



# Private Hire Vehicles (London) Act 1998

## 1998 CHAPTER 34

### *Miscellaneous and supplementary*

#### **32 Regulations.**

- (1) The [<sup>F1</sup>licensing authority] may make regulations for any purpose for which regulations may be made under this Act [<sup>F2</sup>(other than section [<sup>F3</sup>3A(8), 13A(8) or] 37)]or for prescribing anything which falls to be prescribed under any provision of this Act [<sup>F2</sup>(other than section 37)].
- (2) Regulations under this Act may—
  - (a) make different provision for different cases;
  - (b) provide for exemptions from any provision of the regulations; and
  - (c) contain incidental, consequential, transitional and supplemental provision.
- [<sup>F4</sup>(2A) The power to make regulations conferred on the Secretary of State by section 3A(8) or 13A(8) is exercisable by statutory instrument.
- (2B) A statutory instrument containing regulations under either of those sections 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) Any power to make regulations [<sup>F5</sup>conferred on the Secretary of State by section 37]is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F6</sup>(4) Any power of the licensing authority to make regulations under this Act includes power to vary or revoke previous regulations made under this Act (other than regulations made under section [<sup>F7</sup>3A(8), 13A(8) or] 37).
- (5) Subsection (4) applies notwithstanding that the previous regulations in question were made by the Secretary of State by statutory instrument.
- (6) The licensing authority shall secure that any regulations made under this Act by the authority are printed and published.

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*Changes to legislation: There are currently no known outstanding effects for the Private Hire Vehicles (London) Act 1998, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

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- (7) A fee may be charged for the sale of regulations printed and published under subsection (6).]

#### Textual Amendments

- F1** Words in s. 32 substituted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 2** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F2** Words in s. 32(1) inserted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 16(1)(2)** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F3** Words in s. 32(1) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 42(2)**; S.I. 2016/1037, **reg. 5(i)** (with **reg. 6**)
- F4** S. 32(2A)(2B) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 42(3)**; S.I. 2016/1037, **reg. 5(i)** (with **reg. 6**)
- F5** Words in s. 32(4) substituted (22.1.2001) by 1999 c. 29, s. 25(4), **Sch. 21 para. 16(1)(3)** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F6** S. 32(4)-(7) added (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 16(1)(4)** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F7** Words in s. 32(4) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 42(4)**; S.I. 2016/1037, **reg. 5(i)** (with **reg. 6**)

### 33 Offences due to fault of other person.

- (1) Where an offence by any person under this Act is due to the act or default of another person, then (whether proceedings are taken against the first mentioned person or not) that other person is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate (or any person purporting to act in that capacity), he as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

### 34 Service of notices.

- (1) Any notice authorised or required under this Act to be given to any person may be served by post.
- (2) For the purposes of section 7 of the <sup>M1</sup>Interpretation Act 1978 any such notice is properly addressed to a London PHV operator if it is addressed to him at any operating centre of his in London.
- (3) Any notice authorised or required under this Act to be given to the owner of a vehicle shall be deemed to have been effectively given if it is given to the person who is for the time being notified to the [<sup>F8</sup>licensing authority] for the purposes of this Act as the owner of the vehicle (or, if more than one person is currently notified as the owner, if it is given to any of them).

#### Textual Amendments

- F8** Words in s. 34 substituted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 2** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**

*Changes to legislation: There are currently no known outstanding effects for the Private Hire Vehicles (London) Act 1998, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

#### Commencement Information

- I1** S. 34 partly in force; s. 34 not in force at Royal Assent see s. 40(2); s. 34(1)(2) in force at 22.1.2001 by S.I. 2000/3144, [art. 2](#)
- I2** S. 34(3) in force at 8.3.2004 for specified purposes and 8.4.2004 in so far as not already in force by S.I. 2004/241, [art. 2\(1\)](#)

#### Marginal Citations

- M1** 1978 c. 30.

### 35 References to the owner of a vehicle.

- (1) For the purposes of this Act the owner of a vehicle shall 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 shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time.
- (3) Notwithstanding 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 <sup>M2</sup>Vehicle Excise and Registration Act 1994.

#### Commencement Information

- I3** S. 35 in force at 8.3.2004 for specified purposes and 8.4.2004 in so far as not already in force by S.I. 2004/241, [art. 2\(1\)](#)

#### Marginal Citations

- M2** 1994 c. 22.

### [<sup>F9</sup>35A Persons disqualified by reason of immigration status

- (1) For the purposes of this Act a person is disqualified by reason of the person's immigration status from carrying on a licensable activity if the person is subject to immigration control and—
  - (a) the person has not been granted leave to enter or remain in the United Kingdom; or
  - (b) the person's leave to enter or remain in the United Kingdom—
    - (i) is invalid;
    - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise); or
    - (iii) is subject to a condition preventing the person from carrying on the licensable activity.

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- (2) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—
- (a) the person is to be treated for the purposes of this Act as if the person had been granted leave to enter the United Kingdom; but
  - (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.
- (3) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.
- (4) For the purposes of this section a person carries on a licensable activity if the person—
- (a) operates a private hire vehicle; or
  - (b) drives a private hire vehicle.

#### Textual Amendments

**F9** Ss. 35A, 35B inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 5 para. 43](#); S.I. 2016/1037, [reg. 5\(i\)](#) (with [reg. 6](#))

### 35B Immigration offences and immigration penalties

- (1) In this Act “immigration offence” means—
- (a) an offence under any of the Immigration Acts;
  - (b) an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence within paragraph (a); or
  - (c) an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence within paragraph (a).
- (2) In this Act “immigration penalty” means a penalty under—
- (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
  - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (3) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 15(3) of that Act; or
  - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (4) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period; and
  - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.

