



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 8

LICENSING UNDER CIVIC GOVERNMENT (SCOTLAND) ACT 1982

174 Licensing of taxis and private hire cars

- (1) The 1982 Act is amended as follows.
- (2) In section 13 (taxi and private hire car licences), in subsection (3), for “during any continuous period of 12 months” substitute “throughout the period of 12 months immediately”.
- (3) In section 17 (taxi fares)—
 - (a) for subsections (2) to (4) substitute—
 - “(2) The licensing authority must fix scales for the fares and other charges mentioned in subsection (1) within 18 months beginning with the date on which the scales came into effect.
 - (3) In fixing scales under subsection (2), the licensing authority may—
 - (a) alter fares or other charges,
 - (b) fix fares or other charges at the same rates.
 - (4) Before fixing scales under subsection (2), the licensing authority must review the scales in accordance with subsection (4A).
 - (4A) In carrying out a review, the licensing authority must—
 - (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area,
 - (b) following such consultation—
 - (i) review the existing scales, and
 - (ii) propose new scales (whether at altered rates or the same rates),

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- (c) publish those proposed scales in a newspaper circulating in its area—
 - (i) setting out the proposed scales,
 - (ii) explaining the effect of the proposed scales,
 - (iii) proposing a date on which the proposed scales are to come into effect, and
 - (iv) stating that any person may make representations in writing until the relevant date, and
 - (d) consider any such representations.
- (4B) In subsection (4A)(c)(iv) “the relevant date” is a date specified by the licensing authority falling at least one month after the first publication by the authority of the proposed scales.
- (4C) After fixing scales under subsection (2), the licensing authority must give notice in accordance with subsection (4D).
- (4D) The licensing authority must—
- (a) set out, and explain the effect of, the scales as fixed,
 - (b) notify the persons mentioned in subsection (4E) of—
 - (i) the date on which the scales as fixed are to come into effect, and
 - (ii) the rights of appeal under section 18.
- (4E) Those persons are—
- (a) all operators of taxis operating within their area, and
 - (b) the persons and organisations consulted under subsection (4A)(a).”, and
- (b) in subsection (5)—
- (i) for “(4)” where it first occurs substitute “(4D)(b)”, and
 - (ii) in paragraph (a)—
 - (A) for “(4)” where it first occurs substitute “(4E)”, and
 - (B) for “five days after the decision referred to in subsection (4)” substitute “seven days after the scales are fixed under subsection (2)”.
- (4) In section 18 (appeals in respect of taxi fares)—
- (a) for subsection (1) substitute—

“(1) Any person mentioned in subsection (1A) may, within 14 days of notice being given under section 17(4C), appeal against those scales to the traffic commissioner for the Scottish Traffic Area as constituted for the purpose of the Public Passenger Vehicles Act 1981.”,
 - (b) after that subsection insert—

“(1A) Those persons are—

 - (a) any person who operates a taxi in an area for which scales have been fixed under section 17(2), and
 - (b) any person or organisation appearing to the traffic commissioner to be representative of such taxi operators.”,
 - (c) in subsection (3)—

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

- (i) the words “to them” are repealed,
- (ii) in paragraph (b) the word “may” is repealed, and
- (iii) in paragraph (b)(i), for “on the grounds that” substitute “if”, and
- (d) subsection (9) is repealed.

(5) After section 18 insert—

“18A Publication and coming into effect of taxi fares

- (1) Following the fixing of scales by a licensing authority under section 17(2), the licensing authority must—
 - (a) determine the date on which the scales are to come into effect, and
 - (b) publish the scales in accordance with subsections (3) to (5).
- (2) The scales may come into effect no earlier than seven days after the date on which they are published.
- (3) The licensing authority must—
 - (a) give notice of the scales by advertisement in a newspaper circulating in its area, and
 - (b) specify in that advertisement the date on which the scales are to come into effect.
- (4) The authority must give notice of the scales—
 - (a) where no appeal has been lodged under subsection (1) of section 18, as soon as practicable after the expiry of the period of 14 days mentioned in that subsection,
 - (b) where such an appeal has been lodged, as soon as practicable after the determination of the appeal.
- (5) For the purposes of subsection (4), an appeal is determined on the date on which the appeal is abandoned or notice is given to the appellant of its disposal.”.