



EXPLANATORY NOTES

Pedicabs (London) Act 2024

Chapter 7

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PEDICABS (LONDON) ACT 2024

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Pedicabs (London) Act 2024 which received Royal Assent on 25 April 2024 (c. 7).

- These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

- 1 The Act would make provision for Transport for London (TfL) to be able to regulate pedicabs in London, for the first time.

Policy background

- 2 Pedicabs (pedal cycles and power-assisted pedal cycles for hire or reward) have been operating in London for around 30 years but because they have been unregulated, the precise number operating in London is unknown. Recent estimates range from around 200 pedicabs in operation up to 900 during peak season. Although compared to other modes of transport the number of pedicabs in operation is estimated to be relatively small, there are concerns that many pedicabs lack safety standard features and that they cause traffic related issues including the contravention of restrictions on one-way streets, parking in bus lanes and impeding traffic.
- 3 The pedicab industry has been the only unregulated form of public transport in London. This was the result of a legal anomaly, which meant TfL was unable to regulate pedicabs and the police (or any other enforcement body such as TfL) had few powers to control them effectively. While this Act rectifies this situation, currently without regulation, companies operating pedicabs can do so without a licence; neither drivers nor their vehicles are licensed; there is no requirement for pedicab drivers to undergo criminal record or right to work checks; and there is no fare control. There are concerns that overcharging is common, particularly when pedicabs are hired by tourists.

Legal background

- 4 Prior to the Pedicabs (London) Act, there was no extant legislation allowing for the regulation of pedicabs in London. This was because the legislation which enables TfL to regulate taxis within London did not apply to pedicabs. Conflicting judicial decisions meant that pedicabs could be regulated only outside London, where different legislation applies.
- 5 Outside London, in England and Wales, pedicabs are treated as taxis for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976. Accordingly, pedicabs may be regulated as taxis under the provisions of the 1847 and 1976 Acts.
- 6 By contrast, within London, pedicabs were not treated as taxis for the purpose of the Metropolitan Public Carriage Act 1869. This was the equivalent legislation in London. Pedicabs were instead considered stage carriages in London pursuant to section 4 of the Metropolitan Public Carriage Act. The legislation governing stage carriages is no longer in force; there were therefore no licensing provisions, so pedicabs were unregulated in London.
- 7 It was not considered appropriate to amend the 1869 Act to regulate pedicabs. However, this Act is modelled on sections 9 and 10 of that Act, which enable TfL to make orders that regulate taxis in London and to attach penalties to contraventions.

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Territorial extent and application

- 8 This Act extends to England and Wales but only applies in England to pedicabs operated within Greater London.

Commentary on provisions of the Act

Section 1: Power to regulate pedicabs

- 9 Subsection (1) enables TfL to make regulations for the purpose of regulating the use of pedicabs in public places in Greater London in circumstances in which payment is made for the carriage of passengers.
- 10 Subsection (2) defines the term pedicab. A pedicab is defined as a pedal cycle or a power assisted pedal cycle, either alone or in combination with a trailer, constructed or adapted for carrying one or more passengers and which is made available with a driver for hire or reward. A wide definition is required because there are many different types of pedicab.
- 11 Subsection (3) requires that, before making regulations, TfL must consult whatever persons they consider appropriate. This gives TfL a wide discretion as to who may be consulted.
- 12 The Government considered a general enabling power in these terms to be appropriate because it would not have been proportionate to make provision for the regulation of pedicabs by way of detailed primary legislation. It allows the details of the regulatory regime to be determined after appropriate consultation and enables the regime to be adapted from time to time in response to changing circumstances.

Section 2: Licence, fares and other matters

- 13 Subsection (1) is designed to enable TfL to license pedicabs, their drivers and operators in a manner similar to the licensing regime applicable to taxis.
- 14 Subsection (2) requires that pedicab regulations made by TfL relating to the licensing of pedicab drivers or operators must include provision that corresponds to the provisions contained in the Private Hire Vehicles (London) Act 1998, in relation to immigration status. The effect of this would be to disqualify a person from being licensed as a pedicab driver or operator if the person is subject to immigration control and the person has not been granted leave to enter or remain in the United Kingdom, or if the person's leave to enter or remain in the United Kingdom is invalid, has ceased to have effect, or is subject to a condition preventing the person from acting as a licensed pedicab driver or operator (as applicable).
- 15 Subsection (3) enables TfL to charge for the administration of licence applications.
- 16 Subsection (4) enables TfL to set fees at a level which allows it to recover its costs associated with carrying out functions under pedicabs regulations.
- 17 Subsection (5) enables TfL to make provisions about fares for pedicabs.
- 18 Subsection (6) enables TfL to make pedicab regulations that make provision on a range of issues, including eligibility requirements for pedicab drivers and operators; the standards of pedicabs; safety standards; equipment that must be carried on pedicabs; pedicabs' appearance and marking; the testing of pedicabs; speed restrictions placed on pedicabs; the working conditions of drivers; and drivers' conduct, including in particular provision on making noise. Pedicab regulations would cover, for example, requiring that drivers and operators must be fit

