



# Private Hire Vehicles (London) Act 1998

## 1998 CHAPTER 34

### *Introductory*

#### **1 Meaning of “private hire vehicle”, “operator” and related expressions**

- (1) In this Act—
  - (a) “private hire vehicle” means a vehicle constructed or adapted to seat fewer than nine passengers which is made available with a driver to the public for hire for the purpose of carrying passengers, other than a licensed taxi or a public service vehicle; and
  - (b) “operator” means a person who makes provision for the invitation or acceptance of, or who accepts, private hire bookings.
- (2) Any reference in this Act to a vehicle being “used as a private hire vehicle” is a reference to a private hire vehicle which—
  - (a) is in use in connection with a hiring for the purpose of carrying one or more passengers; or
  - (b) is immediately available to an operator to carry out a private hire booking.
- (3) Any reference in this Act to the operator of a vehicle which is being used as a private hire vehicle is a reference to the operator who accepted the booking for the hiring or to whom the vehicle is immediately available, as the case may be.
- (4) In this Act “private hire booking” means a booking for the hire of a private hire vehicle for the purpose of carrying one or more passengers (including a booking to carry out as sub-contractor a private hire booking accepted by another operator).
- (5) In this Act “operating centre” means premises at which private hire bookings are accepted by an operator.

*Regulation of private hire vehicle operators in London*

**2 Requirement for London operator's licence**

- (1) No person shall in London make provision for the invitation or acceptance of, or accept, private hire bookings unless he is the holder of a private hire vehicle operator's licence for London (in this Act referred to as a "London PHV operator's licence").
- (2) A person who makes provision for the invitation or acceptance of private hire bookings, or who accepts such a booking, in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

**3 London operator's licences**

- (1) Any person may apply to the Secretary of State for a London PHV operator's licence.
- (2) An application under this section shall state the address of any premises in London which the applicant proposes to use as an operating centre.
- (3) The Secretary of State shall grant a London PHV operator's licence to the applicant if he is satisfied that—
  - (a) the applicant is a fit and proper person to hold a London PHV operator's licence; and
  - (b) any further requirements that may be prescribed (which may include requirements relating to operating centres) are met.
- (4) A London PHV operator's licence shall be granted subject to such conditions as may be prescribed and such other conditions as the Secretary of State may think fit.
- (5) A London PHV operator's licence shall be granted for five years or such shorter period as the Secretary of State may consider appropriate in the circumstances of the case.
- (6) A London PHV operator's licence shall—
  - (a) specify the address of any premises in London which the holder of the licence may use as an operating centre;
  - (b) be in such form and contain such particulars as the Secretary of State may think fit.
- (7) An applicant for a London PHV operator's licence may appeal to a magistrates' court against—
  - (a) a decision not to grant such a licence;
  - (b) a decision not to specify an address proposed in the application as an operating centre; or
  - (c) any condition (other than a prescribed condition) to which the licence is subject.

**4 Obligations of London operators**

- (1) The holder of a London PHV operator's licence (in this Act referred to as a "London PHV operator") shall not in London accept a private hire booking other than at an operating centre specified in his licence.

- (2) A London PHV operator shall secure that any vehicle which is provided by him for carrying out a private hire booking accepted by him in London is—
  - (a) a vehicle for which a London PHV licence is in force driven by a person holding a London PHV driver's licence; or
  - (b) a London cab driven by a person holding a London cab driver's licence.
- (3) A London PHV operator shall—
  - (a) display a copy of his licence at each operating centre specified in the licence;
  - (b) keep at each specified operating centre a record in the prescribed form of the private hire bookings accepted by him there;
  - (c) before the commencement of each journey booked at a specified operating centre, enter in the record kept under paragraph (b) the prescribed particulars of the booking;
  - (d) keep at each specified operating centre 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 centre;
  - (e) at the request of a constable or authorised officer, produce for inspection any record required by this section to be kept.
- (4) If a London PHV operator ceases to use an operating centre specified in his licence he shall preserve any record he was required by this section to keep there for such period as may be prescribed.
- (5) A London PHV operator who contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) It is a defence in proceedings for an offence under this section for an operator to show that he exercised all due diligence to avoid committing such an offence.

