for a purpose specified in regulations.

#### **5 Offence of contravening section 4**

- (1) This section applies where a regulated vehicle is used as a hire vehicle in contravention of section 4.
- (2) The driver of the vehicle is guilty of an offence if –
- (a) the driver held neither a taxi driver’s licence nor a PHV driver’s licence;
  - (b) the driver –
    - (i) held a taxi driver’s licence, but
    - (ii) knew or had reason to suspect that a taxi licence granted by the same licensing authority that granted his or her taxi driver’s licence was not in force in respect of the vehicle;
  - (c) the driver –
    - (i) held a PHV driver’s licence, but
    - (ii) knew or had reason to suspect that a private hire vehicle licence was not in force in respect of the vehicle.
- (3) In a case where the owner of the vehicle was someone other than the driver, the owner is guilty of an offence if –
- (a) neither a taxi licence nor a private hire vehicle licence was in force in respect of the vehicle, and

- (b) the owner –
  - (i) permitted the vehicle to be taken out of his or her possession (whether by the driver or another person), and
  - (ii) knew or had reason to suspect that whilst out of his or her possession the vehicle would be used as a hire vehicle.
- (4) In a case where a taxi licence or a private hire vehicle licence was in force in respect of the vehicle and the holder of that licence was someone other than the driver, the holder of that licence is guilty of an offence if the holder –
  - (a) permitted the vehicle to be taken out of his or her possession (whether by the driver or another person), and
  - (b) knew or had reason to suspect that whilst out of his or her possession the vehicle would be used in contravention of section 4.
- (5) If, in proceedings for an offence under subsection (2) or (4), the prosecution proves that a vehicle in respect of which a taxi licence or private hire vehicle licence was in force was being used at any time to carry a passenger it is to be presumed, unless the contrary is shown, that the vehicle was at that time being used as a hire vehicle.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine.

## **6 Prohibition on accepting a there-and-then hiring unless a local taxi driver**

- (1) The driver of a regulated vehicle must not in a public place agree to use the vehicle as a hire vehicle on a journey which begins there and then unless –
  - (a) the driver holds a taxi driver’s licence,
  - (b) a taxi licence granted by the same licensing authority that granted the taxi driver’s licence (“the relevant licensing authority”) is in force in respect of the vehicle, and
  - (c) the place is –
    - (i) within the area of the relevant licensing authority, and
    - (ii) if the relevant licensing authority has made a determination under section 7 that its area is to be divided into taxi zones, within a zone which is specified in the taxi driver’s licence and the taxi licence.
- (2) But subsection (1) does not apply in relation to a regulated vehicle which is of a description specified in regulations unless the licensing authority for the area in which the public place is situated has made a determination that subsection (1) should apply in relation to vehicles of that description.
- (3) A determination under subsection (2) may be revoked by the licensing authority that made it.
- (4) A licensing authority which makes a determination under subsection (2) must –
  - (a) publish the determination, and
  - (b) if it revokes the determination, publish notice of the revocation.
- (5) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) If a licensing authority makes a determination under section 7 that its area is to be divided into taxi zones, any taxi driver’s licence or taxi licence granted by



the authority before the determination was made which has not been varied under section 21 since the determination was made is to be treated for the purposes of this Act as if it specified all the zones.

## **7 Taxi zones**

- (1) A licensing authority may make a determination that its area is to be divided for the purposes of this Act into two or more taxi zones specified in the determination.
- (2) A determination under this section may be varied or revoked by the licensing authority that made it.
- (3) In deciding whether and, if so, how to exercise its powers under this section a licensing authority must, in particular, take into account –
  - (a) the interests of people who hire or seek to hire licensed taxis,
  - (b) the particular interests of disabled people who hire or seek to hire licensed taxis,
  - (c) the interests of people who hold taxi licences and taxi driver’s licences,
  - (d) the need to avoid traffic congestion,
  - (e) the need to preserve the environment, and
  - (f) such other matters as may be specified in regulations.
- (4) Before making a determination under this section, revoking a determination or varying a determination so as to alter the number of taxi zones into which its area is divided, a licensing authority must –
  - (a) carry out a consultation in such manner as is specified in regulations;
  - (b) obtain such evidence as is specified in regulations;
  - (c) undertake such assessments as are specified in regulations; and
  - (d) take any other steps as are specified in regulations.
- (5) A licensing authority which has made a determination under this section must –
  - (a) publish the determination;
  - (b) if it varies the determination, publish the determination as varied;
  - (c) if it revokes the determination, publish notice of the revocation.

## **8 Prohibition on PHV driver using a regulated vehicle as a hire vehicle unless dispatched by licensed dispatcher**

- (1) A person (A) who holds a PHV driver’s licence must not use a regulated vehicle as a hire vehicle unless a person who holds a dispatcher’s licence has instructed or requested A to do so for the purpose of fulfilling a hire-vehicle booking.
- (2) A person who contravenes subsection (1) is guilty of an offence.
- (3) But in a case where a person (A) contravenes subsection (1) by reason only of the fact that another person (B) did not hold a dispatcher’s licence, A is guilty of an offence only if A knew, or had reason to suspect, that B did not hold a dispatcher’s licence.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (5) Subsection (1) does not apply to a person who holds a PHV driver’s licence if the person also holds a dispatcher’s licence.

## **9 Prohibition on dispatching a PHV driver unless a licensed dispatcher**

- (1) A person (A) must not in the course of business dispatch a person who holds a PHV driver’s licence (“the driver”) to fulfil a hire-vehicle booking unless A holds a dispatcher’s licence.
- (2) A person who contravenes this subsection is guilty of an offence.
- (3) In proceedings for an offence under this section it is a defence to show that the defendant reasonably believed, having made such enquiries as were reasonable, that the driver –
- (a) held a taxi driver’s licence, and
  - (b) would use a licensed taxi to fulfil the booking.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **10 Offence of dispatching unlicensed driver or unlicensed vehicle etc**

- (1) A person commits an offence if –
- (a) in the course of business the person dispatches another person (“the driver”) to fulfil a hire-vehicle booking, and
  - (b) the driver contravenes section 4 when using a vehicle for the purpose of fulfilling the booking.
- (2) In proceedings for an offence under this section it is a defence to show that the defendant reasonably believed, having made such enquiries as were reasonable, that –
- (a) the driver –
    - (i) held a taxi driver’s licence, and
    - (ii) would use a vehicle in respect of which there was in force a taxi licence granted by the same licensing authority that granted the taxi driver’s licence, or
  - (b) the driver –
    - (i) held a PHV driver’s licence, and
    - (ii) would use a vehicle in respect of which there was in force a private hire vehicle licence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale

## **11 Sections 9 and 10: supplementary**

If, in proceedings for an offence under section 9 or 10, the prosecution proves that –

- (a) in the course of business the defendant accepted a hire-vehicle booking, and
- (b) another person (“the driver”) used a vehicle as a hire vehicle for the purpose of fulfilling the booking,

it is to be presumed, unless the contrary is shown, that in the course of business the defendant dispatched the driver to fulfil the booking.

## 12 Liability of other intermediaries

- (1) A person (A) commits an offence if—
  - (a) in the course of business A accepts a hire-vehicle booking or agrees to make arrangements for a hire-vehicle booking to be fulfilled,
  - (b) A makes arrangements with another person (B) under which B agrees to make further arrangements for fulfilling the booking, and
  - (c) A knows or has reason to suspect—
    - (i) that a vehicle will be used in contravention of section 4 for the purpose of fulfilling the booking, or
    - (ii) that B or any other person will contravene section 9 when dispatching a driver to fulfil the booking.
- (2) A person (A) commits an offence if—
  - (a) in the course of business A makes provision for enabling another person to accept a hire-vehicle booking, and
  - (b) A knows or has reason to suspect—
    - (i) that a vehicle will be used in contravention of section 4 for the purpose of fulfilling the booking, or
    - (ii) that a person will contravene section 9 when dispatching a driver to fulfil the booking.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## PART 3

### LICENSING

## 13 Applications for licences

- (1) Any person may apply to a licensing authority for—
  - (a) a taxi driver's licence;
  - (b) a PHV driver's licence;
  - (c) a dispatcher's licence;
  - (d) a taxi licence for a regulated vehicle or an opt-in vehicle;
  - (e) a private hire vehicle licence for a regulated vehicle or an opt-in vehicle.
- (2) An application under this section must be in such form, and include such declarations and information, as may be specified in regulations.
- (3) A person who makes an application to a licensing authority under this section must give to the authority whatever additional information the authority may reasonably require for the purpose of dealing with the application.
- (4) A person commits an offence if, in giving information under this section, the person makes a statement that the person knows, or has reason to suspect, is untrue.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**14 Licensing criteria**

- (1) Regulations must be made specifying criteria which must be met for a person who has applied for a licence under section 13 to be granted the licence.
- (2) A licensing authority may set additional criteria which must be met for a person who has applied to the authority for a taxi driver's licence or a taxi licence to be granted the licence.
- (3) A licensing authority which sets additional criteria may revise or revoke the criteria.
- (4) A licensing authority which sets additional criteria must –
  - (a) publish the criteria;
  - (b) if it revises the criteria, publish the criteria as revised;
  - (c) if it revokes the criteria, publish notice of the revocation.
- (5) Different criteria may be specified or set –
  - (a) in respect of different types of licence;
  - (b) otherwise for different purposes, circumstances or cases.
- (6) The criteria specified or set in respect of taxi licences and private hire vehicle licences must be criteria concerning –
  - (a) the vehicle for which the licence is sought, or
  - (b) the connection that the person applying for the licence has with that vehicle.

**15 Licensing criteria: supplementary**

- (1) Regulations under section 14 may specify a particular criterion only if the Secretary of State is satisfied that specifying the criterion is necessary or expedient for a purpose mentioned in subsection (2).
- (2) The purposes are –
  - (a) securing the safety of individuals;
  - (b) preserving the environment;
  - (c) enabling the effective and efficient enforcement of this Act or any conditions to which licences under this Act are subject;
  - (d) promoting the interests of disabled people who hire or seek to hire licensed taxis or licensed private hire vehicles.
- (3) Regulations under section 14 must specify criteria which prevent a person who has applied for a taxi driver's licence or a PHV driver's licence being granted the licence unless, within a period specified in the regulations ending with the date the application was made, the applicant has completed an approved training course concerning the needs of disabled people who hire or seek to hire licensed taxis or licensed private hire vehicles.
- (4) In subsection (3) "approved training course" means a training course approved in a manner specified in regulations.
- (5) Each licensing authority must review, at least every three years, whether it is necessary or expedient for it to exercise its powers under subsection (2) or (3) of section 14 for the purpose of promoting the interests of disabled people who hire or seek to hire licensed taxis.

- (6) Before exercising its powers under subsection (2) or (3) of section 14 a licensing authority must consult such persons as it considers appropriate.