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and proper persons who have been the subject of appropriate criminal record checks. This subsection also allows pedicab regulations to require that pedicabs are insured and roadworthy.

- 19 Subsection (7) enables TfL to place restrictions on pedicab operations, including the number of pedicabs in operation in specified places or at specified times. This could include restricting pedicabs from operating in areas in which they are causing obstruction or congestion. They may only be allowed to stand for hire in specific areas (similar to taxi ranks) and at specific times, and regulations may also specify other circumstances where operations would be restricted.
- 20 Subsection (8) allows TfL to make publicly available information about licences, or the pedicabs, operators or drivers to which they relate.
- 21 Subsection (9) makes clear that TfL can impose requirements on drivers or operators.
- 22 Subsection (10) allows for pedicab regulations to confer a discretion on TfL. It also enables TfL to authorise others, including its enforcement officers, to undertake functions, including conducting enforcement activities, under the regulations on TfL's behalf.

Section 3: Enforcement

- 23 Subsection (1) enables TfL to create offences in relation to the provision of false or misleading information in connection with licensing applications or decisions, and in respect of a failure to comply with requirements imposed by the regulations.
- 24 Subsection (2) limits the impact of subsection (1). It means that drivers and operators can only be prosecuted in a Magistrates' Court and cannot be punished with imprisonment. They can only be punished with a fine which does not exceed a prescribed statutory maximum (currently £2,500). This restriction does not apply where the offence concerns matters dealt with by section 2(2) (concerning immigration status).
- 25 Subsections (3) and (4) enables TfL to allow a person charged with an offence under the regulations to discharge their liability for the offence by paying a fixed penalty notice.
- 26 Subsection (5) enables TfL to impose civil penalties (as well as or in addition to creating offences) in relation to conduct described in subsection (1). Civil penalties may be a more effective method of enforcing the regime because they may be imposed more promptly for minor contraventions (such as not displaying a licence) and will avoid the need to pursue a prosecution in a Magistrates' Court.
- 27 Subsection (6) enables vehicles to be immobilised, seized, retained, and disposed of where they are used in contravention of the regulations. TfL may need to take such action if a vehicle is found to be unsafe, unroadworthy, unlicensed, or uninsured.
- 28 Subsection (7) enables TfL to enter into arrangements with the Metropolitan Police, which are similar to those applicable to the enforcement of the taxi licensing regime.

Section 4: Appeals

- 29 Subsection (1) has the effect that any person in relation to whom any relevant regulatory decision (as set out in subsection (3)) is taken by TfL will have the right to request that the decision is re-considered and to appeal to a Magistrates' Court; subsection (2) will enable further rights to be conferred to request that decisions are reconsidered or to appeal; and subsection (4) will enable further provision to be made by TfL about re-consideration or appeals.

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Section 5: Exclusion from private hire vehicle legislation

- 30 This section provides for a consequential amendment to section 36 of the Private Hire Vehicles (London) Act 1998. The purpose of this amendment is to explicitly exclude power-assisted pedicabs from the private vehicle legislation. This is to prevent such vehicles being subject to both regulatory regimes. The meaning of trailer is as per section 8 of the Pedicabs (London) Act.

Section 6: Procedure for pedicab regulations

- 31 This section provides that the power to make pedicab regulations is exercisable by statutory instrument.
- 32 The powers to regulate taxis in London under sections 9 and 10 of the Metropolitan Public Carriage Act 1869 were originally conferred on the Secretary of State, who made taxi regulation orders by statutory instrument. TfL was substituted for the Secretary of State by the Greater London Authority Act 1999, in consequence of which taxi regulation orders are no longer subject to any form of Parliamentary scrutiny.
- 33 This section seeks to provide similar powers to TfL in bringing forward pedicab regulations. This is considered appropriate as it recognises the significant experience TfL hold in licensing taxis and private hire vehicles. Having regard to the Act relating solely to Greater London and the relative size of the industry in comparison to the much larger taxi and private hire vehicle industries, this is considered proportionate.