## **5 Hirings accepted on behalf of another operator**

- (1) A London PHV operator ("the first operator") who has in London accepted a private hire booking may not arrange for another operator to provide a vehicle to carry out that booking as sub-contractor unless—
  - (a) the other operator is a London PHV operator and the sub-contracted booking is accepted at an operating centre in London;
  - (b) the other operator is licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (in this Act referred to as "the 1976 Act") by the council of a district and the sub-contracted booking is accepted in that district; or
  - (c) the other operator accepts the sub-contracted booking in Scotland.
- (2) A London PHV operator 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.
- (3) It is a defence in proceedings for an offence under this section for an operator to show that he exercised all due diligence to avoid committing such an offence.
- (4) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the first operator and the person who made the booking.

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*Status: This is the original version (as it was originally enacted).*

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- (5) For the avoidance of doubt (and subject to any relevant contract terms), a contract of hire between a person who made a private hire booking at an operating centre in London and the London PHV operator who accepted the booking remains in force despite the making of arrangements by that operator for another contractor to provide a vehicle to carry out that booking as sub-contractor.

### *Regulation of private hire vehicles in London*

## **6 Requirement for private hire vehicle licence**

- (1) A vehicle shall not be used as a private hire vehicle on a road in London unless a private hire vehicle licence is in force for that vehicle.
- (2) The driver and operator of a vehicle used in contravention of this section are each guilty of an offence.
- (3) The owner of a vehicle who permits it to be used in contravention of this section is guilty of an offence.
- (4) It is a defence in proceedings for an offence under subsection (2) for the driver or operator to show that he exercised all due diligence to prevent the vehicle being used in contravention of this section.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) In this section “private hire vehicle licence” means—
- (a) except where paragraph (b) or (c) applies, a London PHV licence;
  - (b) if the vehicle is in use for the purposes of a hiring the booking for which was accepted outside London in a controlled district, a licence under section 48 of the 1976 Act issued by the council for that district; and
  - (c) if the vehicle is in use for the purposes of a hiring the booking for which was accepted in Scotland, a licence under section 10 of the Civic Government (Scotland) Act 1982 (in this Act referred to as “the 1982 Act”),
- and for the purposes of paragraph (b) or (c) it is immaterial that the booking in question is a sub-contracted booking.
- (7) This section does not apply to a vehicle used for the purposes of a hiring for a journey beginning outside London in an area of England and Wales which is not a controlled district.

## **7 London PHV licences**

- (1) The owner of any vehicle constructed or adapted to seat fewer than nine passengers may apply to the Secretary of State for a private hire vehicle licence for London (in this Act referred to as a “London PHV licence”) for that vehicle.
- (2) The Secretary of State shall grant a London PHV licence for a vehicle if he is satisfied—
- (a) that the vehicle—
    - (i) is suitable in type, size and design for use as a private hire vehicle;

- (ii) is safe, comfortable and in a suitable mechanical condition for that use; and
    - (iii) is not of such design and appearance as would lead any person to believe that the vehicle is a London cab;
  - (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988; and
  - (c) that any further requirements that may be prescribed are met.
- (3) A London PHV licence may not be granted in respect of more than one vehicle.
- (4) A London PHV licence shall be granted subject to such conditions as may be prescribed and such other conditions as the Secretary of State may think fit.
- (5) A London PHV licence shall be in such form and shall contain such particulars as the Secretary of State may think fit.
- (6) A London PHV licence shall be granted for one year or for such shorter period as the Secretary of State may consider appropriate in the circumstances of the case.
- (7) An applicant for a London PHV licence may appeal to a magistrates' court against a decision not to grant such a licence or against any condition (other than a prescribed condition) to which the licence is subject.

## **8 Obligations of owners of licensed vehicles**

- (1) This section applies to the owner of any vehicle to which a London PHV licence relates.
- (2) The owner shall present the vehicle for inspection and testing by or on behalf of the Secretary of State within such period and at such place as he may by notice reasonably require.