## **16 Determination of applications**

- (1) This section applies where an application for a licence is made to a licensing authority under section 13.
- (2) The licensing authority must grant the licence to the applicant if satisfied that the criteria specified or set under section 14 which are applicable are met; but this is subject to section 17(4) and 18(2).
- (3) If the licensing authority is not satisfied that those criteria are met it must refuse the application.
- (4) If the licensing authority grants the licence to the applicant it must –
  - (a) in a case where the licence is a taxi driver's licence or a PHV driver's licence, issue the applicant with a badge which identifies him or her as a person who holds such a licence;
  - (b) in a case where the licence is taxi licence or private hire vehicle licence, issue the applicant with a plate for the vehicle concerned which identifies the vehicle as a vehicle for which such a licence is in force.
- (5) If the licensing authority refuses the application it must give the applicant notice of the refusal and the reasons for the refusal.
- (6) A licence granted under subsection (2) and a badge or plate issued under subsection (4) must be in such form and contain such information as may be specified in regulations.

## **17 Determination of applications: opt-in vehicles**

- (1) This section applies where an application is made to a licensing authority for –
  - (a) a taxi licence for an opt-in vehicle, or
  - (b) a private hire vehicle licence for an opt-in vehicle.
- (2) The licensing authority must give to the senior traffic commissioner –
  - (a) a copy of the application, and
  - (b) any information given by the applicant under section 13(3).
- (3) The senior traffic commissioner may, within such period as is specified in regulations, object to the grant of the licence if the senior traffic commissioner considers it appropriate to do so in view of the effect that granting the licence would have by virtue of section 1(2B) of the Public Passenger Vehicles Act 1981 (opt-in vehicles licensed as taxis or private hire vehicles not to be treated as public service vehicles for the purposes of that Act).
- (4) If the senior traffic commissioner objects to the grant of the licence the licensing authority must refuse the application (despite being satisfied as mentioned in section 16(2)).

## **18 Determination of applications: power to limit the number of taxi licences**

- (1) A licensing authority may make a determination that the number of taxi licences granted by it, discounting those that have ceased to have effect, should not at any time exceed a number specified in the determination.

- (2) A licensing authority that has made a determination under this section may refuse an application for a taxi licence (despite being satisfied as mentioned in section 16(2)) if it thinks it appropriate to do so in pursuance of the determination; but this is subject to subsections (3) and (4).
- (3) A licensing authority which has previously granted a taxi licence for a vehicle (“the existing licence”) may not, in reliance on subsection (2), refuse an application for a new taxi licence for the same vehicle if the application is made by the holder of the existing licence prior to its ceasing to have effect.
- (4) A licensing authority may not, in reliance on subsection (2), refuse an application for a taxi licence for a vehicle if –
  - (a) the applicant holds a taxi licence for another vehicle (“the existing licence”) which was granted by the authority, and
  - (b) the application contains a request that the existing licence be revoked when the licence applied for is granted.
- (5) A licensing authority may vary or revoke a determination made by it under this section.
- (6) A licensing authority that has made a determination under this section must review, at least every three years, whether to exercise the power to vary or revoke the determination.
- (7) In deciding whether and, if so, how to exercise the power to make or vary a determination under this section a licensing authority must, in particular, take into account –
  - (a) the interests of people who hire or seek to hire licensed taxis,
  - (b) the particular interests of disabled people who hire or seek to hire licensed taxis,
  - (c) the interests of people who hold taxi licences and taxi drivers’ licences,
  - (d) the need to avoid excessive queues of licensed taxis at taxi ranks,
  - (e) the need to avoid traffic congestion,
  - (f) the need to preserve the environment, and
  - (g) such other matters as may be specified in regulations.
- (8) Before making a determination under this section, or varying a determination by replacing the number specified in it with a lower number, a licensing authority must –
  - (a) carry out a consultation in such manner as is determined by regulations;
  - (b) obtain such evidence as is specified in regulations;
  - (c) undertake such assessments as are specified in regulations; and
  - (d) take any other steps as are specified in regulations.
- (9) A licensing authority which makes a determination under this section must –
  - (a) publish the determination,
  - (b) if it varies the determination, publish the determination as varied,
  - (c) if it revokes the determination, publish notice of the revocation.

## 19 Licence conditions

- (1) Regulations must be made specifying conditions to which licences granted under section 16 are subject.

- (2) A licensing authority may set additional conditions to which taxi drivers' licences or taxi licences granted by the authority are subject.
- (3) A licensing authority which sets conditions may revise them or revoke them.
- (4) A licensing authority which sets conditions must –
  - (a) publish the conditions,
  - (b) if it revises the conditions, publish the conditions as revised,
  - (c) if it revokes the conditions, publish notice of the revocation.
- (5) Different conditions may be specified or set –
  - (a) in respect of different types of licence;
  - (b) otherwise for different purposes, circumstances or cases.
- (6) Conditions may be specified or set –
  - (a) in respect of licences granted at any time, or
  - (b) only in respect of licences granted after the regulations specifying the conditions come into force or (as the case may be) after the licensing authority setting the conditions publish them.

## **20 Licence conditions: supplementary**

- (1) Regulations under section 19 may specify a particular condition only if the Secretary of State is satisfied that specifying the condition is necessary or expedient for a purpose mentioned in section 15(2).
- (2) Regulations under that section may include provision making it a criminal offence, triable summarily and punishable with a fine not exceeding level 3 on the standard scale, for the holder of a licence under this Act to fail to comply with a condition to which the licence is subject by virtue of the regulations.
- (3) Each licensing authority must review, at least every three years, whether it is necessary or expedient for it to exercise its powers under subsection (2) or (3) of section 19 for the purpose of promoting the interests of disabled people who hire or seek to hire licensed taxis.
- (4) Before exercising its powers under subsection (2) or (3) of section 19 a licensing authority must consult such persons as it considers appropriate.

## **21 Power to vary taxi licence or taxi driver's licence to specify taxi zones etc**

- (1) A licensing authority which has made a determination under section 7 that its area is to be divided into taxi zones may vary a taxi driver's licence or taxi licence granted by it so that –
  - (a) the licence specifies a taxi zone in the authority's area;
  - (b) the licence ceases to specify a taxi zone in the authority's area.
- (2) A licensing authority which decides to vary a licence under this section must give to the holder of the licence notice of –
  - (a) the decision, and
  - (b) if the holder did not request the variation, the reasons for the decision.
- (3) A variation under this section takes effect –
  - (a) if the holder of the licence did not request the variation, at the end of the period of 21 days beginning with the day on which that notice is served on the holder,

- (b) if the holder of the licence did request the variation, when the notice under subsection (2) is served on the holder.

## **22 Duration of licences**

- (1) A licence under this Act has effect, if not revoked or suspended –
  - (a) for the relevant period beginning with the date it was granted, or
  - (b) for such shorter period beginning with that date as is specified in the licence.
- (2) But a shorter period than the relevant period may be specified in a PHV driver's licence, a private hire vehicle licence or a dispatcher's licence only in circumstances specified by regulations.
- (3) The "relevant period" means –
  - (a) in the case of a taxi driver's licence or a PHV driver's licence, three years;
  - (b) in the case of a taxi licence or a private hire vehicle licence, one year;
  - (c) in the case of a dispatcher's licence, five years.

## **23 Register of licences**

- (1) A licensing authority must maintain a register of persons who hold a licence granted by the authority under section 16.
- (2) A register maintained under this section must contain such information as is specified in regulations.
- (3) A licensing authority must –
  - (a) publish a copy of the register maintained by it in such manner as is specified in regulations;
  - (b) make a copy of the register maintained by it available, at all reasonable times and at such places as the authority may determine, for any person to inspect.
- (4) Regulations may provide –
  - (a) that before a copy of the register maintained by a licensing authority is published or made available under subsection (3) the licensing authority must remove from the copy any information which is of a description specified in the regulations;
  - (b) that a licensing authority must not disclose from the register kept by it any information which is of that description otherwise than in circumstances specified in the regulations.

## **24 Transfer of taxi licences**

- (1) Regulations may make provision for, and in connection with, establishing a procedure under which the holder of a taxi licence granted by a relevant licensing authority may transfer his or her obligations as holder of the licence to another person.
- (2) Where the holder of a taxi licence transfers his or her obligations to another person under a procedure established under this section that other person is to be treated for all purposes as the holder of the licence (subject to any further transfer by that person).



- (3) In subsection (1) “relevant licensing authority” means a licensing authority which –
  - (a) is specified in the regulations, or
  - (b) has not made a determination under section 18 which remains in force.
- (4) A licensing authority may be specified in the regulations only if it appears to the Secretary of State that immediately before the coming into force of this section the authority had a policy of limiting the number of licences granted by it under section 37 of the Town Police Clauses Act 1847 (power to license hackney carriages).
- (5) Regulations under this section may –
  - (a) provide for the making of applications;
  - (b) impose duties or confer powers on licensing authorities;
  - (c) provide for the charging of fees;
  - (d) provide for appeals;
  - (e) create criminal offences.

## **25 Fees for grant of licences etc**

- (1) Regulations may provide that any person who applies to a licensing authority for a PHV driver’s licence, a private hire vehicle licence, or a dispatcher’s licence must pay to the authority a specified fee –
  - (a) on making the application;
  - (b) on the grant of the licence (if it is granted);
  - (c) at specified times while the licence is in force (if it is granted).
- (2) Regulations may provide that any person who applies to a licensing authority for a taxi driver’s licence or a taxi licence must pay to the authority a fee, of such amount as is determined from time to time by the authority –
  - (a) on making the application;
  - (b) on the grant of the licence (if it is granted);
  - (c) at specified times while the licence is in force (if it is granted).
- (3) Regulations under subsections (1) and (2) may provide for fees to be payable by instalments, or for fees to be remitted or refunded (in whole or part), in specified circumstances.
- (4) A licensing authority may decline to proceed with –
  - (a) an application for a licence under this Act, or
  - (b) the grant of a licence under this Act,until any fee (or instalment) due by virtue of this section in respect of the application or grant is paid.
- (5) In making a determination under subsection (2) a licensing authority must ensure that –
  - (a) the fees payable by any person who applies to the authority for a taxi driver’s licence are not less than the fees that would be payable by that person if he or she were to apply instead for a PHV driver’s licence;
  - (b) the fees payable by any person who applies to the authority for a taxi licence for a vehicle are not less than the fees that would be payable by that person if he or she were to apply instead for a private hire vehicle licence for the vehicle.

- (6) A determination under subsection (2) may –
  - (a) set different fees for different purposes, circumstances or cases,
  - (b) be varied or revoked.
- (7) A licensing authority which has made a determination under subsection (2) must –
  - (a) publish the determination,
  - (b) if it varies the determination, publish the determination as varied,
  - (c) if it revokes the determination, publish notice of the revocation.
- (8) Subject to subsection (9), the fees received by a licensing authority by virtue of this section must be applied for meeting the expenses incurred by the authority in connection with the exercise of –
  - (a) its functions under this Act, and
  - (b) the functions of its officers under Part 6 of this Act (enforcement).
- (9) Regulations may make provision for, and in connection with, –
  - (a) requiring licensing authorities to pay to the Secretary of State the fees received by them under subsection (1), and
  - (b) requiring the Secretary of State to redistribute those fees amongst the licensing authorities in accordance with a specified scheme.
- (10) In this section “specified” means specified in regulations under this section.