Section 7: Guidance

- 34 This section provides the Secretary of State with a permissive power to issue statutory guidance to TfL about the exercising of their functions under pedicab regulations. Subsection (2) specifies that this guidance may include guidance about how TfL's functions may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm. Subsection (3) states that the Secretary of State may revise this guidance and subsection (4) states that the guidance, and any revisions, must be published.
- 35 Subsection (5) specifies that TfL, or any person authorised to carry out functions under pedicab regulations on their behalf, must have regard to any guidance issued when exercising functions under the regulations.
- 36 Subsection (6) requires the Secretary of State to consult whoever is considered appropriate prior to issuing guidance.
- 37 This section is intended to strike a balance with the powers provided under section 6 of the Act, particularly TfL's ability to bring forward pedicab regulations without the requirement of parliamentary procedure. It offers the opportunity for the Secretary of State to influence how TfL exercises their functions under the regulations.

Section 8: Interpretation

38 This section defines terms used in the Act, the meanings of which are largely self-evident.

Section 9: Commencement

39 This section is self-explanatory.

Section 10: Extent

40 This section provides that the Act extends to England and Wales. As explained above, it applies only to pedicabs operated within Greater London.

Section 11: Short title

41 This section is also self-explanatory.

Commencement

42 The Act comes into force at the end of the period of two months beginning with the day on which it is passed.

Related documents

43 The following documents are relevant to the Act and can be read at the stated locations:

- Government Response to the report of the Task and Finish Group on taxi and private hire:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923695/taxi-task-and-finish-gov-response.pdf

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Annex A - Territorial extent and application in the United Kingdom

44 The Territorial extent of the Act is England and Wales. Taxi and private hire legislation is devolved in Scotland and Northern Ireland.

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Section 1	Yes	No	No	No
Section 2	Yes	No	No	No
Section 3	Yes	No	No	No
Section 4	Yes	No	No	No
Section 5	Yes	No	No	No
Section 6	Yes	No	No	No
Section 7	Yes	No	No	No
Section 8	Yes	No	No	No
Section 9	Yes	No	No	No
Section 10	Yes	No	No	No
Section 11	Yes	No	No	No

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Annex B - Hansard References

45 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Lords</i>		
Introduction	08 November 2023	Vol. 834 Col. 21
Second Reading	22 November 2023	Vol. 834 Col. 767
Grand Committee	11 December 2023	Vol. 834 Col. 209GC
Report	30 January 2024	Vol. 835 Col. 1149
Third Reading	06 February 2024	Vol. 835 Col. 1558
<i>House of Commons</i>		
Introduction	7 February 2024	
Second Reading	28 February 2024	Vol. 746 Col. 372
Committee of the whole House	26 March 2024	Vol. 747 Col. 1430
Report and Third Reading	26 March 2024	Vol. 747 Col. 1449
Royal Assent	25 April 2024	House of Commons Vol. 748 Col. 1160
		House of Lords Vol. 837 Col. 1579

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Annex C - Progress of Bill Table

46 This Annex shows how each section and Schedule of the Act was numbered during the passage of the Bill through Parliament.

Section of the Act	Bill as Introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords	Bill as introduced in the Commons	Bill as amended in Committee in the Commons
Section 1	Clause 1	Clause 1	Clause 1	Clause 1	Clause 1
Section 2	Clause 2	Clause 2	Clause 2	Clause 2	Clause 2
Section 3	Clause 3	Clause 3	Clause 3	Clause 3	Clause 3
Section 4	Clause 4	Clause 4	Clause 4	Clause 4	Clause 4
Section 5	Clause 5	Clause 5	Clause 5	Clause 5	Clause 5
Section 6	Clause 6	Clause 6	Clause 6	Clause 6	Clause 6
Section 7			Clause 7	Clause 7	Clause 7
Section 8	Clause 7	Clause 7	Clause 8	Clause 8	Clause 8
Section 9	Clause 8	Clause 8	Clause 9	Clause 9	Clause 9
Section 10	Clause 9	Clause 9	Clause 10	Clause 10	Clause 10
Section 11	Clause 10	Clause 10	Clause 11	Clause 11	Clause 11

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