The vehicle shall not be required to be presented under this subsection on more than three separate occasions during any one period of 12 months.
- (3) The owner shall (without prejudice to section 170 of the Road Traffic Act 1988) report any accident to the vehicle materially affecting—
  - (a) the safety, performance or appearance of the vehicle, or
  - (b) the comfort or convenience of persons carried in the vehicle,to the Secretary of State as soon as reasonably practical and in any case within 72 hours of the accident occurring.
- (4) If the ownership of the vehicle changes, the person who was previously the owner shall within 14 days of the change give notice to the Secretary of State of that fact and the name and address of the new owner.
- (5) A person who, without reasonable excuse, contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **9 Fitness of licensed vehicles**

- (1) A constable or authorised officer has power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any vehicle to which a London PHV licence relates.
- (2) If a constable or authorised officer is not satisfied as to the fitness of such a vehicle he may by notice to the owner of the vehicle—
  - (a) require the owner to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified in the notice; and
  - (b) if he thinks fit, suspend the London PHV licence relating to that vehicle until such time as a constable or authorised officer is satisfied as to the fitness of the vehicle.
- (3) A notice under subsection (2)(b) shall state the grounds on which the licence is being suspended and the suspension shall take effect on the day on which it is served on the owner.
- (4) A licence suspended under subsection (2)(b) shall remain suspended until such time as a constable or authorised officer by notice to the owner directs that the licence is again in force.
- (5) If a licence remains suspended at the end of the period of two months beginning with the day on which a notice under subsection (2)(b) was served on the owner of the vehicle—
  - (a) a constable or authorised officer may by notice to the owner direct that the licence is revoked; and
  - (b) the revocation shall take effect at the end of the period of 21 days beginning with the day on which the owner is served with that notice.
- (6) An owner may appeal against a notice under subsection (2)(b) or (5) to a magistrates' court.

## **10 Identification of licensed vehicles**

- (1) The Secretary of State shall issue a disc or plate for each vehicle to which a London PHV licence relates which identifies that vehicle as a vehicle for which such a licence is in force.
- (2) No vehicle to which a London PHV licence relates shall be used as a private hire vehicle on a road in London unless the disc or plate issued under this section is exhibited on the vehicle in such manner as may be prescribed.
- (3) The Secretary of State may by notice exempt a vehicle from the requirement under subsection (2) when it is being used to provide a service specified in the notice if he considers it inappropriate (having regard to that service) to require the disc or plate in question to be exhibited.
- (4) The driver and operator of a vehicle used in contravention of subsection (2) are each guilty of an offence.
- (5) The owner of a vehicle who permits it to be used in contravention of subsection (2) is guilty of an offence.

- (6) It is a defence in proceedings for an offence under subsection (4) for the driver or operator to show that he exercised all due diligence to prevent the vehicle being used in contravention of subsection (2).
- (7) 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 Prohibition of taximeters**

- (1) No vehicle to which a London PHV licence relates shall be equipped with a taximeter.
- (2) If such a vehicle is equipped with a taximeter, the owner of that vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this section “taximeter” means a device for calculating the fare to be charged in respect of any journey by reference to the distance travelled or time elapsed since the start of the journey (or a combination of both).

### *Regulation of drivers of private hire vehicles in London*

## **12 Requirement for private hire vehicle driver’s licence**

- (1) No vehicle shall be used as a private hire vehicle on a road in London unless the driver holds a private hire vehicle driver’s licence.
- (2) The driver and operator of a vehicle used in contravention of this section are each guilty of an offence.
- (3) The owner of a vehicle who permits it to be used in contravention of this section is guilty of an offence.
- (4) It is a defence in proceedings against the operator of a vehicle for an offence under subsection (2) for the operator to show that he exercised all due diligence to prevent the vehicle being used in contravention of this section.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) In this section “private hire vehicle driver’s licence” means—
  - (a) except where paragraph (b) or (c) applies, a London PHV driver’s licence;
  - (b) if the vehicle is in use for the purposes of a hiring the booking for which was accepted outside London in a controlled district in England and Wales, a licence under section 51 of the 1976 Act issued by the council for that district; and
  - (c) if the vehicle is in use for a hiring the booking for which was accepted in Scotland, a licence under section 13 of the 1982 Act,and for the purposes of paragraph (b) or (c) it is immaterial that the booking in question is a sub-contracted booking.
- (7) This section does not apply to the use of a vehicle for the purposes of a hiring for a journey beginning outside London in an area of England and Wales which is not a controlled district.