#### PART 4

##### FURTHER PROVISION ABOUT TAXIS AND TAXI DRIVERS

##### *Ranks, duty to stop, compellability and fares*

#### **26 Power of licensing authority to designate taxi ranks**

- (1) A licensing authority may for the purposes of this Act designate any place within its area to be a taxi rank –
  - (a) at all times; or
  - (b) for such times of the day, days or other periods as may be specified in the designation.
- (2) A designation under this section may specify the number of licensed taxis permitted at any one time to wait at the place designated.
- (3) A designation under this section may be varied or revoked by the licensing authority that made it.
- (4) A licensing authority that has made a designation under this section must –
  - (a) publish the designation;
  - (b) if it varies the designation, publish the designation as varied;
  - (c) if it revokes the designation, publish notice of the revocation.
- (5) Before designating a place under this section, or varying or revoking a designation of a place, a licensing authority must –
  - (a) give notice of the proposed designation, variation or revocation to the chief officer of police for the police area in which the place concerned is situated;

- (b) publish notice of the proposed designation, variation or revocation and take into consideration any objections or representations in respect of the proposal which are made to it within 28 days of the publication.
- (6) A licensing authority must not designate a place on a highway, or vary or revoke the designation of a place on a highway, without the consent of the highway authority.
- (7) A licensing authority must have regard to the position of any bus stops that are in use before designating a place or varying a designation.
- (8) A licensing authority must not designate a place, or vary a designation, if the effect of doing so would be to—
  - (a) unreasonably prevent access to any premises;
  - (b) impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or a PSV operator’s licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or dropping off of passengers;
  - (c) unreasonably interfere with access to any station or depot of any passenger road transport operator.
- (9) Each licensing authority must review, at least every three years, whether to exercise its powers under subsections (1) and (3).
- (10) In carrying out a review under subsection (9) a licensing authority must consult such persons as it thinks fit.

## 27 Specified types of taxi ranks

- (1) A designation under section 26 may specify that the place designated as a taxi rank is to be a rest rank—
  - (a) at all times, or
  - (b) for such times of the day, days or other periods as may be specified in the designation.
- (2) Where a designation specifies that a place designated as a taxi rank is to be a rest rank, the designation may specify the maximum period that a taxi may wait at the rest rank, and may specify different maximum periods for different times of the day, days or other periods.
- (3) A designation under section 26 may specify that the place designated as a taxi rank is to be a directional taxi rank—
  - (a) at all times, or
  - (b) for such times of the day, days or other periods as may be specified in the designation.
- (4) In this section and section 30 “directional taxi rank” means a taxi rank for taxis which are available for immediate hire for journeys in the direction, or in one of the directions, specified in the designation relating to that rank.
- (5) Notice that a place designated under section 26 is a rest rank or a directional taxi rank must be indicated by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State in pursuance of the powers conferred by section 64 of the Road Traffic Regulation Act 1984.

**28 Prohibition on taxi ranks being used other than by local taxis**

- (1) A person must not cause or permit any vehicle to wait at a place designated as a taxi rank by a licensing authority (the “designating authority”) unless –
  - (a) the driver of the vehicle holds a taxi driver’s licence granted by the designating authority,
  - (b) a taxi licence granted by the designating authority is in force in respect of the vehicle, and
  - (c) if the designating authority has made a determination under section 7 that its area is to be divided into taxi zones, the zone in which the taxi rank is situated is specified in the taxi driver’s licence and the taxi licence.
- (2) Notice of the prohibition in this section must be indicated by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State in pursuance of the powers conferred by section 64 of the Road Traffic Regulation Act 1984.
- (3) A person who without reasonable excuse contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In any proceedings under this section against the driver of a public service vehicle it is a defence to show that –
  - (a) the driver caused the vehicle to wait at the taxi rank in order to avoid an obstruction to traffic or for some other good reason, and
  - (b) the driver caused the vehicle to wait at the taxi rank only for so long as was reasonably necessary for the picking up or dropping off of passengers.

**29 Prohibition on local taxi driver failing to stop when hailed**

- (1) Subsection (2) applies where –
  - (a) a person who holds a taxi driver’s licence (“the driver”) is driving a vehicle in respect of which a taxi licence is in force (“the taxi”),
  - (b) the taxi driver’s licence and the taxi licence were granted by the same licensing authority (“the relevant licensing authority”),
  - (c) the place where the driver is driving the taxi is –
    - (i) within the area of the relevant licensing authority, and
    - (ii) in a case where the relevant licensing authority has made a determination under section 7 that its area is to be divided into taxi zones, within a zone which is specified in the taxi driver’s licence and the taxi licence, and
  - (d) the relevant licensing authority has made a determination that this section is to apply in the area of the authority.
- (2) The driver commits an offence if at a time when the taxi is displaying a for-hire sign the driver fails, without reasonable excuse, to stop the taxi when hailed to do so.
- (3) A person who commits an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) A determination under subsection (1)(d) may be revoked by the licensing authority that made it.

- (5) A licensing authority which makes a determination under subsection (1)(d) must—
  - (a) publish the determination, and
  - (b) if it revokes the determination, publish notice of the revocation.

### **30 Prohibition on local taxi driver refusing to drive the compellable distance**

- (1) This section applies where—
  - (a) a person who holds a taxi driver’s licence (“the driver”) is driving a vehicle in respect of which a taxi licence is in force (“the taxi”),
  - (b) the taxi driver’s licence and the taxi licence were granted by the same licensing authority (“the relevant licensing authority”), and
  - (c) the place where the driver is driving the taxi is—
    - (i) within the area of the relevant licensing authority, and
    - (ii) in a case where the relevant licensing authority has made a determination under section 7 that its area is to be divided into taxi zones, within a zone which is specified in the taxi driver’s licence and the taxi licence.
- (2) The driver commits an offence if at a time when the taxi is—
  - (a) at a taxi rank which is not, at that time, a rest rank,
  - (b) displaying a for-hire sign, or
  - (c) otherwise being made available by the driver for immediate hire,the driver refuses, without reasonable excuse, to drive a person who wishes to hire the taxi to a place within the compellable distance.
- (3) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In subsection (2), the reference to a rest rank is a reference to a taxi rank that is specified as a rest rank in accordance with section 27.
- (5) The question whether any place is within the compellable distance for the purposes of subsection (2) is to be determined by rules made by the relevant licensing authority; but in the absence of any such rules having been made, a place is within the compellable distance for the purposes of subsection (2) if it is within the area of the relevant licensing authority.
- (6) Rules made by the relevant licensing authority under subsection (5) may not have the effect of making a place within the compellable distance for the purposes of subsection (2) if the place is—
  - (a) more than seven miles outside the area of the authority, or
  - (b) in a case where the authority is Transport for London, more than 20 miles outside that area.
- (7) Rules made under subsection (5) may make different provision—
  - (a) in respect of journeys beginning in different places;
  - (b) in respect of journeys beginning at a directional taxi rank;
  - (c) otherwise for different purposes, circumstances or cases.
- (8) A licensing authority which makes rules under subsection (5) may vary or revoke the rules.
- (9) A licensing authority which makes rules under subsection (5) must—
  - (a) publish the rules;

- (b) if it varies the rules, publish the rules as varied;
- (c) if it revokes the rules, publish notice of the revocation.

### **31 Power of licensing authority to fix fares for local taxis**

- (1) A licensing authority may make rules fixing the fares to be paid in connection with the hire of vehicles licensed as taxis by the authority.
- (2) Rules under this section may fix fares by reference to time or distance or both.
- (3) Rules under this section may make different provision for different purposes, circumstances or cases.
- (4) A licensing authority which makes rules under this section may vary or revoke the rules.
- (5) A licensing authority which makes rules under this section must –
  - (a) publish the rules,
  - (b) if it varies the rules, publish the rules as varied,
  - (c) if it revokes the rules, publish notice of the revocation.
- (6) Each licensing authority must review, at least every three years, whether to exercise its powers under this section.
- (7) In carrying out a review under subsection (6) a licensing authority must consult such persons as it thinks fit.
- (8) In this section and section 32 “fare” does not include a taxi booking fee.
- (9) A “taxi booking fee” is a fee –
  - (a) which a person charges as consideration for accepting a booking for the hire of a licensed taxi, and
  - (b) whose amount, or method of calculation, is agreed with the person who wishes to make the booking before the booking is accepted.
- (10) But a fee which a person charges as consideration for accepting a booking for the hire of a licensed taxi is not to be treated as a “taxi booking fee” if the person is also the driver who fulfils the booking.

### **32 Prohibition on taking or demanding more than the fixed fare**

- (1) This section applies where –
  - (a) a licensing authority has made rules under section 31, and
  - (b) a vehicle licensed as a taxi by the authority is hired for a journey beginning in the authority’s area.
- (2) A person must not take or demand a fare in connection with the hiring which is greater than the fare permitted by the rules unless –
  - (a) the journey is a long journey (see subsection (3)), and
  - (b) the amount of the fare taken or demanded was agreed before the beginning of the journey.
- (3) A journey is a long journey for the purposes of subsection (2) if –
  - (a) it ends more than such distance outside the area of the licensing authority as is specified in the rules made under section 31, or

- (b) in a case where no distance is specified in those rules, it ends outside the area of the licensing authority.
- (4) A distance specified in rules for the purposes of subsection (3)(a) must not be a distance greater than—
  - (a) seven miles, or
  - (b) in the case of rules made by Transport for London, 20 miles.
- (5) A person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Out of area taxi pre-bookings*

**33 Application and interpretation of sections 34 and 35**

- (1) Sections 34 and 35 impose duties on the holder of a taxi driver’s licence in any case where the holder—
  - (a) proposes to use a licensed taxi to fulfil an out of area hire-vehicle booking; but
  - (b) has not been dispatched to fulfil the booking by the holder of a dispatcher’s licence.
- (2) It is immaterial whether the booking was originally accepted by the hirer.
- (3) A duty arising under section 34 or 35 ceases to apply if before the start of the journey the booking is either cancelled or accepted by another person.
- (4) In this section and sections 34 to 36 as they apply to a case mentioned in subsection (1)—
  - “the driver”, “the booking” and “the taxi driver’s licence” are respectively the holder of the taxi driver’s licence, the hire-vehicle booking and the taxi-driver’s licence mentioned in subsection (1);
  - “the journey” means the journey to which the booking relates;
  - “the hiring” means the hiring to which the booking relates (and “the hirer” means the hirer for the purposes of that hiring);
  - “out of area hire-vehicle booking” means a booking for a journey starting—
    - (a) outside the area of the licensing authority that granted the taxi driver’s licence, or
    - (b) if that licensing authority has made a determination under section 7 that its area is to be divided into taxi zones, within that area but not within a zone specified in the taxi driver’s licence;
  - “passenger”, when used in relation to a time before the start of the journey, means an individual who at that time is expected by the driver to be carried in the vehicle used to fulfil the booking.

**34 Duty to acquire and record information about the booking**

- (1) The driver must, before the start of the journey—
  - (a) acquire or otherwise be in possession of such information as may be specified in regulations for the purposes of this paragraph; and
  - (b) make a record of the booking containing such information as may be specified in regulations for the purposes of this paragraph.

