



Transport for London Act 2008

2008 CHAPTER i

PART 3

LONDON CABS AND PRIVATE HIRE VEHICLES

London cabs: general provisions

9 Power to designate directional taxi ranks

- (1) TfL may by London cab order designate any standing for hackney carriages appointed under section 4 of the London Hackney Carriages Act 1850 (c. 7) 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 order.
- (2) Where TfL designates a directional taxi rank, TfL shall cause a sign to be displayed at the rank clearly indicating—
 - (a) the direction or directions in which the drivers of vehicles plying for hire at that rank are required to travel if so requested by any person wishing to hire the vehicle in question; and
 - (b) the times, days or other periods for which the rank is designated to be a directional taxi rank.
- (3) Notwithstanding section 35 of the London Hackney Carriage Act 1831 (c. 22) and section 17 of the London Hackney Carriage Act 1853 (c. 33), the driver of a hackney carriage plying for hire at a directional taxi rank may refuse to drive his vehicle in a direction which is not the specified direction or, where more than one direction is specified, which is not one of the specified directions.
- (4) Where it appears to TfL to be desirable or expedient TfL may suspend the operation of a designation under this section for such period or periods as TfL thinks fit.
- (5) In this section—

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“directional taxi rank” means a standing for hackney carriages whose drivers are plying for hire only for journeys in a specified direction or in one of several specified directions;

“London cab order” means an order made under section 9 of the Metropolitan Public Carriage Act 1869 (c. 115); and

“specified direction”, in relation to a directional taxi rank, means the direction (or any of the directions) specified in the designation relating to that rank.

10 Power to designate rest ranks

- (1) TfL may by London cab order designate any standing (or part of a standing) for hackney carriages appointed under section 4 of the London Hackney Carriages Act 1850 (c. 7) 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 order.
- (2) TfL may by London cab order prescribe the maximum length of time during which a hackney carriage may stand at a rest rank; and different maximum lengths of time may be prescribed—
 - (a) for different rest ranks; or
 - (b) for different times of the day, days or other periods.
- (3) Where TfL designates a rest rank, TfL shall cause a sign to be displayed at the rank clearly indicating that the rank (or the relevant part of it) is a rest rank.
- (4) Notwithstanding section 35 of the London Hackney Carriage Act 1831 (c. 22) and section 17 of the London Hackney Carriage Act 1853 (c. 33), the driver of a hackney carriage which is standing at a rest rank shall not be deemed to be plying for hire and, accordingly, may not be compelled to drive his vehicle to any place by any person wishing to hire it.
- (5) Where it appears to TfL to be desirable or expedient TfL may suspend the operation of a designation under this section for such period or periods as TfL thinks fit.
- (6) In this section “London cab order” means an order made under section 9 of the Metropolitan Public Carriage Act 1869 (c. 115).

11 Taxi drivers' badges

- (1) In section 8 of the London Hackney Carriages Act 1843 (c. 86) (metal ticket to be issued to licensed driver of hackney carriage)—
 - (a) for “metal ticket” substitute “badge”, and
 - (b) omit “or engraved”.
- (2) In sections 10, 17, 18, 19, 25 and 27, for “ticket”, in each case where that word occurs, substitute “badge”.

12 Public register of cab licences not to include holders' addresses

- (1) Section 16 of the London Hackney Carriages Act 1843 shall be amended as follows.
- (2) Re-number the existing provision subsection (1).

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(3) In that subsection, after “may be founded; and” insert “, subject to subsection (2),”.

(4) After that subsection, insert—

“(2) Transport for London may disclose the address of a licensed person to any person only if it appears to Transport for London that the person has a sufficient reason for requiring that information.”.

13 Cost of replacement badges

In section 19 of the London Hackney Carriages Act 1843 (cost of replacement badge to be such sum, not exceeding 15p, as TfL shall from time to time appoint) for “, not exceeding 15p, as Transport for London shall from time to time appoint” substitute “as Transport for London shall consider reasonable”.

14 Time limit for making complaints

In section 38 of the London Hackney Carriages Act 1843 (complaints to be made within 7 days) and in the heading to that section for “seven” substitute “twenty eight”.

15 Fares for journeys ending outside London

(1) After subsection (3) of section 1 of the London Cab and Stage Carriage Act 1907 (c. 55) (fares for taximeter cabs) insert—

“(4) The fare for a cab journey starting within London but ending outside London shall be—

- (a) such fare as may be agreed between the driver and the passenger—
 - (i) before the commencement of the journey, or
 - (ii) where, after the commencement of the journey, the driver and the passenger agree to change the destination of the journey, at the time when the destination of the journey is changed, or
- (b) if no fare is so agreed, the fare shown on the taximeter.