### 13 London PHV driver's licences

- (1) Any person may apply to the Secretary of State for a private hire vehicle driver's licence for London (in this Act referred to as a "London PHV driver's licence").
- (2) The Secretary of State shall grant a London PHV driver's licence to an applicant if he is satisfied that—
  - (a) the applicant has attained the age of 21, is (and has for at least three years been) authorised to drive a motor car and is a fit and proper person to hold a London PHV driver's licence; and
  - (b) the requirement mentioned in subsection (3), and any further requirements prescribed by the Secretary of State, are met.
- (3) The Secretary of State shall require applicants to show to his satisfaction (whether by taking a test or otherwise) that they possess a level—
  - (a) of knowledge of London or parts of London; and
  - (b) of general topographical skills,which appears to him to be appropriate.

The Secretary of State may impose different requirements in relation to different applicants.
- (4) The Secretary of State may send a copy of an application to the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London with a request for the Commissioner's observations; and the Commissioner shall respond to the request.
- (5) A London PHV driver's licence—
  - (a) may be granted subject to such conditions as the Secretary of State may think fit;
  - (b) shall be in such form and shall contain such particulars as the Secretary of State may think fit; and
  - (c) shall be granted for three years or for such shorter period as the Secretary of State may consider appropriate in the circumstances of the particular case.
- (6) An applicant may appeal to a magistrates' court against a decision not to grant a London PHV driver's licence or against any condition to which such a licence is subject.
- (7) For the purposes of subsection (2), a person is authorised to drive a motor car if—
  - (a) he holds a licence granted under Part III of the Road Traffic Act 1988 (other than a provisional licence) authorising him to drive a motor car; or
  - (b) he is authorised by virtue of section 99A(1) or 109(1) of that Act (Community licences and Northern Ireland licences) to drive a motor car in Great Britain.

### 14 Issue of driver's badges

- (1) The Secretary of State shall issue a badge to each person to whom he has granted a London PHV driver's licence.
- (2) The Secretary of State may prescribe the form of badges issued under this section.



- (3) A person issued with such a badge shall, when he is the driver of a vehicle being used as a private hire vehicle, wear the badge in such position and manner as to be plainly and distinctly visible.
- (4) The Secretary of State may by notice exempt a person from the requirement under subsection (3), when he is the driver of a vehicle being used to provide a service specified in the notice if he considers it inappropriate (having regard to that service) to require the badge to be worn.
- (5) Any person who without reasonable excuse contravenes subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Licences: general provisions*

**15 Applications for licences**

- (1) An application for the grant of a licence under this Act shall be made in such form, and include such declarations and information, as the Secretary of State may require.
- (2) The Secretary of State may require an applicant to furnish such further information as he may consider necessary for dealing with the application.
- (3) The information which an applicant for a London PHV operator's licence may be required to furnish includes in particular information about—
  - (a) any premises in London which he proposes to use as an operating centre;
  - (b) any convictions recorded against him;
  - (c) any business activities he has carried on before making the application;
  - (d) if the applicant is or has been a director or secretary of a company, that company;
  - (e) if the applicant is a company, information about the directors or secretary of that company;
  - (f) if the applicant proposes to act as an operator in partnership with any other person, information about that person.
- (4) An applicant for a London PHV driver's licence may be required by the Secretary of State—
  - (a) to produce a certificate signed by a registered medical practitioner to the effect that—
    - (i) he is physically fit to be the driver of a private hire vehicle; and
    - (ii) if any specific requirements of physical fitness have been prescribed for persons holding London PHV licences, that he meets those requirements; and
  - (b) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Secretary of State as to his physical fitness to be the driver of such a vehicle.
- (5) The provisions of this Act apply to the renewal of a licence as they apply to the grant of a licence.

## **16 Power to suspend or revoke licences**

- (1) The Secretary of State may suspend or revoke a licence under this Act for any reasonable cause including (without prejudice to the generality of this subsection) any ground mentioned below.
- (2) A London PHV operator's licence may be suspended or revoked where—
  - (a) the Secretary of State is no longer satisfied that the licence holder is fit to hold such a licence; or
  - (b) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Act.
- (3) A London PHV licence may be suspended or revoked where—
  - (a) the Secretary of State is no longer satisfied that the vehicle to which it relates is fit for use as a private hire vehicle; or
  - (b) the owner has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Act.
- (4) A London PHV driver's licence may be suspended or revoked where—
  - (a) the licence holder has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence;
  - (b) the Secretary of State is for any other reason no longer satisfied that the licence holder is fit to hold such a licence; or
  - (c) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Act.