- (2) Any information relating to the booking or the hiring may be specified for the purposes of subsection (1)(a) or (b) including (among other things) any of the following –
  - (a) the identity of the hirer, the person who made the booking or a person liable to pay the fare;
  - (b) the identity of a passenger;
  - (c) the place at which the journey is to start or end;
  - (d) any applicable booking fee (however described);
  - (e) the agreed price for the hiring (if any);
  - (f) the method of determining the fare (if no price is agreed before the start of the journey);
  - (g) an estimate of the likely fare made in good faith (if no price is agreed before the start of the journey);
  - (h) any assumptions made in giving such an estimate;
  - (i) any other terms applicable to the hiring.
- (3) Regulations under subsection (1)(b) may –
  - (a) provide for information to be specified information only if known by the driver;
  - (b) provide for particular circumstances in which any information that would not otherwise be specified is to be regarded as specified information;
  - (c) provide for particular circumstances in which any information that would otherwise be specified information is not to be regarded as specified (and so need not be recorded); and
  - (d) specify the form in which specified information must be recorded in order to comply with the duty to make a record of the booking.
- (4) It is not a contravention of the duty under subsection (1)(b) for the record of the booking to include –
  - (a) information other than specified information, or
  - (b) information recorded before the duty to record it arises.
- (5) If the driver –
  - (a) uses a licensed taxi to start the journey; and
  - (b) has not complied with a duty under subsection (1),the driver is guilty of an offence.
- (6) In proceedings for an offence under subsection (5), it is a defence for the driver to show that it was not practicable to comply with the duty and that the driver –
  - (a) took all reasonable steps to comply with the duty; and
  - (b) either complied with the relevant requirement as soon as practicable after the start of the journey or took all reasonable steps to do so.
- (7) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **35 Duty to give information about cost on request**

- (1) If before the start of the journey the hirer requests the driver to provide information about the cost of the hiring, the driver must (unless a price for the



- journey is agreed) respond to the request by providing the hirer with one or more of the following –
- (a) a proposed price for the journey;
  - (b) an estimate of the likely fare; or
  - (c) a description of the method to be used for determining the fare.
- (2) It is immaterial for the purposes of subsection (1) –
- (a) whether the request for information was made before or after the booking was made; and
  - (b) how the request for information is expressed.
- (3) A response providing an estimate of the likely fare does not comply with the duty under this section unless the estimate is given in good faith.
- (4) The response may be given orally.
- (5) If –
- (a) the driver uses a licensed taxi to start the journey, and
  - (b) at that time the driver has failed to comply with the duty to respond to a request under this section,
- the driver is guilty of an offence.
- (6) In proceedings for such an offence it is a defence for the driver to show –
- (a) that before the start of the journey information that would satisfy the duty to respond to the request was given to the hirer by another person; or
  - (b) that it was not practicable for the driver to comply with the request before the journey started but the driver took all reasonable steps to do so.
- (7) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **36 Duty to preserve records**

- (1) The driver must –
- (a) preserve any record required to be made under section 34(1)(b) for such period as may be specified in regulations; and
  - (b) at the request of a constable or licensing officer, produce for inspection any record required by that section to be kept.
- (2) In subsection (1) “licensing officer” has meaning given by section 44(1).
- (3) If the driver contravenes the duty under subsection (1) the driver is guilty of an offence.
- (4) In proceedings for an offence under subsection (3) it is a defence for the driver to show that the driver took all reasonable steps to avoid committing such an offence.
- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**PART 5**

## FURTHER PROVISION ABOUT DISPATCHERS ETC

*Duties of licensed dispatcher in relation to a hire-vehicle booking***37 Application and interpretation of sections 38 and 39**

- (1) Sections 38 and 39 apply to impose duties on the holder of a dispatcher’s licence in any case where the holder proposes to dispatch a particular licensed driver to fulfil a hire-vehicle booking.
- (2) It is immaterial whether the booking was originally accepted by the dispatcher or another person.
- (3) A duty arising under section 38 or 39 ceases to apply if before the start of the journey the booking is either cancelled or accepted by another person.
- (4) In this section and sections 38 to 42, as they apply in relation to a case mentioned in subsection (1) –
  - “the booking”, “the dispatcher”, and “the driver” are respectively the hire-vehicle booking, the holder of the dispatcher’s licence and the licensed driver mentioned in subsection (1);
  - “the journey” means the journey to which the booking relates;
  - “the hiring” means the hiring to which the booking relates (and “the hirer” means the hirer for the purposes of that hiring);
  - “licensed driver” means a holder of a PHV driver’s licence or a taxi driver’s licence;
  - “licensed vehicle” means a licensed taxi or a licensed private hire vehicle;
  - “passenger”, used in relation to a time before the start of the journey, means an individual who at that time is expected by the dispatcher to be carried in the vehicle used to fulfil the booking.

**38 Duty to acquire and record information about the booking**

- (1) The dispatcher must, before the start of the journey –
  - (a) acquire or otherwise be in possession of such information as may be specified in regulations for the purposes of this paragraph; and
  - (b) make a record of the booking containing such information as may be specified in regulations for the purposes of this paragraph.
- (2) Any information relating to the booking or the hiring may be specified for the purposes of subsection (1)(a) or (b) including (among other things) any of the following –
  - (a) the identity of the hirer, the person who made the booking or a person liable to pay the fare;
  - (b) the identity of a passenger;
  - (c) the identity of the driver;
  - (d) the place at which the journey is to start or end;
  - (e) any applicable booking fee (however described);
  - (f) the agreed price for the hiring (if any);
  - (g) the method of determining the fare (if no price is agreed before the start of the journey);

- (h) an estimate of the likely fare made in good faith (if no price is agreed before the start of the journey);
  - (i) any assumptions made in giving such an estimate;
  - (j) any other terms applicable to the hiring;
  - (k) information about any arrangements made by the dispatcher for fulfilling the booking or for fulfilling bookings of a description which covers the booking.
- (3) Regulations under subsection (1)(b) may –
- (a) provide for information to be specified information only if known by the dispatcher;
  - (b) provide for particular circumstances in which any information that would not otherwise be specified is to be regarded as specified information;
  - (c) provide for particular circumstances in which any information that would otherwise be specified information is not to be regarded as specified (and so need not be recorded); and
  - (d) specify the form in which specified information must be recorded in order to comply with the duty to make a record of the booking.
- (4) It is not a contravention of the duty under subsection (1)(b) for the record of the booking to include –
- (a) information other than specified information, or
  - (b) information recorded before the duty to record it arises.
- (5) If –
- (a) the driver is dispatched by the dispatcher to fulfil the booking;
  - (b) the driver uses a licensed vehicle to start the journey; and
  - (c) the dispatcher has not complied with a duty under subsection (1),
- the dispatcher is guilty of an offence.
- (6) In proceedings for an offence under subsection (5), it is a defence for the dispatcher to show that it was not practicable to comply with the duty and that the dispatcher –
- (a) took all reasonable steps to comply with the duty; and
  - (b) either complied with the relevant requirement as soon as practicable after the start of the journey or took all reasonable steps to do so.
- (7) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **39 Duty to give information about cost on request**

- (1) If before the start of the journey the hirer requests the dispatcher to provide information about the cost of the hiring, the dispatcher must (unless a price for the journey is agreed) respond to the request by providing the hirer with one or more of the following –
- (a) a proposed price for the journey;
  - (b) an estimate of the likely fare;
  - (c) a description of the method to be used for determining the fare.
- (2) It is immaterial for the purposes of subsection (1) –
- (a) whether the request for information was made before or after the booking was made; and

- (b) how the request for information is expressed.
- (3) A response providing an estimate of the likely fare does not comply with the duty under this section unless given in good faith.
- (4) A response may be given orally.
- (5) If—
- (a) the driver is dispatched by the dispatcher to fulfil the booking,
  - (b) the driver uses a licensed vehicle to start the journey, and
  - (c) at that time the dispatcher has failed to comply with the duty to respond to a request under this section,
- the dispatcher is guilty of an offence.
- (6) In proceedings for such an offence it is a defence for the dispatcher to show—
- (a) that before the start of the journey information that would satisfy the duty to respond to the request was given to the hirer by another person; or
  - (b) that it was not practicable for the dispatcher to comply with duty to respond to the request before the journey started and the dispatcher took all reasonable steps to do so.
- (7) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### 40 Effect of change of driver before start of journey

- (1) This section applies where the dispatcher has dispatched a licensed driver (“A”) to fulfil the booking but later a different licensed driver (“B”) is dispatched to fulfil the same booking (in place of A), whether by the dispatcher or by another person holding a dispatcher’s licence.
- (2) If B is dispatched by the dispatcher, sections 37 to 42 apply again with references to the driver being read as references to B (but the dispatcher may comply with the duty under section 38(1)(b) by keeping or amending an existing record or by making a new record).
- (3) If B is dispatched by another person holding a dispatcher’s licence, the dispatcher ceases to be under any duty under sections 38 to 42 (but without prejudice to the application of those duties to that other person).

#### *Duties of licensed dispatcher to keep and preserve records*

#### 41 Duty to keep records

- (1) The holder of a dispatcher’s licence must (in addition to the records required by section 38(1)(b))—
- (a) keep such records as may be specified in regulations of particulars of the private hire vehicles and private hire drivers which are available to the dispatcher to fulfil hire-vehicle bookings accepted by the dispatcher; and
  - (b) keep such other records in connection with the dispatcher’s activities as may be specified in regulations.
- (2) If the dispatcher fails to comply with the duty under subsection (1) the dispatcher is guilty of an offence.

- (3) In proceedings for an offence under subsection (2) it is a defence for the dispatcher to show that the dispatcher took all reasonable steps to avoid committing such an offence.
- (4) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **42 Duty to preserve records**

- (1) The dispatcher must—
  - (a) preserve any records required to be made under section 38(1)(b) or 41 for such period as may be specified in regulations; and
  - (b) at the request of a constable or licensing officer, produce for inspection any record required by that section to be kept.
- (2) In subsection (1) “licensing officer” has the meaning given by section 44(1).
- (3) If the dispatcher fails to comply with the duty under subsection (1) the dispatcher is guilty of an offence.
- (4) In proceedings for an offence under subsection (3) it is a defence for the dispatcher to show that the dispatcher took all reasonable steps to avoid committing such an offence.
- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Duty of person accepting a hire-vehicle booking to give information to the hirer*

#### **43 Duty of person accepting a hire-vehicle booking to give information to the hirer**

- (1) This section applies where a person (“A”) accepts a hire-vehicle booking from the hirer or from another person who accepted the booking (and it is immaterial how or by whom the booking is to be fulfilled).
- (2) For this purpose a person accepts a hire-vehicle booking by accepting responsibility for the fulfilment of the booking, otherwise than in the course of being dispatched by another person to fulfil it.
- (3) If the hirer requests A to state either or both of the following—
  - (a) whether another person accepted the booking from A, or
  - (b) whether A dispatched a driver to fulfil the booking,A must respond to the request by giving the hirer the information required by this section within the period for compliance.
- (4) That duty does not apply to a request made—
  - (a) after the end of the period of 3 months beginning with the day on which the booked journey starts;
  - (b) after the booking is fulfilled, in a case where it is fulfilled by the holder of a taxi driver’s licence using a licensed taxi.
- (5) The period for compliance is the period of 14 days beginning with the day on which the request was made.