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- (5) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 24 of that Act; or
  - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (6) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period; and
  - (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.]

#### Textual Amendments

- F9** Ss. 35A, 35B inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 5 para. 43](#); [S.I. 2016/1037](#), [reg. 5\(i\)](#) (with [reg. 6](#))

## 36 Interpretation.

In this Act, unless the context otherwise requires—

“authorised officer” means an officer authorised in writing by the <sup>F10</sup>licensing authority] for the purposes of this Act;

<sup>F11</sup>“controlled district” means any area for which Part II of the 1976 Act is in force by virtue of—

- (a) a resolution by a district council under section 45 of that Act; or
- (b) section 255(4) of the Greater London Authority Act 1999;]

“driver’s badge” means the badge issued to the holder of a London PHV driver’s licence;

“hackney carriage” means a vehicle licensed under section 37 of the <sup>M3</sup>Town Police Clauses Act 1847 or any similar enactment;

“licensed taxi” means a hackney carriage, a London cab or a taxi licensed under Part II of the 1982 Act;

<sup>F12</sup>“the licensing authority” means Transport for London;]

“London” means the area consisting of the metropolitan police district and the City of London (including the Temples);

“London cab” means a vehicle licensed under section 6 of the <sup>M4</sup>Metropolitan Public Carriage Act 1869;

“London PHV driver’s licence” means a licence under section 13;

“London PHV licence” means a licence under section 7;

“London PHV operator” has the meaning given in section 4(1);

“London PHV operator’s licence” means a licence under section 2;

“notice” means notice in writing;

<sup>F13</sup>“operate” has the meaning given in section 1(1);]

“operating centre” has the meaning given in section 1(5);

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“operator” has the meaning given in section 1(1);  
 “prescribed” means prescribed in regulations under section 32(1);  
 “private hire vehicle” has the meaning given in section 1(1);  
 “public service vehicle” has the same meaning as in the <sup>M5</sup>Public Passenger Vehicles Act 1981;  
 “road” means any length of highway or of any other road to which the public has access (including bridges over which a road passes);  
 “the 1976 Act” means the <sup>M6</sup>Local Government (Miscellaneous Provisions) Act 1976;  
 “the 1982 Act” means the <sup>M7</sup>Civic Government (Scotland) Act 1982; and  
 “vehicle” means a mechanically propelled vehicle (other than a tramcar) intended or adapted for use on roads.

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#### Textual Amendments

- F10** Words in s. 36 substituted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 2** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F11** Words in s. 36 substituted (22.1.2001) by S.I. 2000/3145, **art. 3(2)**
- F12** Words in s. 36 inserted (22.1.2001) by 1999 c. 29, s. 254(2), **Sch. 21 para. 17** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F13** Words in s. 36 inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 44**; S.I. 2016/1037, **reg. 5(i)** (with **reg. 6**)

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#### Marginal Citations

- M3** 1847 c. 89.  
**M4** 1869 c. 115.  
**M5** 1981 c. 14.  
**M6** 1976 c. 57.  
**M7** 1982 c. 45.

### 37 Power to make transitional etc. provisions.

- (1) The Secretary of State may by regulations make such transitional provisions and such savings as he considers necessary or expedient in preparation for, in connection with, or in consequence of—
- (a) the coming into force of any provision of this Act; or
  - (b) the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Regulations under this section may modify any enactment contained in this or in any other Act.
- [<sup>F14</sup>(3) Before making regulations under this section the Secretary of State shall consult the licensing authority.]

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#### Textual Amendments

- F14** S. 37(3) added (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 18** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**

*Changes to legislation: There are currently no known outstanding effects for the Private Hire Vehicles (London) Act 1998, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

<sup>F15</sup>**38** .....

**Textual Amendments**

**F15** S. 38 repealed (7.11.2001) by 1999 c. 29, ss. 254(3), 423, Sch. 21 para. 19, **Sch. 34 Pt. V** (with Sch. 12 para. 9(1)); S.I. 2001/3603, **art. 2**

**39 Consequential amendments and repeals.**

- (1) Schedule 1 (minor and consequential amendments) shall have effect.
- (2) The enactments mentioned in Schedule 2 are repealed to the extent specified.

**Commencement Information**

- I4** S. 39(1) in force at 8.6.2004 by S.I. 2004/241, **art. 2(2)**
- I5** S. 39(2) in force at 1.6.2003 for specified purposes by S.I. 2003/580, **arts. 1(2), 2(2)(b)** and 8.6.2004 in so far as not already in force by S.I. 2004/241, **art. 2(2)**

**40 Short title, commencement and extent.**

- (1) This Act may be cited as the Private Hire Vehicles (London) Act 1998.
- (2) This Act (apart from this section) shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint; but different dates may be appointed for different purposes.  

An order under this subsection may contain any provision which could be made under section 37 in connection with any provision brought into force by the order.
- (3) Any provision of this Act which amends or repeals any other Act has the same extent as the provision being amended or repealed.
- (4) Subject to subsection (3), this Act extends only to England and Wales.

**Subordinate Legislation Made**

**P1** S. 40(2) power partly exercised: different dates appointed for specified provisions by S.I. 2000/3144, **arts. 2, 3**

**Changes to legislation:**

There are currently no known outstanding effects for the Private Hire Vehicles (London) Act 1998, Cross Heading: Miscellaneous and supplementary.