## **17 Suspension and revocation under section 16: procedure**

- (1) Where the Secretary of State has decided to suspend or revoke a licence under section 16—
  - (a) he shall give notice of the decision and the grounds for the decision to the licence holder or, in the case of a London PHV licence, the owner of the vehicle to which the licence relates; and
  - (b) the suspension or revocation takes effect at the end of the period of 21 days beginning with the day on which that notice is served on the licence holder or the owner.
- (2) If the Secretary of State is of the opinion that the interests of public safety require the suspension or revocation of a licence to have immediate effect, and he includes a statement of that opinion and the reasons for it in the notice of suspension or revocation, the suspension or revocation takes effect when the notice is served on the licence holder or vehicle owner (as the case may be).
- (3) A licence suspended under this section shall remain suspended until such time as the Secretary of State by notice directs that the licence is again in force.
- (4) The holder of a London PHV operator's or driver's licence, or the owner of a vehicle to which a PHV licence relates, may appeal to a magistrates' court against a decision under section 16 to suspend or revoke that licence.

## **18 Variation of operator's licence at the request of the operator**

- (1) The Secretary of State may, on the application of a London PHV operator, vary his licence by adding a reference to a new operating centre or removing an existing reference to an operating centre.
- (2) An application for the variation of a licence under this section shall be made in such form, and include such declarations and information, as the Secretary of State may require.
- (3) The Secretary of State may require an applicant to furnish such further information as he may consider necessary for dealing with the application.
- (4) The Secretary of State shall not add a reference to a new operating centre unless he is satisfied that the premises in question meet any requirements prescribed under section 3(3)(b).
- (5) An applicant for the variation of a London PHV operator's licence under this section may appeal to a magistrates' court against a decision not to add a new operating centre to the licence.

## **19 Variation of operator's licence by Secretary of State**

- (1) The Secretary of State may—
  - (a) suspend the operation of a London PHV operator's licence so far as relating to any operating centre specified in the licence; or
  - (b) vary such a licence by removing a reference to an operating centre previously specified in the licence,if he is no longer satisfied that the operating centre in question meets any requirements prescribed under section 3(3)(b) or for any other reasonable cause.
- (2) Where the Secretary of State has decided to suspend the operation of a licence as mentioned in subsection (1)(a) or vary a licence as mentioned in subsection (1)(b)—
  - (a) he shall give notice of the decision and the grounds for it to the licence holder; and
  - (b) the decision shall take effect at the end of the period of 21 days beginning with the day on which the licence holder is served with that notice.
- (3) If the Secretary of State is of the opinion that the interests of public safety require his decision to have immediate effect, and he includes a statement of that opinion and the reasons for it in the notice, his decision shall take effect when the notice is served on the licence holder.
- (4) If a licence is suspended in relation to an operating centre, the premises in question shall not be regarded for the purposes of this Act as premises at which the licence holder is authorised to accept private hire bookings, until such time as the Secretary of State by notice states that the licence is no longer suspended in relation to those premises.
- (5) The holder of a London PHV operator's licence may appeal to a magistrates' court against a decision under subsection (1).

## **20 Fees for grant of licences, etc**

- (1) The Secretary of State may by regulations provide for prescribed fees to be payable—

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- (a) by an applicant for a licence under this Act, or for the variation of a London operator's licence under section 18, on making the application;
  - (b) by a person granted a licence or variation, on the grant or variation of the licence and (if the regulations so provide) at such times while the licence is in force as may be prescribed.
- (2) Regulations under this section may provide for fees to be payable by instalments, or for fees to be remitted or refunded (in whole or part), in prescribed cases.
- (3) The Secretary of State may decline to proceed with—
- (a) an application for, or for the variation of, a licence; or
  - (b) the grant or variation of a licence,
- until any prescribed fee (or instalment) due in respect of the application or grant is paid.