- (6) The response to a request to state whether another person accepted the booking must, if the answer is that another person accepted it from A, include—
  - (a) the name of the other person; and
  - (b) if the other person is the holder of a dispatcher’s licence, the licence number and the name of the licensing authority that granted it.
- (7) The response to a request to state whether A dispatched a driver must—
  - (a) if A dispatched a driver, include the name of the driver, the type of driver’s licence under this Act held by the driver and the name of the licensing authority that issued it; and
  - (b) if another person accepted the booking from A, include the information about the other person mentioned in subsection (6).
- (8) The response must be in writing.
- (9) If A fails to comply with the duty under subsection (3) to respond to a request by giving the hirer the required information within the period for compliance, A is guilty of an offence.
- (10) In proceedings for such an offence, it is a defence for A to show—
  - (a) that it was not practicable to comply with the duty in time but A took all reasonable steps to do so; and
  - (b) that A either gave the hirer the required information as soon as practicable after the end of the period for compliance or took all reasonable steps to do so.
- (11) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## PART 6

### ENFORCEMENT

#### *Licensing officers and licensing authority stopping officers*

#### **44 Authorisation of officers**

- (1) In this Part, references to a licensing officer are references to a person authorised by a licensing authority for the purposes of this Part.
- (2) A licensing authority may authorise a licensing officer to carry out the functions of a licensing authority stopping officer under sections 49, 50 and 53 and regulations under section 51.
- (3) A licensing authority may not authorise a person to carry out the functions of a licensing authority stopping officer unless the authority is satisfied that the person meets the criteria for authorisation specified in regulations.
- (4) Regulations under subsection (3) may, in particular, specify criteria relating to training or qualifications.

#### 45 Offences

- (1) It is an offence to intentionally obstruct a licensing officer, or a licensing authority stopping officer, in the exercise of the officer’s powers under this Part.
- (2) It is an offence for a person to make any statement or to otherwise act in a way that is calculated falsely to suggest that the person is—
  - (a) a licensing officer, or
  - (b) a licensing authority stopping officer.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### *Investigative powers*

#### 46 “Licence holder”

In this Part, “licence holder” means a person who holds—

- (a) a taxi driver’s licence,
- (b) a PHV driver’s licence,
- (c) a dispatcher’s licence,
- (d) a taxi licence, or
- (e) a private hire vehicle licence.

#### 47 Provision of information and documents

- (1) A licensing officer or a constable in uniform may require a licence holder to—
  - (a) provide information for the purpose of ascertaining whether the licence holder complies with—
    - (i) the provisions of this Act, and
    - (ii) the licence conditions specified in regulations under section 19(1) in respect of the licence;
  - (b) produce the licence for inspection.
- (2) A licensing officer or a constable in uniform may require the holder of a taxi licence or a taxi driver’s licence to provide information for the purpose of ascertaining whether the licence holder complies with the local licence conditions.
- (3) But a licensing officer may only exercise the power under subsection (2) where the home licensing authority in relation to the licensing officer is the same as—
  - (a) where the requirement relates to the holder of a taxi licence, the home licensing authority in relation to the taxi;
  - (b) where the requirement relates to the holder of a taxi driver’s licence, the home licensing authority in relation to the taxi driver.
- (4) In subsection (2) “local licence conditions” means—
  - (a) in the case of the holder of a taxi licence, the conditions set under section 19(2) to which the taxi licence is subject;
  - (b) in the case of the holder of a taxi driver’s licence, the conditions set under section 19(2) to which the taxi driver’s licence is subject.

- (5) A licensing officer or a constable in uniform may require the holder of a taxi licence or a private hire vehicle licence to produce for inspection the certificate of the policy of insurance or security required in respect of the vehicle by Part VI of the Road Traffic Act 1988 (third-party liabilities).
- (6) Information or a document that is not provided or produced at the time of the request must be provided or produced by the licence holder within such period, and at such place, as the licensing officer or constable may reasonably require.
- (7) A person who without reasonable excuse fails to comply with a request under this section commits an offence.
- (8) A person commits an offence if, in providing information requested under this section, the person makes a statement that the person knows, or has reason to suspect, is untrue.
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **48 Inspection and testing: vehicles and taximeters**

- (1) A licensing officer or a constable in uniform may inspect and test –
  - (a) a licensed taxi or a licensed private hire vehicle, and any taximeter affixed to the vehicle, for the purpose of ascertaining whether it complies with the licence conditions specified in regulations under section 19(1);
  - (b) a licensed taxi for the purpose of ascertaining whether it complies with the licence conditions set under section 19(2) to which the taxi licence is subject;
  - (c) a taximeter affixed to a licensed taxi or a licensed private hire vehicle for the purpose of assessing its accuracy.
- (2) But a licensing officer may only exercise the power under subsection (1)(b) where the home licensing authority in relation to the licensing officer is the same as the home licensing authority in relation to the taxi.
- (3) Subsection (4) applies where the licensing officer or constable –
  - (a) is not satisfied that the taxi or private hire vehicle complies with the licence conditions, or
  - (b) is not satisfied as to the accuracy of the taximeter.
- (4) The licensing officer or constable may by notice require the relevant licence holder to make the taxi, private hire vehicle or taximeter available for further inspection and testing.
- (5) A notice under subsection (4) must specify the time and place of the further inspection and testing.
- (6) In subsection (4) the reference to the “relevant licence holder” is a reference –
  - (a) in the case of a licensed taxi, to the person who holds the taxi licence;
  - (b) in the case of a private hire vehicle, to the person who holds the private hire vehicle licence.



*Powers to stop and detain vehicles*

**49 Power to stop licensed taxis and licensed private hire vehicles**

- (1) A licensing authority stopping officer may direct the driver of a vehicle, which appears to the officer to be a licensed taxi or a licensed private hire vehicle, to stop the vehicle.
- (2) The power conferred by subsection (1) may be exercised for the purpose of enabling the licensing authority stopping officer to carry out any of the functions conferred on the officer by sections 47 and 48.
- (3) A person who fails, without reasonable excuse, to comply with a direction of a licensing authority stopping officer under this section is guilty of an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**50 Power to stop and detain regulated vehicles: touting**

- (1) This section applies where a licensing authority stopping officer has reasonable grounds for believing that a person is soliciting, or has solicited, another person to hire a regulated vehicle (whether or not it is a licensed taxi or a licensed private hire vehicle) in contravention of section 70.
- (2) The licensing authority stopping officer may –
  - (a) if the vehicle is in motion, direct the driver of the vehicle to stop the vehicle;
  - (b) detain the vehicle.
- (3) The powers conferred on an licensing authority stopping officer by this section may be exercised only at a time when regulations under section 51 are in force.

**51 Retention etc. of vehicles detained under section 50**

- (1) Regulations may make provision as to –
  - (a) the removal and retention of vehicles, and the contents of vehicles, detained under section 50, and
  - (b) the release or disposal of those vehicles and their contents.
- (2) The Schedule makes further provision about regulations under subsection (1).
- (3) In this section and the Schedule references to the “contents” of a vehicle do not include references to the personal effects of any individual.

**52 Regulations: power to stop and detain regulated vehicles being used in contravention of section 4**

- (1) Regulations may provide that a constable in uniform, an examiner appointed under section 66A of the Road Traffic Act 1988 or an officer appointed under section 66B of that Act may –
  - (a) direct the driver of a regulated vehicle to stop the vehicle, and
  - (b) detain a regulated vehicle where the constable or officer has reasonable grounds for believing that the vehicle is being, has been or is about to be used as a hire vehicle in contravention of section 4.

- (2) Regulations may make provision as to—
  - (a) the removal and retention of vehicles, and the contents of vehicles, detained under this section, and
  - (b) the release or disposal of those vehicles and their contents.
- (3) Regulations under subsection (2) may make provision of a kind required or permitted to be made (in respect of vehicles detained by licensing authority stopping officers under section 50) by any provision of the Schedule.

### **53 Power to move vehicles on**

- (1) A licensing authority stopping officer may give a direction to move on where—
  - (a) a licensed taxi or a licensed private hire vehicle is waiting (whether on its own or with other licensed taxis or licensed private hire vehicles) in a public place (the “relevant place”), and
  - (b) at least one of Conditions 1 to 3 is satisfied.
- (2) For the purposes of subsection (1), a “direction to move on” is a direction to the driver of the licensed taxi or licensed private hire vehicle to move the vehicle from the relevant place immediately.
- (3) Condition 1 is that—
  - (a) the licensing authority stopping officer considers that there is a reasonable likelihood that a person may be led to believe, by reason of the taxi or private hire vehicle waiting at the relevant place, that the vehicle may be used as a hire vehicle on a journey which begins there and then, and
  - (b) the driver could not agree to use the vehicle in such a way without contravening section 6.
- (4) Condition 2 is that the licensing authority stopping officer considers that the taxi or private hire vehicle is causing an unnecessary obstruction.
- (5) Condition 3 is that—
  - (a) the relevant place is in close proximity to a place designated as a taxi rank under section 26, and
  - (b) the licensing authority stopping officer considers that, by waiting at the relevant place, the driver of the taxi or private hire vehicle is attempting to prevent the hire of a vehicle waiting at the taxi rank.
- (6) A person who fails, without reasonable excuse, to comply with a direction of a licensing authority stopping officer under this section is guilty of an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### *Suspension and revocation of licences*

### **54 Power of licensing authority to suspend or revoke licences**

- (1) A licensing authority may suspend or revoke a licence it has granted under section 16 if—
  - (a) the holder of the licence has failed to comply with any condition to which the licence is subject by virtue of section 19,

- (b) the holder of the licence has failed to comply with any provision of this Act, or
  - (c) there is any other reasonable cause to suspend or revoke the licence.
- (2) A licensing authority may also revoke a licence it has granted under section 16 at the request of the holder of the licence.
- (3) A licensing authority which decides to suspend or revoke a licence under this section must give to the holder of the licence notice of –
  - (a) the decision, and
  - (b) except in the case of a decision to revoke under subsection (2), the reasons for the decision.
- (4) A revocation or suspension under subsection (1) takes effect at the end of the period of 21 days beginning with the day on which the notice under subsection (3) is served on the holder of the licence; but this is subject to subsection (5) and section 64(8) and (9).
- (5) If a licensing authority is of the opinion that the interests of public safety require a suspension or revocation under subsection (1) to have immediate effect, and the notice under subsection (3) includes a statement of that opinion and the reasons for it, the suspension or revocation takes effect when the notice is served on the holder of the licence.
- (6) A revocation under subsection (2) takes effect when the notice under subsection (3) is served on the holder of the licence.
- (7) A licence suspended under this section remains suspended until such time as the licensing authority which suspended it by notice directs that the licence is again in force.