(5) A driver of a cab who demands or takes more than the proper fare for a journey undertaken as mentioned in subsection (4) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) Nothing in this section shall affect the operation of section 35 of the London Hackney Carriage Act 1831 (c. 22), sections 7 and 17 of the London Hackney Carriage Act 1853 (c. 33) or any other enactment which makes provision as regards the obligation of drivers of hackney carriages to drive their vehicles on certain journeys if so requested by persons wishing to hire them.

16 Unfit cabs

(1) Section 2 of the London Hackney Carriage Act 1853 (service of notice on proprietor of unfit cab and suspension of licence) shall be amended as follows.

(2) Re-number the existing provision subsection (1).

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- (3) In that subsection, for the words from “which notice shall be personally served” to “horses whilst in a condition unfit for public use” substitute “which notice—
- (a) shall be personally served on the proprietor or delivered at his usual place of residence, and
 - (b) may be personally served on the driver of the carriage;

and if, after notice has been served on the proprietor or driver as mentioned in paragraph (a) or (b), the carriage is used or let to hire as a hackney carriage, or the horse is, or the horses are, used or let, whilst in a condition unfit for public use.”

- (4) After that subsection, insert—

“(2) A proprietor of a hackney carriage whose licence is suspended under subsection (1) shall not be guilty of an offence under section 7 of the Metropolitan Public Carriage Act 1869 (c. 115) in respect of the carriage unless he has been given written notice in accordance with subsection (1).”

London cabs and private hire vehicles: fixed penalties

17 Fixed penalty cab and private hire vehicle offences

- (1) Where on any occasion an authorised officer finds a person who he has reason to believe has on that occasion committed an offence under any of the enactments—
- (a) specified in columns (1) and (2) of the table set out in Schedule 1 to this Act; and
 - (b) described in column (3) of that table;
- the authorised officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) Sections 18 to 21 (fixed penalties) shall apply in respect of fixed penalty notices under this section.
- (3) Schedule 2 to this Act shall have effect with respect to financial provisions relating to the administration and enforcement of this section and sections 18 to 21 (fixed penalties).
- (4) In subsection (1) “authorised officer” means a person authorised in writing by TfL for the purposes of sections 17 to 21 of this Act.

18 Power to amend Schedule 1

- (1) The Secretary of State may, after consulting—
- (a) the Mayor,
 - (b) the Greater London Assembly,
 - (c) TfL,
 - (d) every London borough council,
 - (e) the Common Council of the City of London, and
 - (f) such bodies or persons as appear to him to be representative of persons who would be affected by the proposed regulations,

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by regulations, amend Schedule 1 to this Act by adding a relevant offence to, or removing a relevant offence from, the offences for the time being mentioned in the table set out in that Schedule.

- (2) In subsection (1) “relevant offence” means an offence under an enactment regulating hackney carriages or private hire vehicles in London or the drivers, proprietors or operators of such carriages or vehicles.

19 Fixed penalty notices

- (1) The provisions of this section shall have effect in relation to notices (“fixed penalty notices”) which may be given under section 17 (fixed penalty cab and private hire vehicle offences).
- (2) Where a person is given a fixed penalty notice in respect of an offence—
- (a) no proceedings shall be instituted for that offence before the expiration of 28 days following the date of the notice;
 - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period; and
 - (c) in the case of an offence in respect of which (but for this paragraph) section 38 of the London Hackney Carriages Act 1843 (c. 86) (which as amended by section 14 (time limit for making complaints) requires complaints for certain offences to be made within 28 days) applies, proceedings may (notwithstanding that section) be instituted for that offence until the expiration of 42 days following the date of the notice.
- (3) A fixed penalty notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
- (a) the period during which, by virtue of subsection (2), 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; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (4) Where a letter is sent in accordance with subsection (3) payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (5) The form of notices under this section shall be such as the Secretary of State may by regulations prescribe.
- (6) The fixed penalty payable in pursuance of a fixed penalty notice under this section shall be paid to TfL.
- (7) In any proceedings a certificate which—
- (a) purports to be signed by or on behalf of the chief finance officer of TfL; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

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shall be evidence of the facts stated.

20 Levels of fixed penalties

- (1) It shall be the duty of TfL to set the levels of fixed penalties payable to TfL.
- (2) Different levels may be set for different cases or classes of case.
- (3) In setting the level of fixed penalty under subsection (1) TfL shall take into account the maximum fine for the particular fixed penalty offence in question and may take account of—
 - (a) any reasonable costs or expected costs incurred or to be incurred in connection with the administration of the provisions of the enactment under which the particular fixed penalty offence is created; and
 - (b) the cost or expected cost of enforcing the provisions of the relevant enactment.
- (4) Levels of fixed penalties set by TfL in accordance with this section may only come into force in accordance with section 21 (fixed penalties: reserve powers of Secretary of State).
- (5) TfL shall publish, in such manner as the Mayor may determine, the levels of fixed penalties which have been set by TfL in accordance with this section.