## **21 Production of documents**

- (1) The holder of a London PHV operator's licence or a London PHV driver's licence shall at the request of a constable or authorised officer produce his licence for inspection.
- (2) The owner of a vehicle to which a London PHV licence relates shall at the request of a constable or authorised officer produce for inspection—
- (a) the London PHV licence for that vehicle;
  - (b) the certificate of the policy of insurance or security required in respect of the vehicle by Part VI of the Road Traffic Act 1988.
- (3) A document required to be produced under this section shall be produced either forthwith or—
- (a) if the request is made by a constable, at any police station within London nominated by the licence holder or vehicle owner when the request is made, or
  - (b) if the request is made by an authorised officer, at such place as the officer may reasonably require,
- before the end of the period of 6 days beginning with the day on which the request is made.
- (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.

## **22 Return of licences, etc**

- (1) The holder of a London PHV operator's licence shall return the licence to the Secretary of State after the expiry or revocation of that licence, within the period of 7 days after the day on which the licence expires or the revocation takes effect.
- (2) The owner of a vehicle to which a London PHV licence relates shall return the licence and the plate or disc which was issued for the vehicle under section 10 to the Secretary of State after the expiry or revocation of that licence within the period of 7 days after the day on which the licence expires or the revocation takes effect.
- (3) The holder of a London PHV driver's licence shall return the licence and his driver's badge to the Secretary of State after the expiry or revocation of that licence, within the period of 7 days after the day on which the licence expires or the revocation takes effect.

- (4) On the suspension of a licence under this Act, the Secretary of State, a constable or an authorised officer may by notice direct the holder of the licence, or the owner of the vehicle, to return the licence to him within the period of 7 days after the day on which the notice is served on that person.

A direction under this subsection may also direct—

- (a) the return by the vehicle owner of the disc or plate which was issued for the vehicle under section 10 (in the case of a London PHV licence); or
  - (b) the return by the licence holder of the driver's badge (in the case of a London PHV driver's licence).
- (5) A person who without reasonable excuse fails to comply with any requirement or direction under this section to return a licence, disc, plate or badge 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 ten pounds for each day during which an offence continues after conviction.
- (7) A constable or authorised officer is entitled to remove and retain the plate or disc from a vehicle to which an expired, suspended or revoked London PHV licence relates following—
- (a) a failure to comply with subsection (2) or a direction under subsection (4);
  - (b) a suspension or revocation of the licence which has immediate effect by virtue of section 9(3) or 17(2).

## **23 Register of licences**

- (1) The Secretary of State shall maintain a register containing the following particulars for each licence issued under this Act, namely—
- (a) the number of the licence, the name and address of the person to whom it is granted, the date on which it is granted and the expiry date; and
  - (b) such other particulars as may be prescribed.
- (2) The register shall be available for inspection free of charge by members of the public at such place or places, and during such hours, as are determined by the Secretary of State.

## **24 Delegation of functions by the Secretary of State**

- (1) The functions of the Secretary of State under this Act (apart from any power to make subordinate legislation) may be exercised by any person appointed by the Secretary of State for the purpose to such extent and subject to such conditions as may be specified in the appointment.
- (2) An appointment under this section may authorise the person appointed to retain any fees received by him.
- (3) It is the duty of a person appointed under this section to comply with any directions given to him by the Secretary of State in relation to the exercise of functions under this Act.

## 25 Appeals

- (1) This section applies to any appeal which lies under this Act to a magistrates' court against a decision of the Secretary of State, a constable or an authorised officer in relation to, or to an application for, a licence under this Act.
- (2) If the Secretary of State has exercised the power to delegate functions under section 24, such an appeal shall be heard by the magistrates' court for the petty sessions area in which the person to whom the functions have been delegated has his office or principal office.
- (3) Any such appeal shall be by way of complaint for an order and the Magistrates' Courts Act 1980 shall apply to the proceedings.
- (4) The time within which a person may bring such an appeal is 21 days from the date on which notice of the decision appealed against is served on him.
- (5) In the case of a decision where an appeal lies, the notice of the decision shall state the right of appeal to a magistrates' court and the time within which an appeal may be brought.
- (6) An appeal against any decision of a magistrates' court in pursuance of an appeal to which this section applies shall lie to the Crown Court at the instance of any party to the proceedings in the magistrates' court.
- (7) Where on appeal a court varies or reverses any decision of the Secretary of State, a constable or an authorised officer, the order of the court shall be given effect to by the Secretary of State or, as the case may be, a constable or authorised officer.