#### *Cross-border enforcement*

### **55 “Home licensing authority”**

- (1) In this Part “home licensing authority” means –
  - (a) in relation to a person who is a licensing officer, the licensing authority that authorised the person for the purposes of this Part;
  - (b) in relation to a licensed taxi, the licensing authority that granted the taxi licence;
  - (c) in relation to a licensed private hire vehicle, the licensing authority that granted the private hire vehicle licence;
  - (d) in relation to the driver of a licensed taxi, the licensing authority that granted the taxi driver’s licence;
  - (e) in relation to the driver of a licensed private hire vehicle, the licensing authority that granted the PHV driver’s licence;
  - (f) in relation to a person who holds a dispatcher’s licence, the licensing authority that granted the dispatcher’s licence.

### **56 “Cross-border enforcement conditions”**

- (1) For the purposes of sections 57 and 59, the cross-border enforcement conditions are that –
  - (a) a licensing officer has exercised powers under section 47 or 48 in relation to a licence holder,

- (b) the home licensing authority in relation to the licensing officer is not the same as the home licensing authority in relation to the licence holder, and
  - (c) subsection (2), (3) or (4) applies.
- (2) This subsection applies where the licensing officer considers that the licence holder has failed to comply with—
    - (a) a provision of this Act, or
    - (b) the licence conditions specified in regulations under section 19(1) in relation to the licence.
  - (3) This subsection applies where the powers under section 47 have been exercised and the licence holder has failed to comply with a request to produce information or a document within the period specified in section 47(6).
  - (4) This subsection applies where the powers under section 48(1)(c) have been exercised and the licensing officer is not satisfied as to the accuracy of the taximeter.

#### **57 Suspension of a licence with immediate effect**

- (1) A licensing officer may suspend a licence where—
  - (a) the cross-border enforcement conditions are satisfied in respect of the licence holder, and
  - (b) the licensing officer is of the opinion that the interests of public safety require the licence to be suspended with immediate effect.
- (2) The licensing officer must give notice to the licence holder of the suspension of the licence under this section (an “immediate suspension notice”).
- (3) The immediate suspension notice must—
  - (a) state the information specified in subsection (4),
  - (b) state that the licensing officer is of the opinion that the interests of public safety require the suspension of the licence to have immediate effect, and
  - (c) specify the reasons for that opinion.
- (4) The information for the purposes of subsection (3)(a) is—
  - (a) in a case within section 56(2), each of the provisions or conditions with which the licensing officer considers that the licence holder has failed to comply;
  - (b) in a case within section 56(3), the request with which the licence holder has failed to comply;
  - (c) in a case within section 56(4), the reason why the licensing officer is not satisfied as to the accuracy of the taximeter.
- (5) The suspension of the licence takes effect when the notice is served on the licence holder.
- (6) The licensing officer must give a copy of the notice to the licence holder’s home licensing authority.
- (7) The copy must be given before the end of the period of 14 days beginning with the day on which the licensing officer gave the immediate suspension notice.

## **58 Licence suspension: determination by home licensing authority**

- (1) This section applies where a licensing authority receives a copy of an immediate suspension notice under section 57(6).
- (2) The licensing authority must determine either –
  - (a) that the licence is to remain suspended (until such time as the licensing authority directs that the licence is again in force), or
  - (b) that the suspension is to cease to have effect.
- (3) A licensing authority must give notice of the determination to –
  - (a) the holder of the licence to which the determination relates, and
  - (b) the home licensing authority in relation to the licensing officer who suspended the licence under section 57.
- (4) The notice must specify –
  - (a) the determination made by the licensing authority under this section, and
  - (b) the reasons for that determination.
- (5) The notice must be given before the end of the period of 14 days beginning with the day on which the copy of the immediate suspension notice was given under section 57(6).

## **59 Enforcement notice**

- (1) This section applies where –
  - (a) the cross-border enforcement conditions are satisfied in relation to a licence holder, and
  - (b) the licensing officer has not exercised the power under section 57 to suspend the licence.
- (2) The licensing officer must give an enforcement notice to –
  - (a) the licence holder, and
  - (b) the licence holder’s home licensing authority.
- (3) An enforcement notice is a notice stating –
  - (a) the information specified in subsection (4), and
  - (b) the recommended enforcement action (if any).
- (4) The information for the purposes of subsection (3) is –
  - (a) in a case within section 56(2), each of the provisions or conditions with which the licensing officer considers that the licence holder has failed to comply;
  - (b) in a case within section 56(3), the request with which the licence holder has failed to comply;
  - (c) in a case within section 56(4), the reason why the licensing officer is not satisfied as to the accuracy of the taximeter.
- (5) In this section –
  - (a) “enforcement action” means the exercise of any power of a licensing authority under this Part;
  - (b) “recommended enforcement action” means the enforcement action that the licensing officer considers appropriate for the licence holder’s home licensing authority to take in respect of the failure to comply with the

provisions, conditions or request or, as the case may be, the inadequate accuracy of the taximeter.

- (6) The notice must be given before the end of the period of 21 days beginning with—
  - (a) where the licensing officer exercised powers under section 47—
    - (i) the day on which the period specified by the licensing officer for the purposes of section 47(6) expires, or
    - (ii) where no such period was specified, the day on which the request for the provision of information or production of a document was made;
  - (b) where the licensing officer exercised powers under section 48, the day on which the inspection or testing was carried out.

#### **60 Enforcement action: determination by home licensing authority**

- (1) This section applies where a licensing authority receives an enforcement notice under section 59(2).
- (2) The licensing authority must determine whether to—
  - (a) take the recommended enforcement action (if any),
  - (b) take other enforcement action, or
  - (c) take no further action in respect of the licence holder.
- (3) A licensing authority must give notice of the determination to—
  - (a) the holder of the licence to which the determination relates, and
  - (b) the home licensing authority in relation to the licensing officer that gave notice under section 59(2).
- (4) The notice must specify—
  - (a) the determination made by the licensing authority, and
  - (b) the reasons for that determination.
- (5) The notice must be given before the end of the period of 21 days beginning with the day on which the enforcement notice was given.

#### *Fixed penalties*

#### **61 Fixed penalty offences**

- (1) This section applies where on any occasion an authorised officer has reason to believe that a person has on that occasion committed a fixed penalty offence.
- (2) The authorised officer may give the person a notice (a “fixed penalty notice”) offering the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (3) A “fixed penalty offence” is a specified offence under—
  - (a) a provision of this Act, or
  - (b) regulations made under section 19(1) and 20(2) (licence conditions).
- (4) In subsection (3), “specified” means specified in regulations for the purposes of this section.
- (5) Regulations may specify the amount of the fixed penalty for an offence.

- (6) But the regulations may not specify that the fixed penalty for an offence is an amount exceeding half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction.
- (7) In this section “authorised officer” means a person authorised by a licensing authority for the purposes of this section.

## 62 Fixed penalty notices

- (1) Where a person is given a fixed penalty notice under section 61 in respect of an offence—
  - (a) no proceedings shall be instituted for that offence before the end of the period of 28 days beginning with the date on which the notice is given or such longer period as may be specified in the notice, and
  - (b) the person shall not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (2) A fixed penalty notice under this section must give particulars of the circumstances alleged to constitute the offence.
- (3) A fixed penalty notice must state—
  - (a) the period during which, by virtue of subsection (1), proceedings will not be taken for the offence,
  - (b) the amount of the fixed penalty,
  - (c) the name of the person to whom and the address at which the fixed penalty may be paid, and
  - (d) the consequences of not making any payment within the period for payment.
- (4) Regulations may make provision about the form of notices under this section.

### *Return of licences etc*

## 63 Return of licences etc

- (1) Where a licence granted under this Act by a licensing authority expires or is revoked the holder of the licence must, within the period of 7 days beginning with the day the licence expires or the revocation takes effect, return the items mentioned in subsection (4) to the licensing authority.
- (2) Where a licence granted under this Act by a licensing authority is suspended, the licensing authority or a licensing officer may give a notice to the holder of the licence requiring the holder, within the period of 7 days beginning with the day the notice is given, to return any of the items mentioned in subsection (4) to the authority or officer.
- (3) Where a licence granted under this Act by a licensing authority is revoked or suspended with immediate effect by virtue of section 54(5) or 57, the holder of the licence must, at the request of a licensing officer, immediately return the items mentioned in subsection (4) to the officer.
- (4) The items are—
  - (a) the licence;

- (b) in a case where the licence is a taxi driver’s licence or a PHV driver’s licence, the badge issued under subsection (4)(a) of section 16 to the holder of the licence;
  - (c) in a case where the licence is a taxi licence or a private hire vehicle licence, the plate issued under subsection (4)(b) of that section for the vehicle concerned.
- (5) A person who without reasonable excuse fails to comply with any requirement under this section is guilty of an offence.
- (6) A person guilty of an offence under this section is liable on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale, and
  - (b) in the case of a continuing offence, to a fine not exceeding one-tenth of level 1 on the standard scale for each day during which an offence continues after conviction.
- (7) Where—
- (a) the holder of a taxi licence or private hire vehicle licence fails to comply with a requirement under subsection (1) or (2), or
  - (b) a taxi licence or private hire vehicle licence is revoked or suspended with immediate effect by virtue of section 54(5) or 57,
- a licensing officer may remove and retain from the vehicle concerned the plate issued under subsection (4)(b) of section 16.

## PART 7

### APPEALS

#### 64 Appeal to magistrates’ court etc against decisions of licensing authorities

- (1) This section applies where a licensing authority—
- (a) decides to refuse an application made under section 13;
  - (b) decides under section 54(1) to suspend or revoke a licence;
  - (c) decides under section 58(2) that a licence is to remain suspended.
- And in this section references to “the aggrieved person” are to the applicant or (as the case may be) the holder of the licence.
- (2) The aggrieved person may within 21 days from the date on which notice of the decision is served on him or her—
- (a) require the licensing authority to reconsider its decision, or
  - (b) appeal to a magistrates’ court.
- (3) The aggrieved person may exercise the right under subsection (2)(a) by giving the licensing authority notice of the exercise of the right.
- (4) If the aggrieved person exercises the right under subsection (2)(a)—
- (a) the aggrieved person is entitled to be heard (either in person or through a representative) when the licensing authority reconsiders its decision,
  - (b) the licensing authority must give notice of its decision on reconsideration to the aggrieved person, and
  - (c) if the aggrieved person is dissatisfied with the decision of the licensing authority on reconsideration, he or she may appeal to a magistrates’



court within 21 days from the date notice under paragraph (b) is served on him or her.

- (5) An appeal to a magistrates' court under this section is to be by way of complaint for an order and the Magistrates' Court Act 1980 applies to proceedings on the appeal.
- (6) The aggrieved person or the licensing authority may appeal to the Crown Court against a decision of a magistrates' court on an appeal under this section.
- (7) Where on appeal a court varies or reverses the decision of the licensing authority the order of the court must be given effect to by the licensing authority.
- (8) Where a licensing authority decides under section 54(1) to suspend or revoke a licence and the person who holds the licence exercises the right under subsection (2)(a), the suspension or revocation does not take effect until –
  - (a) the licensing authority has reconsidered its decision, and
  - (b) the time for appealing under subsection (4)(c) has expired or (where an appeal is brought) the appeal is disposed of or withdrawn.
- (9) Where a licensing authority decides under section 54(1) to suspend or revoke a licence and the person who holds the licence appeals under subsection (2)(b) the suspension or revocation does not take effect until the appeal is disposed of or withdrawn.
- (10) Subsections (8) and (9) do not apply in relation to a decision of a licensing authority to suspend or revoke a licence if the notice of suspension or revocation includes a statement that in the authority's opinion the interests of public safety require the suspension or revocation to have immediate effect.