21 Fixed penalties: reserve powers of Secretary of State

- (1) Where TfL sets any levels of fixed penalties under subsection (1) of section 20 (levels of fixed penalties), TfL shall notify the Secretary of State of the levels of fixed penalties so set.
- (2) Where notification of any levels of fixed penalties is required to be given under subsection (1), the levels of fixed penalties shall not come into force until after the expiration of—
 - (a) the period of one month beginning with the day on which the notification is given; or
 - (b) such shorter period as the Secretary of State may allow.
- (3) If, before the expiration of that period, the Secretary of State gives notice to TfL that he objects to the levels of fixed penalties on the grounds that some or all of them are or may be excessive, those levels of fixed penalties shall not come into force unless and until the objection has been withdrawn.
- (4) If, at any time before the levels of fixed penalties required to be notified under subsection (1) to the Secretary of State have come into force, the Secretary of State considers that some or all of them are excessive, he may make regulations setting the levels of fixed penalties.
- (5) Levels of fixed penalties set under subsection (4) must be no higher than those notified under subsection (1).
- (6) Where the Secretary of State makes any such regulations TfL must not set any further fixed penalties under subsection (1) until after the expiration of the period of 12 months beginning with the day on which the regulations are made.

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22 Regulations

Any power to make regulations under section 18, 19 or 21—

- (a) includes power to make provision in respect of such cases only as may be specified in the regulations and to make different provision for different circumstances, and
- (b) shall be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Private hire vehicles

23 Production of London PHV driver's badge

- (1) In section 14(3) of the 1998 Act (obligation of driver of London private hire vehicle to wear badge) before “wear the badge in such position and manner as to be plainly and distinctly visible” insert “(a)” and after those words insert “and—
 - (b) at the request of any person, produce the badge for inspection.”.”
- (2) In section 14(4) of the 1998 Act (power of TfL to exempt a driver from a requirement to wear his badge) for “subsection (3)” insert “subsection (3)(a)”.

24 Return of licences etc. on suspension or revocation

- (1) Section 22 of the 1998 Act (return of licences etc.) shall be amended as follows.
- (2) In subsection (1), at the beginning insert “Without prejudice to subsection (1A),”.
- (3) After subsection (1) insert—

“(1A) Where the suspension or revocation of a London PHV operator's licence has immediate effect by virtue of section 17(2), the holder of the licence shall, at the request of a constable or authorised officer, forthwith return the licence to the constable or officer.”.
- (4) In subsection (2)—
 - (a) at the beginning insert “Without prejudice to subsection (2A),”;
 - (b) for “the plate or disc” substitute “every plate or disc”; and
 - (c) after “section 10” insert “or any regulations made under this Act”.
- (5) After subsection (2) insert—

“(2A) Where the suspension or revocation of a London PHV licence has immediate effect by virtue of section 9(3) or 17(2), the owner of the vehicle to which the licence relates shall, at the request of a constable or authorised officer, forthwith return to the constable or officer the licence and every plate or disc which was issued for the vehicle under section 10 or any regulations made under this Act.”.
- (6) In subsection (3), at the beginning insert “Without prejudice to subsection (3A),”.
- (7) After subsection (3) insert—

“(3A) Where the suspension or revocation of a London PHV driver's licence has immediate effect by virtue of section 17(2), the holder of the licence shall, at

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the request of a constable or authorised officer, forthwith return his driver’s badge to the constable or officer.”.

- (8) In subsection (4)—
- (a) at the beginning insert “Without prejudice to subsections (1A), (2A) and (3A),”; and
 - (b) in paragraph (a), for “the disc or plate” substitute “every disc or plate” and after “section 10” insert “or any regulations made under this Act”.
- (9) In subsection (7), for “the plate or disc” substitute “every disc or plate”.

25 **Obligation of London operators to keep records**

In section 4(3) of the 1998 Act (records to be kept by London operators), for paragraph (d) substitute—

- “(d) keep at the specified operating centre or, where more than one operating centre is specified, at one of the operating centres such records as may be prescribed of particulars of the private hire vehicles and drivers which are available to him for carrying out bookings accepted by him at that or, as the case may be, each centre;
- (da) where more than one operating centre is specified—
 - (i) give notice to the licensing authority, and
 - (ii) display at each specified operating centre a notice, stating the address of the operating centre at which the records are kept under paragraph (d);”.

26 **Public register of licences not to include holders' addresses**

- (1) Section 23 of the 1998 Act (particulars to be kept in public register of licences) shall be amended as follows.
- (2) In subsection (1)(a), leave out “and address”.
- (3) In subsection (2), after “the register” insert “kept under subsection (1)”.
- (4) After subsection (2) insert—
- “(3) The licensing authority shall maintain a supplementary register containing, for each licence issued under this Act, the address of the person to whom it is granted.
 - (4) The licensing authority may disclose the address of a licence holder to any person only if it appears to the authority that the person has a sufficient reason for requiring that information.”.