## 26 Effect of appeal on decision appealed against

- (1) If any decision of the Secretary of State against which a right of appeal is conferred by this Act—
  - (a) involves the execution of any work or the taking of any action;
  - (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on at the time of the decision,the decision shall not take effect until the time for appealing has expired or (where an appeal is brought) until the appeal is disposed of or withdrawn.
- (2) This section does not apply in relation to a decision to suspend, vary or revoke a licence if the notice of suspension, variation or revocation directs that, in the interests of public safety, the decision is to have immediate effect.

## 27 Obstruction of authorised officers etc

- (1) A person who wilfully obstructs a constable or authorised officer acting in pursuance of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person who, without reasonable excuse—
  - (a) fails to comply with any requirement properly made to such person by a constable or authorised officer acting in pursuance of this Act; or
  - (b) fails to give a constable or authorised officer acting in pursuance of this Act any other assistance or information which he may reasonably require of such person for the purpose of performing his functions under this Act,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (3) A person who makes any statement which he knows to be false in giving any information to an authorised officer or constable acting in pursuance of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **28 Penalty for false statements**

A person who knowingly or recklessly makes a statement or furnishes information which is false or misleading in any material particular for the purpose of procuring the grant or renewal of a licence under this Act, or the variation of an operator's licence under section 18, is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **29 Saving for vehicles used for funerals and weddings**

Nothing in this Act applies to any vehicle whose use as a private hire vehicle is limited to use in connection with funerals or weddings.

### *Further controls*

## **30 Prohibition of certain signs, notices etc**

- (1) The Secretary of State may make regulations prohibiting the display in London on or from vehicles (other than licensed taxis and public service vehicles) of any sign, notice or other feature of a description specified in the regulations.
- (2) Before making the regulations the Secretary of State shall consult such bodies appearing to him to represent the London cab trade and the private hire vehicle trade in London as he considers appropriate.
- (3) Any person who—
- (a) drives a vehicle in respect of which a prohibition imposed by regulations under this section is contravened; or
  - (b) causes or permits such a prohibition to be contravened in respect of any vehicle,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **31 Prohibition of certain advertisements**

- (1) This section applies to any advertisement—
- (a) indicating that vehicles can be hired on application to a specified address in London;
  - (b) indicating that vehicles can be hired by telephone on a telephone number being the number of premises in London; or
  - (c) on or near any premises in London, indicating that vehicles can be hired at those premises.
- (2) No such advertisement shall include—

- (a) any of the following words, namely “taxi”, “taxis”, “cab” or “cabs”, or
  - (b) 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), unless the vehicles offered for hire are London cabs.
- (3) An advertisement which includes the word “minicab”, “mini-cab” or “mini cab” (whether in the singular or plural) does not by reason only of that fact contravene this section.
  - (4) Any person who issues, or causes to be issued, an advertisement which contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
  - (5) It is a defence for a person charged with an offence under this section to prove that—
    - (a) he is a person whose business it is to publish or arrange for the publication of advertisements;
    - (b) he received the advertisement in question for publication in the ordinary course of business; and
    - (c) he 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 issue of an advertisement shall be construed accordingly;
    - “telephone number” includes any number used for the purposes of communicating with another by electronic means; and
    - “telephone” shall be construed accordingly.

*Miscellaneous and supplementary*

### **32 Regulations**

- (1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Act or for prescribing anything which falls to be prescribed under any provision of this Act.
- (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.
- (3) Any power to make regulations conferred by this Act is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **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 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 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 Secretary of State 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).

### **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 Vehicle Excise and Registration Act 1994.

### **36 Interpretation**

In this Act, unless the context otherwise requires—

“authorised officer” means an officer authorised in writing by the Secretary of State for the purposes of this Act;

“controlled district” means an area for which Part II of the 1976 Act is in force by virtue of a resolution passed by a district council under section 45 of that Act;

“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 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;

“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 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;

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

“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 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 Local Government (Miscellaneous Provisions) Act 1976;

“the 1982 Act” means the Civic Government (Scotland) Act 1982; and

“vehicle” means a mechanically propelled vehicle (other than a tramcar) intended or adapted for use on roads.

### **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.

### **38 Financial provisions**

- (1) There shall be paid out of money provided by Parliament any expenditure incurred by the Secretary of State which is attributable to this Act.
- (2) Any fees received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

### **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.

#### **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.