## **65 Appeal to county court against decisions of licensing authorities**

- (1) This section applies where a licensing authority decides –
  - (a) to set criteria under section 14;
  - (b) to revise any criteria it has set under that section;
  - (c) to set conditions under section 19;
  - (d) to revise any conditions it has set under that section.
- (2) A person may appeal to the county court against the decision if –
  - (a) the person holds a taxi driver's licence or a taxi licence granted by the authority, or
  - (b) the county court considers that the person has a sufficient interest in the decision.
- (3) But an appeal may only be brought within the period of 3 months beginning with the day on which the licensing authority published the criteria or revised criteria under subsection (4) of section 14 or (as the case may be) published the conditions or revised conditions under subsection (4) of section 19.
- (4) On an appeal under this section the court may confirm, quash or vary the decision.
- (5) In considering whether to confirm, quash or vary the decision the court is to apply the principles applied by the High Court on an application for judicial review.

**66 Appeal to Upper Tribunal against senior traffic commissioner’s objection to grant of licence**

A person who applies for –

- (a) a taxi licence for an opt-in vehicle, or
- (b) a private hire vehicle licence for an opt-in vehicle,

may appeal to the Upper Tribunal against a decision of the senior traffic commissioner to object under section 17(3) to the grant of the licence.

**PART 8**

## MISCELLANEOUS AND SUPPLEMENTARY

**67 Duty to notify licensing authority of change in ownership of licensed vehicle**

- (1) This section applies if the ownership of a licensed taxi or licensed private hire vehicle changes.
- (2) The holder of the taxi licence or (as the case may be) private hire vehicle licence must within 14 days of the relevant date give notice of the change and the name and address of the new owner to the licensing authority which granted the licence.
- (3) In subsection (2) “relevant date” means –
  - (a) the date of the change of ownership, or
  - (b) if later, the date the holder of the licence becomes aware of the change.
- (4) A person who, without reasonable excuse, contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**68 Prohibition on certain signs etc on vehicles**

- (1) There must not be displayed on or from any unlicensed vehicle –
  - (a) any sign which consists of or includes the word “taxi”, “taxis”, “cab” or “cabs” or any word so closely resembling any of those words as to be likely to be mistaken for it (whether alone or as part of another word), or
  - (b) any sign, notice or other feature which may suggest that the vehicle is a licensed taxi or a licensed private hire vehicle.
- (2) There must not be displayed on or from any licensed private hire vehicle –
  - (a) any sign which consists of or includes the word “taxi” or “taxis” or any word so closely resembling either of those words as to be likely to be mistaken for it (whether alone or as part of another word), or
  - (b) any sign, notice or other feature which may suggest that the vehicle is a licensed taxi.
- (3) The display on or from a licensed private hire vehicle of any sign, notice or other feature which consists of or includes the word “cab” or “cabs” does not by itself amount to a contravention of subsection (2)(b).
- (4) A person commits an offence if the person –
  - (a) drives a vehicle in respect of which subsection (1) or (2) is contravened, or

- (b) causes or permits that subsection to be contravened in respect of any vehicle.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section “unlicensed vehicle” means a vehicle which is neither a licensed taxi nor a licensed private hire vehicle.

## **69 Prohibition on certain advertisements**

- (1) This section applies to any advertisement indicating that vehicles can be hired from any person or by any means.
- (2) The advertisement must not, in referring to the vehicles offered for hire, use –
  - (a) the word “taxi” or “taxis”, or
  - (b) any word so closely resembling either of those words as to be likely to be mistaken for it,(whether alone or as part of another word), unless the vehicles offered for hire are licensed taxis.
- (3) A person who publishes, or causes to be published, an advertisement which contravenes this section is guilty of an offence.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In proceedings for an offence under this section it is a defence to show that –
  - (a) the defendant is a person whose business it is to publish or arrange for the publication of advertisements,
  - (b) the defendant received the advertisement in question for publication in the ordinary course of business, and
  - (c) the defendant did not know and had no reason to suspect that its publication would amount to an offence under this section.
- (6) In this section “advertisement” includes every form of advertising (whatever the medium) and references to the publication of an advertisement are to be construed accordingly.

## **70 Touting**

- (1) It is an offence, in a public place, to solicit a person to hire a vehicle to carry the person as a passenger.
- (2) It is immaterial for the purposes of subsection (1) whether the soliciting relates to a particular vehicle.
- (3) Displaying a for-hire sign on a vehicle does not amount to soliciting for the purposes of subsection (1).
- (4) It is not an offence under subsection (1) to solicit a person to hire a licensed taxi if the soliciting is permitted by a scheme under section 10 of the Transport Act 1985 (scheme for shared taxis) whether or not supplemented by provision made under section 13 of that Act (modifications of the taxi code).
- (5) It is not an offence under subsection (1) to solicit a person to hire a licensed taxi or a licensed private hire vehicle if –

- (a) the soliciting occurs in a place which is designated for the purposes of this section by the licensing authority in whose area the place is situated, and
  - (b) such conditions as are specified in the designation are complied with.
- (6) A designation under subsection (5) may be varied or revoked by the licensing authority that made it.
- (7) A licensing authority that has made a designation under subsection (5) must—
  - (a) publish the designation;
  - (b) if it varies the designation, publish the designation as varied;
  - (c) if it revokes the designation, publish notice of the revocation.
- (8) In proceedings for an offence under subsection (1) it is a defence to show that the defendant was soliciting for passengers to be carried at separate fares by public service vehicles on behalf of the holder of a PSV operator’s licence for those vehicles whose authority the defendant had at the time of the alleged offence.
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (10) In this section “PSV operator’s licence” has the same meaning as in Part 2 of the Public Passenger Vehicles Act 1981.

#### **71 Power of neighbouring licensing authorities to combine their areas etc**

- (1) Regulations may make provision for, and in connection with, enabling two or more licensing authorities to make a joint determination that any reference in any relevant provision to the area of a licensing authority is to be read, in the case of each of the licensing authorities making the determination, as a reference to the combined area of both or (as the case may be) all of those authorities.
- (2) Regulations may make provision for, and in connection with, enabling two or more licensing authorities to make a joint determination that any reference in any relevant provision to the area of a licensing authority is to be read, in the case of one of the authorities making the determination, as a reference to an area comprising that authority’s area and all or a specified part of the other authority’s area or (as the case may be) the other authorities’ areas.
- (3) Regulations under this section may in particular make provision—
  - (a) specifying conditions which must be met before a joint determination is made under this section;
  - (b) specifying any consultation that must be undertaken before a joint determination is made under this section;
  - (c) modifying the application of any provision made by or under this Act in relation to licensing authorities that have made a joint determination under this section.
- (4) In this section “relevant provision” means a provision made by or under this Act which is specified in regulations made under this section.
- (5) This section does not affect any power which a licensing authority may have by virtue of any other enactment.

## 72 Public service vehicles

- (1) The Public Passenger Vehicles Act 1981 is amended as follows.
- (2) In section 1 (definition of public service vehicle)—
  - (a) after subsection (2) insert—
    - “(2A) A vehicle within paragraph (a) or (b) of subsection (1) shall be treated as not being a public service vehicle if—
      - (a) it is adapted to carry no more than 16 passengers, and
      - (b) it is a stretch limousine or other novelty vehicle within the meaning of section 2 of the Taxis and Private Hire Vehicles Act 2014.
    - (2B) A vehicle within paragraph (a) of subsection (1) shall be treated as not being a public service vehicle if—
      - (a) it is an opt-in vehicle within the meaning of the Taxis and Private Hire Vehicles Act 2014 (see section 2(7) of that Act), and
      - (b) it is a vehicle in respect of which a taxi licence or a private hire vehicle licence granted under that Act is in force.”;
  - (b) after subsection (6) insert—
    - “(7) In determining for the purposes of this section the number of passengers that a vehicle is adapted to carry, a space within the vehicle is not to be disregarded by reason only of the fact that it is located next to the driver’s seat or is separated by a partition from the rest of the vehicle.”
- (3) In section 14ZC(1) (requirements for grant of PSV operator’s licence)—
  - (a) before paragraph (a) insert—
    - “(za) that the vehicles proposed to be used under the licence are properly to be regarded as public service vehicles;”;
  - (b) in paragraph (a)—
    - (i) after “maintaining” insert “those vehicles”;
    - (ii) omit “the vehicles proposes to be used under the licence”.

## PART 9

### GENERAL

## 73 Regulations

- (1) A reference in this Act to regulations is a reference to regulations made by statutory instrument by the Secretary of State.
- (2) A statutory instrument containing—
  - (a) regulations under section 14,
  - (b) regulations under section 19, or
  - (c) regulations under section 76 which amend an Act,may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

- (3) A statutory instrument containing regulations under this Act, other than regulations within subsection (2) or regulations under section 77, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Before making regulations under section 7, 14, 18 or 19 the Secretary of State must—
  - (a) appoint a panel in accordance with subsection (7),
  - (b) consult the panel,
  - (c) have regard to the recommendations made by the panel in response to the consultation, and
  - (d) publish—
    - (i) those recommendations, and
    - (ii) if the Secretary of State proposes not to accept any of those recommendations, a statement of the Secretary of State’s reasons.
- (5) Before making regulations under section 7 or 18 the Secretary of State must also—
  - (a) carry out a public consultation,
  - (b) have regard to the responses to the consultation, and
  - (c) publish a summary of the responses.
- (6) But subsections (4) and (5) do not apply before the making of regulations (“the new regulations”) if—
  - (a) the sole purpose of the new regulations is to make amendments to regulations previously made under the same section as the new regulations, and
  - (b) the Secretary of State considers that it is appropriate for the requirements of those subsections to be dispensed with in view of the minor nature of the amendments.
- (7) A panel appointed under subsection (4) must consist of—
  - (a) people appearing to the Secretary of State to represent the interests of—
    - (i) people who may be expected to apply for a licence under this Act,
    - (ii) people who hire licensed taxis or licensed private hire vehicles,
    - (iii) licensing authorities,
    - (iv) highway authorities,
    - (v) police forces,
    - (vi) disabled people, and
  - (b) such other people as the Secretary of State thinks fit.
- (8) Regulations under this Act may—
  - (a) make different provision for different purposes, circumstances or cases;
  - (b) contain incidental, consequential, transitional or supplementary provision.

#### **74 References to the owner of a vehicle**

- (1) For the purposes of this Act the owner of a vehicle is to be taken to be the person by whom it is kept.

- (2) In determining, in the course of any proceedings for an offence under this Act, who was the owner of a vehicle at any time it is to be presumed that the owner was the person who was the registered keeper of the vehicle at that time.
- (3) But despite that presumption –
  - (a) it is open to the defence to show that the person who was the registered keeper of a vehicle at any particular time was not the person by whom the vehicle was kept at that time; and
  - (b) it is open to the prosecution to prove that the vehicle was kept at that time by some person other than the registered keeper.
- (4) In this section “registered keeper”, in relation to a vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994.

## 75 Interpretation

- (1) In this Act –
  - “disabled person” has the same meaning as in the Equality Act 2010;
  - “fare” includes any payment to be made in respect of the hire of a licensed taxi or licensed private hire vehicle (subject to section 31(8));
  - “a for-hire sign” is a sign on a vehicle which indicates that it is immediately available for hire;
  - “licensed taxi” means a vehicle in respect of which a taxi licence granted under section 16 is in force;
  - “licensed private hire vehicle” means a vehicle in respect of which a private hire vehicle licence granted under section 16 is in force;
  - “opt-in vehicle” has the meaning given by section 2(7);
  - “public place” includes any highway and any other premises or place to which the public have or are permitted to have access (whether on payment or otherwise);
  - “public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981;
  - “regulations” has the meaning given by clause 73.
- (2) In this Act a reference to the holder of a licence is to the person to whom the licence was granted; but this is subject to section 24(2).

## 76 Repeals and consequential provision

- (1) The following enactments (which are superseded by this Act) are repealed –
  - (a) the London Hackney Carriage Act 1831;
  - (b) the London Hackney Carriages Act 1843;
  - (c) sections 37 to 68 of the Town Police Clauses Act 1847;
  - (d) the London Hackney Carriages Act 1850;
  - (e) the London Hackney Carriage Act 1853;
  - (f) the Metropolitan Public Carriage Act 1869;
  - (g) the London Cab and Stage Carriage Act 1907;
  - (h) Part 2 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (i) section 65 of the Transport Act 1980;
  - (j) section 167 of the Criminal Justice and Public Order Act 1994;
  - (k) the Private Hire Vehicles (London) Act 1998;

- (1) Part 3 of the Transport for London Act 2008.
- (2) Regulations may make such provision as the Secretary of State considers appropriate in consequence of this Act.
- (3) Regulations under subsection (2) may, in particular, amend, repeal, revoke or otherwise modify any provision made by or under an enactment.

**77 Extent, commencement and short title**

- (1) This Act extends to England and Wales only, subject to subsection (2).
- (2) Subsections (2) and (3) of section 76 also extend to Scotland.
- (3) This section comes into force on the day on which this Act is passed.
- (4) The other provisions of this Act come into force on such day or days as the Secretary of State may by regulations appoint.
- (5) Regulations under subsection (4) may –
  - (a) appoint different days for different purposes;
  - (b) include transitional provision and savings.
- (6) This Act may be cited as the Taxis and Private Hire Vehicles Act 2014.



## SCHEDULE

Section 51

### VEHICLES DETAINED UNDER SECTION 50: SUPPLEMENTARY PROVISIONS

#### REMOVAL AND DELIVERY OF VEHICLE

##### *Removal and delivery of vehicle to nominated custodian*

- 1 (1) Regulations under section 51 (“the regulations”) may make provision for a licensing authority stopping officer to direct that a vehicle detained by the officer under section 50 is to be removed and delivered into the custody of a person (the “nominated custodian”) specified in the direction.
- (2) The regulations may –
  - (a) provide for the contents of a vehicle detained under section 50 to be delivered into the custody of the nominated custodian, and
  - (b) make provision about the steps to be taken in respect of any personal effects remaining on the vehicle before the vehicle is delivered into the custody of the nominated custodian.
- (3) The nominated custodian must be a person who –
  - (a) meets such requirements as may be specified by the regulations,
  - (b) has made arrangements with the Secretary of State, and
  - (c) has agreed to accept delivery of the vehicle and its contents in accordance with those arrangements.
- (4) Arrangements falling within sub-paragraph (3)(b) may include provision for making a payment to the nominated custodian.
- (5) The regulations may provide that a licensing authority stopping officer who has given a direction under sub-paragraph (1) in respect of a vehicle may permit the driver of the vehicle to take any passengers who have been travelling in the vehicle to their destination, or to a place that is suitable to enable them to continue their journey, before delivering the vehicle into the custody of the nominated custodian.

##### *Information about the detention of a vehicle etc.*

- 2 (1) The regulations may make provision about informing the owner of a vehicle, and such other persons as may be specified –
  - (a) that the vehicle has been detained;
  - (b) that the vehicle and its contents have been removed and delivered to a nominated custodian.
- (2) The regulations may –
  - (a) require a licensing authority stopping officer to give notice of the detention of the vehicle, and
  - (b) make provision about the content of the notice.

IMMOBILISATION

*“Immobilisation device”*

- 3 In this Schedule “immobilisation device” means a device or appliance –
- (a) designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion, and
  - (b) approved by the Secretary of State for the purposes of section 104 of the Road Traffic Regulation Act 1984.

*Immobilisation of vehicles*

- 4 (1) The regulations may provide that, before a vehicle is removed in accordance with provision made under paragraph 1, a licensing authority stopping officer may –
- (a) fix an immobilisation device to the vehicle in the place where the vehicle has been detained, or
  - (b) move the vehicle, or require it to be moved, to a more convenient place and fix an immobilisation device to the vehicle in that other place.
- (2) The regulations may provide –
- (a) that, on any occasion when an immobilisation device is fixed to a vehicle, the person fixing the device must also fix to the vehicle an immobilisation notice (see sub-paragraph (3)), and
  - (b) that a vehicle to which an immobilisation device has been fixed may only be released from the device by or under the direction of a licensing authority stopping officer.
- (3) In this paragraph “immobilisation notice” means a notice –
- (a) indicating that an immobilisation device has been fixed to the vehicle,
  - (b) warning that no attempt should be made to drive the vehicle or otherwise put it in motion, and
  - (c) containing such other information as may be specified.
- (4) The regulations may provide that an immobilisation notice may not be removed or interfered with except by or on the authority of a licensing authority stopping officer.

*Immobilisation: offences*

- 5 (1) The regulations may provide –
- (a) that it is an offence for an unauthorised person to remove or attempt to remove an immobilisation device fixed to a vehicle in accordance with regulations made under paragraph 4(1), and
  - (b) that a person who commits such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) In sub-paragraph (1) “unauthorised person” means a person who is not authorised to release the vehicle in accordance with regulations under paragraph 4(2)(b).
- (3) The regulations may provide –

- (a) that it is an offence to remove or interfere with an immobilisation notice in contravention of regulations made under paragraph 4(4), and
- (b) that a person who commits such an offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### RETURN OF DETAINED VEHICLE

##### *Application to licensing authority for the return of the vehicle*

- 6
- (1) The regulations must make provision enabling an eligible person to apply to the relevant licensing authority for the return of a vehicle that has been removed in accordance with provision made under paragraph 1.
  - (2) In this paragraph “eligible person” means, in relation to a vehicle—
    - (a) the owner of the vehicle;
    - (b) the registered keeper of the vehicle;
    - (c) in the case of a licensed taxi, the person who holds the taxi licence or the taxi driver’s licence;
    - (d) in the case of a licensed private hire vehicle, the person who holds the private hire vehicle licence or the PHV driver’s licence.
  - (3) In sub-paragraph (2)(b) “registered keeper” has the meaning given by section 74(4).
- 7
- (1) The regulations may, in particular—
    - (a) require notice of an application to be given to the relevant licensing authority within such period as may be determined in accordance with the regulations;
    - (b) require notice of an application to be made in the specified form.
  - (2) The regulations must specify the grounds upon which an eligible person may apply for the return of the vehicle.
  - (3) The specified grounds must include each of the following—
    - (a) that, at the time the vehicle was detained, the vehicle was not being, had not been and was not about to be used in contravention of section 70;
    - (b) that, although at the time the vehicle was detained it was being, had been or was about to be used in contravention of section 70, the person applying for the return of the vehicle did not know that it was being, or had been, so used;
    - (c) that, although knowing at the time the vehicle was detained that it was being, had been or was about to be used in contravention of section 70, the person applying for the return of the vehicle—
      - (i) had taken steps with a view to preventing that use, and
      - (ii) has taken steps with a view to preventing any further such use.
  - (4) In this paragraph “relevant licensing authority” means the home licensing authority in relation to the licensing authority stopping officer that exercised the power to detain the vehicle under section 50.

*Hearings by a licensing authority*

- 8 (1) The regulations must make provision –
- (a) enabling a licensing authority to hold a hearing before determining an application made under paragraph 6,
  - (b) as to the time within which the hearing must be held, and
  - (c) subject to such provision as may be made by the regulations, for the hearing to be held in public.
- (2) The regulations must also provide that, if no hearing is held, the application must be determined by a licensing authority within a specified period.

*Consequences of a licensing authority's determination*

- 9 The regulations must provide that –
- (a) if a licensing authority determines that one or more of the grounds specified under paragraph 7(2) is made out, the authority may order the nominated custodian to return the vehicle to the person who applied for the return of the vehicle, and
  - (b) if a licensing authority determines that none of those grounds is made out, the vehicle may be sold or destroyed by the nominated custodian, in such manner as may be specified.

*Appeals*

- 10 (1) The regulations must provide for a person who has made an application in accordance with provision made under paragraph 6 to have a right of appeal to a magistrates' court against a determination of a licensing authority to refuse that application.
- (2) The regulations may include provision about –
- (a) the period within which an appeal may be made;
  - (b) the grounds on which an appeal may be made;
  - (c) the procedure for making an appeal;
  - (d) the persons who must be notified of an appeal;
  - (e) the powers of the court to which an appeal is made.

*False statement*

- 11 (1) The regulations may provide that it is an offence to make a statement for the purposes of an application under paragraph 6 or a hearing under paragraph 8 that the person knows, or has reason to believe, is untrue.
- (2) The regulations may provide that a person who is guilty of an offence under regulations made under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Return of vehicle without an application*

- 12 The regulations may make provision authorising a vehicle removed in accordance with provision made under paragraph 1 to be returned to the owner, in specified circumstances, without an application under paragraph 6.

*Sale or destruction of vehicle where no application made under paragraph 6*

- 13 The regulations may provide that, if no application is made in respect of a vehicle to a licensing authority in accordance with regulations made under paragraph 6, the vehicle may be sold or destroyed in the specified manner.

SUPPLEMENTARY PROVISIONS

*Custody of property*

- 14 (1) The regulations may provide that the nominated custodian may retain custody of a vehicle and its contents until –
- (a) the vehicle and its contents are returned, in accordance with the regulations, to the owner, or
  - (b) the vehicle and its contents are sold or destroyed by the nominated custodian in the specified manner.
- (2) The regulations must provide that while a vehicle and its contents are in the custody of a nominated custodian, it is the duty of the nominated custodian to take such steps as are necessary for the safe custody of the vehicle and its contents.

*Proceeds of sale*

- 15 The regulations must provide for the proceeds of sale of any property sold under regulations made under paragraph 9, 13 or 14(1)(b) –
- (a) to be applied towards meeting expenses incurred by a licensing authority stopping officer in exercising functions under section 50 or this Schedule, and
  - (b) in so far as they are not so applied, to be applied in such other manner as may be specified.